



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning/Heritage Advisory Committee
September 19, 2019, 6:00 p.m.
Sanford Council Chambers**

- PRESENT:** Councillor Robbie Zwicker, Chair
Warden Abraham Zebian
Councillor Jennifer Daniels
Councillor Tanya Leopold, Vice Chair
Councillor Randy Hussey
Councillor Kathy Monroe
Councillor David Keith
Mr. Bill Preston, Resident Member
- STAFF:** Madelyn LeMay, Director of Planning & Development
Saira Shah, Planner
Velma Macumber, Planning Admin Assistant
Vanessa Lake, Planning Meeting Secretary
- REGRETS:** Deputy Warden Paul Morton
Councillor Rupert Jannasch
Ms. Traci Curry, Resident Member
Councillor Debbie Francis
- PUBLIC:** No members of the public were in attendance

MEETING CALLED TO ORDER

Chair Zwicker called the meeting to order at 6:00 p.m. and reviewed fire evacuation procedures. He advised that regrets were received from Deputy Warden Morton, Councillor Jannasch, and Ms. Curry.

APPROVAL OF AGENDA & ADDITIONS

Moved and Seconded that the agenda be approved as circulated.

Motion carried.

APPROVAL OF PLANNING ADVISORY MEETING MINUTES OF JULY 18, 2019

Moved and Seconded that the Planning/Heritage Advisory Committee meeting minutes of July 18, 2019 be approved as circulated noting any errors or omissions.

Motion carried.

PUBLIC INFORMATION MEETING

West Hants and Hantsport Land Use and Subdivision By-law Amendments: Fees

Ms. LeMay provided an overview of the proposed amendments to the fees portion of both the Land Use Bylaw and Subdivision Bylaw for both West Hants and Hantsport, noting that a recommendation from the Hantsport Area Advisory Committee will be given to PAC. The amendments are intended to clarify and broaden the items for which Council may charge fees and remove the specific requirements from these By-laws and place them within a proposed Fees Policy.

Recreational Cabins in West Hants and Hantsport

Ms. LeMay provided an overview of the proposed amendment, which clarifies the definition of dwelling unit in order to ensure that residential units in West Hants and Hantsport meet Building Code requirements for a single unit dwelling rather than for a "Recreational Cabin." The situation in West Hants is somewhat different than in Hantsport or Windsor as "seasonal dwellings" are permitted in some zones in West Hants, which limits the location of "recreational cabins".

The public information meeting closed at 6:20pm.

BUSINESS ARISING FROM PUBLIC INFORMATION MEETINGS

Hantsport Land Use By-law Amendments

Moved and Seconded that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use Bylaw by removing Section 4.5 and replacing it with the following section:

4.5 Amendment of By-law

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use Bylaw, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy."

Motion carried.

A brief discussion on the wording of the following four amendments was held, and a final decision was reached to edit the phrase "fees prescribed by Council from time to time by policy" so it instead reads "fees prescribed by Council by policy."

West Hants Land Use By-law Amendments

Moved and Seconded that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law by removing the existing heading and section 2.8 from the West Hants Land Use By-law and replacing it with the following:

Application Fees

2.8 An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council by policy.

Motion carried.

Hantsport Subdivision By-law Amendments

Moved and Seconded that Council give First Reading and hold a Public Hearing to consider amending the text of the Hantsport Subdivision By-law by removing the existing Section 6.13 of the Hantsport Subdivision By-law and replacing it with the following section:

6.13 The subdivider shall pay:

(a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer

refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and

(b) any processing fees prescribed by Council by policy.

Motion carried.

West Hants Subdivision By-law Amendments

Moved and Seconded that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Subdivision By-law by removing the existing Section 11 of the West Hants Subdivision By-law and replacing it with the following section:

11. The subdivider shall pay:

(a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and

(b) any processing fees prescribed by Council by policy.

Motion carried.

Recreational Cabins: Hantsport LUB

Ms. LeMay again noted that HAAC had not recommended in favour of the amendment at this time.

Moved and Seconded that WHPAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law by replacing the present definition of dwelling unit with the following:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and excluding a recreational cabin as defined in the Nova Scotia Building Code Regulations.

Motion carried.

Recreational Cabins: West Hants LUB

Moved and Seconded that WHPAC/HAC recommend that Council give First Reading and hold a Public Hearing to consider amending the West Hants Land Use By-law by replacing the present definition of dwelling unit with the following:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and excluding a recreational cabin as defined in the Nova Scotia Building Code Regulations.

Motion carried.

BUSINESS ARISING FROM MINUTES

Dresser Minerals Land Use By-law Amendment (Saira Shah)

Ms. Shah noted this application has been appealed and a Utility and Review Board Hearing will be held.

Pioneer Drive Land Use By-law Amendment (Saira Shah)

Ms. Shah advised that Council passed a motion to hold a Public Hearing for this application on October 8th.

Cannabis in West Hants (Saira Shah)

Ms. Shah advised that Council passed a motion to hold a Public Hearing for the general cannabis amendment on October 8th. She stated that the Joint Industrial Park amendment Public Hearing will likely be held at the end of October or early November depending on the schedules of both Councils.

Fees (Madelyn LeMay)

Moved and Seconded that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Building Code Act By-law by removing the existing Part 5, Permit Fees, and replace it with the following Part 5, Permit Fees:

Part 5, Permit Fees

5.1 An applicant for a building, occupancy or demolition permit shall pay the fees prescribed by Council from time to time by policy;

5.2 For the purposes of calculating permit fees, square footage shall be based on:
(a) for buildings intended for human occupancy, the gross floor area of the building; including the floor area of a basement; or
(b) for buildings not intended for human occupancy, the gross floor area of the main floor.

Motion carried.

HANTSPORT AREA ADVISORY COMMITTEE UPDATE FROM CHAIR

Topics were discussed earlier under Business Arising from the Public Information Meetings.

BUILDING AND DEVELOPMENT ACTIVITY REPORTS

Monthly Report - July & August 2019

No questions or comments were heard.

NEW BUSINESS

Cannabis Odour Control By-law

Ms. Shah provided an overview of the proposed draft by-law, which would require cannabis facilities to submit an Odour Control Plan if five (5) complaints are received. She stated that the by-law had been reviewed by several municipal staff. Staff recommended against moving forward with this by-law for the following reasons: Federal government regulations for odour, implementation costs, effectiveness of a complaint-based system, impact of consolidation, and administrative hurdles.

Moved and Seconded that PAC determines that an odour control by-law related to cannabis cultivation or production facilities is not required.

Motion carried.

NOTICES FROM ADJACENT MUNICIPAL UNITS

There were none.

MISCELLANEOUS

Consolidation Update (Madelyn LeMay)

Ms. LeMay stated that there was no new information to report. A brief explanation of timelines for the application process during consolidation was given.

Moved and Seconded that Council determine that:

- any applicant for an amendment to planning documents, consideration of development agreements or amendments to development agreements received after October 25, 2019, for West Hants or Hantsport be advised that the process likely cannot be concluded by West Hants Council; and***
- the process will be followed to the conclusion of the Public Information Meeting and recommendation by the relevant Planning Advisory Committee; and***
- the Planning Advisory Committee recommendation will be forwarded to the Regional Council for early consideration at First Reading and Public Hearing.***

Motion carried.

Moved and Seconded that Council determine that if the Public Hearing for any Land Use By-law Amendment completed between October 25 and December 17 cannot be advertised within 120 days of the date of the application being completed, that staff notify the applicant and advise them of any staff and/or Planning Advisory Committee recommendation and the anticipated timeline.

Motion carried.

QUESTIONS AND COMMENTS FROM PUBLIC

No members of the public were present for this meeting.

ADJOURNMENT

Moved and Seconded that the meeting adjourn.

Motion carried.

The meeting adjourned at 7:30pm.

Chair