

Minutes  
Resort Municipality Special Council Meeting  
May 26, 2022  
5:00 p.m.

The Special Council Meeting of the Resort Municipality was held on May 26, 2022 at the Resort Municipality Office and on Zoom.

**PRESENT:** Mayor Matthew Jelley. Deputy Mayor Linda Lowther. Councillor George Clark Dunning, Councillor Kay Hryckiwi, Councillor Bill Drost and Lee Brammer. Zoom - Councillor Chris Robinson. CAO - Brenda MacDonald and Deputy CAO Heather Hay.

**ABSENT:** Nil.

**VISITORS:** Nil.

**CALL TO ORDER:**

Mayor Jelley called the meeting to order at 5:04 p.m.

**APPROVAL OF AGENDA:**

Mayor Jelley advised that the only items on the agenda for the meeting will be dealing with the Official Plan and Bylaw review and the lawyer's information on them.

It was moved by Councillor Hryckiwi, seconded by Councillor Brammer that the agenda be adopted as presented. All in favor 6, 1 non-voting. Motion Carried.

**DECLARATION OF CONFLICTS OF INTEREST:**

There were no conflicts of interest declared.

**Official Plan and Bylaw Review Information:**

Mayor Jelley advised that the Council is reviewing the lawyer's comments on the Official Plan and Bylaw review.

Mayor Jelley advised that the latest comments from the planner will not be reviewed as the Council did not have a chance to review the documents.

Mayor Jelley advised that the Council accepts certain statutes or documents and they should be consistent throughout the document.

The CAO advised that Samantha had sent through a revised document with some of the housekeeping changes from the lawyers comments as well for the file.

Mayor Jelley advised that the Council makes the decisions on behalf of the community as the elected body.

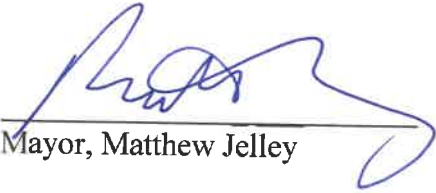
The Bylaw can be edited by the lawyer and the official plan can be completed to go with the Bylaw by the planner based on the changes made.

The review could take up to six months between the legal review, coming back to the Council going to the public, changes being made going to the planning board and Council again, completion of the readings and then to the Minister for final approval.

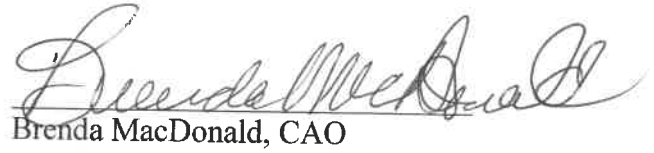
Mayor Jelley advised that some items are discretionary decisions.

**ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 8:08 p.m.



Mayor, Matthew Jelley



Brenda MacDonald, CAO

## Official Plan and Bylaw Discussions:

*Discussion items for Council on the Official Plan and Bylaw Review.*

*The Council agreed that the Architecture Style and standards be removed from the document.*

### Interpretation Issues:

*(We would expect the legal review and planner to capture these)*

### Table of Contents:

*(We would expect this to be completed as part of the legal review as would proper references to Statutes and Title/Definitions.)*

*Construction and Design Standards still to be completed.*

### Statutory References:

*(Legal and planner to capture these throughout the document and be consistent with what is required)*

### Administration:

*Housekeeping items*

*3.4(2)(b) Schedule C will be added.*

### Discretionary Provisions:

*3.16 (2) Permits 16 months for approval and if construction commences within the 16 months it can be extended to twenty four months.*

Section 2 *Development Zones: Please resolve any ambiguities or definition issues.*

- Section 3.19 (1) a, b and j. *(remove)*

### General Provisions:

- 4.1(6) Council may allow a special development permit for an accessory building or structure located in the Front Yard or Flankage Side Yard of a Lot... *(Remove this section)*
- 4.2(3) *Okay with license added.*
- 4.10 (2) (b) *okay with wording.*
- 4.4(5) Limit home occupations that would not create a residential nuisance in the opinion of the Development Officer *(Use the list of home occupations in the bylaw and stick with it)*
- 4.20 *Why is wind energy not allowed? We are trying to enhance green energy projects and farmers may want this in the future to be allowed to have on their land.*
- 5.1(3) Parking spaces discretion to Development Officer. Perhaps (Applicant can apply for a variance and will be measured against a traffic study, design study, some criteria) *(Codify the numbers exception on compelling evidence by a qualified traffic professional).*
- 5.2(2) Council may Waive requirement for stable surface (Do we have a parking problem, engineers, etc. in 5.2(4) *(Council has no issues with stable surface as in some cases it is better used with grassed surfaces – living lawn)*

- 16.3(2)(a): Public Road not in the public interest in the opinion of council. (I believe we don't need this, we should allow an option for developers that meets a certain standard). (A standard in between) ***(Don't like living behind liability. Road Act applies unless the developer applies a middle standard – and the conditions would be tied to a deed. Provincial seasonal road something between a Public Road and seasonal road that would meet the standards as the municipality has no issues with having a subdivision that is not a public road – Don't use standards from Antigonish)***
- 16.15(1): Very broad allowances for a subdivision by Development Officer (Probably too broad) ***(Delete the provision)***

Development Officer's Authority (Page 4):

***The infrastructure issue could be managed by "at council's expense". But we can make sure it is clear and common sense. Generally, if there is discretion, it should be retained by council. If it doesn't, it shouldn't be.***

Stamped Drawings (P7): ***Is it really up to our Bylaw when specifying? Can we be more clear/informational? Why does the municipality have to require stamped drawings if we are simply applying the land use bylaw?***

***Is it our requirement to also get approvals from the Provincial Fire Marshal's Office, Department of Health and Wellness, Department of Transportation, Infrastructure and Energy, Department of Environment, etc.***

***National Building Code requires stamped drawings, why should the municipality have to enforce any other regulations.***

***If the municipality doesn't require the stamped drawings and approvals then it shouldn't be in the document.***

Development Agreements (P8):

- ***Allow for "any other matters" is too vague. (3.13(3)(j)) Still want to be able to add conditions such as dust from the road, hours, etc.***
- ***Denying Permits: 3.19(1)(j): Detrimental for "convenience"***
  - ***Delete a for subjective and broad***
  - ***Delete b for subjective and broad***

4.2: B&B and Short Term Rentals

- ***Signage to be removed from these sections.***
- ***Short term rentals require a change of use permit.***

4.6 Development adjacent to Wetlands and Watercourses.

***The Department of Environment regulates this, why is the municipality dealing with it. We should just meet their setback requirements.***

4.7 Environmental Impact Assessments and Statements:

***Province signs off on them. Wherever the province needs them they will advise. Anywhere the municipality can eliminate the need for regulations follow provincial standards.***

**4.24 Secondary suites to be allowed in the bylaw. Has to meet all government requirements and can be used short or long term by family or visitors.**

**4.12: Height Exemptions are in the bylaw.**

**2d to be kept.**

**4.14: Variances requests all go to the Council.**

**A written application needs to be completed for variance requests.**

**4.17: No need to discuss signage lighting - Should not be in the bylaw.**

**4.17(1) no practical ability to enforce.**

**4.20: Petroleum/Propane Storage: Why do we regulate, let province/fire marshal**

This section should be removed as the Province deals with it. Most properties would have over the allowable propane on their property.

**4.21/4.22 are housekeeping**

**Properties are only allowed a 7 day temporary / transient permit for a maximum of 3 times throughout the year for a camper on their property.**

**Section 7: C1 regarding housing**

**Council has no issues with dwellings in the zone.**

**Uses to be allowed as much as possible and very limited under special permit.**

**Items from Special permit to be moved into permitted uses:**

**Apartment dwellings**

**Campground and RV parks or RV sites**

**Community Care Facilities**

**Taxi and bus terminals**

**Section 8: C2 regarding residential uses**

**Council has no issues with residential uses in the zone.**

**Uses to be allowed as much as possible and very limited under special permit.**

**Special permit uses to be added to permitted uses.**

**Apartment buildings**

**Campgrounds and RV Parks or RV Parks**

*Community Care Facilities*  
*Clustered Housing*  
*Early Learning and Child Care Centres*  
*Group Homes*  
*Nursing Homes*  
*Senior Citizen Homes*

*Section 9 - Rural uses:*  
*Special Permit uses of Golf to be added to permitted uses.*

*Shore Frontage - following LPA / Environment.*

*Sewer servicing – If a new development was close to the municipal sewer servicing, the municipality may extend the sewer line to the property to service their development.*

*General direction less is more in the documents.*

*General concepts eyes wide open with the Official Plan and Bylaw and the direction of the Council was that the documents be new and broader.*

*If the Council feels that there are any sections that need to be discussed further, then they can advise the CAO of their comments so they can be sent along to the lawyer for review.*

*Legacy subdivisions to be allowed but need to meet all of today's requirements for setbacks and sewer requirements and that the road would have to be built for the subdivision in order to allow it to proceed forward.*