



Date: July 25, 2023
To: Council
cc: Kim Ramsay, CAO and Municipal Clerk
From: John Woodford, Director of Planning and Development
Re: Dean Shea, Substantial Development Agreement Amendment

If Council wishes to move forward with the application from 3313013 Nova Scotia Limited (Dean Shea), to substantially amend his existing development agreement by agreeing to an alternative fence design, the following items shall be considered:

Tabled Motion

At their May 2023 meeting Council tabled the following motion:

C23(156) *Moved (later tabled) that Council do not give initial consideration to substantially amending an existing development agreement with 3313013 Nova Scotia Limited.*

C23(157) *Moved to table Motion C23(156) to give time for Mr. Shea to make his presentation to the Planning Advisory Committee and at the next Council meeting it will be lifted from the table at the appropriate time.*

If Council wishes to move forward with the application, the tabled motion can either be lifted from the table and be dealt with by Council or alternatively, the motion can remain tabled. Tabled motions do not have to be raised from the table; however, Section 10.8 of the Council Procedural Policy does require a list of tabled motions to be brought forward to Council for consideration the September before election every four years.

Motion from July 2023 PAC

During their July meeting of PAC the following motion was passed in relation to the Dean Shea application:

PAC23(40) *Moved that the Planning Advisory Committee recommend to Council that Council authorize staff to correspond with Mr. Shea and request that he provides staff with the details of the modifications to the existing fence to ensure that it meets the intent of the original fencing requirement and that staff bring those modification details to Council for final approval.*

Mr. Shea has submitted photos of how he plans to modify the fence in order to make it consistent with the intent of the existing development agreement (Mr. Shea's email posted to Council agenda). If Council determines that the fence plans are acceptable with the wood cladding, **no further motions are required**. The Development Officer would interpret the wood cladding as being consistent with the requirement of the development agreement to have an 8 ft wood opaque fence.

If Council is not satisfied with the fence design, the application can be refused or further direction may be given to the applicant.

If further direction is provided by Council, which requires an amendment to the existing development agreement, the following motion may be passed.

That Council:

- **give initial consideration to substantially amending an existing development agreement with 3313013 Nova Scotia Limited to permit a change to the fencing requirements; and**

- *to enable a public hearing and authorize staff to schedule a public hearing.*