Cape Breton Regional Municipality

General Committee Meeting

On Planning & Economic Development

AGENDA

Tuesday, June 6th, 2017

Immediately Following the 9:30 a.m. Session

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS
Cape Breton Regional Municipality

General Committee Meeting
On Planning & Economic Development

Wednesday, June 7th, 2017

Immediately Following the 9:30 a.m. Session

AGENDA ITEMS

Roll Call

1. PRESENTATIONS:

1.1 Creative Economy Growth Plan: Tracey Boutilier, Vibe Creative Group (See page __3__)

1.2 Business Cape Breton – Update: Eileen Lannon-Oldford, CEO Business Cape Breton (See page __4__)

2. Common Requests Made by Applicants and Possible Changes to Support Economic Development: Karen Neville, Planner (See page __12__)

3. Tax Incentives to Promote Downtown Revitalization and Economic Development: Rick McCready, Senior Planner and John Phalen, Manager of Economic Development & Major Projects (See page __18__)

4. Workshop – Planning Approval and Permitting: Rick McCready, Senior Planner (See page __20__)

5. Roundtable Discussion on Economic and Community Development Agenda Setting

ADJOURNMENT
Creative Economy Growth Strategy
June 2017

The Vibe Creative Group consulting team worked with the CBRM and its Roundtable on Arts and Culture to investigate how we may support and nurture a creative economy for our region. How can creative industry help our economy? How may it improve our community's social prosperity and wellness? The objectives of the project are detailed as follows:

- Consult with a wide group of stakeholders leading and/or working/participating in creative industry to garner their input into the strategy;
- Review best practices of international regions/cities/communities to understand how they experience transformation through creative industry and to glean key opportunities for the CBRM;
- Complete an extensive literature review of culture plans and policy, and other strategies relating to creative industry development, to glean relevant information and perhaps alignment with federal, provincial and regional strategies;
- Develop a strategy that supports artists, sustainable small business and cultural organization growth;
- Develop a strategy that focuses on professional arts development and training;
- Develop a strategy that supports the development goals of CBRM, align with the fiscal capacity of CBRM, and guide investments in the development of the next generation of talent;
- Recommend actions both in the short-term (year 1), mid-term (2-3 years), and the longer term (5 years);
- Recommend actions that will have impact on every community within the CBRM;
- Develop a system of metrics to evaluate progress over time; and
- To create a plan that is firmly rooted in creativity, and that will have the best chance of success for our region.

All objectives have been met and integrated into the final strategy, which hinges on four guiding principals: it is community-focused; it is fiscally responsible; it is integrated; and it is inclusive. On June 6th, the Vibe Creative Group consulting team will provide a brief overview of the process and the recommended short, mid and longer-term actions detailed in the final report.
Business Cape Breton Presentation Report

CBRM Economic Development Committee

June 7, 2017

Our Results
Start-Ups, Expansions & Initiatives

Here's what our clients are saying about Business Cape Breton!

77 Kings Road, Sydney, Nova Scotia, Canada, B1S 1A7
Telephone 902-567-1201 | Toll Free 1-888-681-2201 | Fax 902-562-2040
www.businesscapebreton.ca
Glace Bay & Area Revitalization Plan – Scope of Work

- To develop a Revitalization Plan for Glace Bay, Reserve Mines, and Dominion based on public consultation and research that identifies and prioritizes recommendations including projects, initiatives, and opportunities that can be assessed for implementation. These recommendations must demonstrate a pivotal impact on the region resulting in an overall economic contribution to the Cape Breton Regional Municipality.

- The overall objective is to establish Glace Bay, Reserve Mines and Dominion as vibrant communities within the Cape Breton Regional Municipality that attract new businesses, encourage local entrepreneurship, new residents, and visitors in a sustainable manner.

Glace Bay & Area Revitalization Plan – Timeline

- Project announced in January 2017
- Ad in Cape Breton Post for Request for Proposals
  January 21, 2017
- Closing Date for RFP February 10, 2017
- BCB distributed six packages and received two proposals
- An evaluation process was undertaken
- Project awarded to Ekistics March 13, 2017
- Final draft plan expected by June 27, 2017.
- Presentation to Mayor and CBRM Council July 18, 2017.
Projects Template (For each proposal)

1.0 Project Idea
1.1 Project Description
1.2 Project Goal
1.3 Assigned Leadership
1.4 Steps of Implementation
1.5 Proforma | Cost
1.6 Potential Funding Sources

Spatial Proposal/Project Ideas
Business Cape Breton

Strategic Proposal Ideas

Commercial Street Incentives
Adopt-A-Peri (maintenance)
Community Branding
Geography & Culture (Promotion & Partnership)
Regional Tourism Strategy
TO: CBRM General Committee of Council
FROM: Karen Neville
SUBJECT: Common Requests made by Applicants & Possible Changes to Support Economic Development
DATE: May 31st, 2017

Introduction
On May 8th, 2017, a request was made for staff to prepare an Issue Paper of common requests made by applicants that staff was unable to approve and possible changes to planning documents that could support economic development. Please consider this Issue Paper to be staff’s response to that motion.

Planning documents are not static documents, but rather are meant to evolve as a community grows and changes. Because of this, it is important that these documents are reviewed periodically to ensure they are still achieving the goals of the municipality. If the goals of the municipality, in particular its economic development goals, have changed since the adoption of the Municipal Planning Strategy (MPS), those goals should be revised prior to moving forward. While the staff of the Planning and Development Department are of the opinion that the economic development objectives of the municipality need to be established prior to undertaking a complete review of the MPS, we are prepared to make two recommendations for Council’s immediate consideration in response to the request made on May 8th. In addition, this Issue Paper also includes several matters that we are not prepared to make recommendations at this time but may warrant future consideration.

Part 1 Recommendation
Parking in the Downtown Core
There should be a review of the parking requirements for residential development in the Core Area of the Downtown Central Business District (CBD) Zone. Currently within the Core Area of the CBD Zone parking standards for residential development are:

- 1 parking space per dwelling unit for single detached dwellings; and
- 1 parking space per 2 dwelling units or apartments.

However, there is no obligation to provide the required number of parking spaces on the same lot parcel occupied by the apartments or apartment building as long as the designated parking spaces are within 150 meters (492 feet) from the entrance to the building in which the apartments are located.
Rationale
Staff have been considering eliminating or drastically reducing parking requirements for residential development within the Core Area, either entirely or just for existing buildings. Within the CBD Zone, only residential and accommodations businesses have minimum parking requirements. The rationale for reducing or eliminating parking requirements within the CBD Core Area is to encourage residential development on the second storey and higher of existing buildings.

A key ingredient for creating a diverse downtown district is to have major destinations that draw people to downtown for reasons other than employment. One way to do this is to increase the number of people living downtown, eliminating or reducing parking requirements for residential development is one method to encourage people to live in our downtowns.

It is recommended that the General Committee of Council direct staff to prepare an Issue Paper and an amending by-law to addressing the residential development requirements within the CBD Core Area.

Parking Requirements for Existing Buildings
Often when staff receive inquiries to establish a business in an existing commercial building the proposed development is unable to meet parking requirements. Staff have already begun the process of reviewing the parking requirements in the Land Use By-law (LUB), in particular those requirements associated with existing buildings. Prior to the initiation of the review of the MPS, it was staff’s intention to present the proposed amendments to the parking provisions of the LUB to Council for their consideration.

Rationale
Many existing commercial buildings were establish when on-site parking requirements were not in effect. Having parking provisions specific to existing buildings would aid in the reuse of existing vacant buildings and concentrate development in areas that are already receiving municipal services.

It is recommended that the General Committee of Council direct staff to prepare an Issue Paper and an amending by-law revising the parking requirements of the Land Use By-law.

Part 2: Items for Future Consideration
Parking Area Standards (Paving, Landscaped Buffer, etc.)
With few exceptions, paving is required for developments serviced by a municipal sewer main. The requirement for paving is based on the proposed use and the number of required parking spaces. In addition to paving requirement, the current parking provisions require landscaped buffer from adjacent lot parcels.

Rationale
Most planning documents in other jurisdictions require onsite parking for most kinds of development; however, these rules can often unintentionally hinder development. Staff have already begun the process of reviewing the parking requirements in the LUB. The objective of the proposed amendment is to provide more flexibility for a perspective development while still meeting the needs of the user. Any proposed amendments could be included in the Issue Paper on parking requirements identified in the previous section.
Site Plan Approval Requirements
While many of sales and service zones within the LUB permit a wide range of uses, these zones could be reviewed to include more uses that would be subject to Site Plan Approval. Site Plan Approval enables a municipality to negotiate certain site specific items with a developer as a condition of receiving a Development Permit. It should be noted that Site Plan Approval process is set out in the Municipal Government Act and the authority of the CBRM is only to determine under which situations Site Plan Approval may be apply.

Rationale
The review of the Site Plan Approval criteria within the LUB has already been identified as item to be addressed by Planning Staff. Many of the uses that are currently subject to Site Plan Approval would have only been permitted via zoning amendment prior to 2004, which is a much more bureaucratic procedure. Those uses that are subject to Site Plan Approval warrant careful consideration and that is why they are not permitted as of right. That being said, while many of the sales and service zones within the LUB permit a ranged of uses, it would be beneficial to review the criteria of those uses subject to Site Plan Approval within these zones and also determine if additional uses should be subject to Site Plan Approval.

Home Businesses in Residential Areas
Home businesses have become a reality, if not a necessity, in most municipalities. Municipalities must balance the needs of some residents to operate a business out of their homes with the rights of others to enjoy their homes and property and uphold property values. This is particularly true in CBRM where many residents operate small businesses out of their homes. Permitting such operations, provided the impact on adjacent property owners is minimal, adds to the economic base of the community.

While home business can add to the economic base of our community, it can also negatively impact the economic base of a community. An increase in home business results in scattered commercial development throughout the CBRM and reduces the density of development in our commercial districts. Also, in many cases home business are not assessed commercial; therefore impacting the municipality's commercial tax base.

Home businesses should be at a small scale and have minimal effect on the surrounding residential neighbourhood, because of this, the LUB restricts the types of uses permitted as a home business. However, due to the perceived tax benefits of home businesses staff are increasingly receiving request for:
- large scale home businesses,
- service businesses that provide a service to groups rather than individuals,
- service businesses that have high volume customer or client, or
- service repair businesses specializing in large equipment and vehicles.

While, not permitting such uses may be seen as repressing economic development, it should be noted that as Planners and Development Officers, we have to evaluate development not only from the perspective of the applicant but also from the perspective of a neighbourhood as a whole. The zoning within the LUB provides a fair amount of flexibility when it comes to sales and service development, but many individuals simply do not want to establish their business in commercial areas. Applicants want the flexibility of working from home and the potential of paying less in commercial taxes. According to PVSC, the portion of the home utilized as the home business should be assessed commercial, but there is evidence that this is not always the case and many home businesses only pay residential taxes.
As mentioned earlier the scale of a home business is meant to be small and there should no change to the exterior of the dwelling which would indicate that a home business is being conducted therein. But as home businesses grow and expand, they are often no longer appropriate for a low density residential neighbourhood. Once they become a scale that is no longer suitable, it is challenging to require these uses to move to the proper areas of the municipality.

It should be noted that the provisions associated with home businesses within the CBRM are more accommodating when compared to other jurisdictions within the Province. Many other jurisdictions throughout the Province are more restrictive when it comes to the types of uses that can be established as a home business and often do not permit home businesses in accessory buildings.

Rationale
Home businesses are permitted throughout the CBRM, regardless of the zone in effect, subject to specific criteria intended to ensure home businesses are appropriate in residential areas. A case could be made, given the current provisions associated with home business, the LUB is deterring commercial development in areas zoned for such uses and is in turn hurting economic development. Tools, other than the LUB, need to be established to encourage development in existing commercial districts. The provisions associated with home businesses should also be reviewed to ensure the uses, criteria, and scale are suitable for low density residential neighbourhoods.

Existing Businesses in Residential Areas
The CBRM landscape is very diverse with many isolated businesses scattered throughout. It is not the intent of the MPS and LUB to presume that these uses do not have a future at their present location or that other similar business uses may not succeed at these sites as successors. Instead of making these uses subject to the non-conforming provisions of the Municipal Government Act, which are very restrictive, the MPS and LUB contain policies and provisions to legitimize existing business and allow for flexibility in the range of possible optional uses for their conversion into other types of similar sales or service developments.

In order to be considered "existing" and to be subject to Part 54 of the LUB, businesses must comply with the criteria of that section. Part 54 excludes businesses on lot parcels that were not established prior to 2004, have not been consistently assessed as commercial, and businesses that have been vacant for a period of 5 years.

Rationale
Illegally established businesses should not be legitimizied where they would not be permitted to establish in the first place; therefore policies and provisions associated with existing uses are not recommended to be changed.

ABC Frontage Requirements
There is a minimum 150 feet frontage requirement for most expansions, new construction, and conversions along the parts of main thoroughfares in the Arterial Business Corridor (ABC) Zone (Kings Road, Prince/Welton/Grand Lake Road, Keltic Drive, Reserve Street, King Street). The ABC Zone is in effect in areas with a wide variety and scale range of sale and services located on commuter routes; as a result, the 150 foot frontage requirement is meant to reduce the number of driveway accesses impacting the flow of traffic on these commuter routes.
Rationale
Staff has begun to survey those existing business that currently do not meet the minimum road frontage requirements. Based on the results of this survey, it was staff’s intention to present possible amendments to Council for their consideration.

Development restrictions along Grand Lake Road/Sydney Road Corridor
The CBRM and the Nova Scotia Department of Transportation and Infrastructure Renewal jointly commissioned a traffic study of Grand Lake Road/Sydney Road prior to the adoption of the MPS in 2004. The purpose of the corridor study was to make recommendations on how the both levels of Government can manage the flow of motor vehicle traffic along Grand Lake Road between Sydney and Glace Bay because of the two conflicting uses of this corridor i.e.

- as a commuter route between the two largest urban communities in the CBRM; and
- as a highly sought out business development corridor because of its significant volumes of motor vehicle traffic.

Based on the recommendation of the traffic study, sales and service development is restricted in the sector of Grand Lake Road/Sydney Road within the jurisdiction of the speed limit greater than 60 kilometres per hour (i.e. just west of Grand Lake Road’s intersection with the Junction Road in the community of Grand Lake Road to the western extremity of the Reserve Mines sewer main).

Rationale
While staff receive inquires for new sales and service developments along the Grand Lake Road/Sydney Road Corridor, the policies and provisions currently found in the MPS and LUB should be maintained. These policies and provisions were the result of a report prepared by a consultant to address traffic safety in this corridor and should not be amended.

Residential Development
Staff have compiled a series of issues related to residential development addressing such matters as mobile homes, accessory buildings, driveways, height requirements and main buildings on a lot.

Given the fact that this Issue Paper is focused on economic development rather than residential development, staff will wait to present those issues identified to the General Committee of Council as the review of the Municipal Planning Strategy moves forward.

Conclusion
A significant amount of the land base of the CBRM permits sales and service developments; however, for many reasons some developers do not want to develop there. It is not the provisions of the LUB that is preventing development in these areas, it is the cost of land, the high commercial tax rate, and cost of compliance with the Building Code. It is not uncommon for staff to hear that an applicant wants to develop in a particular area because they already own the land or the cost is right for them to buy. When staff indicate they are willing to provide information on where a proposed development is permitted, the applicant often says they are not interested, they simply want to develop where they want. While the applicant’s may say the current legislation impedes economic development, it can be argued the MPS and LUB are not the reason development is not happening.
Land use planning represent “how” and “where” development should occur. Good planning recognizes the need to balance the demands of growth with the need to maintain existing development, and at the same time protect the environment and overall quality of life. A MPS can enable a community to plan for its long term stability and viability. Land use planning ensures the use of land resources in an organized fashion so that the needs of the present and future generations can be best addressed. Land use planning means managing our land and resources. It helps a community to set goals about how it will grow and develop and work out a way of reaching those goals while keeping social, economic, and environmental concerns in mind.

The Planning Department may not approve every development request we receive, which in turn means we are accused of obstructing economic development. Our role is to balance the interests of individual property owners with the wider interest and objectives of the whole community. In addition staff are responsible for upholding policies and implementing provisions of the planning documents adopted by Council.

Council may hear from a prospective applicant that the rules are too restrictive, but imagine the response you would receive from your constituents if some of those proposed development were approved. That being said, if Council chooses, all development can be permitted everywhere throughout the CBRM. However, careful consideration should be taken before going in this direction. The implications of approving a development can sometimes have a greater negative impact on a community than not approving a development.

As stated in previously, it is our position that the fundamental foundation of the Municipal Planning Strategy should be that it is the document which translates the current economic development objective of this municipality into land use policy. The Planning and Development Department would like to advocate that the next logical step would be to first establish economic development objectives for the CBRM, followed by a comprehensive review of the Municipal Planning Strategy and is accompanying Land Use By-law. If this approach is taken, our municipal planning documents will not contravene the economic direction the CBRM wishes to take.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department
June 1, 2017

ISSUE PAPER

TO: Mayor and Council

FROM: Rick McCready, MCIP, Senior Planner

RE: Tax Incentives to promote downtown revitalization and economic development

Background

As Council is aware, CBRM’s downtowns are facing many challenges. Much discussion has taken place in recent months regarding various initiatives to strengthen downtown Sydney and other downtown cores within our region, including infrastructure improvements and special events. It must be recognized, however, that a crucial factor in turning around our downtowns is increased private sector investment. It has been difficult to attract investment because new commercial development (both new structures and renovated or expanded older structures) typically have high assessments and therefore bear the full brunt of CBRM’s relatively high commercial property tax rates. This is a disincentive for property owners to invest in upgrades to existing buildings or to build new buildings in our downtowns.

The Municipal Government Act in Nova Scotia greatly restricts the ability of municipalities to provide tax breaks of any kind to privately owned business. However, in 2016 the Act was amended to give the municipal units the option of passing a bylaw that would phase in tax increases resulting from a significant increase in assessment.

How would such a bylaw work?

A bylaw designed to allow the phasing in of tax increases would be limited to certain areas of the Municipality as designated by Council. The legislation specifies that the areas must be urban in nature and must be serviced with water and sewer.

The phasing in of the tax increases must take place over a ten year period and must result in a tax reduction of no more than 50% over that period.
An example: An older commercial building in one of CBRM’s downtown cores is assessed at $100,000. The owner decides to undertake a major renovation and addition to the building. Once the work is completed, the assessment jumps to $500,000. The property taxes owing on the difference between the original assessment and the new assessment ($400,000) is eligible for the tax reduction over the ten year period. The original $100,000 portion of the assessment would continue to be taxed at the full rate. Once the ten year period expired the owner would pay the full tax rate on the entire assessed value.

The tax rate itself would not change because of the bylaw so a business in a designated area that does not experience an increase in assessment resulting from an expansion or upgrading would not receive a tax reduction. The legislation does not provide for reductions in residential property taxes.

**Recommendation**

Staff is of the opinion that Council should consider implementing a bylaw that would allow for phased tax increases. It is felt that such a tool could prove to be very valuable in our efforts to promote downtown revitalization and economic development in general. *The incentives should apply in those areas where we want to encourage growth.*

If Council wishes to move forward on this, the Municipal Planning Strategy must be amended to identify the specific areas where the tax reduction bylaw would apply. As mentioned above, the areas must have urban services (water and sewer). Council may wish to consider limiting the areas some or all of our traditional, historic downtown cores (Sydney, Whitney Pier, New Waterford, Dominion, Glace Bay, Louisbourg, North Sydney and Sydney Mines). Possibly the three industrial parks (Northside, Sydport and Harbourside) could be considered, as there are vacant lands in these areas that could be developed for warehousing, manufacturing and other uses that would not normally locate in a downtown core. Defining the boundaries of these areas will take time.

It is recommended that Council direct staff to prepare:

1. A draft bylaw that would spell out the specifics of how the tax reductions would be administered.
2. Draft criteria for defining the geographic areas where the tax reduction bylaw would be in effect. This criteria, once approved by Council, could be used to create maps that will form the basis for the amendments to the Municipal Planning Strategy.

Yours very truly,

**ORIGINAL SIGNED BY**

Rick McCready, MCIP
Senior Planner

Copies: Marie Walsh, John MacKinnon, John Phalen
MEMO

To: CBRM General Committee

FROM: Rick McCready, MCIP, Senior Planner

SUBJECT: Workshop- Planning Approval and Permitting

DATE: May 31, 2017

On May 8th, 2017, the Planning and Development Department committed to holding a Planning Approval and Permitting Workshop for Council. Please find attached a tentative agenda of items to be discussed at the workshop.

Staff is seeking feedback on the agenda for this workshop.

- Are there any topics missing from the tentative agenda?
- Should the workshop be a full or half day?
- Would you prefer the workshop be held in June or during the summer?
- It was our thought that the workshop could be held at the City Hall to take advantage of our digital mapping system, but arrangements could be made to hold the workshop at another location. Is there a location preference?
- It would be beneficial for Council members to provide to staff information on any properties where there have been permitting issues before the workshop. It would assist us in preparing for the workshop and in ensuring that the appropriate staff can be present to answer questions.
- Are paper copies of the Municipal Planning Strategy and Land Use By-law necessary, or will digital copies be acceptable?

Staff looks forward to working with Council at what we feel should be a positive and productive workshop.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP
Senior Planner
Planning Approval and Permitting Workshop Tentative Agenda

1. What is a Development Permit

2. What is a Building Permit

3. Role of CBRM Staff
   i. Customer Service Centre
   ii. Development Officer
   iii. Building Official
   iv. Heritage Officer
   v. Planner
   vi. Planning Tech
   vii. Public Works/Engineering

4. Completing an Application
   i. General Information
   ii. Type Undertaking (Building Demolition, Building Renovation, Building Addition, Building Conversion, Building New Construction, Residential Accessory Building, etc.)

5. Building and Site Plans

6. Approvals
   i. Municipal Water and Sewer
   ii. On-site Well and/or Septic
   iii. Access
   iv. Approval from Other Provincial Agencies Associated with Development

7. Permit Renewal

8. Subdivision

9. Amendments
   i. Municipal Planning Strategy
   ii. Land Use By-law

10. Property Inquiries