



CAPE BRETON
REGIONAL MUNICIPALITY

TO: Mayor Clarke and Members of CBRM Council

FROM: Demetri Kachafanas, Chief Administrative Officer

DATE: [2025-11-13]

SUBJECT: RE: Land Use By-law Zone Map Amendment, Dominion

ORIGIN

A request has been made by the Owners of PIDs 15875289, 15875271, 15875297, 15875305 and 15381601 to consider a zone amendment to adjust the Light Industrial (LI) and Low Density Urban Residential (UR2) split zone designation on their parcels. The applicants form a group of Buyers and the Seller of recent and ongoing real estate transactions, who have purchased/are selling lands on Neville Street in Dominion for residential purposes, which the current zoning inhibits on large portions of the lot parcels.

RECOMMENDATION

That the Council of Cape Breton Regional Municipality give First Reading of Amending By-law found Attachment A and schedule a Public Hearing to consider adjusting the boundary of the adjacent Light Industrial (LI) and Low Density Urban Residential (UR2) Zone boundaries for PIDs 15875289, 15875271, 15875297, 15875305 and 15381601 as show in Schedule A of the Amending By-law.

BACKGROUND

The above mentioned PIDs are zoned Light Industrial (LI) and Low Density Urban Residential (UR2) Zoning, a map of the existing zone boundaries can be found in Attachment B. A portion of each parcel fronting on Neville Street bears UR2 Zoning, however a large potion of the rear of each parcel bares the LI Zone. As the LI Zone prohibits Residential Uses, this limits the buyers use of the property for their intended residential developments.

In the 2007 CBRM Land Use By-law, similar zones were in place until it was repealed in 2023,

respectively the Service Industrial Zone (SIZ) and the Residential Urban D Zone (RUD) were applied to the lands. The boundaries of the previous zones were not altered during the adoption of the CBRM Forward Land Use By-law in 2023, a map of the 2004 Land Use By-law can be found in Attachment C.

The previous Municipal Planning Strategy (MPS) provided context into the creation of the SIZ Zone, which was created surrounding significant landholdings once owned by the Federal Crown Corporation (DEVCO) responsible for coal mining operations.

The applicants land fall into the area identified as the “*DEVCO lands in Dominion between Mitchell Avenue and Neville Street*” by the 2004 MPS. Much of this approximately 140 acre site is well set back from the residential development along Mitchell Avenue and Neville Street, and is not easily accessed by an existing Public Street or Road, however, potential is for local industrial business/tertiary service industry facilities was identified at the time.

This request has also been previously presented to Committee of the Whole. During the November 13th, meeting of Committee of the Whole, Committee recommended that CBRM Council give first reading to the Amending By-law found Attachment A and schedule a Public Hearing. A copy of the Motion can be found in Attachment E.

DISCUSSION

By providing the corridor of RUD Residential Zoning along Neville Street in the 2004 MPS and LUB, consideration was given to residential development in this at the time of adoption of this zone boundary.

Further, current Parking and Loading provisions in section 4.18 of the LUB would prohibit Light Industrial Use on these parcels. In 4.18.1 d) the LUB states parking areas (including driveways) to a parking areas shall be within a zone permitting the use. As the UR2 Zone does not share any permitted uses with the LI Zone, this area zoned LI would not be able to be developed for any purpose at this time.

Given that there are existing residential developments and consideration for further residential development along Neville Street by provision of the UR2 zone in this area, staff would consider this a reasonable request as these lands would not have been able to be used in any case for LI uses.

FINANCIAL IMPLICATIONS

Fiscally, staff time was used to prepare the proposed amendment along with subsequent reports for Councils consideration. An application fee has been collected in accordance with the CBRM Fee Policy: Planning, Development, and Building

ALTERNATIVES

Alternatively, the Committee of Whole could choose not to approve the recommendation.

LEGISLATIVE AUTHORITY

Section 210 of the *Municipal Government Act* outlines the required process for amendments to the Land Use By-law (LUB).

Policy A-15 of the Municipal Planning Strategy (Attachment D)

Report Prepared by: Peter Vandermeulen, Planner

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Land Use Bylaw**

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Council amends the CBRM's Land Use Bylaw map by deleting Light Industrial (LI) Zone in effect for the portion of PIDs 15875289, 15875271, 15875297, 15875305 and 15381601 identified in Schedule A replacing it with the Low Density Urban Residential (UR2) Zone.

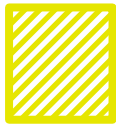
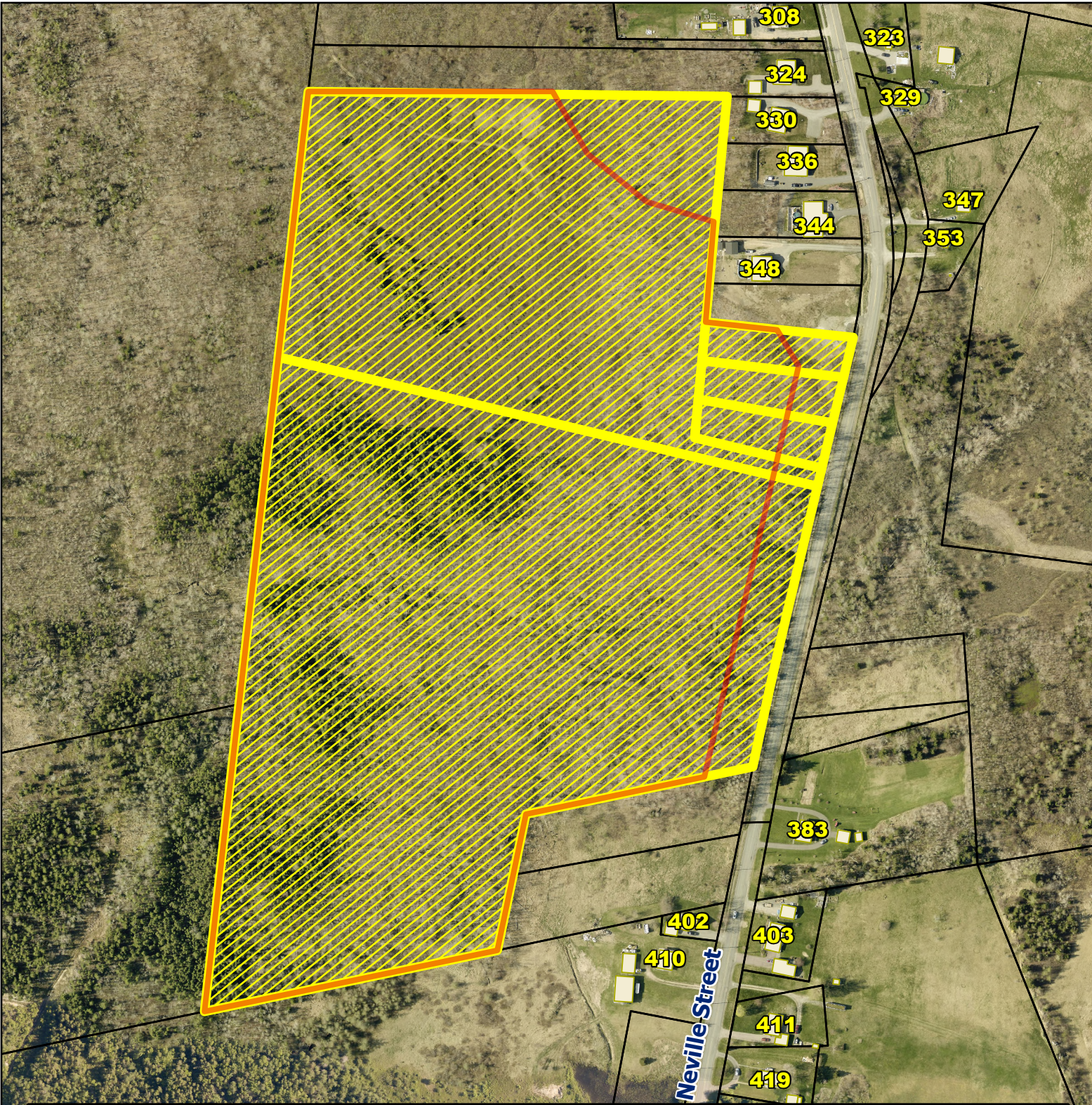
PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on XXXX, XXXX.

MAYOR

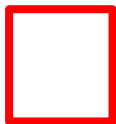
CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on XXXX, XXXX to amend the Cape Breton Regional Municipality's Land Use By-law.

Christa Dicks, CLERK



PIDs 15875305,15875289,15875271,15875297,
15875297,15381601



Portion to be converted from Light Industrial to
Low Density Urban Residential (UR2)

[illegible]



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: **Peter Vandermeulen, Planner**
From: **Christa Dicks, Municipal Clerk / Director of Corporate Information Services**
Date: **November 13, 2025**
Subject: **Land Use By-law Zone Map Amendment, Dominion**

At the Committee of the Whole meeting held on October 14, 2025, the following motion was put forward:

Motion

Moved by Deputy Mayor Eldon MacDonald, seconded by Councillor MacNeil, that Committee of the Whole recommend to Council to give First Reading of Amending By-law found Attachment A and schedule a Public Hearing to consider adjusting the boundary of the adjacent Light Industrial (LI) and Low Density Urban Residential (URZ) Zone boundaries for PIDs 15875289, 15875271, 15875297, 15875305 and 15381601 as show in Schedule A of the Amending By-law. Attachment A included in agenda package.

Motion Carried

Please be advised that this item will be placed on the November 18, 2025, council agenda.

Thank you.

Christa Dicks
Municipal Clerk

/yc

C: Tyson Simms, Director of Planning and Development
Karen Neville, Senior Planner

11.3.9. Amending the Land Use By-law

- A-14** Council may make text or map amendments to the Land Use By-law, granted the amendment is in keeping with the intention of policies set forth in this Municipal Planning Strategy and meets the general criteria set in A-18.
- A-15** Council shall may be considered for a zone amendment to an immediately adjacent zone classification on the Land Use Zone Map without requiring an amendment to this Strategy, provided that the intent of all other policies of the Strategy are satisfied.
- A-16** Council shall not amend the Land Use By-law unless Council is satisfied the proposal:
- (a) is consistent with the intent of this Municipal Planning Strategy;
 - (b) has regard for:
 - a. the ability of the Municipality to absorb public costs related to the proposal
 - b. variety of land uses within the area
 - c. the capacity of municipal infrastructure (water, sewer, stormwater)
 - d. the creation of excessive traffic hazard or congestion on the street in as determined by the Traffic Authority
 - e. scale of the proposed development in relation to the surrounding development pattern
 - f. access to public transit
 - g. connection to active transportation network