

**Cape Breton Regional Municipality**

**Council Meeting**

**AGENDA**

**TUESDAY, NOVEMBER 17<sup>TH</sup>, 2015**

**6:00 P.M.**

Council Chambers  
2<sup>nd</sup> Floor, City Hall  
320 Esplanade, Sydney, NS



# Cape Breton Regional Municipal Council

Tuesday, November 17<sup>th</sup>, 2015

6:00 p.m.

## AGENDA ITEMS

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### ROLL CALL

O' Canada

### Moment of Silent Reflection

1. APPROVAL OF MINUTES: (Previously Distributed)

➤ Regular Council – October 20<sup>th</sup>, 2015

2. BUSINESS ARISING:

2.1 General Committee – November 2<sup>nd</sup>, 2015:

a) Membertou Development Corporation's Latest Request to Purchase CBRM Land:

Committee recommends that Council declare parts of the lot parcels **surplus** as outlined in the staff memo of October 2015, which have been requested by Membertou Development Corporation with conditions. Malcolm Gillis, Director of Planning and Development (See page 7)

2.2 Heritage Advisory Committee - November 2<sup>nd</sup>, 2015:

a) Tax Increment Financing – Heritage Advisory Committee:

Heritage Advisory Committee recommends to Council that CBRM support the inclusion of "Tax Increment Financing" in the *Municipal Government Act (MGA)*, and that the CBRM raise this matter as part of the current review of the *MGA*. Rick McCready, Heritage Officer (See page 16)

Continued....

**3. CORPORATE SERVICES ISSUES:**

- 3.1 Request for Confirmatory Tax Deed – Bernard McNeil, Property at Kings Road, Dominion (PID 15381130):** Demetri Kachafanas, Solicitor (See page 18 )
- 3.2 Approval of Event Ticketing System for Centre 200:** John MacKinnon, Director of Technology (See page 35 )
- 3.3 Request for Street Closure – Harbour Royale Developments Ltd. Portion of Esplanade File No. 07211:** Demetri Kachafanas, Regional Solicitor (See page 38 )

**4. PLANNING ISSUES:**

**4.1 FINAL APPROVAL – PUBLIC HEARINGS:**

- a) **Zoning Amendment Application 1012 - Art Mullins, Woodland Timber Mart, 35 Ryan Street, Glace Bay (PID # 15437510):**

Public Hearing to consider the zoning amendment application by Art Mullins, Woodland Timber Mart to permit a building supply dealership. Staff recommends that Council approve the zoning amendment application and declare the 50 ft. x 314 ft. portion of PID 15437510 **surplus** to the needs of the Municipality. Karen Neville, Planner (See page 40 )

- b) **Request by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney. (PID numbers 15058720 and 15697568):**

Public Hearing to consider amendments to the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney, PID numbers 15058720 and 15697568. Rick McCready, Senior Planner (See page 49 )

Continued....

**PLANNING ISSUES (Cont'd):**

**4.2 APPROVAL TO ADVERTISE:**

- a) **Necessary Municipal Planning Strategy and Land Use Bylaw Amendments Affecting the Watersheds of Sand Lake and John Allen Lake – Case 1014:**

Committee recommends approval to advertise notice of a Public Hearing to be held during the December meeting of Council to consider the amending the CBRM Land Use Bylaw map by deleting the Public Water Supply Watershed (PWS) Zone currently in effect in the watersheds of Sand Lake and John Allen Lake and that it be replaced with the Rural Cape Breton (RCB) Zone and that the CBRM Planning Strategy be amended by deleting any reference to these two watersheds in Part 9. Malcolm Gillis, Director of Planning and Development (See page 75 )

- b) **Request from Donna Perry to Amend the Municipal Planning Strategy and Land Use By-Law to Permit a Mobile Home on Wolfe Street, Louisbourg:**

Report on Public Participation Program regarding the request from Donna Perry to amend the Municipal Planning Strategy and Land Use By-Law to permit a mobile home to be located on Wolfe Street, Louisbourg. Malcolm Gillis, Director of Planning and Development (See page 79 )

**5. REPORTS:**

- 5.1 **Financial Statements to September 30, 2015:** Marie Walsh, Chief Financial Officer (See page 82 )

**6. BY-LAWS, RESOLUTIONS & MOTIONS:**

- 6.1 **By-Laws:** N/A

6.2 **Proclamations and Resolutions:**

- a) **James Delorey Day**  
Councillor Jim MacLeod (See page 84 )
- b) **Restorative Justice Week**  
Councillor Jim MacLeod (See page 86 )

Continued....

**Proclamations and Resolutions Cont'd:**

- c) **Walk for Values**  
Deputy Mayor George MacDonald (See page 87 )
  
- d) **Aids Awareness**  
Councillor Ray Paruch (See page 88 )
  
- e) **Moratorium on the Use of the Death Penalty**  
Councillor Mae Rowe (See page 89 )

6.3 **Motions**      N/A

**Adjournment**

**Membertou Development Corporation's Latest Request to Purchase CBRM Land:**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Keagan, that a recommendation be made to Council to declare as **surplus** the parts of the lot parcels as outlined in the staff memo dated October 2015, of the lands requested by Membertou Development Corporation, with the following conditions:

1. That any future development and its infrastructure be designed as per CBRM specifications and that all storm water run-off created by any subsequent development on the indicated properties shall be engineering to be directed away from the Middle Lake Wellfield Protection / Contribution Zone;
2. The purchase price to be calculated on the basis of fair market value as determined by a qualified appraiser;
3. An agreement between Membertou and CBRM will be drawn up to ensure that for any future land acquisitions by Membertou that include portion of which are within the watershed, CBRM will have first right of refusal to purchase these portions within the watershed at fair market value;
4. That monies received from the sale of these properties will be used for future purchasing of additional lands with CBRM watershed areas as per our Source Water Protection Plan; and
5. That the proposal for Membertou Development Corporation includes both the transfer of land properties to Membertou from CBRM as well as a portion of land in the Caribou Marsh area to CBRM as part of a partial trade as outlined in Plan 2 of the staff memo, that CBRM will be acquiring in the Woodbine Road area which is strategic to the environmental requirements to the closed former landfill.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Malcolm Gillis**

**SUBJECT: Membertou Development Corporation's latest request to purchase CBRM land**

**DATE: October 29<sup>th</sup>, 2015**

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As the memo from the Director of Engineering and Public Works to me (attached) states, the Membertou Development Corporation is requesting that CBRM convey to them certain lands in the community of Dutch Brook. These lands were originally acquired by CBRM because parts of them are within the zone of contribution for the wellfield servicing the greater Sydney area with public water. Mr. MacDonald is advocating that we only convey to them that portion of each lot parcel requested which is not only outside the boundary of the above referenced wellfield protection Zone but also beyond a buffer of 100 meters from that boundary. This is a position that CBRM has taken in the past when requests for CBRM property that straddles this watershed have been made. The revenue generated from this sale then is devoted to the purchase of additional privately owned lands which are actually within the public water supply watershed. This proposed transaction is supported by Planning Strategy policy.

**Recommendation:**

I recommend that Council declare as surplus the parts of the lot parcels outlined in yellow on the map with Mr. MacDonald's memo to me of the lands requested by Membertou.

Submitted by:

**ORIGINAL SIGNED BY**

Malcolm Gillis  
Director of the Planning and Development Department



*A Community of Communities*

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## **Memo**

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**TO: Malcolm Gillis, Director Planning**

**October 2015**

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**RE: Request to purchase CBRM Lands**

### **Background**

The CBRM Water Utility has an ongoing program of acquiring additional lands within our watershed areas for source water protection. In the past number of years the Water Utility purchased the following parcels, PID 15543507, 15543473, 15543481, 15543423, 15602857, 15543374, 15227770, for this very reason. The attached map shows the boundaries of these parcels outlined in yellow. Portions of these properties are within the Sydney Well Field Contribution Boundary. The area shaded in red on the attached Plan 1 indicates the Well Field Contribution Boundary. The map clearly shows that each of these lots straddle that boundary i.e. a part of each lot is within the boundary and part is outside.

These lands are immediately adjacent to parcels which were sold to Membertou Development Corporation in 2014, based on a similar request. These parcels are identified in white on the attached Plan 1.

In 2006 the CBRM Water Utility contracted Dillon Consulting to carry out "*Groundwater Resource Monitoring Plan on the Middle Lake Road Water Supply*". This Plan forms an integral part of the Groundwater Protection Strategy for Middle Lake Road groundwater supply. The report identified the Well Field Contribution Zone (area highlighted in Red on Plan 1), which is the area around the well field that supplies the water for the aquifer in which the well field draws from.

We have reviewed this request through our CBRM Water Utility officials and have determined that activities outside the boundary/contribution zone will pose no impact to source water supply due to its location and distance. The attached Plan 1 identifies a 100meter buffer zone that was added for additional protection beyond the boundary/contribution zone. This land within the 100m buffer zone will remain to be owned by CBRM.

### **Issue**

In a letter from Membertou Development Corporation's Solicitor, Mr. Gary Corsano, Sampson McPhee Lawyers, dated July 16th, 2015 (attached) the Membertou Development Corporation submitted a formal request to be conveyed CBRM lands west of the Sydney wellfield watershed protection area, and outside of the Middle Lake Wellfield Contribution Boundary. These lots are

part of an attempted land assembly Membertou is undertaking for future development on the south side of Highway 125 to be accessed via the new overpass and ramp intersection with that Highway. The portions of these three CBRM parcels would become part of a land assembly designated for future residential development. This is a new request in addition to the requests previously made, which were dealt with by CBRM Council in 2014.

As a partial payment Membertou Development Corporation is offering to convey a 100 acre lot parcel adjacent to, and west of, the Caribou Marsh First Nations Reserve. This offered site is adjacent to, and at a lower elevation from, CBRM lands encompassing the former Woodbine landfill site. On the attached Plan 2, the offered 100 acre lot parcel is colored red, the Caribou Marsh Reserve is colored green, and the referenced CBRM lands are yellow. CBRM Engineering and Public Works have determined that the particular parcel would be strategic and beneficial for the ongoing environmental monitoring program associated with the former Woodbine Landfill Site. Consequently, it is our recommendation that, if this property transaction is approved by CBRM Council, this offered 100 acres should be accepted.

### **Recommendation**

It is the recommendation of the Water Utility that Council approve the sale of this land to the Membertou Development Corporation with the following conditions.

- 1- That any future development and its infrastructure be designed as per CBRM specifications and that all storm water run-off created by any subsequent development on the indicated properties shall be engineering to be directed away from the Middle Lake Wellfield Protection/Contribution Zone.
- 2- The purchase price to be calculated on the basis of fair market value as determined by a qualified appraiser.
- 3- An agreement between Membertou and CBRM will be drawn up to ensure that for any future land acquisitions by Membertou that include portions of which are within the watershed, CBRM will have first right of refusal to purchase these portions within the watershed at fair market value.

Monies received from the sale of these properties will be used for future purchasing of additional lands within CBRM watershed areas as per our Source Water Protection Plan.

Signed:

**ORIGINAL SIGNED BY**

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Wayne MacDonald, P.Eng.  
Director Engineering & Public Works

**SYDNEY**

Plan 1

**Membertou**

**Reservoir  
Lake**

**Highway 125**

**Louisbourg Highway**

**Prime Brook**

**CBRM previously conveyed to Membertou**

**CBRM previously conveyed to Membertou**

**100 meter buffer**

**Public Watershed  
Protected area in RED**

**CBRM lot parcels requested outlined in YELLOW**

**Gabarus Highway**



Plan 2

# Dutch Brook

Macdonalds Road

Front Lake Road

Front Lake Road

Mira Lee Drive

Alder Road

Gabarus Highway

Carbou Marsh Road

0 0.25 0.5 1 Kilometers

Marchand Lane

Kevin Drive

Woodbine Road

Erin Leah Drive

Brandy Drive



**SAMPSON MCPHEE**  
**LAWYERS**

66 Wentworth Street, Suite 200  
Sydney, Nova Scotia  
Canada B1P 6T4  
Ph: 902.539.2425 Fax: 902.564.0954

**VIA HAND DELIVERED**

July 16, 2015

Cape Breton Regional Municipality  
320 Esplanade Street  
Sydney, Nova Scotia  
B1P 7B9

**ATTENTION: MICHAEL MERRITT,  
CHIEF ADMINISTRATIVE OFFICER**

Dear Mr. Merritt:

**RE: REQUEST TO PURCHASE SURPLUS PROPERTY  
PIDS 15865066, 15543507, 15543473, 15543481, 15543523,  
15602857, 15543374, 15227770, 15543432**

Robert Sampson, Q.C.

Harvey McPhee, Q.C.

Gary Corsano

Elsbeth Cassidy

Murray Hannem

Robert Risk

Jennifer Anderson

Jessica Drohan

Damien Barry

Anna Manley

Tyler MacLennan

Liam Gillis

As you are aware we are the Solicitors for the Membertou Development Corporation ("Membertou").

Further to correspondence to you dated January 14, 2015, correspondence to Mr. Ken Smith, CBRM, dated March 3, 2015 and your most recent discussions with Bill Bonnar, Membertou, we wish to provide the following comments.

Membertou is prepared to enter into a formal Agreement of Purchase and Sale with CBRM with respect to the following nine properties:

PID 15865066 and a portion of each of PIDs 15543507, 15543473, 15543481, 15543523, 15602857, 15543374, 15227770, 15543432 ("CBRM Properties")

The CBRM Properties, excluding a 100 meter buffer zone next to the Sydney Watershed, in total, comprise approximately 206 acres. The CBRM Properties are conceptual shown and

marked in "yellow" on the enclosed plan.

As per the enclosed appraisal from MacKey Appraisals, the CBRM Properties have an appraised value of \$160,000.00.

The consideration Membertou is offering CBRM for the CBRM Properties is comprised of the following:

1. Membertou is offering a 100 acre piece of property, PID 15507122, located at Woodbine Road, Caribou Marsh, Nova Scotia, adjacent to the former CBRM landfill site ("Caribou Marsh Property"). The Caribou Marsh Property is also shown and marked in "red" on the conceptual plan enclosed. As per the enclosed appraisal from MacKey Appraisals, the Caribou Marsh Property is valued at \$61,000.00; and
2. Membertou is offering a cash payment of \$99,000.00.

Together, this totals \$160,000.00, the appraised value of the CBRM Properties.

Although a formal survey of the CBRM Properties and the Caribou Marsh Property has yet to be completed, the calculation has been made in consultation with our surveyor, David Attwood, NSLS. Should the results of the survey disclose a discrepancy in the size of any of the parcels that make up the property in comparison to the size of the lots that make up the property as noted in the Appraisals, the CBRM and Membertou would adjust the consideration for the acquisition of the CBRM Properties to reflect the actual size (as per survey) of the properties. In such a case, the adjusted consideration shall be calculated based on the per-acreage value as set out in the Appraisals.

I trust the above comments accurately reflect your discussions with Bill Bonnar. Assuming CBRM is in general agreement with the proposal set out herein, it will be necessary, of course, to finalize a formal Agreement of Purchase and Sale.

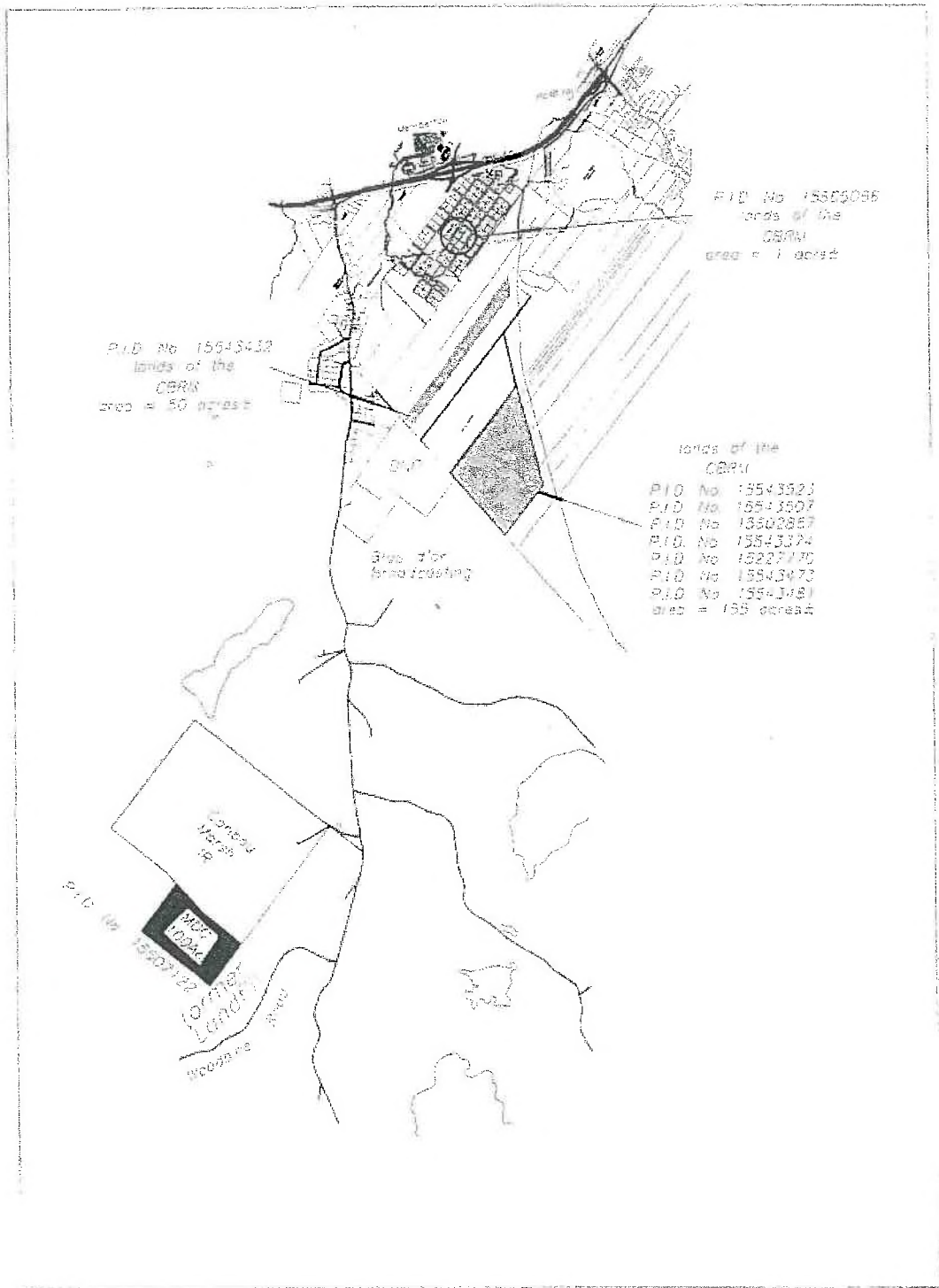
If you have any questions, please contact me at 902-565-8204 or Jennifer Deleskie at Membertou 902-577-7301. We look forward to hearing from you.

Yours very truly,

**SAMPSON MACPHEE**

**ORIGINAL SIGNED BY**

Gary J. Corsano  
GJC/mlp  
enclosures  
cc Bill Bonnar  
cc Jennifer Deleskie  
cc Mike McIntyre



**Rick McCready**  
**Planning Department**



**CBRM**

*A Community of Communities*

**Cape Breton Regional Municipality**

320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9

Tel: 902-563-5072

Fax: 902-564-0481

email: rgmccready@cbrm.ns.ca

November 10, 2015

**MEMO TO: Mike Merritt, CAO**

**FROM: Rick McCready, Senior Planner**

**RE: Tax Increment Financing- Heritage Advisory Committee**

The possibility of tax incentives to support the revitalization of downtown areas and heritage conservation districts was raised at a recent meeting of the CBRM Heritage Advisory Committee. Members noted that if an older building is restored by its owner the assessment will likely increase, resulting in a substantial increase in property taxes. It was felt that this was a disincentive to redevelop older buildings in our historic neighbourhoods and in our downtown cores.

Staff responded to these concerns by noting that in some jurisdictions tax increment financing is available as a tool for municipalities to use to phase in these tax increases, and that this provides an incentive for developers to invest in older buildings and neighbourhoods. An example is Ontario where Ontario's *Municipal Act* enables a municipality to adopt a by-law or adopt a program to phase/reduce taxation for heritage areas, neighbourhood revitalization areas, and brownfield sites.

The Heritage Advisory Committee, after been made aware that the Municipal Government Act (MGA) of Nova Scotia is under review, felt that consideration should be given to the inclusion of provisions in the MGA to allow municipalities to use tax increment financing as a means to facilitate the preservation of older buildings in downtown cores and heritage conservation districts. The committee is encouraging Council to ask the Province to include such provisions in the new legislation.

It should be noted that inclusion of tax increment financing as a tool available to municipalities in the MGA does not mean that municipalities will be required to use tax increment financing. Each municipality would decide if and to what extent this tool would be used should the legislation be amended to make this tool available.

Yours very truly,

**ORIGINAL SIGNED BY**

Rick McCready, MCIP  
Senior Planner

Copies: Deanna Best; Deborah Campbell

**Future of the Heritage Advisory Committee – Discussion:**

**Motion**

Moved by Citizen Childs-Rolls, seconded by Citizen Cook, that a recommendation be made to Council, that the CBRM support the inclusion of “Tax Increment Financing” in the *Municipal Government Act (MGA)*, and that the CBRM raise this matter as part of the current review of the *MGA*.

**Motion Carried.**



# **CBRM**

*A Community of Communities*

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**Demetri Kachafanas**  
**Solicitor**  
**563-5047**

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## ISSUE PAPER

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**TO:** Mayor and Council

**FROM:** Demetri Kachafanas  
Regional Solicitor

**SUBJECT:** Request for Confirmatory Tax Deed / Bernard McNeil  
Property at Kings Road, Dominion (PID 15381130)

**DATE:** November 17th, 2015

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The legal department received a request and support material for a Confirmatory Deed from CBRM for property located at Kings Road, Dominion. The letter of request is from the law firm of Crosby Burke & MacRury, representing the interest of the current property owner, Bernard McNeil. It has been discovered through a search of title that 2 Tax Deeds from the Town of Dominion to Mr. McNeil's mother, Mary McNeil was lost and never registered at the Land Registration Office.

### **BACKGROUND INFORMATION:**

On July 5<sup>th</sup>, 1976, the Town of Dominion sold at Tax Sale to Mary McNeil, on behalf of her son Bernard MacNeil, two parcels of land situated on Kings Road, Dominion. The property is presently identified as on Property Online as one parcel, PID 15381130. Subsequent to the Tax Sale, the Town issued 2 Tax Deeds to Mary McNeil, as evidenced by a copy of the letter from the Town dated, July 8<sup>th</sup>, 1976 to Mary MacNeil. Unfortunately, the deeds were lost and cannot be located. The property has been in the MacNeil family since that time and Mr. Bernard MacNeil has been paying the property taxes on this property since 1976.

Mr. McNeil is in the process of migrating his property to the Land Registration System. He intends to construct a duplex on the property but cannot move forward until his title issues are resolved. He is seeking a Confirmatory Tax Deed from the CBRM to settle this outstanding title issue against his property.

Attached please find the following:

- (a) A copy of a sworn Affidavit by Bernard McNeil verifying the above with attached supporting documents.
- (b) A copy of map from Parcel Finder showing the property in issue.

The legal department did a full review of the support material provided to our office as well as a search of the records at the Registry of Deeds and agree with the findings of Mr. McNeil's solicitor and confirm the tax deeds were never registered at the Land Registration Office from the Town of Dominion to Mary McNeil.

It is my recommendation a Motion be granted to issue a Confirmatory Tax Deed to Bernard McNeil for the property identified as PID 15381130, provided CBRM does not absorb any fees or costs associated with the conveyance.

Thank you.

Sincerely,

*Original Signed By*

**DEMETRI KACHAFANAS**  
Regional Solicitor

DK/spk  
Attachments(2)

"Attachment #1"

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF CAPE BRETON

STATUTORY DECLARATION

IN THE MATTER OF THE CANADA EVIDENCE ACT; AND IN THE MATTER OF THE REGISTRY ACT; AND IN THE MATTER OF LANDS OF THE BERNARD MCNEIL, KINGS ROAD, DOMINION, IN THE CAPE BRETON REGIONAL MUNICIPALITY, PROVINCE OF NOVA SCOTIA AND HAVING PID #;

I, Bernard McNeil, of Dominion, in the Cape Breton Regional Municipality, Province of Nova Scotia, make oath and say as follows:

1. That all matters hereinafter deposed to are made to the best of my knowledge and belief, unless otherwise stated.
2. That I am a resident of the Town of Dominion and I am familiar with property on Kings Road, Dominion that was originally acquired by my mother, Mary McNeil from the Town of Dominion by virtue of a Tax Sale.
3. That my mother attended at the Tax Sale held by the Town of Dominion as I was in Halifax at the time but I gave her the money to purchase the property.
4. That there were 2 parcels on the Tax Sale which immediately adjoined my mother's property. These properties were assessed to a Shore and the Estate of Archie K. McNeil. Another bidder who was in attendance at the Tax Sale was J. Carl MacDonald who is a surveyor in Dominion and he was overbid by my mother, Mary McNeil.
5. That attached as Schedule "A" is a copy of the letter which my mother had received from the then Town Clerk of the Town of Dominion namely, Bruce Clark.
6. That unfortunately the deeds that she had received were not recorded and subsequently were lost. In accordance with the letter attached as Schedule "A" I did retain the services of Carl MacDonald, NSLS to conduct a survey as was recommended in the letter. Attached hereto as Schedule "B" is a copy of an abstract from the file of Carl MacDonald which was obtained through my solicitor.
7. That the Town issued a deed to my mother, Mary McNeil using the revised description prepared by Carl MacDonald and the Deed is attached as Schedule "C". My mother conveyed the subject property to me, a copy of which is attached as Schedule "D".
8. That David Attwood, NSLS prepared descriptions relating to the Shore lot as well as the Archie McNeil lot which are attached as Schedules "E" and "F".
9. That I have been intending to construct a duplex on the property and David Attwood, NSLS had prepared a survey plan which is attached hereto as Schedule "G".

- 10. That I respectfully petition the Cape Breton Regional Municipality as successor to the Town of Dominion to issue a Confirmatory Deed to replace the Tax Deeds originally lost.
- 11. That I make this Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under and by virtue of the CANADA EVIDENCE ACT.

Sworn To before me at Glace Bay  
 in the Cape Breton Regional Municipality  
 Province of Nova Scotia  
 on this 2 day of November  
 2015

ORIGINAL SIGNED BY

\_\_\_\_\_  
 A Barrister/Commissioner of the  
 Supreme Court of Nova Scotia

**WILLIAM R. BURKE**  
 Commissioner of the Supreme Court  
 of Nova Scotia

ORIGINAL SIGNED BY

\_\_\_\_\_  
**BERNARD MCNEIL**

Schedule 'A'  
TOWN OF DOMINION  
NOVA SCOTIA

TOWN CLERK TREASURER  
B. A. CLARK

DEPUTY TOWN CLERK  
CELIA MCINTYRE

July 8, 1976

Mrs. Mary MacNeil  
103 King's Road  
Dominion, N.S.

Dear Mrs. MacNeil:

Enclosed please find "Town Tax Deeds" for the properties of Isadore Shore, and Est. Archie K. McNeil, King's Road, Dominion which you purchased at our Town Tax Sale of July 5, 1976.

I would suggest that you have these properties surveyed by a Registered Land Surveyor to determine the exact size of these properties, and have your Deeds recorded at the Register of Deeds in Sydney as soon as possible.

If we can be of any assistance to you please have your Lawyer or yourself notify us.

Yours very truly,

ORIGINAL SIGNED BY  
Bruce A. Clark  
Town Clerk

BAC/coh

Encls.

Schedule 'B'

1191

DESCRIPTION  
FROM  
MARY MACNEIL  
TO  
BERNARD MACNEIL

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of Dominion, County of Cape Breton, Province of Nova Scotia, and more particularly bounded and described as follows:

BEGINNING at a point on the southern boundary of King's Road, said point being distant easterly 117.5 feet from the intersection formed by the southern boundary of King's Road with the division line between the western boundary of the lands of the Grantor herein and the eastern boundary of the lands of Maxwell Leadbetter;

THENCE S 70° 00' E, along the southern boundary of King's Road, a distance of 100 feet to a point on the western boundary of lands of the Town of Dominion, said point being distant westerly 36 feet from the western boundary of the lands of Walter Hanrahan;

THENCE S 20° 00' W, along the western boundary of the lands of the Town of Dominion, a distance of 137.7 feet to a point on the northern boundary of the Devco Railway;

THENCE N 88° 50' W, along the northern boundary of the Devco Railway, a distance of 105.3 feet to a point;

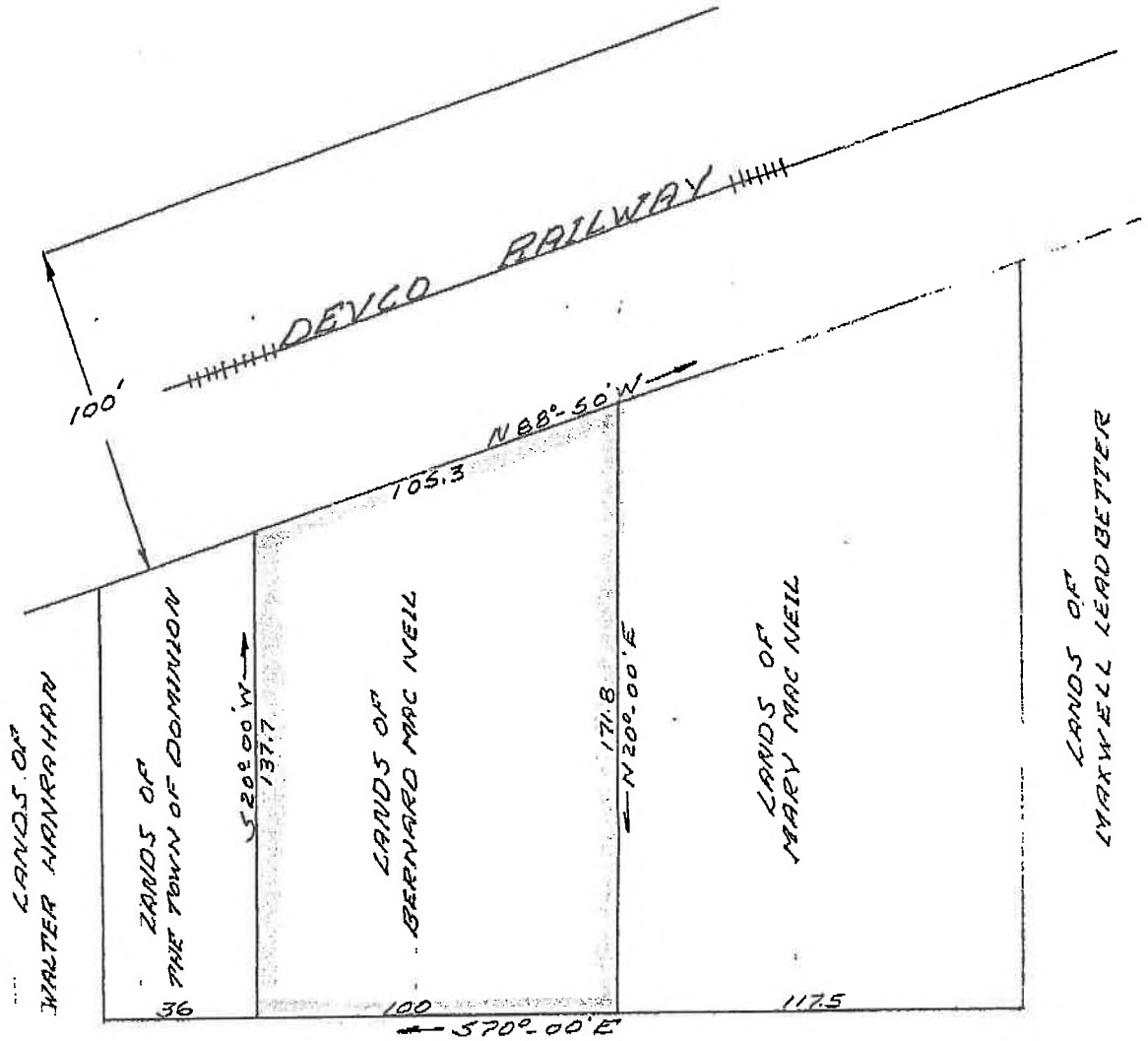
THENCE N 20° 00' E, a distance of 171.8 feet to the southern boundary of King's Road and the place of beginning.

J. Carl MacDonald, N.S.L.S.  
Nova Scotia Land Surveyor  
Dated: August 18, 1976

PLAN  
SHOWING  
LANDS OF BERNARD MAC NEIL.  
SCALE: 2" = 40'

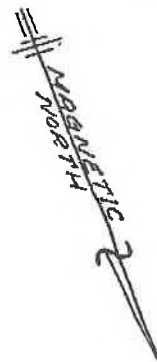
DOMINION N.S.  
DATE: 12, MAY 1971

J. Carl Macdonald N.S.L.S.  
C. CARL MAC DONALD, N.S.L.S.  
NOVA SCOTIA LAND SURVEYOR



KINGS

ROAD



Schedule 'C'

Page 742 Sec. 7224

This Indenture made this 16<sup>th</sup> day of , A.D., 1977

BETWEEN:

TOWN OF DOMINION, a body corporate duly incorporated under the Laws of Nova Scotia, in the County of Cape Breton, Province of Nova Scotia.

hereinafter called the "GRANTOR" OF THE ONE PART

—and—

MARY MACNEIL, of the Town of Dominion, in the County of Cape Breton, Province of Nova Scotia.

hereinafter called the "GRANTEE" OF THE OTHER PART

WITNESSETH that in consideration of the sum of One Dollar of lawful money of Canada and other goods and valuable Dollar (\$1.00) consideration.

The Grantor hereby quits claim to the Grantee the lands described in the Schedule marked "A" hereto annexed.

IN WITNESS WHEREOF the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of

TOWN OF DOMINION ORIGINAL SIGNED BY

ORIGINAL SIGNED BY

(23)

SCHEDULE "A"

743

ALL THAT CERTAIN lot, piece or parcel of Land situate, lying and being in the Town of Dominion, County of Cape Breton, Province of Nova Scotia and more particularly bounded and described as follows:

- BEGINNING: at a point on the southern boundary of King's Road, said point being distant easterly 117.5 feet from the intersection formed by the southern boundary of King's Road with the division line between the western boundary of the lands of the Grantor herein and the eastern boundary of the lands of Maxwell Leadbetter;
- THENCE: S 70° 00'E, along the southern boundary of King's Road, a distance of 100 feet to a point on the western boundary of lands of the Town of Dominion, said point being distant westerly 36 feet from the western boundary of the lands of Walter Manrahan;
- THENCE: S20° 00'W, along the western boundary of the lands of the Town of Dominion, a distance of 137.7 feet to a point on the northern boundary of the Devco Railway;
- THENCE: N68° 50'W, along the northern boundary of the Devco Railway, a distance of 105.3 feet to a point;
- THENCE: N20° 00'E, a distance of 171.8 feet to the southern boundary of King's Road and the place of beginning.

PROVINCE OF NOVA SCOTIA  
COUNTY OF CAPE BRETON

SS

ON THIS 21st day of June, 1977 before me, the subscriber personally came and appeared Cecilia McIntyre, a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that, The Town of Dominion, the party thereto, executed the said Indenture by the Hands of Arthur MacDonald, the Mayor and Bruce Clark, the Treasurer who affixed thereto the corporate seal of the said Town in her presence.

ORIGINAL SIGNED BY

A COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

J. REEVES MATHESON  
Commissioner of the  
Supreme Court of Nova Scotia

Province of Nova Scotia	Office of Registry of Deeds
Cape Breton S. S.	Sydney, JUN 22 1977
I certify that the within instrument was registered in this office at 9.48 on this day	
in Book 1110 page 743	
of the foregoing certificate.	<i>[Signature]</i>
	Registrar of Deeds

Schedule 'D'

Page 744 Sec. 7225

This Indenture made this 21st

day of June

A. D. 1977

BETWEEN

MARY MACNEIL, of the Town of Dominion,  
in the County of Cape Breton,  
Province of Nova Scotia.

hereinafter called the "GRANTOR"

OF THE ONE PART

and

BERNARD MACNEIL, of the Town of Dominion,  
in the County of Cape Breton,  
Province of Nova Scotia.

hereinafter called the "GRANTEE"

OF THE OTHER PART

WITNESSETH that in consideration of the sum of One Dollar of lawful Dollars (\$1.00)  
money of Canada and other goods and valuable consideration.

The Grantor hereby convey to the grantee the lands described in the Schedule partic-  
ed "A" hereto annexed.

SCHEDULE "A" 745

ALL THAT CERTAIN lot, piece or parcel of Land situate, lying and being in the Town of Dominion, County of Cape Breton, Province of Nova Scotia, and more particularly bounded and described as follows:

- BEGINNING: at a point on the southern boundary of King's Road, said point being distant easterly 117.5 feet from the intersection formed by the southern boundary of King's Road with the division line between the western boundary of the lands of the Grantor herein and the eastern boundary of the lands of Maxwell Leadbetter;
- THENCE: S 70° 00'E, along the southern boundary of King's Road, a distance of 100 feet to a point on the western boundary of lands of the Town of Dominion, said point being distant westerly 36 feet from the western boundary of the lands of Walter Hamrahan;
- THENCE: S 20° 00'W, along the western boundary of the lands of the Town of Dominion, a distance of 137.7 feet to a point on the northern boundary of the Devoe Railway;
- THENCE: N 88° 50'W, along the northern boundary of the Devoe Railway, a distance of 105.3 feet to a point;
- THENCE: N 20° 00'E, a distance of 171.8 feet to the southern boundary of King's Road and the place of beginning.

746

THE GRANTOR

covenant with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the said Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the said Grantor will procure such further assurance as may be reasonably required.

IN WITNESS WHEREOF the said Grantor has hereunto set her hand and affixed her seal the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of

ORIGINAL SIGNED BY

~~Valerie Matheson~~

ORIGINAL SIGNED BY MARY MACNEILL

PROVINCE OF NOVA SCOTIA COUNTY OF SS

ON THIS 21st day of June, A.D., 1977 before me, the subscriber personally came and appeared Valerie Matheson, a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that Mary MacNeill one of the parties thereto, signed, sealed, and delivered the same in her presence.

ORIGINAL SIGNED BY

A Commissioner of the Supreme Court of Nova Scotia J. REEVES MATHESON Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA COUNTY OF SS

I CERTIFY that on this 21st day of June

A.D. 1977

of the properties mentioned in the foregoing Indenture and annexed Indenture signed and executed the said Indenture in my presence and have signed as a witness to such execution. I certify that the within instrument was registered in this office at 9:48 AM this day JUN 22 1977 in Book 1110 pages 744 on folio of the foregoing certificate.

ORIGINAL SIGNED BY

A Commissioner of the Supreme Court of Nova Scotia

J. Reeves Matheson

Registrar of Deeds

Schedule 'E'

Schedule "A"

All that certain lot, piece or parcel of land situate, lying and being on Kings Road, Dominion, County of Cape Breton, Province of Nova Scotia and being on a plan of survey entitled "Plan of survey showing Parcel-A, being lands deeded to Bernard MacNeil and showing proposed boundary line agreement on Line A-B", prepared by David Attwood, NSLS, dated August 20, 2015, (and being hereinafter referred to as the "plan") and being more particularly bounded and described as follows:

- Beginning:** at a point at the intersection of the southern boundary of formerly lands deeded to Fruma Shore (see book 541, at page 34) with the eastern boundary of lands deeded to Mary E. MacNeil (see book 2334, at page 958). Said point being 66 feet southerly from a placed survey marker at the intersection of the southern boundary of Kings Road with the said eastern boundary of lands deeded to Mary E. MacNeil, as shown on said plan;
- Thence:** in an easterly direction along the said southern boundary of formerly lands deeded to Fruma Shore for a distance of 66 feet to a point at the intersection with the western boundary of formerly lands of Charles McNeil;
- Thence:** in a southerly direction along the said western boundary of formerly lands of Charles McNeil for a distance of 80 feet, more or less, to a point at the intersection with the northwestern boundary of the former Sydney - Louisbourg Railway;
- Thence:** on a bearing of 246 degrees 33 minutes 57 seconds along the said northwestern boundary of the former Sydney - Louisbourg Railway for a distance of 69 feet, more or less, to a placed survey marker at the intersection with the eastern boundary of lands deeded to Agnes McInnis (see book 168, page 282);
- Thence:** on a bearing of 353 degrees 18 minutes 28 seconds along the said eastern boundary of lands deeded to Agnes McInnis and the said eastern boundary of lands deeded to Mary E. MacNeil for a distance of 102 feet, more or less, to the point of beginning.

Said above described lot, being intended to be the remaining lands deeded to Benjamin Edwards & Lucy Edwards, as recorded in book 267, at page 298, being occupied by Archie K. McNeil.

All bearings herein described are grid bearings and referenced to the Nova Scotia 3° modified transverse mercator projection, zone 4, central meridian 61°30' west longitude, of the 1979 adjustment.

Archie K. McNeil

Schedule 'F'

Schedule "A"

All that certain lot, piece or parcel of land situate, lying and being on Kings Road, Dominion, County of Cape Breton, Province of Nova Scotia and being shown on a plan of survey entitled "Plan of survey showing Parcel-A, being lands deeded to Bernard MacNeil and showing proposed boundary line agreement on Line A-B", prepared by David Attwood, NSLS, dated August 20, 2015, (and being hereinafter referred to as the "plan") and being more particularly bounded and described as follows:

- Beginning:** at a placed survey marker at the intersection of the southern boundary of Kings Road with the eastern boundary of lands deeded to Mary E. MacNeil (see book 2334, at page 958), as shown on said plan;
- Thence:** on a bearing of 85 degrees 02 minutes 27 seconds along the said southern boundary of Kings Road for a distance of 66 feet to a point at the intersection with the western boundary of formerly lands of Charles MacNeil;
- Thence:** in a southerly direction along the said western boundary of formerly lands of Charles MacNeil for a distance of 66 feet to the intersection with the northern boundary of the remaining lands formerly deeded to Benjamin Edwards & Lucy Edwards (see book 267, at page 298), formerly occupied by Archie K. McNeil;
- Thence:** in a westerly direction along the said northern boundary of the remaining lands formerly deeded to Benjamin Edwards & Lucy Edwards (see book 267, at page 298), formerly occupied by Archie K. McNeil for a distance of 66 feet to the intersection with the said eastern boundary of lands deeded to Mary E. MacNeil;
- Thence:** on a bearing of 353 degrees 18 minutes 28 seconds along the said eastern boundary of lands deeded to Mary E. MacNeil for a distance of 66 feet to the point of beginning.

Said above described lot, being intended to be lands deeded to Fruma Shore, as recorded in book 541, at page 34.

All bearings herein described are grid bearings and referenced to the Nova Scotia 3° modified transverse mercator projection, zone 4, central meridian 61°30' west longitude, of the 1979 adjustment.

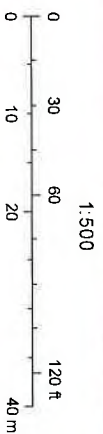
Shore.



Cape Breton Regional Municipality



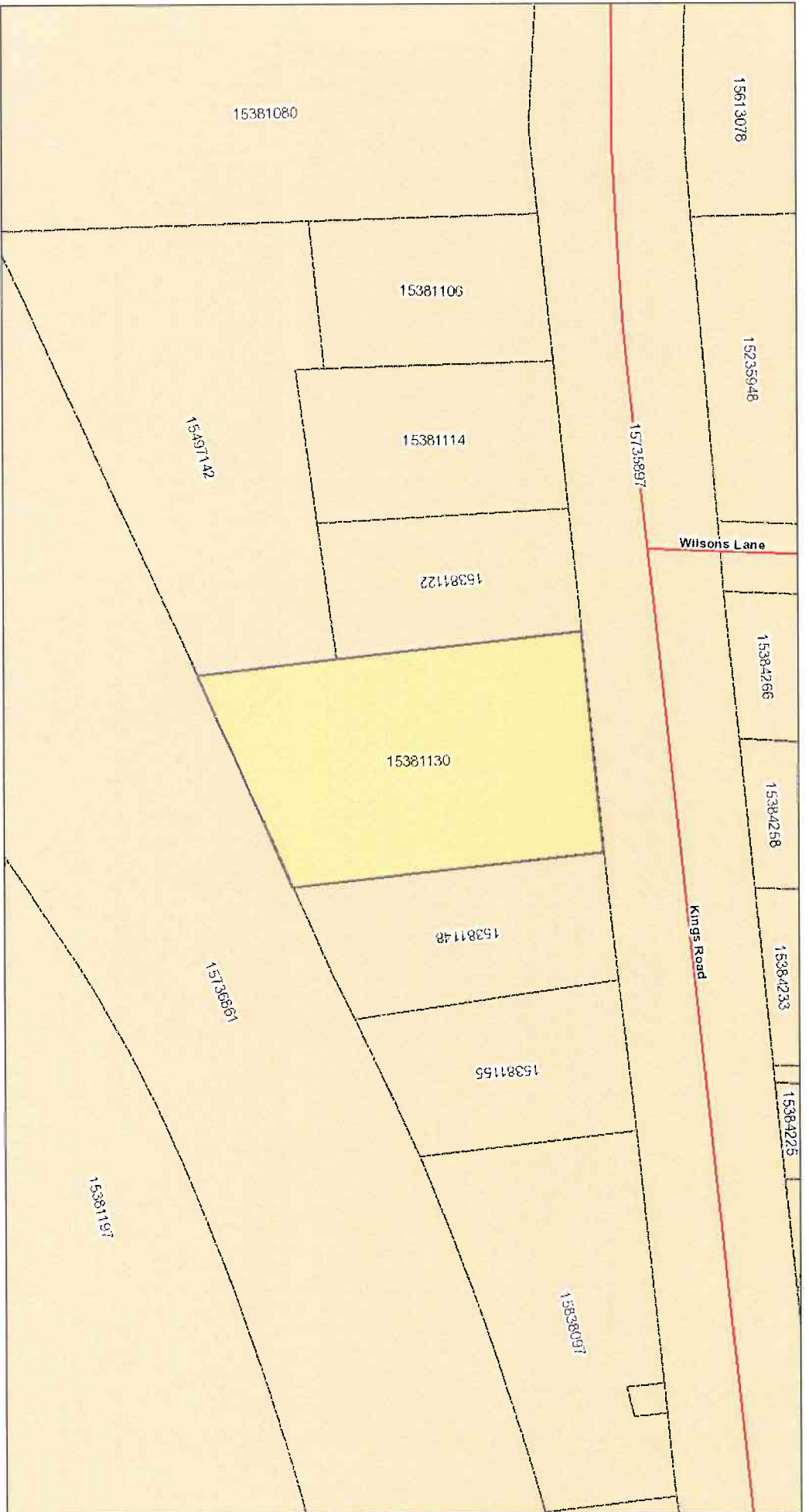
November 9, 2015



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Created by: Cape Breton Regional Municipality

# Cape Breton Regional Municipality



November 9, 2015



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# ISSUE PAPER

October 30, 2015

To: CBRM Council

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## Approval of Event Ticketing System for Centre 200

### BACKGROUND:

The CBRM provides event ticketing for both Centre 200 and the Savoy under the brand Tickets.capebreton.ca. The existing contract is with Audienceview Ticketing Corporation and has expired. Therefore, it has become necessary to re-tender. The previous contract was for a 5 year term.

The RFP was issued in January 2015 as per the CBRM Procurement Policy with an expiry date of February 19, 2015.

The CBRM received 7 responses. All responses were evaluated by the evaluation committee using the evaluation criteria provided in the RFP package. The evaluation committee consisted of Paul MacDonald, Manager of Facilities, John MacKinnon, Director of Technology, and Leanne MacNeil, Procurement Dept. CBRM.

Factor	Weight (Points)	Proposal Reference Page/Section
Description of Deliverables Methodology	10	
Assessment of Vendor's Technology Solution	20	
Vendor's Experience implementing similar solutions	30	
Vendor's References	10	
Cost – Of Proposal	30	
<b>Total</b>	<b>100</b>	

---

After the evaluation, Audienceview, our current provider, was ranked the highest and was recommended by the evaluation committee. The committee offered Audienceview to meet with the team and present the latest enhancements and clarify/confirm the contents of their response. Lindsey Mertz, Director of Sales Support & Operations, attended a meeting at the CBRM where he presented Audienceview's solution. Pam Leader, from the Savoy Theater, was in attendance as an observer.

Items were clarified and the committee met subsequent to the Audienceview presentation and confirmed their previous recommendation.

### Highlights of Contract

- Contract Length - 3 year contract with 2 year options for potential 5 years
- Monthly Subscription - \$7,000/month (\$84,000/year)
- Rate Reduction – The CBRM payed approx. \$100,000 per annum over the last 5 years. Given the same volumes, the savings to the CBRM will be over \$45,000 over the 5 years.
- Volume Increase – The volume cap was increased to 100,000 single tickets. While this doesn't translate into savings today, an increase in volume processed through the system will effectively decrease CBRM's per unit cost. It stabilizes your budgeting cycles and provides nearly 17% growth over the term of the agreement at no additional cost.
- Upgrades: In addition to the discount, Audienceview also included upgrades to be provided free of charge. Under your previous agreement, this would have amounted to an average of \$15K per upgrade. This represents savings of at least \$30K over the five year term.
- Renewal Discount: 25% off the first three (3) months which equates to a total discount of \$5,250.  
Managed Services: Audienceview is offering up six (6) months of free Managed Services. The overall cost of this service can range depending on the specific needs but average costs are in the range of \$12 to \$15K range (per annum).

**RECOMMENDATION:**

It is the recommendation of the Committee to approve the contract with Audienceview.

**ORIGINAL SIGNED BY**

---

**John MacKinnon, P.Eng.**  
**Director of Technology**  
**CBRM**

**ORIGINAL SIGNED BY**

---

**Paul MacDonald**  
**Manager of Facilities**



# **CBRM**

*A Community of Communities*

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**Demetri Kachafanas**  
**Regional Solicitor**  
**563-5047**

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## ISSUE PAPER

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**TO:** General Committee

**FROM:** Demetri Kachafanas  
Regional Solicitor

**SUBJECT:** Request for Street Closure  
Harbour Royale Developments Ltd.  
Portion of Esplanade  
My File No. 07211

**DATE:** 13 November 2015

---

I am in receipt of a request on behalf of Harbour Royale Developments Limited to close a portion of the Esplanade, Sydney, as shown on a copy of the attached survey plan.

The Engineering Department has advised that there is no objection to this request. I would request a Motion to proceed with the above-requested street closure and the subject area be deemed surplus to the needs of the CBRM to allow for Harbour Royale Developments Limited to purchase same.

Thank you.

Sincerely,

**ORIGINAL SIGNED BY**  
**Demetri Kachafanas**  
Regional Solicitor

DK/er  
Attachment



**Zoning Amendment Application 1012 – Art Mullins, Woodland Timer Mart, 35 Ryan Street, Glace Bay (PID# 15437510):**

Ms. Karen Neville, Planner provided background information on this issue.

**Motion:**

Moved by Councillor Flynn, seconded by Councillor MacLeod, approval to advertise notice of a Public Hearing to be held at the November 17<sup>th</sup>, 2015 meeting of Council to consider the zoning amendment application - 1012 made by Mr. Art Mullins, Woodland Timber Mart, 35 Ryan Street, Glace Bay (PID # 15437510) to permit a building supply dealership.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: ZONING AMENDMENT APPLICATION – 1012  
Art Mullins  
Woodland Timber Mart  
35 Ryan Street, Glace Bay (PID 15437510)**

**DATE: November 9<sup>th</sup>, 2015**

---

### **Introduction**

Mr. Art Mullins, the owner of Woodland Timber Mart, has requested to purchase a portion of CBRM land located behind his existing business at 22 West Ave, Glace Bay. Mr. Mullins is proposing to acquire an additional 50 feet beyond the back lot line of his existing property, which measures approximately 314 feet in length (Attachment A). Mr. Mullins would utilize the proposed area for additional lumber yard space and possibly construct a storage shed.

The land Mr. Mullins is requesting to purchase is a portion of the Table Head Little League Ball Fields. In September of 2010, Mr. Mullins acquired an 18,504 sq. ft. section of land from the very same parcel, as shown on Attachment B and labeled PID 15852296. The 2010 expansion has been utilized to its maximum capacity, as a result Mr. Mullins is requesting to purchase additional land.

The existing rear lot line of the building supply dealership is approximately 97 feet from an existing fence which encloses an active little league baseball field. The requested 50 feet of additional land would bring the nearest point of the ballfield fence to within approximately 47 feet of the proposed adjusted rear lot line of the lumber yard.

### **Why a zoning amendment is necessary for this development?**

The current site of the Woodland Timber Mart (PIDs 15669666 and 15852296) is under the jurisdiction of the Arterial Business Corridor (ABC) zone of the CBRM Land Use By-law. The ABC zone does permit a building supply dealership. The CBRM Land Use By-law identifies PID 15437510 as the Residential Urban C (RUC) [Attachment B]. The RUC does not permit a building supply dealership, as a result Mr. Mullins is requesting the zoning on the properties be amended prior to purchasing the property.

### **Why should a zoning amendment be considered?**

The proposed area would immediately border the Glace Bay Public Works Center storage compound yard, to the west. To the east of the subject site are four vacant low lying lots. Policy 16, Part 10 of the Municipal

Planning Strategy (MPS) indicates Council may consider a zone amendment to a zone immediately adjacent without requiring an amendment to the MPS. In this case, the proposed zone request is the ABC zone, which is immediately adjacent to the property in question, and therefore the request is in keeping with the MP5.

As part of the application to purchase CBRM property, Ken Smith, Property Management Services, circulated Mr. Mullins' request to Mr. Bill Murphy, Director of Recreation, Parks and Grounds/Building and Facilities, and Mr. John Phalen, Manager, Engineering and Public Works, East, for their review. In their opinion, the requested area is surplus to the needs of the Municipality (Attachment C and D). In addition, Bill Murphy indicated that Mr. Mullins should be advised that the Municipality may extend the existing baseball fields approximately 35ft.

Given the land uses in the surrounding area, the content of Policy 16, Part 10 of the MPS, and input from Bill Murphy and John Phalen it is reasonable for Council to consider the request to amend the zoning on a 50ft X 314ft portion of PID 15437510 from the RUC zone to the ABC zone. In addition, if Council decides to approve this zone amendment, staff will also be recommending that this 50ft X 314ft portion of PID 15437510 be declared surplus.

#### **Notification of Neighbours**

Notice was this application was placed in the November 2<sup>nd</sup> and November 9<sup>th</sup> editions of the Cape Breton Post. Notice was also mailed out to assessed property owners in the vicinity of the property in question (PID 15437510). At the time this report was prepared no written comments were received by the Planning and Development Department.

#### **Recommendation**

The application made by Mr. Mullins involves a request to purchase of CBRM land and a zone amendment; therefore two motions by Council are required.

I recommend that Council approved amending the zoning for the 50ft X 314ft portion of PID 15437510 identified in Schedule A of the Amending By-law (Attachment E) from Residential Urban C (RUC) to Arterial Business Corridor (ABC) by passing a motion to the Amending By-law accompanying this report.

I recommend that Council declare the 50ft X 314ft portion of PID 15437510 identified in Schedule A of the Amending By-law as surplus.

The Amending By-law can be found in Attachment E.

#### **Submitted by:**

#### **Originally Signed By**

**Karen Neville**  
**Planning and Development Department**

A

Public Works

Area Requested

West Avenue

Woodland Timber Mart

Sterling Road

Ryan Street

Tennyson Street

Timmerman Street



B

ABC

Public Works

Woodland Timber Mart

ABC

West Avenue

Area Requested

15669666

15852296

15437510

RUC

No Zoning

Sterling Road

Ryan Street

Tennyson Street

Timmerman Street



# Cape Breton Regional Municipality

2nd Floor, Civic Centre  
320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9

Telephone/Voice Mail : 563-5093  
Facsimile : 564-0481  
E-mail klsmith@region.cape-breton.ns.ca



Office of : Kenneth L. Smith M.C.I.P.  
Planner

Property Management Services

## SURPLUS PROPERTY CONFIRMATION

August 7, 2015

ATTENTION: Mr. Bill Murphy, Manager, Buildings and Grounds

**PROPERTY**

LOCATION: West Avenue, Glace Bay (see attached maps)

REGARDING: Request by Art Mullins of Woodland Building Supplies Ltd. to acquire a 50' wide by approximately 314' long strip of CBRM land located behind his existing business on West Avenue, Glace Bay. The requested area is part of a 44 acre site, a portion of which contains the Table Head Ball Fields.

**ADDITIONAL**

INFORMATION: The requested area would be used for additional lumber yard storage and possibly a storage shed.

The noted property:

- (  ) IS considered to be surplus property by my Department. (additional comments?y/n\_\_\_\_\_)
- (  ) IS NOT considered to be surplus property by my Department because:

*new owner should be advised the municipality may extend the existing baseball field approximately 35 ft.*

signed by:

**ORIGINAL SIGNED BY**

# Cape Breton Regional Municipality

2nd Floor, Civic Centre  
320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9

Telephone/Voice Mail : 563-5093  
Facsimile : 564-0481  
E-mail klsmith@region.cape-breton.ns.ca



Office of : Kenneth L. Smith M.C.I.P.  
Planner

Property Management Services

## SURPLUS PROPERTY CONFIRMATION

August 7, 2015

ATTENTION: Mr. John Phalen, Manager, Engineering and Public Works East

**PROPERTY**

LOCATION: West Avenue, Glace Bay (see attached maps)

REGARDING: Request by Art Mullins of Woodland Building Supplies Ltd. to acquire a 50' wide by approximately 314' long strip of CBRM land located behind his existing business on West Avenue, Glace Bay. The requested area is part of a 44 acre site, a portion of which contains the Table Head Ball Fields.

**ADDITIONAL**

INFORMATION: The requested area would be used for additional lumber yard storage and possibly a storage shed.

The noted property:

- IS considered to be surplus property by my Department. (additional comments?/n \_\_\_\_\_)
- IS NOT considered to be surplus property by my Department because:

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---



---

signed by:

**ORIGINAL SIGNED BY**

*John Phalen*

**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 Residential Urban C (RUC) Zone in effect for the portion of PID 15437510 identified in Schedule A replacing it with the Arterial Business Corridor (ABC) Zone.

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

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**MAYOR**

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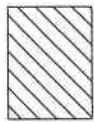
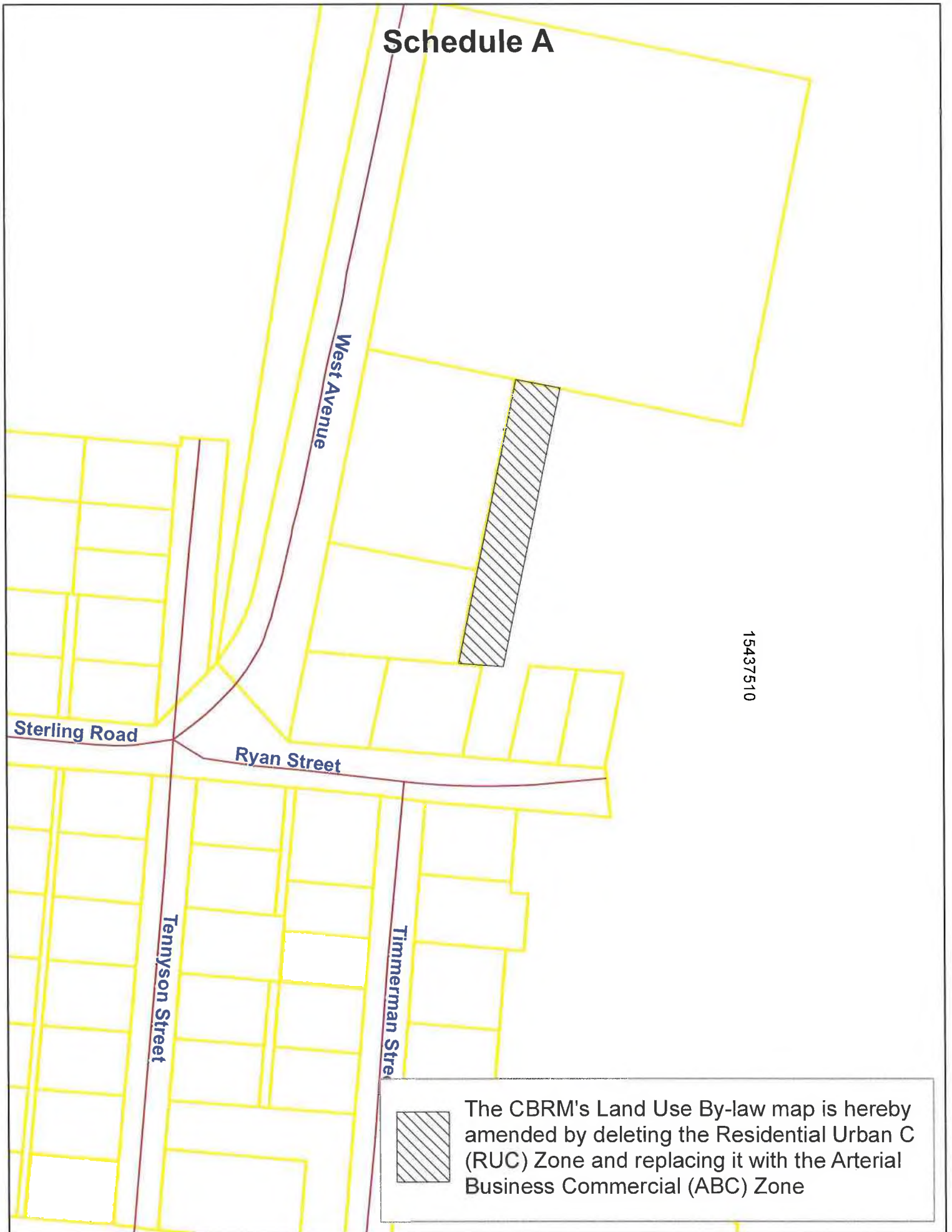
**CLERK**

***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 \_\_\_\_\_ to amend the Cape Breton Regional Municipality's Land Use By-law.

---

Deborah Campbell, CLERK

# Schedule A



The CBRM's Land Use By-law map is hereby amended by deleting the Residential Urban C (RUC) Zone and replacing it with the Arterial Business Commercial (ABC) Zone

**Request by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney. (PID numbers 15058720 and 15697568) – Report on Public Participation Program:**

Mr. Rick McCready, Senior Planner, provided background information on this issue, and a summary of the Public Participation Program which consisted of two (2) public meetings held concerning the proposed development with little opposition to the development.

Mr. McCready advised Council in order for this proposed development to proceed, Council will be required to approve easements and/or land transfers to facilitate access to the new building. He noted that staff has not completed negotiations with the developer on the details at this time so this issue will be brought back at a later date.

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, approval to advertise notice of a Public Hearing to be held at the November 17<sup>th</sup>, 2015 meeting of Council to consider the application made by Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney, PID numbers 15058720 and 15697568.

**Motion Carried.**



# CBRM

*A Community of Communities*

**Cape Breton Regional Municipality**

*Rick McCready*  
*Planning Department*

320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9  
Tel: 902-563-5072  
Fax: 902-539-9419

email: rgmccready@region.cape-breton.ns.ca

October 16, 2015

## **ISSUE PAPER**

**TO: Council**

**FROM: Rick McCready, MCIP, Senior Planner**

**RE: Request by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney. (PID numbers 15058720 and 15697568, as shown on attached map) – REPORT ON PUBLIC PARTICIPATION PROGRAM**

### **Background Information**

A request was received earlier this year by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property owned by Harbour Royale on the Esplanade. More specifically, the applicant is proposing to construct a multi-storey apartment building on the site containing rental units on the upper floors, with commercial space and weather protected parking within the lower levels. The letter also requests that the CBRM consider allowing the applicant, through an easement or other means, access to adjacent CBRM property to facilitate vehicular and pedestrian access to the new development. (A preliminary site plan for the development was distributed to Council is attached).

The site owned by Harbour Royale and the surrounding lands fall within the Waterfront Southern Sub-Area as detailed in the North End SPS and Land Use Bylaw which was adopted by Council in 2006. The policy governing this area was written specifically to accommodate an ambitious development proposal which was called Spanish Gates. That development included apartments, commercial space and a hotel within a large complex with varying roof lines. In 2006, Council reviewed the Spanish Gates proposal and a decision was made to include wording in the SPS to allow this development to proceed, but it was also agreed that the wording of the policy would limit the changes in the design and the mix of uses in the development. In other words, the policy is written to allow

Spanish Gates, or an almost identical development proposal, but does not allow any developments that are significant different.

The Harbour Royale project is much smaller than Spanish Gates, it is set back much further from the water, and the building itself is limited to the Harbour Royale property. It also differs from Spanish Gates in that there is no hotel and the exterior design is substantially different. As a result, changes to the policy are required if this project is to proceed. However, this proposal does meet many of the key criteria for the Waterfront Southern Sub-Area. It is a mixed use (residential-commercial) development, it would facilitate access to the waterfront, and it is consistent with the viewplanes that were adopted by Council in 2006.

### **Public Participation Program**

Council, following a recommendation from staff, approved a resolution earlier this year to carry out a public participation program to gather public input into the proposed development. This is a requirement under the Municipal Government Act whenever Council is considering amending a Planning Strategy policy. Council also agreed to request that the developer undertake at his expense the cost of conducting a traffic impact analysis of the proposed development.

The public participation program consisted of two public meetings that were held at the Civic Centre community room on the evenings of September 29 and October 5, 2015. At the meetings residents had the opportunity to review the plans for the development and to discuss the plans with the developer and his architect. Staff were also present to record any comments that were received. A copy of the traffic impact analysis (which was prepared by WSP Engineering of Halifax) was also available at the meeting.

Excluding the developer and his associates, staff and Council members, there were eight persons in attendance at the first meeting and fifteen at the second meeting. Most of the comments received were positive, although at the second meeting two individuals raised concerns regarding the changes in height and exterior design requirements that would have to be made to the bylaw to accommodate the development (the maximum height requirement would have to be increased to 11 storeys from eight storeys, and the requirement that building facades be primarily composed of brick or wood or materials that have the appearance of wood or brick would have to be deleted). The concerns seemed to be focused not so much on the building being proposed by Harbour Royale but on the fear that if this amendment proceeds that other, similar buildings will be built throughout the waterfront area.

No concerns were raised regarding the site plan or traffic circulation plan, although the traffic impact analysis report by WSP does recommend some changes to the site plan which staff intend to address in the wording of the proposed amendments.

The developer indicated at the second meeting that he did not wish to revise the plans to reduce the height of the building or to change the building's exterior appearance. In other

words, he is requesting that Council approve amendments that will accommodate the proposed building as shown in the attached plans.

### **Recommendation**

**Given that there was little opposition to the development at the public meetings and that proposed development:**

- *Is consistent with the original goals of the North End Secondary Planning Strategy to encourage mixed residential/commercial development on the waterfront and to improve public access to the waterfront;*
- *Respects the original policies in the North End Planning Strategy to protect harbour views from the Esplanade and from Dorchester Street;*
- *Is consistent with the land use and urban design recommendations for this particular site found in the Ekistics report on future development of the Sydney waterfront;*
- *Is compatible in scale and architectural style with nearby buildings located across the street;*

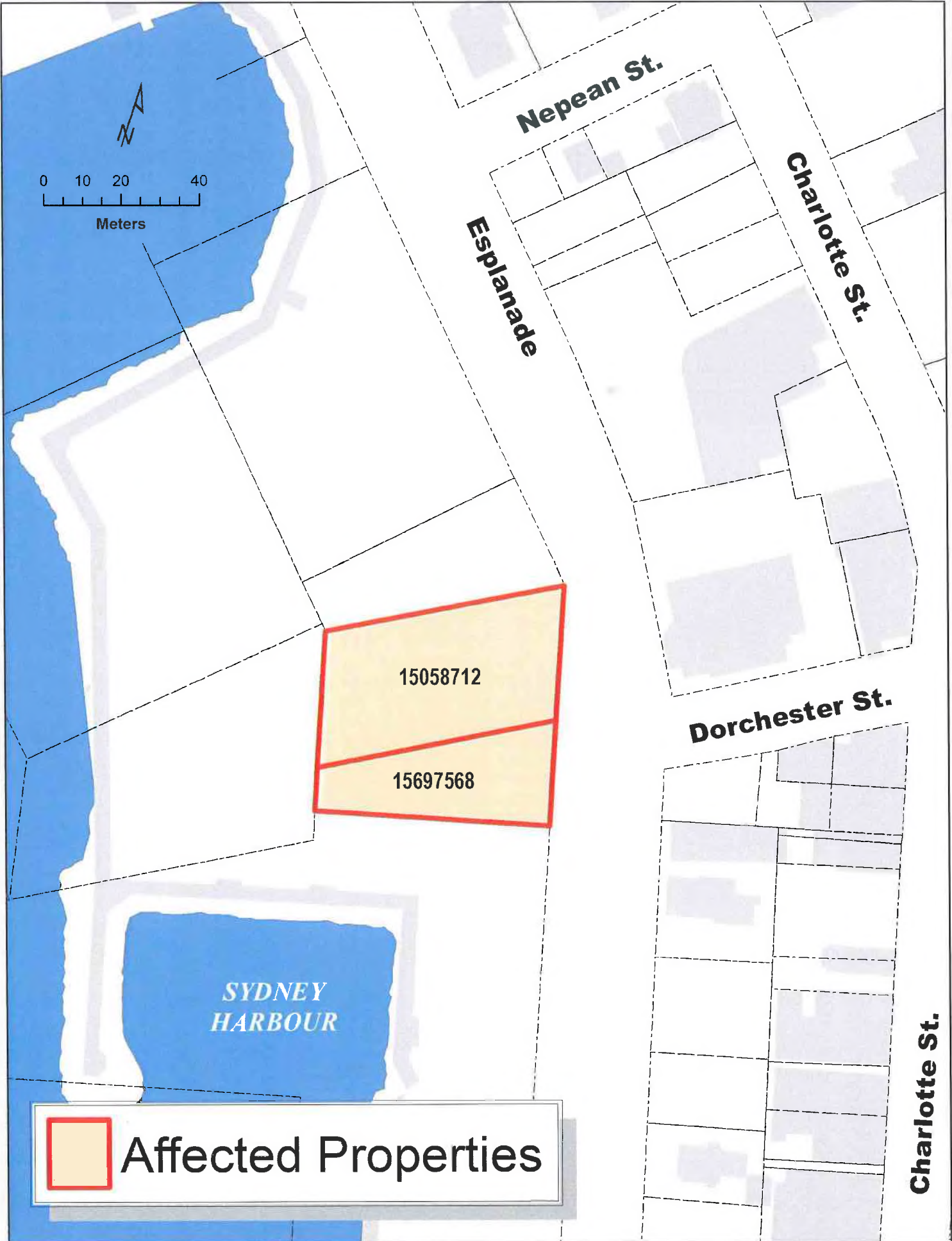
**Staff is prepared to recommend that Council set the date for a formal public hearing on amendments to accommodate this development. A draft resolution for Council to consider outlining the amendments will be ready for the October 20 Council meeting.**

Council is advised that in order for this development to proceed as proposed Council will be required to approve easements and/or land transfers to facilitate access to the new building. Staff has not completed negotiations with the developer on these details at this time so they will not be ready for Council to review on October 20 and will have to be dealt with at a later date.

Yours very truly,

**ORIGINAL SIGNED BY**

Rick McCready, MCIP  
Senior Planner



**Affected Properties**

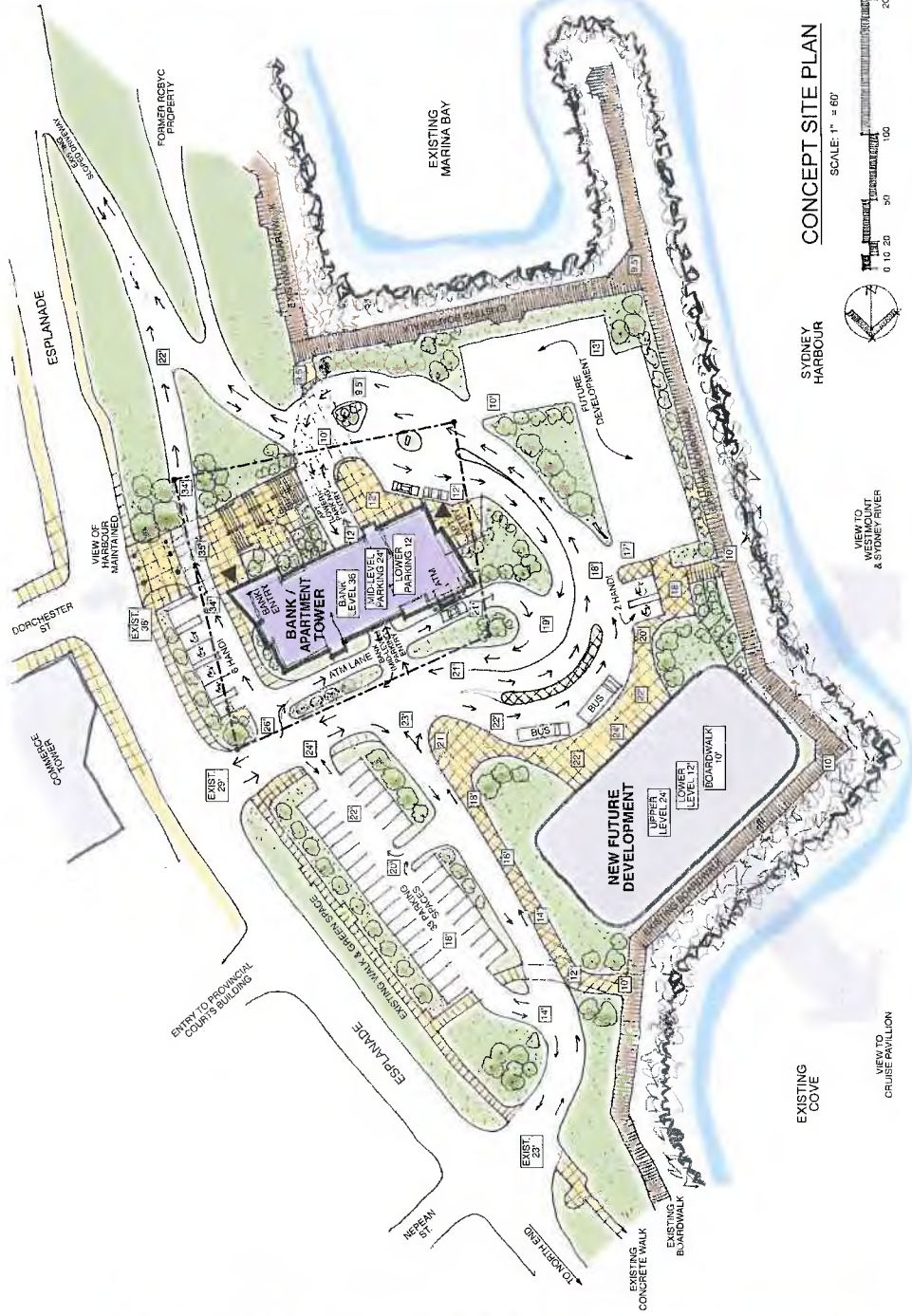
# SHEET INDEX

- 1 CONCEPT SITE PLAN & SITE KEY PLAN
- 2 DORCHESTER VIEW (PERSPECTIVE)
- 3 BOARDWALK VIEW (PERSPECTIVE)
- 4 NORTH-ESPLANADE VIEW (PERSPECTIVE)
- 5 SMALL SCALE PLANS & BUILDING SECTION
- 6 LOWER LEVEL PARKING PLAN
- 7 MID-LEVEL PARKING PLAN
- 8 MAIN LEVEL FLOOR PLAN (BANK)
- 9 LEVEL 4 TO 10 TYPICAL FLOOR PLAN (RESIDENTIAL)
- 10 TOP LEVEL PLAN w/ EVENT & FITNESS SPACE
- 11 ROOF PLAN
- 12 TYPICAL APARTMENT FLOOR PLANS
- 13 SOUTH ELEVATION
- 14 NORTH ELEVATION
- 15 EAST & WEST ELEVATION
- 16 BUILDING SECTION & TYPICAL WALL SECTION
- 17 SURVEY PLAN w/ PROPOSED EASEMENT BOUNDARIES
- 18 SURVEY PLAN w/ TOPOGRAPHIC INFORMATION



**SITE KEY PLAN**

SCALE: 1" = 1250'  
SCALE: 1" = 0.381 Km



**CONCEPT SITE PLAN**

SCALE: 1" = 60'



VIEW TO  
MARRICKVILLE  
& SYDNEY RIVER

VIEW TO  
CRUISE PAVILION



DORCHESTER VIEW

NOT TO SCALE

DORCHESTER VIEW (PERSPECTIVE)

**SHEET 2**

SHEET 2 of 18



**BOARDWALK VIEW**  
NOT TO SCALE

**BOARDWALK VIEW (PERSPECTIVE)**

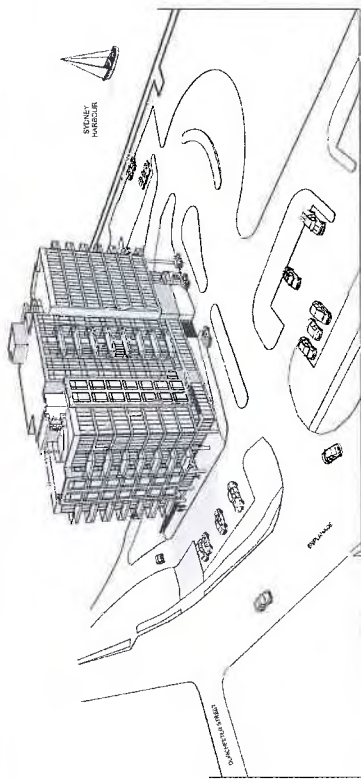
**SHEET 3**  
SHEET 3 OF 18



**NORTH ESPLANADE VIEW**  
NOT TO SCALE

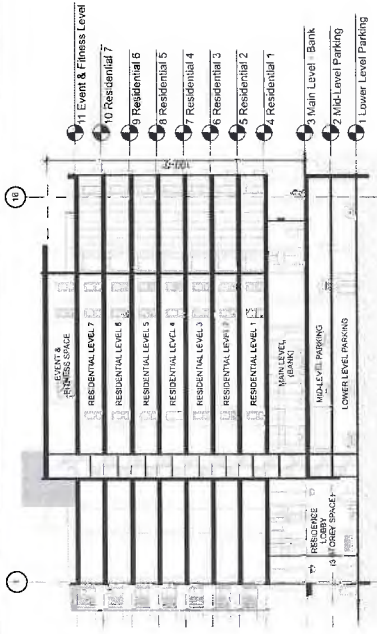
**NORTH-ESPLANADE VIEW (PERSPECTIVE)**

**SHEET 4**  
SHEET 4 of 18



**AERIAL PERSPECTIVE**

- PLAN LEGEND**
- 1 PARKING
  - 2 ELEVATOR
  - 3 BANK ENTRANCE
  - 4 BANK ATM VESTIBULE
  - 5 BANK RECEPTION
  - 6 BANK VAULT
  - 7 MINI-MART
  - 8 RESIDENTIAL LOBBY
  - 9 RESIDENTIAL UNIT A
  - 10 RESIDENTIAL UNIT B
  - 11 RESIDENTIAL UNIT C
  - 12 ROOFTOP DECK
  - 13 FITNESS SPACE
  - 14 EVENT SPACE



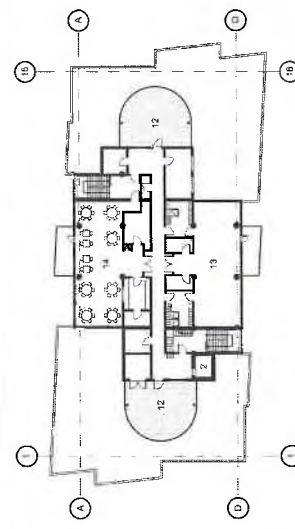
**B-B BUILDING SECTION**

SCALE: 1/32" = 1'-0"



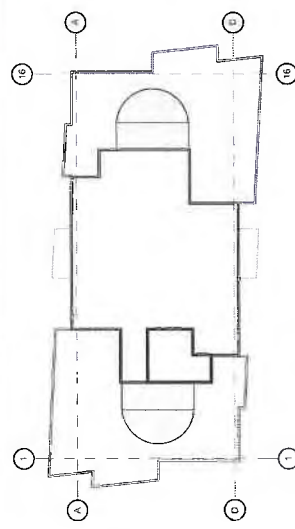
**LEVEL 4 TO 10 TYP. FLOOR PLAN (RESIDENTIAL)**

SCALE: 1/32" = 1'-0"



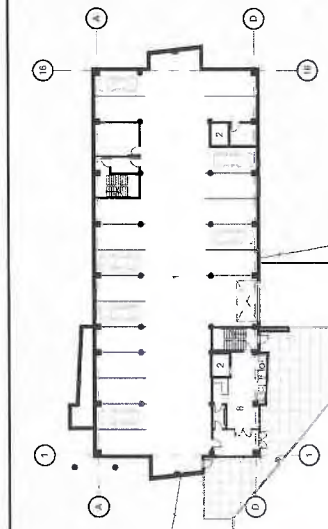
**TOP LEVEL PLAN w/ EVENT & FITNESS SPACE**

SCALE: 1/32" = 1'-0"



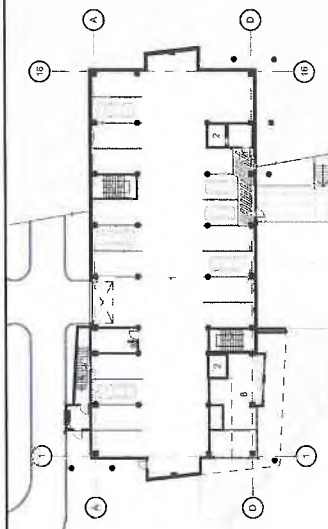
**ROOF PLAN**

SCALE: 1/32" = 1'-0"



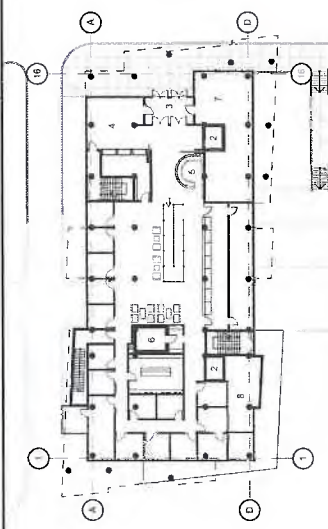
**LOWER LEVEL PARKING PLAN**

SCALE: 1/32" = 1'-0"



**MID-LEVEL PARKING PLAN**

SCALE: 1/32" = 1'-0"



**MAIN LEVEL FLOOR PLAN (BANK)**

SCALE: 1/32" = 1'-0"

**GROSS BUILDING AREAS (sq ft):**

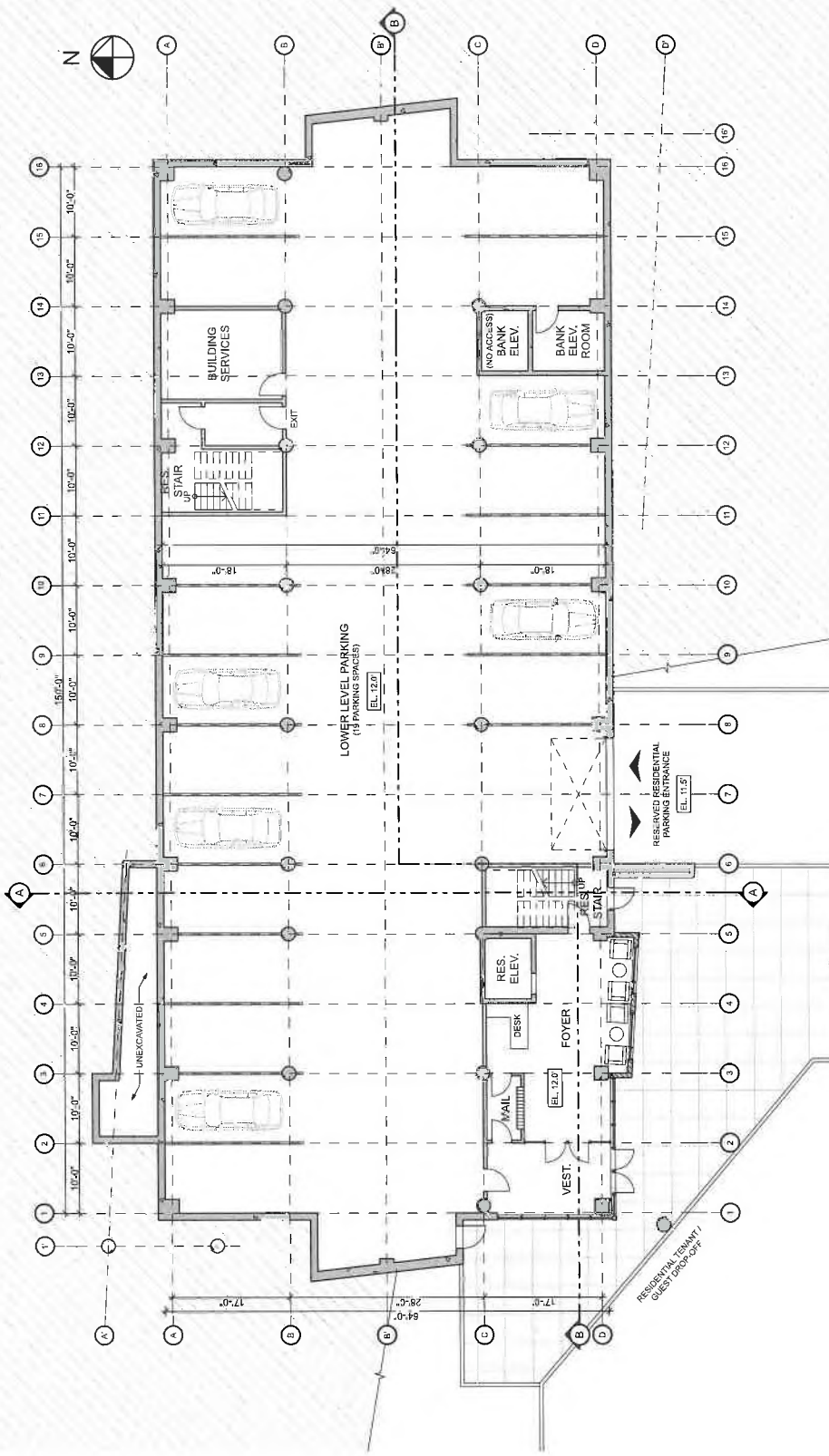
- LOWER LEVEL PARKING = 10,424
- MID-LEVEL PARKING = 9,972
- RESIDENTIAL (1,075 x 7) = 81,725
- EVENT & FITNESS LEVEL = 5,035
- TOTAL GROSS BUILDING AREA = 118,572 sq ft

**SMALL SCALE PLANS & BUILDING SECTION**

**SHEET 5**  
SHEET 5 of 18

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRM, SYDNEY, NOVA SCOTIA  
McCarthy May 11, 2015  
TDC No. 14-005

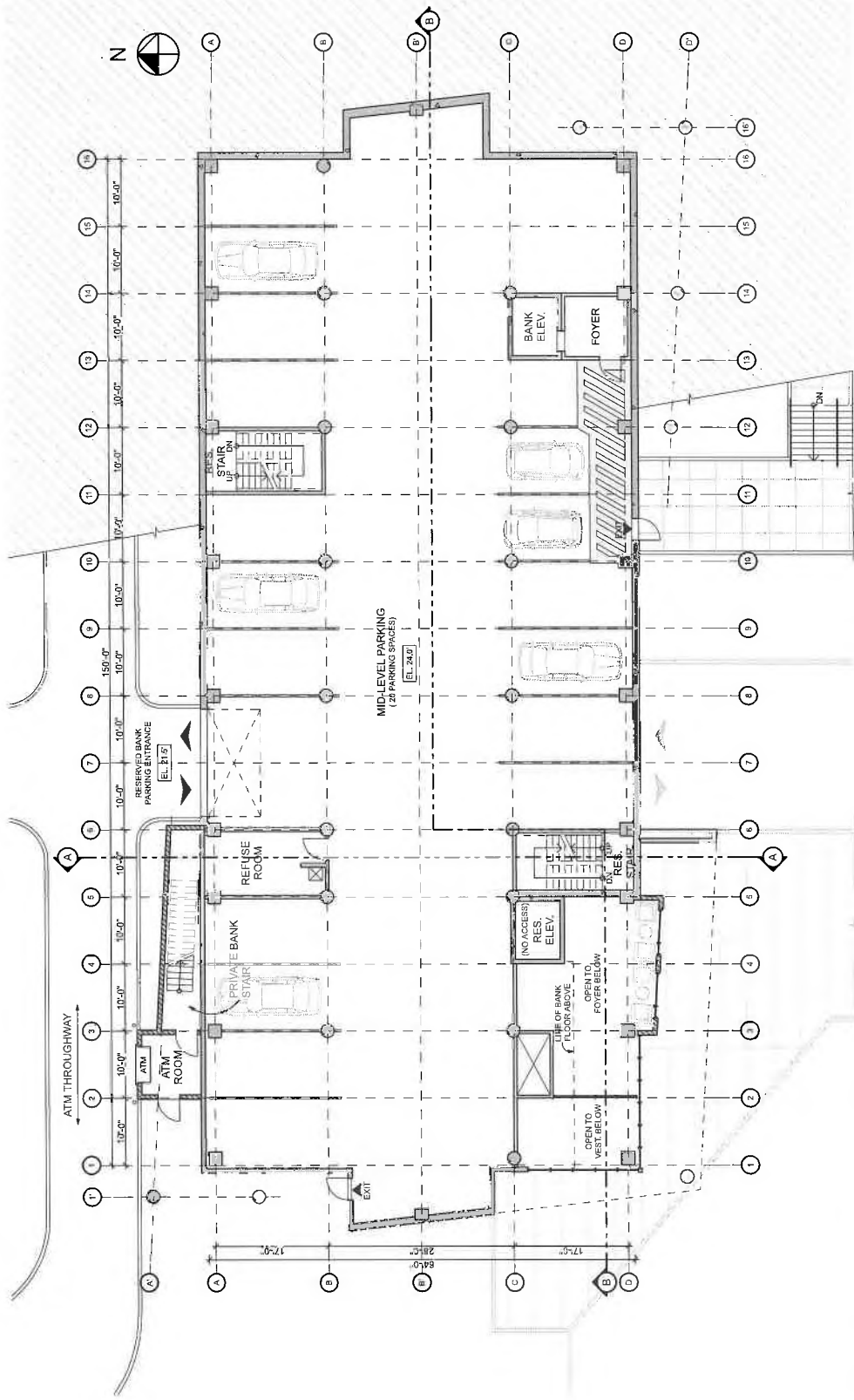




GROSS FLOOR AREA = 10,424 sq ft  
 VESTIBULE & FOYER = 766 sq ft

LOWER LEVEL PARKING PLAN  
 SCALE: 3/32" = 1'-0"





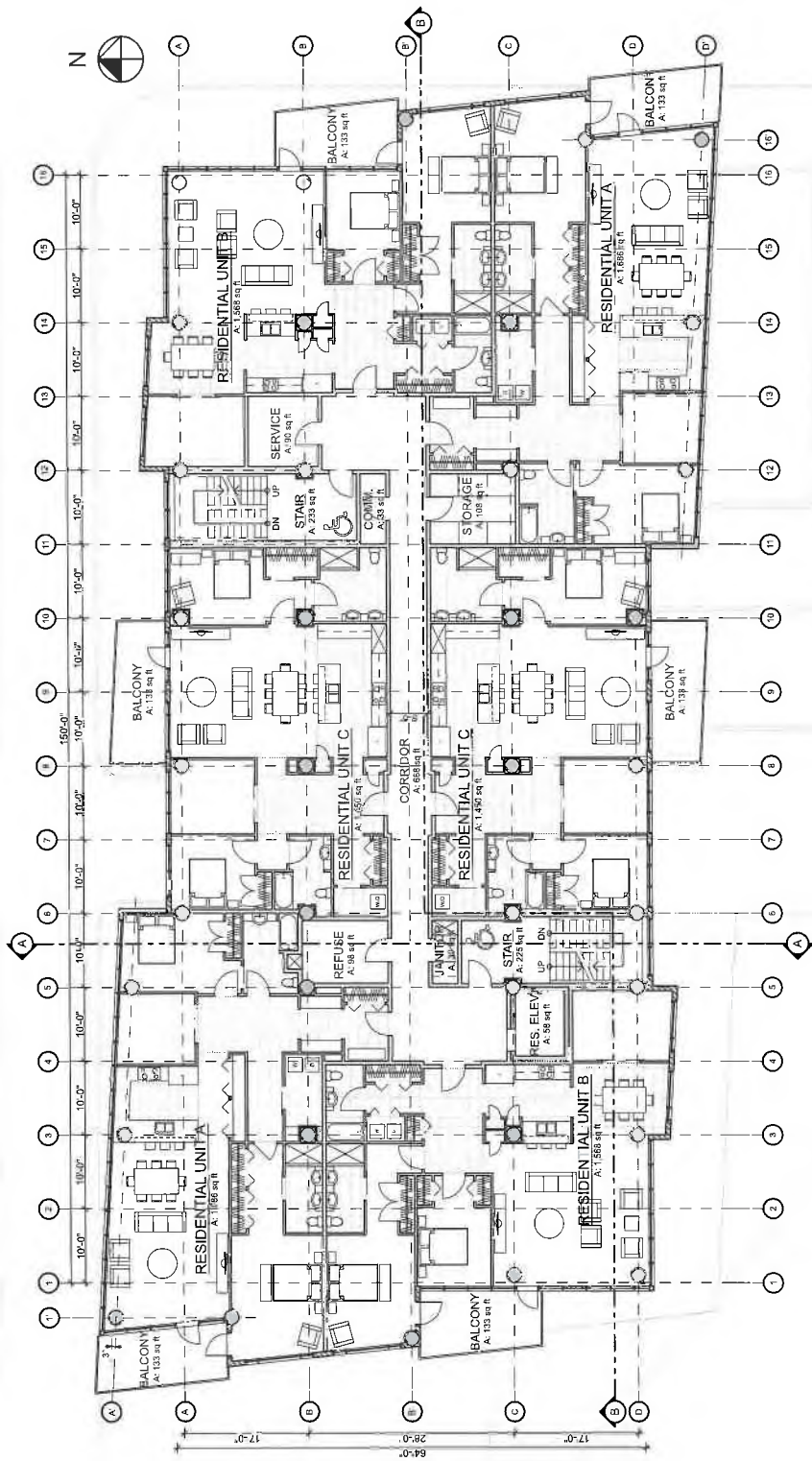
GROSS FLOOR AREA = 9,972 sq ft  
 BANK USEABLE AREA = 9,387 sq ft

MID-LEVEL PARKING PLAN  
 SCALE: 3/32" = 1'-0"



MID-LEVEL PARKING PLAN  
**SHEET 7**  
 SHEET 7 of 18





LEVEL 4 TO 10 TYPICAL FLOOR PLAN (RESIDENTIAL)  
SCALE: 3/32" = 1'-0"

GROSS FLOOR AREA = 11,675 sq ft  
BALCONIES = 798 sq ft



LEVEL 4 TO 10 TYPICAL FLOOR PLAN (RESIDENTIAL)

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**

CBRM, SYDNEY, NOVA SCOTIA  
November 11, 2015  
TDC No. 14-456

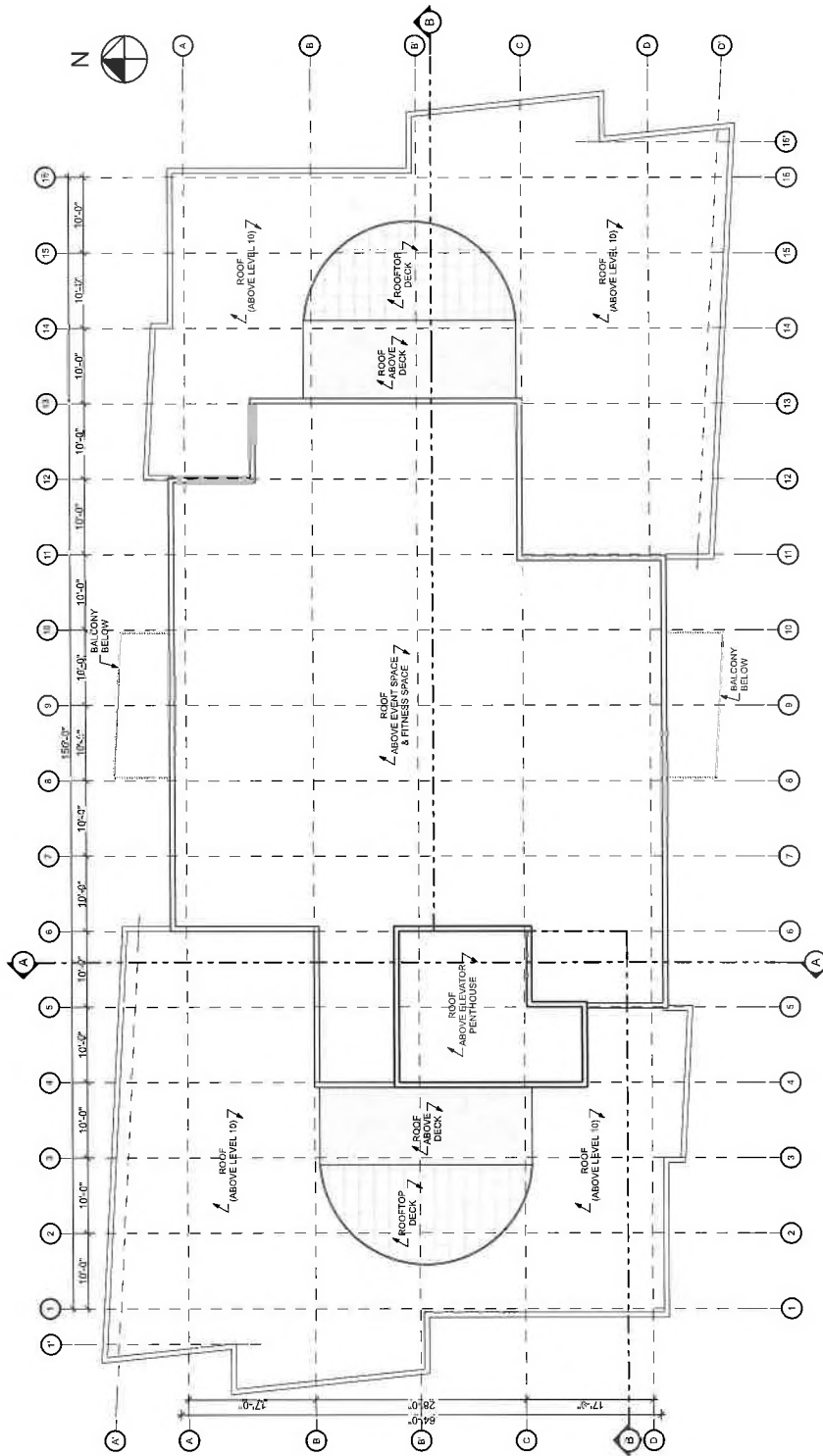
Harbour Royale  
Development Limited



**SHEET 9**  
SHEET 9 of 18

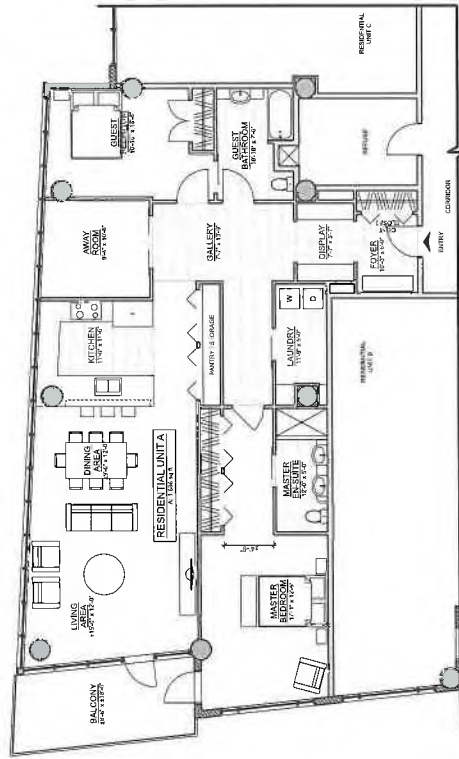






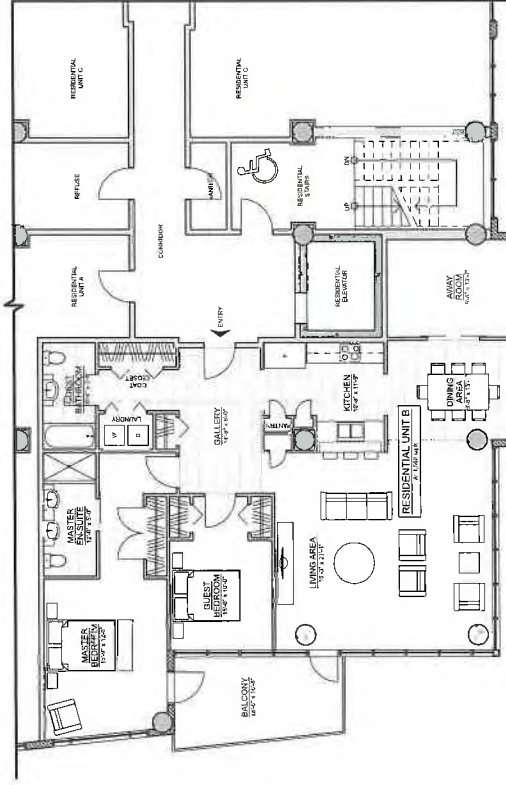
**ROOF PLAN**  
SCALE: 3/32" = 1'-0"





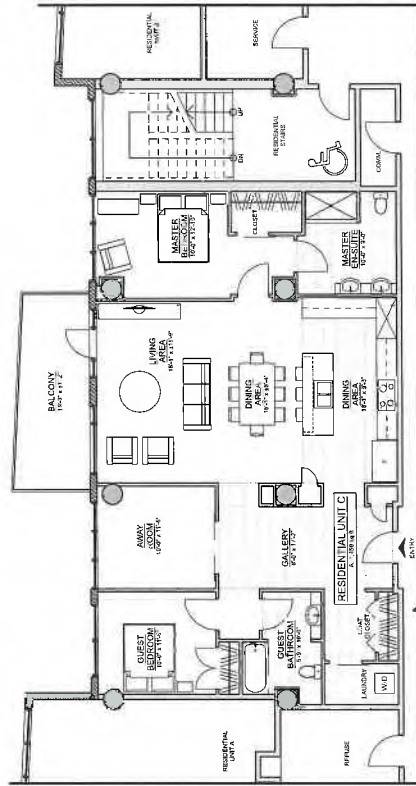
RESIDENTIAL UNIT A - FLOOR PLAN

SCALE: 1/8" = 1'-0"



RESIDENTIAL UNIT B - FLOOR PLAN

SCALE: 1/8" = 1'-0"



RESIDENTIAL UNIT C - FLOOR PLAN

SCALE: 1/8" = 1'-0"



TYPICAL RESIDENTIAL LEVEL KEY PLAN

SCALE: 1" = 25'

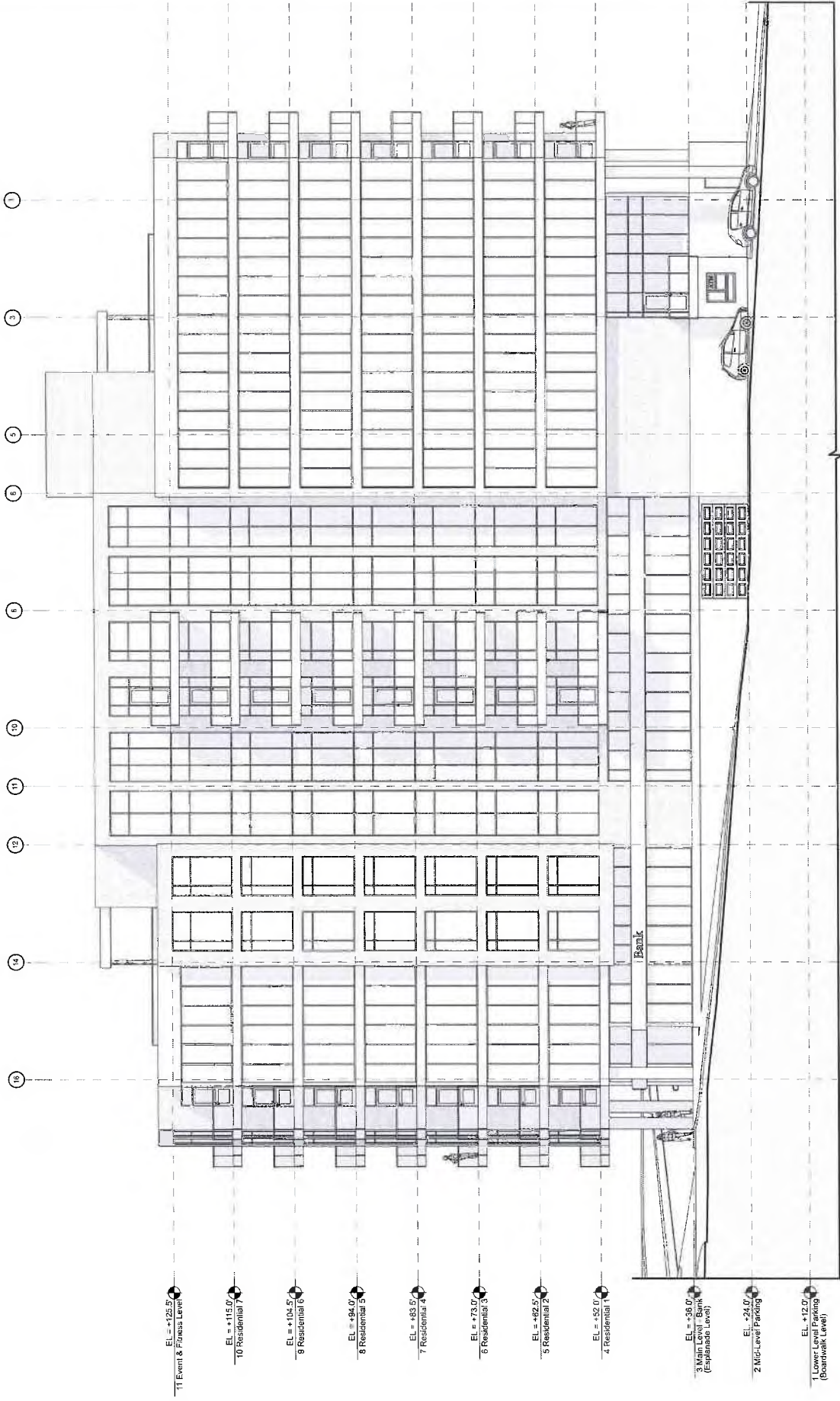


- EL = +125.5'  
11 Event & Fitness Level
- EL = +115.0'  
10 Residential 7
- EL = +104.5'  
9 Residential 6
- EL = +94.0'  
8 Residential 5
- EL = +83.5'  
7 Residential 4
- EL = +73.0'  
6 Residential 3
- EL = +62.5'  
5 Residential 2
- EL = +52.0'  
4 Residential 1
- EL = +56.0'  
3 Vign Level - Bank  
(Espresso Lab)
- EL = +24.0'  
2 Mid-Level Parking
- EL = +12.0'  
1 Lower Level Parking  
(Boardwalk Level)

SOUTH ELEVATION (DORCHESTER STREET EXTENSION)

SCALE: 3/32" = 1'-0"





- EL = +125.5' T1 Event & Fitness Level
- EL = +115.0' 10 Residential
- EL = +104.5' 9 Residential
- EL = +94.0' 8 Residential
- EL = +83.5' 7 Residential
- EL = +73.0' 6 Residential
- EL = +62.5' 5 Residential
- EL = +52.0' 4 Residential

- EL = +36.0' 3 Mid-Level Parking (Esplanade Level)
- EL = +24.0' 2 Mid-Level Parking
- EL = +12.0' 1 Lower Level Parking (Boardwalk Level)

NORTH ELEVATION  
SCALE: 3/32" = 1'-0"



NORTH ELEVATION  
**SHEET 14**  
SHEET 14 OF 18

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRM, SYDNEY, NOVA SCOTIA  
NOV 15, 2015  
TDC No. 14-058



Harbour Royale  
Development Limited





EAST ELEVATION (ESPLANADE)  
SCALE: 3/32" = 1'-0"

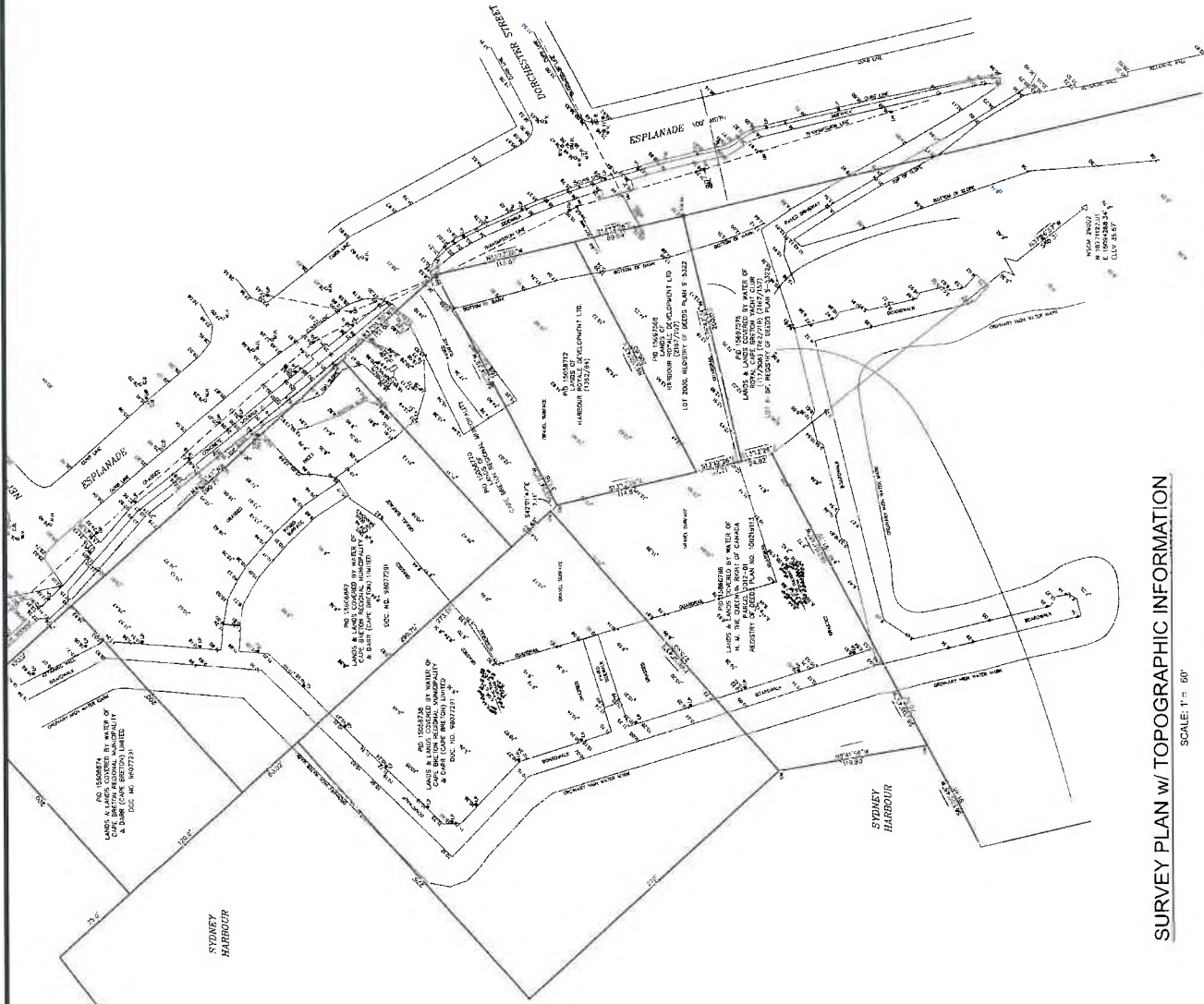
WEST ELEVATION  
SCALE: 3/32" = 1'-0"

EAST & WEST ELEVATION  
**SHEET 15**  
SHEET 15 of 18









Reference view

**KEY PLAN SCALE 1:20,000**

**LEGEND**

- 1.00 M
- 2.00 M
- 3.00 M
- 4.00 M
- 5.00 M
- 6.00 M
- 7.00 M
- 8.00 M
- 9.00 M
- 10.00 M
- 11.00 M
- 12.00 M
- 13.00 M
- 14.00 M
- 15.00 M
- 16.00 M
- 17.00 M
- 18.00 M
- 19.00 M
- 20.00 M

ALL DIMENSIONS, BEARINGS AND CORNER MARKINGS BASED ON THE 1979 ADJUSTED REFERENCE SYSTEM (NAD 83) UNLESS OTHERWISE SPECIFIED. THE 1979 ADJUSTED REFERENCE SYSTEM IS BASED ON MEAN SEA LEVEL. SURVEY CONDUCTED BETWEEN JULY 14 - AUGUST 15, 2014.

**COMPILLED PLAN SHOWING BOUNDARIES AND TOPOGRAPHY OF LANDS OF HARBOUR ROYALE DEVELOPMENT LTD. BEING PID 10069702 AND PID 10069709 AS WELL AS LANDS OF C.B.R.M. BEING PID 10069702 AND PID 10069709 BEING PID 10069702 AND PID 10069709 CAPS BRETON REGIONAL MUNICIPALITY PROVINCE OF NOVA SCOTIA**

**VERNER SURVEYS LTD.**  
 1000 WESTERN AVENUE  
 SYDNEY RIVER  
 NOVA SCOTIA  
 B02B  
 DATE: AUGUST 22, 2014  
 PLAN NO.: 14-2  
 5-9025-1



**SURVEY PLAN w/ TOPOGRAPHIC INFORMATION**  
 SCALE: 1" = 50'

**SYDNEY WATERFRONT BANK / APARTMENT TOWER**  
 C.B.R.M. SYDNEY, NOVA SCOTIA  
 MURPHY AVE. 11-2015  
 TDC NO. 14-058

**Harbour Royale Development Limited**



**SHEET 18**  
 SHEET 18 of 18

# **By-law**

## **of the Cape Breton Regional Municipality**

amending the

### **North End Sydney Secondary Planning Strategy and Land Use By-law**

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the North End Sydney Secondary Planning Strategy and Land Use By-law in the following manner:

***To replace the existing wording of Section 6.4 of the Secondary Planning Strategy with the following wording:***

#### **6.4 Waterfront Southern Sub-Area**

The area lying between the Sydney Marine Terminal and the current terminus of the Sydney boardwalk presents special challenges and opportunities for the North End planning process.

Almost completely vacant at the time of plan preparation in 2006, this area provides an ideal opportunity for tourism related development that will complement both the adjacent cruise ship facility as well as the boardwalk to the south. Redevelopment of the waterfront for tourism related purposes was specifically identified in the North End 2024 vision statement. In addition, the area provides the opportunity to develop high quality housing that will attract new residents to the North End without altering the character of the existing built-up residential areas.

Since the adoption of the North End Planning Strategy in 2006, the waterfront boardwalk has been extended along the shoreline to connect the former yacht club property to the Joan Harris Cruise Pavilion, and the CBRM has acquired ownership of most of the land within this designation. The only remaining lands not owned by CBRM in 2015 are two parcels owned by Harbour Royale Developments. In that year Harbour Royale requested amendments to the policies adopted in 2006 to accommodate an eleven storey apartment building with ground floor commercial uses on the site they own, which is located on the Esplanade immediately opposite the Commerce Tower. Council has decided to amend the Plan and Bylaw to accommodate the Harbour Royale proposal as it is consistent with the original vision for the North End (to promote residential development) and respects the 2006 view protection policies.

#### **Policy 19**

It shall be the policy of Council to designate the area of the North End waterfront located south of the Sydney Marine Terminal as the Waterfront Southern Sub-Area on the Future Land Use Map. This area will be identified on the Zoning Map as the Waterfront Southern Sub-Area (WSSA) Zone. It shall be a policy of Council that a wide range of

commercial, cultural and community uses compatible with the tourism industry will be permitted in this area, as well as relatively high density residential development, providing that the view of Sydney Harbour from the centreline of Dorchester Street between the Esplanade and Charlotte Street shall be maintained, and the integrity of Viewplane #1, as shown on Map #2, shall be maintained.

*AND To replace the existing wording of Part 8 of the Secondary Land Use Bylaw with the following wording:*

## **PART 8 WATERFRONT SOUTHERN SUB-AREA (WSSA) ZONE**

### **Section 1 WSSA Uses Permitted**

Development Permits shall only be issued in the WSSA Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- **recreational – all except racetracks for motor vehicles**
- **residential – apartments only**
- **sales – all except automotive sales**
- **service - only the following**
  - accommodations
  - alcohol beverage service establishment
  - artist/artisan establishment
  - arts/entertainment studio
  - banks and other financial institutions
  - business offices
  - catering business
  - community service
  - cultural service
  - educational service
  - entertainment service
  - marinas
  - personal service business
  - private service clubs
  - restaurants
  - scientific establishment
  - visitor information centres

### **Section 2 WSSA Lot Development Requirements**

Minimum public street/road frontage	No minimum is established but the lot shall abut and front along a public street/road
Minimum building setback	10 ft. from a public street/road

### Section 3 Viewplanes

1. No development permit shall be issued in the WSSA zone for any new structure the height of which exceeds 15 ft. above mean sea level if any portion of the structure lies within any of the viewplanes shown on Schedule A unless it can be demonstrated that the view of Sydney Harbour from the viewpoint associated with the viewplane is not obstructed for any person standing at the viewpoint who is 5 ft. 10" in height.
2. The view of Sydney Harbour from the centreline of Dorchester Street between the Esplanade and Charlotte Street shall be maintained.

**PASSED AND ADOPTED:** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on November 17, 2015.

---

**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 November 17, 2015.

---

DEBORAH CAMPBELL, CLERK

**Necessary Municipal Planning Strategy and Land Use Bylaw Amendments Affecting the Watersheds of Sand Lake and John Allen Lake – Case 1014:**

**Motion:**

Moved by Deputy Mayor George MacDonald, seconded by Councillor MacLeod, that a recommendation be made to Council to schedule a Public Hearing to be held at the December meeting of Council to consider:

- Amending the CBRM Land Use Bylaw map by deleting the Public Water Supply Watershed (PWS) Zone currently in effect in the watersheds of Sand Lake and John Allen Lake and that it be replaced with the Rural Cape Breton (RCB) Zone; and
- That the CBRM Planning Strategy be amended by deleting any reference to these two watersheds in Part 9.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Malcolm Gillis**

**SUBJECT: NECESSARY MUNICIPAL PLANNING STRATEGY  
AND LAND USE BYLAW AMENDMENTS  
AFFECTING THE WATERSHEDS OF SAND LAKE  
and JOHN ALLEN LAKE – case 1014**

**DATE: October 21<sup>st</sup>, 2015**

---

For generations Sand Lake was used first by the Town of Glace Bay and then the CBRM as the source of public water for the greater Glace Bay area while John Allen Lake was first used by the Municipality of Cape Breton County and then the CBRM to service the community of Birch Grove. These Lakes no longer are being used for this purpose. The CBRM water utility now supplies water to the communities of Glace Bay, Dominion, Reserve Mines, Tower Road, Donkin, Port Morien and Birch Grove using water from the former AECL reservoir (i.e. the dammed McAskill Brook).

CBRM's Planning Strategy has a policy that stipulates the various watersheds used by the Regional Municipality as a source of public water should be protected with a Zone that stringently regulates development within them. When the Planning Strategy came into effect in 2004 Sand Lake and John Allen Lake were still being used by the CBRM water utility. Consequently their watersheds were protected with the imposition of the Public Water Supply (PWS) Zone. The jurisdiction of the PWS Zone in both watersheds is colored green on the map with this report.

Now that these Lakes are no longer being used by the water utility (and it has no intention of using them as a backup to the above referenced reservoir) the very restrictive PWS Zone should be removed from their watersheds as the majority of lands within them are privately owned. The appropriate thing to do is to replace the PWS with the rural Zone in effect throughout the surrounding area i.e. the Rural Cape Breton (RCB) Zone. Actually not to do so would contravene Planning Strategy policy.

While this really doesn't require an amendment to the Municipal Planning Strategy for the reason explained in the paragraph above, the Section of Part 9 of the Planning Strategy, titled "Public Water Supply Watersheds" includes several references to these two watersheds in its text and charts. The prudent thing to do is to remove these references.

**Recommendation:**

I recommend that:

- the CBRM Land Use Bylaw map be amended by deleting the Public Water Supply Watershed (PWS) Zone currently in effect in the watersheds of Sand Lake and John Allen Lake and that it be replaced with the Rural Cape Breton (RCB) Zone; and
- the CBRM Planning Strategy be amended by deleting any reference to these two watersheds in Part 9.

**Submitted by:**

**ORIGINAL SIGNED BY**

**Malcolm Gillis**  
Planning and Development Department

# MPS and Zoning Amendment 1014

## Replace PWS Zone with RCB Zone



0 0.5 1 2 3 Kilometers



**Request from Donna Perry to amend the Municipal Planning Strategy and Land Use By-Law to permit a mobile home on Wolfe Street, Louisbourg:**

**Motion:**

Moved by Councillor Detheridge, seconded by Councillor Saccary, that Council adopt, by resolution, a Public Participation Program consisting of a public meeting in the community of Louisbourg to gauge the opinions of the residents regarding the request for an amendment to the Municipal Planning Strategy and Land Use Bylaw to permit a mobile home be located on Wolfe Street, Louisbourg, following which staff will bring a full report back to Council for review.

**Motion Carried.**



---

## MEMO

**FROM:** Malcolm Gillis

**SUBJECT:** Request from Donna Perry to amend the Municipal Planning Strategy and Land Use By-law to permit a mobile home on Wolfe Street, Louisbourg

**DATE:** July 2<sup>nd</sup>, 2015

---

### Introduction

Ms. Perry would like to place a mobile home on PID 15457484 located on Wolf Street, Louisbourg (Attachment A). The property in question is zoned Wolfe Street Neighbourhood (WSN) and while the WSN zone does permit mobile homes, it only permits them on lot parcels that do not front along Wolfe Street.

In addition to having to amend the provisions of the WSN zone of the Land Use By-law (LUB), the Municipal Planning Strategy (MPS) would also need to be amended to permit a mobile home on this property. Part 4 Policy 3.b.1 of the MPS states that mobile homes along streetscapes within communities where they have exclusively been prohibited since the imposition of zoning controls and prohibitive zoning provisions have consistently been upheld shall continue to prohibit mobile homes. Prior to amalgamation, the Louisbourg District Planning Commission had its own MPS and LUB which prohibited mobile homes along the entire corridor of the Sydney-Louisbourg Highway/Main Street/Wolfe Street. The policies and provisions found in the Town of Louisbourg's planning documents were respected in the creation of the CBRM's MPS and LUB in 2004.

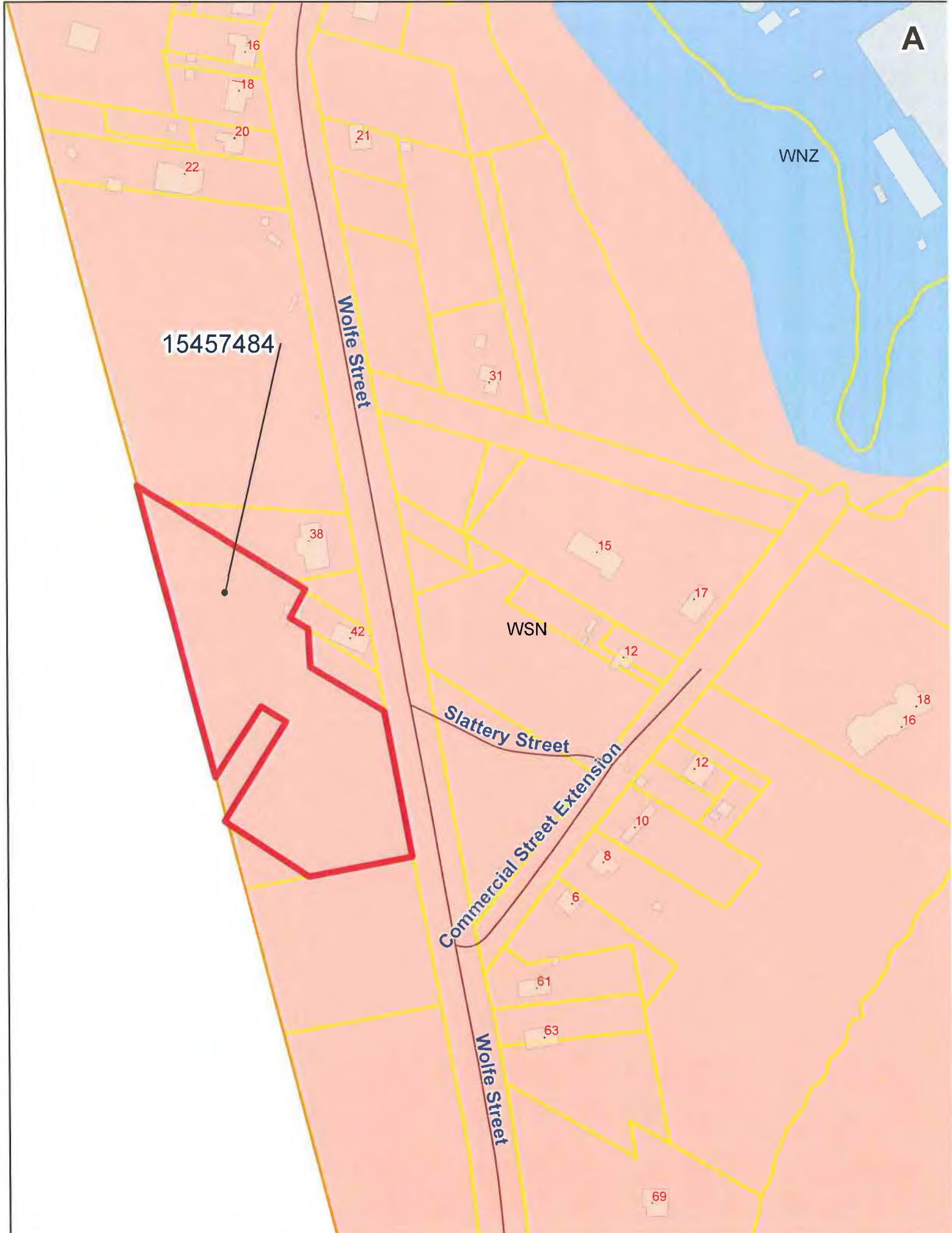
### Recommendation

Based on policy, I must advise Council that this request cannot be considered as a spot zoning. Instead, I provide Council with two options; either reject Ms. Perry's request outright (*i.e. support the current policy banning mobile homes along the Louisbourg highway/Main Street/Wolfe Street corridor*) or ask staff to prepare and submit an issue paper to a subsequent meeting of Council or its General Committee. If the second option is taken, the issue paper will focus on the question of the validity of continuing to prohibit mobile homes along the above referenced corridor.

Submitted by:

**ORIGINAL SIGNED BY**

Malcolm Gillis  
Director of Planning



A

WNZ

15457484

Wolfe Street

WSN

Slattery Street

Commercial Street Extension

Wolfe Street

.16

.18

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Summary

Statement of Revenue

September 30, 2015

Revenue	Year To Date Assigned	5 Month Budget	5 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 51,247,645	\$ 50,941,978	\$ 305,668	\$ 101,883,955	\$ 50,636,310
Total Federal Government	1,268,028	1,268,028	-	2,536,056	1,268,028
Total Federal Government Agencies	588,750	588,755	(5)	1,177,510	588,760
Total Provincial Government	662,448	662,449	(1)	1,324,898	662,450
Total Provincial Government Agencies	1,600,080	1,464,035	136,045	2,928,070	1,327,990
Total Services to Other Local Government	214,890	214,890	1	429,779	214,889
Total Transit	297,987	315,000	(17,013)	630,000	332,013
Total Environmental Development Services	170,454	130,084	40,370	260,168	89,714
Total Licenses & Permits	90,532	89,500	1,032	179,000	88,468
Total Fines & Fees	274,765	276,677	(1,912)	553,353	278,588
Total Rentals	283,551	275,000	8,551	550,000	266,449
Total Concessions & Franchises	194,885	183,259	11,627	366,517	171,632
Total Return on Investments/Interest on Taxes	714,027	625,250	88,777	1,250,500	536,473
Total Finance Revenue	15,860	15,250	610	30,500	14,640
Total Solid Waste Revenue	1,433,536	1,102,917	330,619	2,267,000	833,464
Total Recreation & Cultural Service Programs	494,492	561,103	(66,612)	1,789,105	1,294,613
Total Water Utility Charges	2,475,755	2,475,755	(0)	4,951,510	2,475,755
Total Unconditional Transfers	7,936,701	7,960,729	(24,028)	15,921,458	7,984,757
Total Conditional Transfers	1,861,008	1,861,011	(3)	4,178,021	2,317,013
<b>Year To Date Assigned</b>	<b>\$ 71,825,394</b>	<b>\$ 71,011,667</b>	<b>\$ 813,727</b>	<b>\$ 143,207,400</b>	<b>\$ 71,382,006</b>

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Reviewed

Summary

Statement of Expenditures

September 30, 2015

Expenditures	Year to date Expended	6 Month Budget	6 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 701,308	\$ 708,132	\$ 6,824	\$ 1,415,714	\$ 714,406
Administration	631,731	668,368	36,637	995,609	363,878
Finance	1,190,944	1,314,575	123,631	2,739,607	1,548,663
Legal	230,251	285,424	55,173	565,444	335,193
Human Resources	718,699	806,000	87,300	1,600,549	881,850
Technology & Communications	447,842	485,700	37,857	1,153,099	705,257
Municipal Clerk	168,396	195,283	26,887	480,466	312,070
Fiscal Services	10,982,563	11,091,191	108,627	34,772,031	23,789,468
Occupational Health & Safety	95,957	107,766	11,809	215,532	119,575
Facilities: Centre 200 & Arenas	1,418,426	1,580,832	162,406	3,127,620	1,709,194
Police Services	12,205,459	12,779,776	574,318	25,110,074	12,904,615
Fire Services (Incl EMO)	8,575,231	9,105,641	530,410	16,550,728	7,975,497
Engineering & Public Works	24,156,947	24,458,791	301,844	48,849,744	24,692,798
Planning	1,175,071	1,299,756	124,685	2,650,361	1,475,290
Recreation	2,234,230	2,291,840	57,610	2,980,821	746,591
<b>Total expended to date</b>	<b>\$ 64,933,054</b>	<b>\$ 67,179,072</b>	<b>\$ 2,246,018</b>	<b>\$ 143,207,400</b>	<b>\$ 78,274,346</b>

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# Proclamation

## James Delorey Day

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- Whereas:** December 5<sup>th</sup>, 2015 is the 6<sup>th</sup> Anniversary of the search for James Delorey;
- And Whereas:** On the afternoon of December 5<sup>th</sup>, 2009, seven-year-old James Delory wandered and became lost in a wooded area behind his family's home South Bar;
- And Whereas:** James lived with autism and was non-verbal however you could always hear him giggling when he was near;
- And Whereas:** He was a kind and playful child who loved adventure, enjoyed the outdoors, and loved to play and run;
- And Whereas:** James' love for adventure led him down a path where Chance, a loyal Dalmatian Fox Terrier mix, followed him, staying by James' side when he became lost in the wilderness;
- And Whereas:** Throughout the two days and nights that included the first blizzard of the season, young James and Chance survived while a massive search was underway;
- And Whereas:** While the search was on-going, the story of James touched people across our community, the province, the country and the world abroad;
- And Whereas:** There was unwavering support from citizens, community volunteers, local businesses, the Cape Breton Regional Police Service, ground, air and marine search and rescue organizations, volunteer fire departments, Emergency Management Office of Nova Scotia, the military, Royal Canadian Mounted Police, Harbourside Elementary School, Autism Society of Cape Breton, Emergency Health Services, Cape Breton District Health Authority, and the IWK;
- And Whereas:** On December 7<sup>th</sup>, Chance returned home, leaving behind a trail of paw prints in the snow;

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**And Whereas:** Shortly after, searchers located James just over 1 kilometer from his home, he was curled up under a tree with an obvious impression in snow where Chance laid beside him;

**And Whereas:** While the community hoped and prayed for James' recovery, tragically, young James peacefully passed away at the IWK;

**And Whereas:** At one of the busiest times of year, the people within our community came together for another and should be proud of the extensive efforts which were made in the face of adversity for James;

**And Whereas:** As Chance was by James' side, this is a reminder that our pets are a part of our families and that they too can be heroes like Chance, who was inducted in the Purina Hall of Fame and being the animal who received the most nominations in their history; Chance is now with James as he passed away in January 2014 at the age of 13;

**And Whereas:** Project Lifesaver, a program designed to assist with locating individuals who live with cognitive disorders that are at risk to wander is offered in our community to help prevent another tragic loss;

**And Whereas:** With the blessing of James' family, since 2010, community volunteers hold the "James Delorey Annual Fundraising Day" on the first Saturday of December each year to honour James while supporting one of our local charities;

**And Whereas:** James' will continue living forever in the hearts of his family and of those within our community;

**Be It Therefore Resolved:** That the Cape Breton Regional Municipality Mayor and Council declare December 7<sup>th</sup>, 2015 as James Delorey Day in the CBRM.

*Councillor Jim MacLeod*  
**District #12 – CBRM**

November 17<sup>th</sup>, 2015

*Cape Breton Regional Municipality*

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**PROCLAMATION**  
**Restorative Justice Week**

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- WHEREAS:** In the face of crime or conflict, restorative justice offers a philosophy and approach that views these matters principally as harm done to people and relationships; and
- AND WHEREAS:** Restorative justice approaches strive to provide support and opportunities for the voluntary participation and communication between those affected by crime and conflict (victims, offenders, community) to encourage accountability, reparation and movement towards understanding, feelings of satisfaction, healing and sense of closure; and
- AND WHEREAS:** Restorative Justice Week provides an opportunity to learn about restorative justice and to educate and celebrate along with other communities across the country during the week;
- BE IT THEREFORE  
RESOLVED** That CBRM Council proclaim the week of November 16<sup>th</sup> November 21, 2015 as Restorative Justice Week in the Cape Breton Regional Municipality.

*Councillor Jim MacLeod*  
*CBRM District # 12*

November 17<sup>th</sup>, 2015



## **PROCLAMATION**

### ***“Walk for Values”***

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- Whereas:** CBRM takes a leadership role in bridging cultural, ethnic and social differences in our communities;
- And Whereas:** The Walk for Values is dedicated to raising awareness of basic human values and encourages individuals to be an agent of change for universal peace and harmony.
- And Whereas:** The walk welcomes individuals, families and communities of all races, faiths and beliefs to join together and walk for the basic human values of truth, right conduct, peace, love and non-violence.
- And Whereas:** CBRM is a community committed to building an inclusive society that serves as a model of diversity for cities across the world.
- Be it Therefore Resolved:** That the CBRM Council proclaim November 23<sup>rd</sup>, 2015 as Walk for Values Day in the Cape Breton Regional Municipality.

*Deputy Mayor George MacDonald*  
*CBRM District #9*

November 17<sup>th</sup>, 2015

## **CBRM PROCLAMATION** *“AIDS Awareness Week”*

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- Whereas:** The AIDS Coalition of Cape Breton is a non-profit, community- based, volunteer-driven organization whose purpose is to prevent the spread of HIV in the community and to create a supportive environment for those infected by HIV/AIDS;
- And Whereas:** The Coalition uses a community development approach in providing education, support, and advocacy on HIV/AIDS and related issues for the people of Cape Breton;
- And Whereas:** The AIDS Coalition of Cape Breton offers information, referrals and support to diagnosed people and can assist with the costs associated with travel and staying overnight for medical treatment if that is necessary;
- Be it Therefore Resolved:** That CBRM Council go on record in strong support of the hard work and dedication put forth by the members of the AIDS Coalition of Cape Breton and salute them for creating a supportive environment for people infected by HIV and AIDS and raise the flag to bring more public awareness of the importance to finding a cure for HIV and AIDS.

*Councillor Ray Paruch*  
*CBRM District #6*

November 17<sup>th</sup>, 2015

# **CBRM RESOLUTION**

## **“Moratorium on the use of the Death Penalty”**

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**Whereas:** On December 18<sup>th</sup>, 2014 at the at the UN General Assembly 117 Countries voted in favor of the resolution “Moratorium on the use of the death penalty”;

**And Whereas:** Public initiatives in Japan and in the Philippines has strengthened youth education activities and support to inmates in the death rows in many Countries of the world and the organization of the 14<sup>th</sup> edition of the International Day “Cities for Life/Cities Against the Death Penalty” is in full activity and it will be held again this year on November 30<sup>th</sup> in memory of the first abolition of the capital punishment by the Grand Duchy of Tuscany which was held on the 30<sup>th</sup> day of November in 1786;

**And Whereas:** This initiative aims at stressing the role that Municipalities can play in the abolitionist process through the organization and dissemination of educational and cultural initiatives that focus attention on this crucial issue, connected unfortunately to the phenomenon of violence, widespread in many urban contexts;

**And Whereas:** CBRM Mayor and Council were requested to involve our CBRM Administration in the framework of these initiatives, supported jointly by the Community of Sant’Egidio and the European Commission, to preserve in the joint effort for the respect for life and human dignity, and to raise awareness on the urgent need of abolishing the inhuman practice of the death penalty from the juridical and penal context in the US;

**Be it Therefore Resolved:** That CBRM Mayor & Council go on record in support of the request of Professor Marco Impagliazzo, President of the Community of Sant’Egidio, to join the 117 Countries in the World that voted in favor of the resolution to put a moratorium on the use of the death penalty and instruct CBRM CAO Michael Merritt, to write to Mr. Impagliazzo advising that Council has voted in favor of his request to abandon the death penalty;

**Also Be It Therefore Resolved:** That CBRM Council declare November 30<sup>th</sup> of each year as “A Day for Life/Against the Death Penalty” and link the CBRM home page on its website as a communication of Council’s decision to be shared with the promoters of the Campaign to abolish the death penalty.

*Councillor Mae Rowe*  
*CBRM District #3*

November 17<sup>th</sup>, 2015

