

**Cape Breton Regional Municipality**

**Council Meeting**

**AGENDA**

**TUESDAY, FEBRUARY 9<sup>TH</sup>, 2021**

**NOTE: START TIME**

**3:00 PM**

**Via Video Conferencing**

# Cape Breton Regional Municipality

## Council Meeting

Tuesday, February 9, 2021

3:00 pm start time

### **AGENDA ITEMS**

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#### Roll Call

1. **APPROVAL OF MINUTES:** (Previously Distributed)
  - Council – November 24, 2020
  - Council – December 8, 2020
  
2. **APPROVAL OF AGENDA:** (Motion Required)
  
3. **PROCLAMATION:**
  - 3.1 **White Cane Week:** Councillor Eldon MacDonald (See page 4)
  
4. **PLANNING ISSUES:**
  - 4.1 **Case 1076 – North End Sydney Secondary Planning Strategy and Land Use Bylaw Text Amendment Request from Kevin Colford to Amend Parking Requirements for 217 George Street, Sydney (PID 15058506; District 5):** Kristen Knudskov, Planner (See page 5)

Continued...

**Council Meeting Agenda  
February 9<sup>th</sup>, 2021 (Cont'd)**

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**5. CORPORATE SERVICES ISSUES:**

- 5.1 Request for Street Closure (Old Alignment of Kings Road – Portion of PID 15705585 – Old Alignment of Esplanade, Portion of PID 15705718):**  
Demetri Kachafanas, QC, Regional Solicitor (See page 11)

**6. REPORT:**

- 6.1 Update from Nova Scotia Federation of Municipalities:** Mayor Amanda M. McDougall (See page 15)

**ADJOURNMENT**

# ***PROCLAMATION***

## **White Cane Week**

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- WHEREAS:** The week of February 7<sup>th</sup> to 13<sup>th</sup>, 2021 is recognized as White Cane Week; and
- WHEREAS:** White Cane Week aims to remind all Canadians that the traditional cane is a symbol of independence – not dependence - and that a lack of sight is not a lack of vision; and
- WHEREAS:** For over 75 years this public awareness program has taken place in Canada and reflects the changing situations of people who are blind and visually impaired; and
- WHEREAS:** White Cane Week is a program of the Canadian Council of the Blind which has acted as “the voice of the blind” for over 76 years; and
- WHEREAS:** This campaign asks that service providers remove barriers that limit the fullness of life for our fellow blind and visually impaired citizens.
- BE IT THEREFORE  
RESOLVED:** That Mayor Amanda M. McDougall and CBRM Council proclaim the week of **February 7<sup>th</sup> to 13<sup>th</sup>, 2021** as **White Cane Week** in Cape Breton Regional Municipality.

*Councillor Eldon MacDonald*

*February 9<sup>th</sup>, 2021*

**Case 1076 – North End Sydney Secondary Planning Strategy and Land Use Bylaw Text Amendment Request from Kevin Colford to Amend Parking Requirements for 217 George Street, Sydney (PID 15058506; District 5)**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Edwards, to schedule a Public Hearing to consider the request made by Kevin Colford to amend parking requirements for 217 George Street, Sydney (PID 15058506; District 5) at an upcoming meeting of Council.

**Discussion:**

Planner Knudskov explained the requirements for a Public Hearing under the *MGA*.

**Motion Carried.**



**TO:** CBRM Council

**FROM:** Kristen Knudskov

**SUBJECT:** Case 1076 North End Sydney Secondary Planning Strategy and Land Use Bylaw Text Amendment Request – Amend Parking Requirements

**APPLICANT:** Kevin Colford

**LOCATION:** 217 George Street, Sydney (PID 15058506; District S)

**DATE:** February 2, 2021

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### **Background**

The Planning and Development Department has received a request from Kevin Colford to amend parking requirements in the North End of Sydney. Mr. Colford has applied to convert the Sacred Heart Church, located at 217 George Street, Sydney (PID 15058506) [Attachment A] into a business hall to host events including weddings, conferences, dinner theatre, concerts, and other similar events. While the conversion is permitted, the proposed development is unable to meet the parking requirements of the North End Sydney Secondary Land Use Bylaw (NESSLUB). Therefore, a Building & Development Permit cannot be issued.

The Sacred Heart Church is a prominent landmark with historic significance in the north end. For that reason, CBRM has designated it heritage status. An application has also been made for provincial designation. At this time, provincial representatives are unable to provide any assurances to the Planning Department regarding the expected outcome of the application.

### **Next Steps**

On January 26<sup>th</sup>, Council passed a motion to proceed with a Public Hearing to consider Mr. Colford's request. Staff has prepared two options for Council's consideration and is requesting that Council select one of the two options. Based on Council's motion, Staff will prepare a draft amending by-law for public comment at the public hearing. The draft amending by-law must be prepared when notice of the Public Hearing is advertised.

Both options below are in keeping with the intent of the Planning Strategy and would remove the parking requirements for the Sacred Heart Church property.

### Options

1. Remove lot development, site plan approval, and parking requirements for municipally registered heritage properties outside of the Heritage Conservation District (the District)
2. Remove lot development, site plan approval, and parking requirements for former community and educational service buildings which are registered heritage properties

Mr. Colford has specifically requested that Council amend the Planning Strategy to exempt municipally designated heritage properties from parking requirements. The exemption would then apply to most properties within Sydney's north end [Attachment A]. If Council wishes to go in this direction, Staff recommends that the policy be structured to exclude properties within the District.

Staff is of the opinion that Option 2 is preferable, as it would limit the scope of impact on parking within Sydney's north end. While there are few heritage properties outside of the District currently, it is important to note that additional buildings may also be eligible for registration under the Heritage Property Bylaw in the future. Therefore, Option 1 above could apply to additional properties moving forward. Option 2 would apply to only to Sacred Heart Church and St. George's Church.

A more holistic review of parking within the North End and greater CBRM will be considered within the upcoming comprehensive review of planning documents.

### **Recommendation**

That Council direct Staff to advertise the public hearing to consider option 2.

Respectfully submitted by:

### **ORIGINALLY SIGNED BY**

Kristen Knudskov  
Planning and Development Department



**Map 2**  
**Case 1078**

- Subject Site
- North End Boundary
- Heritage Conservation District
- Municipally Registered Heritage Property
- Provincially Registered Heritage Property



This map is a graphical representation of property boundaries and is for general reference purposes only.

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## **North End Sydney Secondary Planning Strategy (NESSPS) Section 3, Policy 8**

The CBRM recognizes that there are several provincially registered heritage properties in the North End, and that registration at the provincial level places a significant encumbrance on an individual property owner. In addition, most provincially registered properties are located on very small parcels of land with very few options available if the property is to be redeveloped. In order to encourage retention of these properties through creative redevelopment, the Land Use Bylaw includes a provision that exempts them from all lot development, site plan approval and parking requirements.

### *Policy 8*

*It shall further be the intention of Council to encourage creative redevelopment of properties registered by the Province of Nova Scotia under the Heritage Property Act by exempting these properties from lot development, parking and site plan approval requirements.*

## **North End Sydney Secondary Planning Strategy (NESSPS) Section 9, Policy 33 and 34**

### **PARKING REQUIREMENTS**

The provision of adequate parking is a fundamental component of any development. To ensure the public street/road travelways are not congested, the CBRM is obliged to impose off-street parking requirements on most developments in proportion to the need created by each land use. The condoned exception to the general rule are the central business districts where curb side on-street parking spaces are a vital element in the downtown landscape.

However, one of the fundamental drawbacks to business development expansionary endeavours in the densely developed urban core is the inability to set aside enough land for on-site customer parking, whether or not the Land Use By-law requires it. Rather than squeezing them out to suburban locations, and therefore adversely affecting the vitality of the urban core, the CBRM wants to facilitate the expansion of business development in urban communities. Flexible parking requirements that permit off-site/off-street parking lots serving a business development is one way to help make this possible.

### *Policy 33*

*The Land Use By-law adopted to implement the policy direction of this Secondary Planning Strategy shall include off-street parking requirements for all developments in proportion to the need created by each land use. Where the Traffic Authority allows it, on-street parking spaces immediately abutting the site affected may be included in calculating the number of parking spaces required by non-residential development.*

### *Policy 34*

*The Land Use By-law shall also permit, by site plan approval, the establishment of off-site/off-street parking lots servicing, and accessory to, a sales or service development located within the North End Planning Area, provided the business being served is reasonably close to the parking lot.*

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## **North End Sydney Secondary Planning Strategy (NESSPS)**

### **Section 9, Policy 40**

#### RE-USE OF ABANDONED COMMUNITY OR EDUCATIONAL SERVICE BUILDINGS

In order to facilitate the creative re-use of abandoned former educational or community service buildings (primarily churches and schools), CBRM's Regional Plan includes policies to allow such buildings to be converted, by site plan approval, into uses that would not necessarily be permitted by the zoning in effect in the surrounding area. It is Council's wish that this Secondary Planning Strategy be consistent with the regional approach.

#### *Policy 40*

*It shall be a policy of Council to facilitate the re-use of abandoned, community or educational service buildings located in urban/suburban neighbourhoods outside business districts/corridors. The building and site of these former facilities may be converted, by site plan approval, into one or more of the following service businesses:*

- *studios of artists or artisans;*
- *business offices; and*
- *personal care and service businesses*
- *apartments*

*The site plan approval provisions should stipulate that:*

- *adjacent low density residential uses are buffered and screened from the starker ancillary components of the site (e.g. parking spaces, driveways, utility facilities, etc.);*
- *an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site be included;*
- *an on-site landscaping plan be included that improves the development's compatibility with the streetscape.*

Due the large scale of the former Holy Angels High School and Convent of the Sisters of the Congregation of Notre Dame it should be shall be given special addition development considerations.

#### *Policy 40.2*

*It shall be a policy of Council to designate the former Holy Angels High School and Convent of the Sisters of the Congregation of Notre Dame for additional development considerations. The buildings and site will be identified as the Arts and Culture Centre (ACC) Zone of the Land Use By-law.*



**CBRM**

*A Community of Communities*

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## ISSUE PAPER

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**TO:** Mayor and Council

**FROM:** Demetri Kachafanas – Regional Solicitor

**SUBJECT:** Request for Street Closure  
(old alignment of Kings Road - Portion of PID 15705585)  
(old alignment of Esplanade – Portion of PID 15705718)

**DATE:** February 9<sup>th</sup>, 2021

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### **INTRODUCTION:**

A request was received on behalf of NSCC seeking a street closure for a portion of Kings Road as well as a portion of the Esplanade for the construction of the NSCC Waterfront Campus. The area required is a portion of the old alignment of Kings Road and identified on the attached plan as Lot 20-5 (Attachment “A”). The area required from a portion of the old alignment of the Esplanade is shown and identified on the attached plan as Lot 20-4. (Attachment “B”) Both lots are shown highlighted in yellow on the respective plans for ease of reference.

### **BACKGROUND INFORMATION:**

At the General Committee meeting held on January 7<sup>th</sup>, 2020 a motion was passed declaring several properties on the waterfront surplus to the needs of municipality for the NSCC Waterfront project. At that time, CBRM entered into an Agreement of Purchase and Sale with the Province of Nova Scotia to sell various lots fronting on the Esplanade and King’s Road. The Agreement included portions of the old alignments of both Kings Road and the Esplanade. The exact area was to be determined at a later date and subject to final agreement between the parties and confirmed by a survey.

## **REVIEW**

The legal department has reviewed the documentation provided as well as the records at the Land Registration office and confirm the title to the property described herein and subject to this issue paper vest within the municipality.

A review of the survey plan of the area required was completed by staff. The Engineering and Public Works Department as well as the Planning Department support the request and have determined there is no reason not to allow for the street closure for the NSCC project. I confirm the sale of the property is subject to easements related to CBRM existing infrastructure as well as new easements required by CBRM.

## **RECOMMENDATION:**

I recommend Council pass a Motion directing staff to initiate a formal street closure pursuant to Section 315 of the Municipal Government Act, for portions of the old alignments of Kings Road and Esplanade identified herein with the intention of deeming it surplus for sale to the Province of Nova Scotia.

Respectively Submitted,

Original Signed By

**Demetri Kachafanas**  
Regional Solicitor





# Amanda M. McDougall

MAYOR, CAPE BRETON REGIONAL MUNICIPALITY

## MEMO

DATE: February 4, 2021  
TO: All Council, CAO Marie Walsh, Municipal Clerk Deborah Campbell Ryan  
FROM: Mayor Amanda McDougall  
RE: Update from Nova Scotia Federation of Municipalities

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Dear Councillors, CAO Walsh, and Municipal Clerk Campbell Ryan:

The Cape Breton Regional Municipality has two representatives on the Nova Scotia Federation of Municipalities Board. I, Mayor McDougall, serve as Vice-President and Councillor Eldon MacDonald as Regional Caucus Representative. Recently, our meetings have focused on topics such as COVID funding and recovery, municipal infrastructure and planning, and, an issue of particular concern, the newly-formed Nova Scotia Affordable Housing Commission.

The update and discussion at this meeting of CBRM Council will include:

- 1. Request from NSFM to participate as a full member of the NS Affordable Housing Commission being denied by Minister of Municipal Affairs & Housing**

Three main reasons have been cited for excluding NSFM:

- the Commission is not political in nature;
- NSFM CEO Juanita Spencer is not specifically a housing expert;
- that many other stakeholders have made similar requests, and the Commission is not able to accommodate everyone.



**2. NSFAM Board declining invitation to participate on the Partnerships and Integration Work Group (the Sub-Sub Committee of the NS Affordable Housing Commission)**

NSFAM is the legislated collective voice of all 49 municipalities in Nova Scotia, and we are the level of government closest to the people. We strongly believe that we should be a full member of the Nova Scotia Affordable Housing Commission and not just a member of the working group. Our members represent all Nova Scotians and see firsthand the housing challenges in this province. Municipalities are invested in supporting housing for their residents and communities in need.

**3. Overall relationship between Municipalities and the Province**

- Advocating for and setting our own priorities
- Being seen as a valued partner
- How do we improve this relationship moving forward

Respectfully submitted,

Original Signed By

~~AMANDA M. MCDUGALL~~  
AMANDA M. MCDUGALL  
CBRM MAYOR

amd/tfd

