

**Cape Breton Regional Municipality**

**Council Meeting**

**AGENDA**

**TUESDAY, MAY 18<sup>TH</sup>, 2021**

**TIME:**

**6:00 PM**

Via Video Conference

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# Cape Breton Regional Municipality

## Council Meeting

Tuesday, May 18, 2021

6:00 pm

### **AGENDA ITEMS**

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#### Roll Call

#### Land Acknowledgement

1. **APPROVAL OF MINUTES** (Previously Circulated)
  - Council – April 20, 2021
  - Special Council (Budget) – April 27 & 29, 2021
  
2. **APPROVAL OF AGENDA:** (Motion Required)
  
3. **PROCLAMATIONS AND RESOLUTIONS:**
  - 3.1 **Davis Day– June 11<sup>th</sup>:**  
Councillor Darren O’Quinn (See page 7)
  
  - 3.2 **Victorian Order of Nurses (VON) Week 2021:**  
Councillor Glenn Paruch (See page 9)
  
  - 3.3 **Access Awareness Week 2021:**  
Councillor Lorne Green (See page 10)
  
4. **DELEGATION:**
  - 4.1 **Nova Scotia Power:** Peter Gregg, President and CEO and Mark Sidebottom, Chief Operating Officer, Nova Scotia Power (See page 11)

Continued...

**Council Meeting Agenda  
May 18, 2021 (Cont'd)**

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**5. PRESENTATION:**

- 5.1 Creative Economy Update:** Carla Arsenault, President and CEO; and Erin Flynn, Creative Economy Development Officer - Cape Breton Partnership  
(See page 14 )

**6. PLANNING ISSUES:**

**6.1 FINAL APPROVAL – PUBLIC HEARINGS:**

- a) **Case 1078 - Municipal Planning Strategy Amendment to Allow a Medical Clinic at 46 Cottage Rd, Sydney (PID 15105133 and 15270382):** Karen Neville, Senior Planner & Kristen Knudskov, Planner  
(See page 21 )
- b) **Case 1079 - Motor Vehicle Sales at PID 15037278 (2248 Kings Road, Howie Center; District 7):** Kristen Knudskov, Planner (See page 44 )

**6.2 APPROVAL TO ADVERTISE:**

- a) **Request to Purchase CBRM Land and Zoning Amendment Application (Case 1081) by Menelik Hall Society - Laurier Street and Tupper Street, Whitney Pier:** Karen Neville, Senior Planner (See page 58 )
- b) **Case 1082 - Rural CBRM and Rural CBRM - No Mobile Home Zones (Staff Request):** Kristen Knudskov, Planner (See page 69 )

Continued...

**Council Meeting Agenda  
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**7. BUSINESS ARISING:**

**7.1 Council – April 20, 2021:**

- a) **Parking Area Request – CBRM Parking Meter Bylaw T-5:** Karen Neville, Senior Planner (See page 87 )
- b) **Property MacKessey Drive:** Bill Murphy, Director of Recreation, Parks, Grounds & Buildings (See page 99 )

**7.2 Nominating Committee – May 11, 2021**

- a) **Report on Call for Expressions of Interest – Citizen Representatives on Committees:** Deborah Campbell Ryan, Municipal Clerk (See page 106 )

**8. CORPORATE SERVICES ISSUES:**

**8.1 Issue Paper – Seaview Manor Resolutions:** Demetri Kachafanas, QC – Regional Solicitor (see page 109 )

**8.2 Request for Street Closure - Portion of 8<sup>th</sup> Street, New Waterford:** Sheila Kolanko, Property Manager (See page 121 )

**8.3 Request to Deem Property Surplus - Portion of PID 15080195, St. Bridget Street, Sydney:** Sheila Kolanko, Property Manager (See page 127 )

**8.4 Request from New Aberdeen Revitalization Affordable Housing Society for PID 15440514 – Ninth Street, Glace Bay; PID 15440696 – Tenth Street, Glace Bay; and PID 15438591 – Second Street, Glace Bay (Vacant land):** Sheila Kolanko, Property Manager (See page 130 )

Continued...

**Council Meeting Agenda  
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**CORPORATE SERVICES ISSUES (Cont'd):**

- 8.5 **Borrowing Resolution, Lease Facility:** Jennifer Campbell, Chief Financial Officer (See page 136)
  - 8.6 **Borrowing Resolution, Operating:** Jennifer Campbell, Chief Financial Officer (See page 137)
  - 8.7 **Resolution for Pre-Approval of Debt Issuance:** Jennifer Campbell, Chief Financial Officer (See page 138)
  - 8.8 **C200 Expansion Feasibility Study:** Bill Murphy, Director of Recreation, Parks, Grounds & Buildings (See page 143)
9. **Review of Action Items from the Meeting:** Mayor Amanda M. McDougall

**ADJOURNMENT**

## *Cape Breton Regional Municipality*

### **Proclamation**

#### *Davis Day – June 11<sup>th</sup>*

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**Whereas:** Every June 11<sup>th</sup> those who live in Nova Scotia's former coal company towns gather to remember miners who died in major accidents in the mines. However, in the CBRM and specifically to the residents of District 11 June 11 is Davis Day in honour of William Davis a striking miner who was killed during the 1925 Strike. The miners in New Waterford walked off the job due the British Empire Steel Corporation (BESCO) reducing wages, expecting miners to work longer hours and unsafe working conditions.

**And Whereas:** On March 2 cut off credit at the company stores. The union went on strike four days later, with 12,000 miners manning the picket lines, leaving a small workforce to maintain the mines and keep them from flooding. Despite the economic hardship which saw families come to the brink of starvation by June, the miners' resolve was strong. When BESCO refused arbitration, the union adopted a policy of 100 per cent picketing. This included shutting down operations at the pumping station and power plant at Waterford Lake, which would prevent the company from resuming operations in that district.

**And Whereas:** On June 10, BESCO tasked its company police force to return to Waterford Lake with thirty company workers and continue its plan to restart the water and electricity to its facilities and to the parts of town that had the benefit of running water and power. The following morning on June 11, the company police began a patrol pattern of intimidation which led to small clashes throughout town, culminating in a protest by 700 to 3,000 striking miners who marched on the Waterford Lake in an attempt to persuade the company workers to support the strike.

**And Whereas:** The company police force then retreated as the miners swarmed the facility. The coal miners also began attacking company stores and other coal company properties in the Sydney coalfield, resulting in the deployment of the provincial police force and almost 2,000 soldiers from the Canadian Army - the second-largest military deployment for an internal conflict in Canadian history after the Northwest Rebellion of 1885. BESCO eventually accepted government intervention and agreed to settle the strike. BESCO gave up its attempts to break District 26 U.M.W.A., which by then had grown to become one of the most militant labour organizations on the

continent. The company was eventually taken over and merged into a larger conglomerate in 1930 called the Dominion Steel and Coal Corporation (DOSCO), but Industrial Cape Breton remained a hotbed of labour activism.

**Be It Therefore  
Resolved:**

That the Cape Breton Regional Municipality's Mayor Amanda M. McDougall and Council proclaim June 11<sup>th</sup>, 2021 as Davis Day in the CBRM.

*Councillor Darren O'Quinn - District #11- CBRM*

May 18<sup>th</sup>, 2021

# Proclamation

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## *“Victorian Order of Nurses (VON) Week”* **2021**

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- Whereas:** The Victorian Order of Nurses is Canada’s largest, national, not-for-profit, charitable home and community care organization who offer more than 75 different home care, personal support and community services to enhance each client’s quality of life;
- And Whereas:** Every day, volunteers from all walks of life work with VON staff to help make Canadian communities healthier;
- And Whereas:** VON’s home nursing, health promotion and support services make an invaluable contribution to the Health Care System in Nova Scotia;
- And Whereas:** The Cape Breton VON Branch has provided immeasurable support for individuals and families throughout the Island, providing compassion and care to those in need;
- Be It Therefore Resolved:** That CBRM Mayor Amanda M. McDougall and Council, recognize the contributions made by the VON through their work in making our Province a better place in which to live by proclaiming May 23<sup>rd</sup> to May 29<sup>th</sup>, 2021, as “**VON Week**” in the Cape Breton Regional Municipality.

*Councillor Glenn Paruch – CBRM District 6*

*May 18<sup>th</sup>, 2021*

*Proclamation*  
**Access Awareness Week 2021**

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**WHEREAS:** The week of May 30<sup>th</sup> – June 5<sup>th</sup>, 2021 is recognized as Access Awareness Week; and

**WHEREAS:** Access Awareness Week aims to celebrate achievements made both by and for persons with disabilities in the areas of accessibility, transportation, housing, employment, recreation, education and communication; and

**WHEREAS:** This is the 34<sup>th</sup> year that this public awareness initiative has taken place in Nova Scotia; and

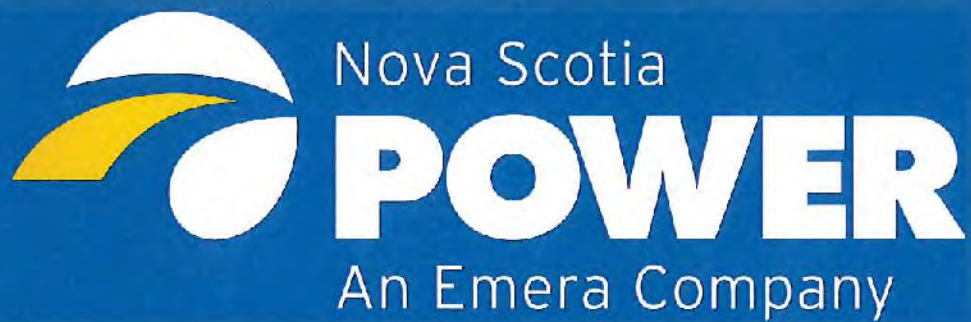
**WHEREAS:** Access Awareness Week promotes the inclusion of all Nova Scotians with disabilities as full citizens within our communities; and

**WHEREAS:** Through public awareness, community partnerships and education, this campaign aims to foster an environment of equal participation for persons with disabilities within the Cape Breton Municipality.

**BE IT THEREFORE  
RESOLVED:** That CBRM Mayor Amanda M. McDougall and Council hereby proclaim May 30<sup>th</sup> – June 5<sup>th</sup>, 2021 as **Access Awareness Week** in the CBRM and encourage residents to live with the spirit of inclusion and champion accessibility for all.

*Councillor Lorne Green - CBRM District #12*

*May 18<sup>th</sup>, 2021*



**Committed to a bright future  
in Nova Scotia**





# The decarbonization journey



# Destination: clean electricity





# Electrification through collaboration



Someday ... is **TODAY**





## Economic Impact of Culture in Canada

- Total culture GDP in Canada in 2018 - \$56,059,566,000
- Total number of culture jobs in Canada in 2018 - 655,157
- Total amount of international exports of culture products from Canada in 2018 - \$16.9 billion

Statistics according to Statistics Canada, Table 36-10-0452-01, Culture and sport indicators by domain and sub-domain, by province and territory, product perspective (x1,000) <https://doi.org/10.25318/3610045201-eng> and <https://www150.statcan.gc.ca/n1/daily-quotidien/201022/dq201022b-eng.htm>



# Economic Impact of Culture in Nova Scotia

Total **Culture GDP** in Nova Scotia

2018 **\$943M**

▲ 5.1% increase 2018 from 2016 (\$897M)

**2.4% of Nova Scotia's Economy**

Total **Culture Jobs** in Nova Scotia

2018 **13,116 JOBS**

▼ 2.2% decrease 2018 from 2016 (13,416 Jobs)

**2.8% of all jobs in Nova Scotia**

↳ What's the Nova Scotia **Culture GDP breakdown in 2018?**



## Cape Breton Partnership and the Creative Economy

- Two creative sector plans published in 2017 to address the needs of the island's creative economy:
  - The **Culture Sector Strategy** (created by the Culture Sector Team, part of the Partnership's Prosperity Framework)
  - The **Creative Economy Growth Plan** (created by the CBRM Mayor's Roundtable on Arts and Culture)

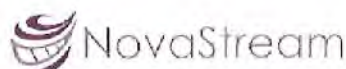


## Cape Breton Partnership and the Creative Economy

- In 2019 – The Cape Breton Partnership introduced **Creative Economy Development Officer**
- A shared resource of the **Cape Breton Regional Enterprise Network (CBREN)** and the **Cape Breton Regional Municipality Regional Enterprise Network (CBRM REN)**
- The Creative Economy Development Officer supports the island’s creative economy by:
  1. Identifying and implementing projects that will benefit the sector as a whole
  2. Providing advisory services to individuals and organizations working in arts and culture



## Examples of Creative Sector Partners in CBRM



## Past Initiatives

- Advisory services for the creative sector:
  - Researching funding options
  - Identifying resources and supports
  - Consulting with other groups working to support the sector
  - Providing connections to individuals and organizations
  - Writing letters of support



## Past Initiatives

- Projects to support the sector:
  - 2019 Small Business Week creative economy panel
  - Information sessions and workshops
  - Creative Minds event series
  - Creative economy issue of Elevate magazine
  - Developing a Creative Economy Leaders Workshop



## Past Initiatives

- Key priorities from the Creative Economy Leaders Workshop:
  - Increasing promotion & integration of Mi'kmaw culture & cross-cultural collaboration
  - Mobilizing network of existing creative sector organizations & artists
  - Encouraging development of a fund supporting sector & artists
  - Developing more educational opportunities in the arts
  - Growing presence of artist residencies on the Island



## Current initiatives

- The Education Project and the Legacy Project, funded through the **Job Creation Partnerships** program, hired a total of 20 artists to provide **arts education** opportunities and develop creative works in response to the pandemic.



In response to the COVID-19 global pandemic, Cape Breton -Unama'ki's creative sector is looking for artists (craft, dance, design, film, literary arts, music, theatre, visual arts, etc.) from across the island for two employment opportunities:

- To develop and deliver art education (eight months)
- To develop a body of work related to society's growth and transition during a pandemic (five months)

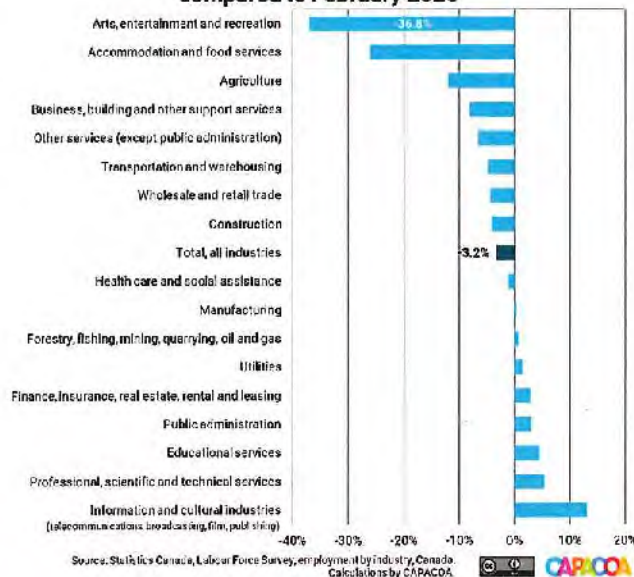


## Current initiatives



## Creative Sector Impact of COVID-19

Employment change (%), February 2021 compared to February 2020



In February 2021, the arts, entertainment and recreation was still furthest from recovery.

- 36.8% lower employment
- 151,300 job losses
- 25.3% employment decline
  - (-598,300)
- 36.6% decline in hours worked
- GDP 50.7% shift

Statistics according to <https://capacoa.ca/en/research/covid-impact-statistics/>



## Creative Sector **Advocacy**



<https://www.youtube.com/watch?v=hcP-tfaydCw&t=2s>



**Case 1078 – Municipal Planning Strategy Amendment to Allow a Medical Clinic at 46 Cottage Road, Sydney (PID 15105133 and 15270382)**

**Motion:**

Moved by Councillor Paruch, seconded by Councillor Gordon MacDonald, approval to advertise Notice of a Public Hearing at an upcoming meeting of Council, to consider the amendment, Case 1078, to allow a Medical Clinic at 46 Cottage Road, Sydney (PID 15105133 and 15270382) and regulate following Option 3, General Provisions specifically for Medical Clinics, as outlined in the staff report paper dated April 13, 2021.

**Discussion:**

- Traffic and parking related provisions and concerns
- Any interior alterations (i.e. expansions) would require a permit to meet threshold
- Council **agreed** to separate the recommendations motion into three (3) separate motions
- Amendment is only for provisions for a medical clinic
- Support of local physicians
- Medical clinic definition
- Commercial sector effect
- Similarities and differences for a doctor office in residential versus commercial zone
- Similar approach is taken for long-term care facilities

**Motion Carried.**

**Motion:**

Moved by Deputy Mayor MacMullin, seconded by Councillor Paruch, approval to advertise Notice of a Public Hearing at an upcoming meeting of Council, to consider an amending the North End Sydney Secondary Planning Strategy and Land Use Bylaw in accordance with Option 3, General Provisions to permit Medical Clinics, as outlined in the staff Report dated April 13, 2021.

**Discussion:**

- Additional provisions for homebased versus standalone medical clinic
- Home based businesses, the operator must be a resident of the home with the provision that allows for one additional staff member.

**Motion Carried.**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Gordon MacDonald, approval to advertise Notice of a Public Hearing to consider amending the CBRM Municipal Planning Strategy, Land Use Bylaw, North End Sydney Secondary Planning Strategy and North End Sydney Secondary Land Use Bylaw, to permit medical clinics as home-based businesses as outlined in the staff Report dated April 13, 2021.

**Motion Carried.**



**TO:** CBRM Council

**FROM:** Karen Neville and Kristen Knudskov

**SUBJECT:** Case 1078 Municipal Planning Strategy Amendment to allow a Medical Clinic at 46 Cottage Road, Sydney (PID 15105133 and 15270382)

**DATE:** May 10<sup>th</sup>, 2021

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## Background

Dr. Margaret Fraser has requested establish a business development at 46 Cottage Road, Sydney (PID 15105133 and 15270382) [Attachment B]. Part 2, Policy 16 of the MPS states that a zone amendment is not an option for any business development proposal in an urban or suburban neighbourhood [Attachment A]. Therefore, both the Municipal Planning Strategy (MPS) and the Land Use Bylaw (LUB) would need to be amended to permit a medical clinic on this property.

After reviewing options presented by staff on April 20<sup>th</sup>, 2021, Council passed motions to consider amending its Planning Document to:

- Regulate stand-alone medical clinics within CBRM's Land Use By-laws by combination of outright permission, permission by site plan approval, and a zoning amendment, and
- Permit medical clinics as home businesses.

A copy of the draft Amending By-laws can be found in Attachment C.

In addition, to the proposed medical clinic, the applicant is proposing a dwelling within the existing building. The addition of a dwelling unit to the proposed development has been included in the Amending By-laws found in Attachment C.

If the attached Amending By-laws are adopted, the conversion of 46 Cottage Road would be considered by site plan approval. Upon receipt of a Building & Development Permit application, the proposal would be assessed for compliance with the site plan approval criteria and all other applicable provisions of the Land Use Bylaw.

## Notice of Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the May 3<sup>rd</sup> and May 10<sup>th</sup> editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of 46 Cottage Road and was posted to the CBRM Facebook Page.

At the time this report was prepared, four submissions were received [Attachment D]. One expressed outright support. One expressed support subject to conditions; Planning Staff explained to this individual that the amendment does not exclude the establishment of a methadone clinic.

Comments from those **in support** include:

- There are non-residential uses adjacent to 46 Cottage Road
- Supportive provided there is sufficient parking
- Supportive provided it excludes methadone clinics

Two submissions were received in opposition. Comments and concerns from those **in opposition** include:

- Would support a home-based business but not a stand-alone medical clinic because the business owner would have a stake in the outcome
- Concern of precedence for other non-residential uses
- There are commercial vacancies elsewhere
- Generally incompatible use

**Motion**

If Council wishes to proceed with this request, Council should pass a motion to adopt the Amending By-laws found in Attachment C.

**Respectfully submitted by:**

**ORIGINAL SIGNED BY**

Karen Neville  
Senior Planner  
Planning & Development Department

**ORIGINAL SIGNED BY**

Kristen Knudskov  
Planner  
Planning & Development Department

## **MUNICIPAL PLANNING STRATEGY PART 2, POLICY 16**

A zoning amendment is not an option for any business development proposal in an urban or suburban area that is not permitted pursuant to the previous 15 policies in this Part, unless it meets the scenario described in Policy 20 of this Part, or Policy 16 of Part 10.

## **MUNICIPAL PLANNING STRATEGY PART 2, POLICY 20**

It shall be a policy of Council to permit a variety of sales and service business development on abandoned or vacant properties in urban and suburban residential neighbourhoods by zoning amendment under the following circumstances. There must be a history of business development at the site, the Province of Nova Scotia still assesses the property as commercial and, the present owner is still paying commercial taxes.

A site specific, use specific, zone shall be considered for each zoning amendment application. The purpose of the zone shall be to ensure:

- the site itself;
- the site plan; and
- management of the business development,

mitigate any adverse affects the development will have on low density residential development in proximity. If zone provisions cannot be established that provide reasonable protection to residential development in proximity, the application shall be denied. More specifically, this means evaluating the proposal from the perspective of:

- visual compatibility;
- dust or fumes emanating from the site;
- traffic attracted to, and leading from, the site; and
- noise emanating from the development.

## **Municipal Planning Strategy Part 10, Policy 17\***

Areas immediately adjacent to a given land use designation on the Municipal Planning Strategy Map may be considered for rezoning to a use permitted in the given designations without requiring an amendment to this Strategy, provided that the intent of all other policies of the Strategy are satisfied.

\* Policy 16, Part 10 was renumbered after an amendment to the MPS, Policy 16, Part 2 of the MPS was not amended to reflect this number change.

## **Land Use Bylaw Part 20 Residential Heritage Dwelling (RH)**

Part 20 Residential Heritage Dwelling (RHD) Zone

### **Section 1 RHD Uses Permitted**

Development Permits shall only be issued in the RHD 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 - only the following**
  - public indoor and outdoor

- **residential - only the following**
  - single detached dwellings *that do not have the dimensions of a mobile home as defined by this By-law*
  - two unit dwellings
- **service - only the following**
  - community service *in compliance with the site plan approval provisions of Section 5 (except day care facilities and community service residences which are listed below as not subject to the referenced Site Plan Approval provisions).*
  - community service residences
  - day care
  - educational *in compliance with the provisions of Section 6*
  - inns *in compliance with the site plan approval provisions of Section 5*
  - protective *only the following*
    - coast guard stations
    - fire
    - judicial
    - police
  - residential care dwelling

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**Section 2      % Lot Coverage Provision for all Uses Permitted in this Zone**

- a. The total maximum lot parcel coverage for all main uses in this Zone shall be 1/3<sup>rd</sup> (i.e. 33%) of the lot parcel area.
  - b. The part of a building used to calculate this maximum lot parcel coverage is the roof to the edge of the eave (i.e. dripline)
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**Section 3      Lot Parcel Development Requirements**

- a. No standard minimum lot parcel area requirement is imposed. The minimum lot parcel area will be determined by a combination of the size of the building footprint and compliance with the setback and yard area requirements.
- b. Main building setback\* from a public street/road
  - **10 foot minimum** (refer to exception below)
  - **20 foot maximum** (refer to exception below)

The above listed main building setback may be waived to preserve any tree with a minimum height of 15 feet, provided no more than 49% of the building is located within the rear half of the lot parcel. On a corner lot parcel the rear half of the lot parcel shall be closest to the property boundary furthest from the tree.

\*The minimum setback for buildings on a corner lot parcel shall only be applicable for the yard where the main entrance to the building is facing.
- c. minimum height = storey and ½ with the following three exceptions:
  - where a garage is attached to the main building; or
  - provided no more than 25% of the total floor area of the main building is on the part of the first floor with no second floor above it; or
  - the height of the first floor exceeds 20 ft.
- d. The roof of each main building (excluding an attached garage or veranda) must have a minimum of two slopes.
- e. Any detached accessory building, including a motor vehicle garage, shall be located in the rear yard. The floor area of any detached accessory building shall not exceed 30% of the floor area of the main building it is accessory to. **A motor vehicle garage may be attached to the main building provided:**

- the footprint of the garage does not exceed 25% of the floor area of all floors of the main building (excluding the garage) above grade and the footprint of the garage does not exceed 50% of the footprint of the main building.
  - the minimum setback of the garage from the public street/road shall be equal to the setback of the front wall of the main building plus 1 foot (e.g. if the front wall of the main building is setback 10 ft. from the public street/road, the garage must be setback at least 11 ft. from the public street/road)
- f. Driveway or parking spaces shall be prohibited from the part of the front yard directly between the front wall of the main building (excluding an attached garage) and the public street/road, except by means of site plan approval provisions (pursuant to Sections 231 and 232 of the Municipal Government Act) that incorporate a landscaping plan that buffers the driveway or parking space from the public street/road.
- g. Fire escapes are not permitted along the exterior wall of a building facing a Street.
- h. All main buildings shall be oriented on the lot parcel within 85% of being parallel with the Street except for:
- corner lot parcels;
  - lot parcels with at least 50% of their frontage along a cul-de-sac; and
  - lot parcels with an area equal to or greater than 15,000 sq.ft. to take maximum benefit of passive solar energy by orienting the widest side of the main building in a southerly direction. However, the exterior wall of any main building with a length of 45 ft. or more on lot parcels greater than 15,000 sq.ft. shall be setback from the property boundary it is facing a minimum of 8 ft.

**Section 4 Performance Zoning Provisions**

For **1½ and 2 storey main buildings**, the roof designs, ornamental embellishments, protuberances, or adjuncts on the main building or single detached dwelling must = a minimum of **5 points** by incorporating any combination of the types of protuberances, embellishments, or adjuncts listed below into the overall main building/dwelling design.

For **two-unit dwellings**, the roof designs, ornamental embellishments, protuberances, or adjuncts on the dwelling must = a per building minimum average of **6 points** by incorporating any combination of the types of protuberances, embellishments, or adjuncts listed below into the overall dwelling design.

**ROOF DESIGNS**

A dwelling with four or more roof slopes, excluding the roof over a dormer	2 points
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**PROTUBERANCES AND ADJUNCTS**

verandas attached to either the front or side of the dwelling which are at least 3 times the width of the front door facing a Street, supported by pillars, with at least one step between the floor of the veranda and the established grade. A 2 <sup>nd</sup> storey veranda on a duplex dwelling cannot be used to calculate Performance Zoning points.	2 points
verandas extending the entire width of the exterior wall of the dwelling facing a Street, supported by pillars, with at least one step between the floor of the veranda and the established grade. A 2 <sup>nd</sup> storey veranda on a duplex dwelling cannot be used to calculate Performance Zoning points.	3 points
Domed turrets	3 points
Bay, dormer, and oriel windows that can be seen from a Street the dwelling's lot parcel fronts	1 point per protuberance

**ORNAMENTAL EMBELLISHMENTS**

Embellished arches over a door facing a street	1 point per arch
Roof domes	1 point per dome
Transoms over a door facing a Street with a shape other than a square or rectangle	1 point per transom
Widow's walk	1 point
Windows on an exterior wall facing a Street with a shape other than a square or rectangle having a glass area measuring at least 4 square feet each	1 point per window
Exterior cladding other than metal or vinyl siding	2 points

**Section 5 Inns and community Services– site plan approval**

All new inns and community service uses that reference this Section, and expansions of existing inns and community service uses that increase the floor area by more than 10%, are subject to approval of a site plan. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
- b. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
- c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
- d. A minimum equivalent to 1/3<sup>rd</sup> of the floor area of the building shall be in compliance with the definition for landscaped open area. That percentage may be reduced to as low as 1/10<sup>th</sup> where the Development Officer is satisfied with the design of a Certified Horticultural Technician or Architect.
- e. For new construction and additions, the setbacks shall either meet the setback requirement of 20 ft. or be screened (as defined in this Bylaw) from adjacent lot parcel boundaries to soften the starkness of the building where the development on the adjacent lot parcel warrants protection e.g. residential development with an attractive façade, or a managed landscaped yard, or a business development that uses either an attractive façade e.g. professional office or a managed landscaped yard to promote their establishment e.g. bed and breakfast establishment. For existing buildings proposed to be converted because of a change in use and development on the adjacent lot parcel warrants protection for the reasons given above, only the setback is waived.
- f. Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape.
- g. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.

**Section 6 Storage and Use of Equipment Outdoors**

Storage and use of equipment and machinery outdoors which is associated with the educational instruction other than playground equipment shall not be permitted within 200 ft. of a dwelling.

**Section 7        Landscaping Provisions**

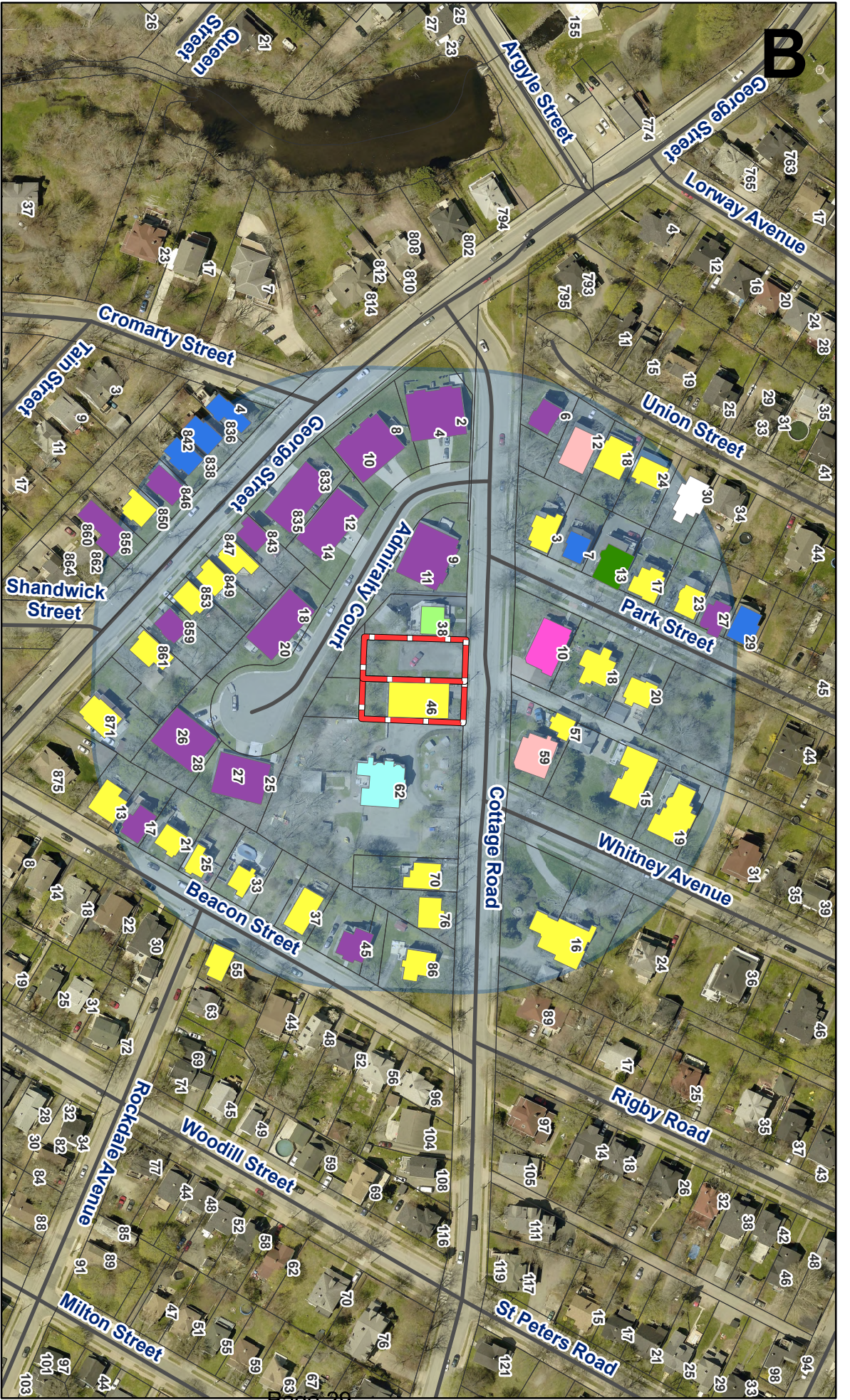
There is no requirement to provide a minimum landscaped open area. However, all exposed ground shall comply with the definition of this By-law for landscaped open area.

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**Land Use Bylaw  
Part 101 Definitions**

**Business office** means property where persons are employed in the management, direction or conducting of a business service on behalf of clients. Although not limited to the following, a business office may include the office of a financial institution (e.g. bank, insurance agency, brokerage, loans etc.), a professional office (e.g. engineer, architect), government office, telecommunications and digital technology, printing/publication establishment, call center, and may include the business office of a non-profit charitable organization, but does not include a medical clinic.

**Medical clinic** means a service establishment where members of the medical profession, including dentists, chiropractors, physiotherapists, osteopaths, optometrists, provide diagnosis and treatment to the general public without overnight accommodations. For purposes of clarification, any patient service for which a referral could be made by or from a member of the medical profession shall be deemed an accessory use.

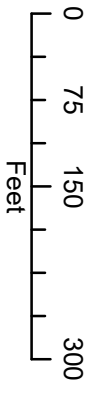


**B**



**Case 1078**

- Subject Properties
- 100m Buffer
- 2 Unit Dwelling
- 3 Unit Dwelling
- 4 Unit Dwelling
- 5 - 6 Unit Dwelling
- Aesthetics Shop/Single Unit Dwelling
- Bed and Breakfast/Single Residential Unit
- Day Care Facility/Single Residential Unit
- Residential Care Facility
- Single Detached Dwelling



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

**By-law**  
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's  
Municipal Planning Strategy**

Pursuant to Section 205 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Municipal Planning Strategy in the following manner:

**THAT:** Part 2 Sales/Service Business Development of the Municipal Planning Strategy is hereby amended by adding medical clinic to the inventory of land uses listed in Policy 13.a.

**THAT:** Part 2 Sales/Service Business Development of the Municipal Planning Strategy is hereby amended by deleting Policy 16 and replacing it with the following:

A zoning amendment is not an option for any business development proposal in an urban or suburban area that is not permitted pursuant in this Part, unless it meets the scenario described in Policy 20 of this Part, or Policy 17 of Part 10.

**THAT:** Part 2 Sales/Service Business Development of the Municipal Planning Strategy is hereby amended by adding the following:

**Medical Clinics**

This Municipal Planning Strategy acknowledges that medical clinics are an essential health service. Medical clinics are permitted throughout the CBRM, including residential neighbourhoods. However, plan policy should attempt to establish a threshold when the size of a medical clinic compromises the development objectives of low density residential neighbourhoods because of unusually large scale buildings and significantly higher traffic volumes. The Land Use By-law will regulate medical clinics in its General Provision Part by correlating the scale of these health care services with the importance of the public street/road used to access them in the CBRM's public street/road hierarchy. A combination of outright permission, permission by site plan approval and a zoning amendment option correlated to the existing landscape, the scale of the project, and the public street/road level are used to regulate them.

**POLICY**

27. It shall be a policy of Council to regulate medical clinics in its General Provision Part by correlating the scale of these health care services with the importance of the public street/road used to access them in the CBRM's public street/road hierarchy. A combination of outright permission, permission by site plan approval and a zoning amendment option correlated to the existing landscape, the scale of the project, and the public street/road level are used to regulate them.

The purpose of any zoning amendment shall be to ensure:

- the site itself;
- the site plan; and
- management of the facility

mitigate any adverse affects the development will have on low density residential development in proximity.

Council shall use the following criteria to evaluate such zoning amendment proposals:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (e.g. parking spaces, driveways, utility facilities, etc.);
- The development proposal must include a traffic plan (both on-site and along the public street/road accessing it) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criterion is adhered.
- The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

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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 \_\_\_\_\_.

---

**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 \_\_\_\_\_ to amend the Cape Breton Regional Municipality's Municipal Planning Strategy.

---

Deborah Campbell Ryan, CLERK

**By-law**  
of the Cape Breton Regional Municipality  
amending the

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

---

Pursuant to Section 219 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text and map of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

**THAT:** Part 2 General Provisions For All Zones, Section 17 Home Businesses of the Land Use By-law is hereby by amended by adding 'medical clinic' to Subsection a. List of Permitted Home Businesses.

**THAT:** Part 2, Section 43 Multiple Uses be deleted and replaced with the following:

**Section 23                      Multiple Uses**

- (1) Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied. For purposes of calculating minimum public street/road frontage, lot parcel area, and setbacks, the higher or more stringent standard shall prevail. All other provisions shall be aggregated.
- (2) Dwellings within a Mixed Use Building
  - a. Dwellings within a mixed use building are permitted subject to compliance with the maximum number of dwellings permitted or the density as specified by the zone in effect or pursuant to any other part which permits residential development.
  - b. For the purposes of interpreting this Section:
    - i. A single detached dwelling shall include a dwelling unit within a mixed use building provided it is the only dwelling unit contained within the building; and
    - ii. A two unit dwelling shall include two dwelling units within a mixed use building provided there are a maximum of two dwelling units contained within the building.

**THAT:** Part 2 General Provisions For All Zones of the Land Use By-law is hereby by amended by adding the following:

**Section 46                      Medical Clinics**

1. For those Zones where medical clinics are not identified as a permitted use, with the exception of the PWS Zone, medical clinics are permitted in accordance with the following provisions:

- (a) Medical clinics shall be permitted by Site Plan Approval in accordance with the following table.

<b>PUBLIC STREET/ROAD LEVEL</b>	<b>MAXIMUM DENSITY THRESHOLD 2 or more storeys</b>	<b>MAXIMUM DENSITY THRESHOLD 1 storey</b>
Level 1, 2, and 3	1 consulting room per 1,500 sq.ft. of land	1 consulting room per 3,000 sq.ft. of land
Level 4	1 consulting room per 2,000 sq.ft. of land	1 consulting room per 4,000 sq.ft. of land

### **Site Plan Approval Criteria**

The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- (i) The scale and design of the building must respect any aesthetic aspects of the streetscape that are easily discernable;
  - (ii) Any outdoor lighting must be directed away from adjacent properties.
  - (iii) Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
  - (iv) All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
  - (v) Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape.
  - (vi) The location and orientation of any main buildings on the lot parcel must be carefully selected to prevent buildings that are significantly larger than any single detached dwellings or two unit dwellings in the vicinity (i.e. greater than 3 times the floor area, and/or twice the height, and/or three times the length from looming over any such residential dwellings or their yards).
  - (vii) Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
  - (viii) A minimum equivalent to 1/3<sup>rd</sup> of the floor area of the building shall be in compliance with the definition for landscaped open area. That percentage may be reduced to as low as 1/10<sup>th</sup> where the Development Officer is satisfied with the design of a Certified Horticultural Technician or Architect.
  - (ix) Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
- (b) Medical clinics shall only be permitted by zone amendment if the density is greater than the maximum threshold in the table in subsection (a) above, or on any Level 5 public street/road.

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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 \_\_\_\_\_.

---

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

---

Deborah Campbell Ryan, CLERK

DRAFT

# By-law

of the Cape Breton Regional Municipality

amending the

## **Cape Breton Regional Municipality's North End Sydney Secondary Planning Strategy**

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Pursuant to Section 205 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's North End of Sydney Secondary Planning Strategy in the following manner:

**THAT:** Section 9 General Provision Policies of the Secondary Planning Strategy is hereby amended by adding the following after Policy 43:

### **Medical Clinics**

This Municipal Planning Strategy acknowledges that medical clinics are an essential health service. Medical clinics are permitted throughout the CBRM, including residential neighbourhoods. However, plan policy should attempt to establish a threshold when the size of a medical clinic compromises the development objectives of low density residential neighbourhoods because of unusually large scale buildings and significantly higher traffic volumes. The Land Use By-law will regulate medical clinics in its General Provision Part by correlating the scale of these health care services with the importance of the public street/road used to access them in the CBRM's public street/road hierarchy. A combination of outright permission, permission by site plan approval and a zoning amendment option correlated to the existing landscape, the scale of the project, and the public street/road level are used to regulate them.

### **POLICY**

44. It shall be a policy of Council to regulate medical clinics in its General Provision Part by correlating the scale of these health care services with the importance of the public street/road used to access them in the CBRM's public street/road hierarchy. A combination of outright permission, permission by site plan approval and a zoning amendment option correlated to the existing landscape, the scale of the project, and the public street/road level are used to regulate them.

The purpose of any zoning amendment shall be to ensure:

- the site itself;
- the site plan; and
- management of the facility

mitigate any adverse affects the development will have on low density residential development in proximity.

Council shall use the following criteria to evaluate such zoning amendment proposals:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (e.g. parking spaces, driveways, utility facilities, etc.);
- The development proposal must include a traffic plan (both on-site and along the public street/road accessing it) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criterion is adhered.
- The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated

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

\_\_\_\_\_  
**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 \_\_\_\_\_ to amend the Cape Breton Regional Municipality's North End Sydney Secondary Planning Strategy.

\_\_\_\_\_  
 Deborah Campbell Ryan, CLERK

# By-law

of the Cape Breton Regional Municipality

amending the

## Cape Breton Regional Municipality's Secondary Land Use Bylaw

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Pursuant to Section 219 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text and map of the Cape Breton Regional Municipality's *North End Sydney Secondary Land Use By-law* in the following manner:

**THAT:** Part 2 General Provisions For All Zones, Section 14 Home Businesses is hereby by amended by adding 'medical clinic' to Subsection a. List of Permitted Home Businesses.

**THAT:** Part 2, Section 18 Multiple Uses be deleted and replaced with the following:

### **Section 18                      Multiple Uses**

- (1) Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied. For purposes of calculating minimum public street/road frontage, lot parcel area, and setbacks, the higher or more stringent standard shall prevail. All other provisions shall be aggregated.
- (2) Dwellings within a Mixed Use Building
  - a. Dwellings within a mixed use building are permitted subject to compliance with the maximum number of dwellings permitted or the density as specified by the zone in effect or pursuant to any other part which permits residential development.
  - b. For the purposes of interpreting this Section:
    - i. A single detached dwelling shall include a dwelling unit within a mixed use building provided it is the only dwelling unit contained within the building; and
    - ii. A two unit dwelling shall include two dwelling units within a mixed use building provided there are a maximum of two dwelling units contained within the building.

**THAT:** Part 2 General Provisions For All Zones of the Land Use By-law is hereby by amended by adding the following:

### **Section 40                      Medical Clinics**

1. For those Zones where medical clinics are not identified as a permitted use, medical clinics are permitted in accordance with the following provisions:
  - (a) Medical clinics shall be permitted by Site Plan Approval in accordance with the following table.

PUBLIC STREET/ROAD LEVEL	MAXIMUM DENSITY THRESHOLD	MAXIMUM DENSITY THRESHOLD
	2 or more storeys	1 storey
Level 1, 2, and 3	1 consulting room per 1,500 sq.ft. of land	1 consulting room per 3,000 sq.ft. of land
Level 4	1 consulting room per 2,000 sq.ft. of land	1 consulting room per 4,000 sq.ft. of land

### Site Plan Approval Criteria

The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- (x) The scale and design of the building must respect any aesthetic aspects of the streetscape that are easily discernable;
  - (xi) Any outdoor lighting must be directed away from adjacent properties.
  - (xii) Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
  - (xiii) All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
  - (xiv) Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape.
  - (xv) The location and orientation of any main buildings on the lot parcel must be carefully selected to prevent buildings that are significantly larger than any single detached dwellings or two unit dwellings in the vicinity (i.e. greater than 3 times the floor area, and/or twice the height, and/or three times the length from looming over any such residential dwellings or their yards.
  - (xvi) Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
  - (xvii) A minimum equivalent to 1/3<sup>rd</sup> of the floor area of the building shall be in compliance with the definition for landscaped open area. That percentage may be reduced to as low as 1/10<sup>th</sup> where the Development Officer is satisfied with the design of a Certified Horticultural Technician or Architect.
  - (xviii) Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
- (b) Medical clinics shall only be permitted by zone amendment if the density is greater than the maximum threshold in the table in subsection (a) above, or on any Level 5 public street/road.

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

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

\_\_\_\_\_  
Deborah Campbell Ryan, CLERK

DRAFT

**From:** [REDACTED]  
**To:** [PlanningConsult](#)  
**Subject:** Upcoming public hearing:Medical clinics  
**Date:** May 8, 2021 12:34:49 PM

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Hello,

My name is Leslie MacDonald, 56 Whitney Ave, Sydney, NS B1P 4Z7.

I am writing to voice my concern and opposition to the proposed amendment to change the zoning to allow for a medical clinic at 46 Cottage Rd. Cottage road and the adjoining streets are a lovely residential area. There are many seniors and families that live in the area. Lots of folks walk on cottage road for recreation and to get to work and school. I believe it is a slippery slope to change zoning to allow for a non residential application. I am sure there are a lot of commercial vacancies in the cbrm that would be most suitable for a doctors office.

Thank you

Leslie MacDonald

**From:** [REDACTED]  
**To:** [PlanningConsult](#)  
**Subject:** From Eric and Lynda Krause - Medical Clinic - 46 Cottage Road - Upcoming Public Hearing  
**Date:** May 5, 2021 9:13:24 AM

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**To: Kristen Knudskov, Planner, Planning and Development Department**  
**Subject: Public Hearing Statement, For Tuesday, May 18th, 2021**

**Our view (that is that this contact should be considered as 2 separate submissions):**

**Any commercial enterprise that is to be established in a zone designated as residential MAY be considered ONLY if the OWNER resides in said enterprise and ONLY if this is the PRIME residence of the OWNER. In other words, such enterprises are to be considered as home-based businesses that, significantly, have, let us say as simply as possible, "skin in the game."**

**In the particular case at hand, this effort to carve out an exception to the Planning Documents of the CBRM through an amendment that would allow, in general, medical clinics, and, in particular, one at 46 Cottage Road (where the owner will not be residing) to exist in a residential area when there exists numerous commercial properties elsewhere in the CBRM just as suitable, simply opens up the slippery slope that other "commercial" initiatives might also want to seek a similar broad/and or particular exception.**

**There are good reasons why zones, be they Residential, Commercial Industrial, Agricultural, Rural, Recreational, or whatever exist: Each is controlled by a set of "regulations" for "new development" that differs from other zones. In such a regulatory scheme, the goal of a zone regime is clear: to group within each zone activities and uses that are compatible while at the same time to segregate zones from others that have activities and uses deemed incompatible.**

**And here is the rub: what is compatible and what is not in any situation? After all, there is no accounting for taste, meaning that "there is no way to understand why some people like something while other people do not."**

**So, tried and true, proven effective in many jurisdictions, in residential zones that take up commercial activities this touchy issue of what is compatibility or not has been neatly avoided, through the friendly neighbourhood requirement that all commercial activities be home-based businesses. Having spent their own money to purchase their residence, to form up a business that they wish to run there becomes each as important as the other.**

**And seeing this, and knowing this, and being like them, their neighbours will more likely regard this newcomer as familiar rather than interloper, understandable rather than uncommon, and, most importantly, immediately acceptable rather than potentially undesirable over the long term.**

**Thanks for this consideration,**

**Eric and Lynda Krause**

**62 Woodill St, Sydney, NS, Canada**  
**B1P 4N9**  
**<http://www.krausehouse.ca/krause/MyGenealogy.html>**

**Case 1078 Municipal Planning Strategy Amendment to allow a Medical Clinic at 46 Cottage Road, Sydney (PID 15105133 and 15270382)**

**Voicemail submissions, transcribed**

1. Hello, my name is Elizabeth MacGregor and I'm calling in response to the letter I got from the Planning and Development Committee about permitting medical clinics throughout the jurisdiction of the CBRM. I would like to add my voice to this and I am in favor of medical clinics throughout the jurisdiction of CBRM. My name is Elizabeth MacGregor and my address is 76 Woodill Street in Sydney. The postal code is B1P 4N9. Thank you very much.
2. Hello, its Marie Skinner calling. I live on 25 Rigby Road B1P 4T4. Its regarding the medical clinic on 46 Cottage Road. I think that you should certainly go ahead with that, I'm 100% in favor of it. I believe the doctor's office in this ageing community would be an absolute asset. I find it difficult to understand what the problem is, in light of the fact that there's a daycare on one side of her and a cosmetics little shop which is mildly commercial on the other side. And in light of having these two properties, it seems that there's almost a personal vendetta or something. And anyway, I think it would be a huge advantage so long as she's obligated to adhere to the parking rules on the street. Not on the street, because it's pretty busy with the daycare. Thank you, I'm in favor of it.

Hello, Marie Skinner I called you yesterday regarding the clinic on Cottage Road. I spoke to a group of senior friends in that neighbourhood and they said that they will not be able to vote for that unless there's a guarantee there won't be a methadone clinic or one of those drug-related clinics because it's a very vulnerable neighbourhood with small children in the daycare and a huge number of seniors. So please, make sure that that's factored into the decision or there'll be a lot of negative votes. Thank you very much, I hadn't thought of that at the time. Marie Skinner, B1P 4T4.

**Case 1079 – Motor Vehicle Sales PID 15037278 (2248 Kings Road, Howie Center; District 7)**

**Motion:**

Moved by Councillor Parsons, seconded by Councillor Green, approval to advertise Notice of a Public Hearing for an upcoming meeting of Council, to consider the site plan approval criteria to permit motor vehicle sales developments in the Kings Road Sales (KRS) Zone and assist in mitigating potential adverse effect on surrounding residential development – Case 1079, PID 15037278, 2248 Kings Road, Howie Center.

**Motion Carried.**



**TO:** CBRM Council

**FROM:** Kristen Knudskov

**SUBJECT:** Case 1079 Motor Vehicle Sales PID 15037278 (2248 Kings Road, Howie Center; District 7)

**DATE:** May 10, 2021

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### **Background**

Matthew Dilney is proposing to operate a motor vehicle repair and sales shop out of an existing 3,200 sq. ft. garage on PID 15037278 (2248 Kings Road, Howie Center) [Attachment A]. The business would deal primarily with smaller vehicles such as ATVs and motorcycles but may include other types as well.

The property is zoned Rural CBRM (RCB). Motor vehicle repair is permitted in the RCB zone subject to a 300 foot setback to any dwelling other than the proprietor's. Motor vehicle sales are not permitted within the RCB Zone. The Municipal Planning Strategy (the Planning Strategy) Part 2, Policies 5 and 17 allow Council to consider a request for a sales use on this property by zone amendment.

The property does have a history of commercial use. Prior to its current ownership, a solid waste management contractor operated out of the garage. The property was sold after the roof collapsed. The current owner has essentially reconstructed the building and is in the process of constructing a 32 ft. by 40 ft. addition to the front (see Attachment D).

While the area consists of predominantly low-density residential development, there is more of a mix of uses to the west along Kings Road [Attachment B]. Non-residential uses in the surrounding area include a self-storage facility, a Tim Hortons coffee shop and Needs convenience store, RV sales and repair, Royal Canadian Legion, and landscaping and cleaning contractors.

### **Discussion**

In keeping with Policy 17.a of the Planning Strategy, the RCB Zone permits a wide range of uses. Limited sales uses are permitted as-of-right but may be considered by zoning amendment (Planning Strategy Part 2, Policy 17.e). Under this policy, Council shall allow business developments in Rural CBRM provided that any adverse effects on neighbouring properties can be effectively mitigated. The policy outlines criteria to determine if impacts can be effectively mitigated (see table below).

Similarly, Part 2 Policy 5 of the Planning Strategy allows Council to consider a site-specific zone to accommodate sales and service uses on properties fronting onto higher traffic corridors where there is already a mix of uses present. This section of Kings Road is identified as an eligible corridor. The policy outlines the criteria which Council should use to evaluate such requests (see table below).

Full text copies of the relevant policies are provided in Attachment E.

As outlined in the table below, the staff assessment is that the proposal meets the criteria laid out in the Planning Strategy.

On January 26, 2021, Council approved an amendment to permit a motor vehicle sales development approximately 2.5 kilometers away on Kings Road (PID 15046881). As a result, the Kings Road Sales (KRS) zone was adopted. A copy of the zone provisions is provided in Attachment B.

The KRS zone permits motor vehicle sales subject to site plan approval. The site plan approval criteria are aimed at mitigating the potential for adverse effects on low density dwellings in proximity to a motor vehicle sales development. The criteria address screening, signage, lighting, storm and surface water management access and traffic impacts, the retention of vegetation, and the maintenance of these aspects.

Part 2 Policy 5 Criteria	Discussion	Assessment
<p>The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (<i>e.g. parking spaces, driveways, utility facilities, etc.</i>)</p>	<p>Due to the existing vegetation in the area, the only low-density residential buildings that the development would be visible to, is 2258 Kings Road and the proprietor’s home.</p> <p>The applicant has agreed to introduce screening to visually buffer the development from 2258 Kings Road.</p>	<p>Meets criteria</p>
<p>The development proposal must include a traffic plan (<i>both on-site and along the public street/road accessing it</i>) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criteria is adhered.</p>	<p>Kings Road is a provincially owned street. The Department of Transportation and Infrastructure Renewal will assess the driveway for stopping sight distance within their access approval process.</p> <p>There is an existing driveway and ample area to accommodate the minimum required parking spaces. On-site parking and access will be assessed for compliance with requirements of the LUB upon the application for a Building &amp; Development Permit.</p>	<p>Meets criteria</p>
<p>The development proposal must respect the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.</p>	<p>The existing garage has a 3,200 sq. ft. footprint and is approximately 28 feet high at its peak. While the footprint is approximately twice that of the nearest dwelling (2258 Kings Road), there is approximately 175 feet between the two buildings. The setback distance between buildings compensates for the significant difference in scale.</p>	<p>Meets criteria</p>

Part 2, Policy 17.e Criteria	Discussion	
Visual compatibility	See Part 2 Policy 5 above	Meets criteria
Dust or fumes emanating from the site	The sales aspect of the proposed development is not expected to produce significant amounts of dust or fumes.	Meets criteria
Traffic attracted to, and leading from, the site	See Part 2 Policy 5 above	Meets criteria
Noise emanating from the development	<p>On-site repair is currently permitted subject to a minimum 300-foot setback to any dwelling other than the dwelling of the proprietor of business.</p> <p>The sales aspect of the development is not expected to produce significant noise.</p>	Meets criteria

**Notice of Public Hearing**

Notice of the Public Hearing was advertised in accordance with the *Municipal Government Act*. In addition, notices were mailed to property owners in the vicinity of the site and posted to the CBRM Facebook Page.

At the time this report was written, no public hearing submissions were received.

**Recommendation**

Staff is of the opinion that the request is in keeping with Part 2 Policies 5 and 17 of the Municipal Planning Strategy. Further, the site plan approval criteria for motor vehicle sales developments in the Kings Road Sales (KRS) zone assist in mitigating potential adverse effects on surrounding residential development.

Therefore, I recommend that Council approve the Amending Bylaw found in Attachment F to rezone PID 15037278 to Kings Road Sales (KRS).

**Respectfully submitted by:**

**ORIGINAL SIGNED BY**

Kristen Knudskov  
 Planning & Development Department



**A**

First Street  
Second Street  
First Court

Williams Lane

Weeks Lane

Proposed sales location

Kings Road

Floral Heights Drive

Curry Street

Tometary Drive

Posure Street  
Layton Drive

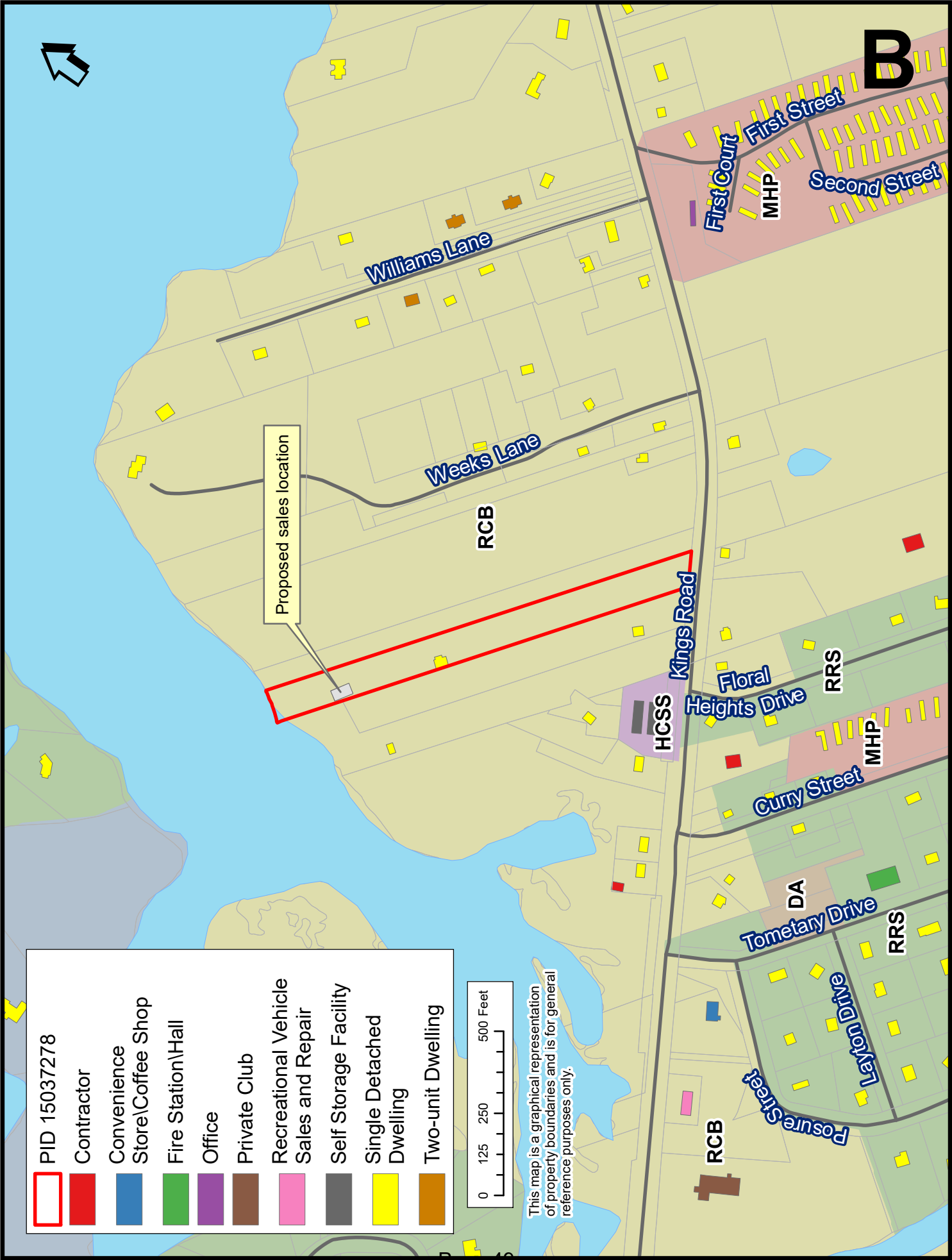
PID 15037278













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

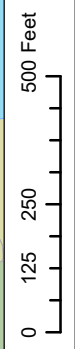


**B**



Proposed sales location

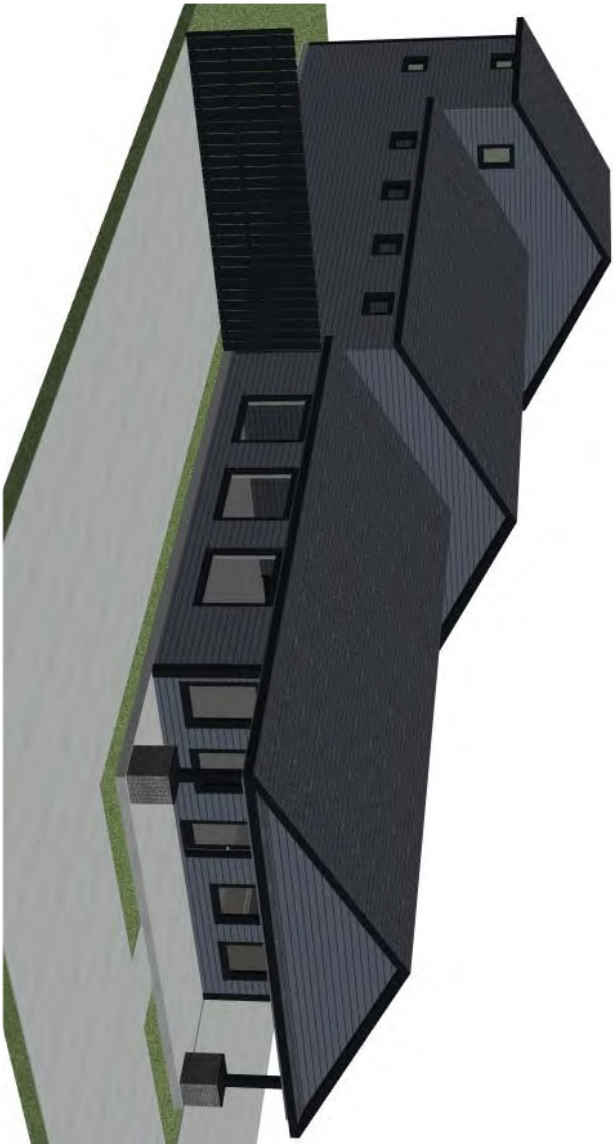
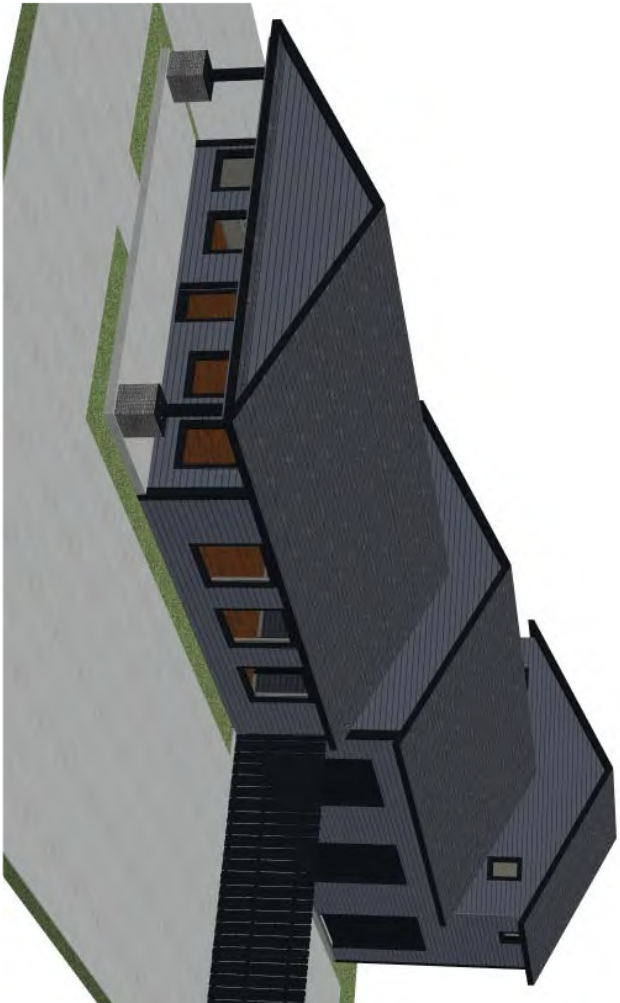
	PID 15037278
	Contractor
	Convenience Store\Coffee Shop
	Fire Station\Hall
	Office
	Private Club
	Recreational Vehicle Sales and Repair
	Self Storage Facility
	Single Detached Dwelling
	Two-unit Dwelling



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



# D



CLIENT:

# TORQUE SPEED SHOP

LOCATION:

HOWIE CENTRE

PROJECT:

## BUILDING ADDITION

## CONSTRUCTION SET

Page 51

THIS PROJECT WAS DRAWN USING CHIEF  
ARCHITECT PROFESSIONAL 3D ARCHITECTURAL  
DESIGN & DRAFTING SOFTWARE.

REVISION	#	DATE

DRAWING:

## CONCEPT IMAGES

SCALE:

N.T.S.

SHEET:

# 1

DATE:

# 9

## Municipal Planning Strategy

### Part 2, Policy 5

- 5.a Along urban and rural Level 1 and Level 2 public streets/roads, or the central business districts of small urban communities, where there already is a mix of land use types along the streetscape, it shall be a policy of Council to:
- permit the existing sales/service developments and a variety of similar uses, or uses more compatible with the surrounding land uses, at the site presently occupied by these developments and at the scale existing at the time this Municipal Planning Strategy comes into effect; and to
  - permit expansion by site plan approval, including expansion onto adjacent lots to be consolidated into the larger site.

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.

This policy directive is implemented in Part 51 of the Land Use By-law.

Any sales/service development not identified in the list of similar or more compatible uses, or any sales/service development proposed to be located elsewhere along these designated corridors shall be by zoning amendment.

The purpose of the zoning amendment shall be to ensure:

- the site itself;
- the site plan; and
- management of the facility

mitigate any adverse affects the development will have on low density residential development in proximity.

Council shall use the following criteria to evaluate such zoning amendment proposals:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- The development proposal must include a traffic plan (*both on-site and along the public street/road accessing it*) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criteria is adhered.
- The development proposal must respect the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.

# Municipal Planning Strategy

## Part 2, Policy 17

- 17.a Because of the relative sparsity of development in comparison to urban/suburban locales, coupled with the generally less apprehensive attitude of rural constituents about land use and development issues in comparison to urban/suburban residents, policy direction regarding business development in most of rural CBRM is more relaxed. It shall be a policy of Council to permit a wide variety of business developments in most of rural CBRM based on a range of regulatory provisions from as-of-right permission to the requirement for a zoning amendment.
- 17.b It shall be a policy of Council to permit personal service businesses, business office and health care, small scale accommodations businesses, arts and artisan establishments, and maintenance and repair services to sectors other than the automobile, as-of-right throughout rural CBRM, *except in neighbourhoods subject to Policy 18 of this Part and planned residential subdivisions.*
- 17.c It shall be a policy of Council to permit automotive repair service businesses throughout rural CBRM, *except in neighbourhoods subject to Policy 18 of this Part and planned residential subdivisions*, provided all buildings and structures associated with the business are well setback from any residential dwelling and outdoor storage is setback even further with screening provisions in effect to protect residential development, as specified in the Land Use By-law.
- 17.e Unless there is specific policy direction regarding a type and scale of business development elsewhere in this Municipal Planning Strategy, it shall be a policy of Council to permit all other business developments not allowed by policy statements elsewhere in this Part throughout rural CBRM by zoning amendment, *except in neighbourhoods subject to Policy 18 of this Part and planned residential subdivisions.*

A site specific, use specific, zone shall be considered for each zoning amendment application. The purpose of the zone shall be to ensure:

- the site itself;
  - the site plan; and
  - management of the business development,
- mitigate any adverse affects the development will have on low density residential development in proximity. If zone provisions cannot be established that provide reasonable protection to residential development in proximity, the application shall be denied. More specifically, this means evaluating the proposal from the perspective of:
- visual compatibility;
  - dust or fumes emanating from the site;
  - traffic attracted to, and leading from, the site; and
  - noise emanating from the development.

---

## PART 101 KINGS ROAD SALES (KRS) ZONE

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### Section 1 KRS Uses Permitted

Development Permits shall only be issued in the KRS 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.

- **sales - only the following**
    - motor vehicle sales *in compliance with provisions of Section 2, and Section 3*
  - **All uses permitted in the RCB Zone subject to RCB Zone requirements**
- 

### Section 2 Site Plan Approval

The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

1. Utility structures, parking spaces, and outdoor storage and display areas shall be screened (as defined in this By-law) from any adjacent dwellings to soften their starkness.
2. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
3. One ground sign shall be permitted to advertise the business. The ground sign shall be of a scale, style, and so located such that that it will not conflict with the streetscape.
4. Any outdoor lighting shall be directed away from adjacent properties.
5. For new construction and additions, the setbacks shall either meet the setback requirement of 20 ft. or be screened (as defined in this Bylaw) from adjacent lot parcel boundaries to soften the starkness of the building where the development on the adjacent lot parcel warrants protection e.g. residential development with an attractive façade, or a managed landscaped yard, or a business development that uses either an attractive façade e.g. professional office or a managed landscaped yard to promote their establishment e.g. bed and breakfast establishment.
6. Any new buildings of a significantly larger scale (i.e. either higher or greater floor area) than dwellings on an adjacent lot parcel shall be so located on the lot parcel to lessen the impact on dwellings on an adjacent lot parcel.
7. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
8. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated. The Development Officer may, in consultation with the Traffic Authority, require that a Traffic Impact Analysis for the development be completed by a Licensed Engineer.

9. All of the items required by this Section shall be adequately maintained

**Section 3 Motor Vehicle Repair**

- a. Motor vehicle repair which is accessory to a motor vehicle sales development shall be setback a minimum of 300 feet from any dwelling, other than the dwelling of the proprietor of the business.

By-law  
of the  
Cape Breton Regional Municipality  
amending the  
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 Cape Breton Regional Municipality’s Land Use Bylaw in the following manner:

**THAT:** Council amends the CBRM’s Land Use Bylaw map by deleting Rural CBRM (RCB) Zone in effect for PID 15037278 identified in Schedule A and replacing it with the Kings Road Sales (KRS) Zone.

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

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

**THIS IS TO CERTIFY** that the above amendments are 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 **DATE** to amend the Cape Breton Regional Municipality’s Land Use By-law.

\_\_\_\_\_  
Deborah Campbell Ryan, CLERK

## Schedule A



Map illustrating the effect of the May 18, 2021 decision of CBRM Council, deleting the Rural CBRM (RCB) Zone, as highlighted above, and replacing it with the Kings Road Sales (KRS) Zone.

---

Deborah Campbell Ryan, Clerk



**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: Request to Purchase CBRM Land and Zoning Amendment Application – (Case 1081)  
Menelik Hall Society  
Laurier Street and Tupper Street, Whitney Pier**

**DATE: April 27<sup>th</sup>, 2021**

---

**Introduction**

The Planning and Development and Legal Departments have received requests from Menelik Hall Society as it relates to their proposed development located in Whitney Pier (Attachment C). The Society has secured funding to undertake some much needed upgrades along with an addition to the building. This will provide the Society with increased the opportunities for the hall to serve the needs to the community. The Society proposal can be found in Attachment A and Attachment B.

As part of this project, the Society is requesting to acquire CBRM property as well as to amend the zoning on several properties (Attachment C). The additional parcels and change in zoning will enable the Society to expand its service to the community and permit outdoor programming and eventual cultural interpretation and commemoration of African Nova Scotian heritage in Cape Breton.

If Council approves the sale of the requested portion of CBRM properties (Attachment F), the Society will make an application for subdivision approval which would result in the travel way becoming a formal public street and the remaining portion of CBRM property being consolidated with the Society's property (PID 15130438, PID 15130446, PID 15130628, and PID 15130610) and PID 15130636. Currently PID 15130636 is not owned by the Society, but they have an agreement to purchase this property and permission from the current property owner to proceed with the zone amendment request. Attachment D illustrates the proposed lots to be created after subdivision approval.

**CBRM Property**

The Society is interested in acquiring CBRM property (PID 15547284, PID 15609902, PID 15609910, and PID 15609928) for the sum of \$1.00 (Attachment C). The properties in question are located to the west of the Hall and currently contain a travel way and are identified as essential to the needs of the municipality. In

accordance with the Property Management Policy, prior to moving ahead with considering the sale of these properties, they would need to declare these properties as surplus.

As part of the application to purchase CBRM property, Sheila Kolanko, Property Manager, circulated the Society's request to necessary departments with CBRM for their consideration. Engineering and Public Works indicated that CBRM should retain the travel way as a public street. No other issues were raised by this circulation.

#### Statutory Authority

Section 51(1) of the *Municipal Government Act* (MGA) gives a municipality the authority to sell or lease property at a price less than the market value to a non-profit organization that Council considers to be carrying out an activity that is beneficial to the municipality. Prior to doing so, the MGA requires Council to hold a public hearing.

#### **Zone Amendment**

If the Society is successful in obtaining the requested portions of the CBRM property and subdivision approval is received, the newly created lot parcel would be under the jurisdiction of three separate zone categories [Central Business District (CBD) Zone, Residential Urban A Mobile Home (RUAM), and Residential Urban D (RUD)]. While all the zones permit a private service clubs (community service), the CBD Zone would allow the group more flexibility moving forward. As a result, they are requesting the area identified on Attachment C to be zoned CBD.

#### Statutory Authority

Part 10, Policy 17, of the Municipal Planning Strategy Policy (MPS) indicates Council may consider a zone amendment to a zone immediately adjacent. In this case, the zone requested is the CBD zone which is immediately adjacent to the RUAM and RUD zones; therefore, the request is in keeping with the Part 10, Policy 17.

#### **Recommendation**

For this application, three Motions are required from Council; therefore, there are three staff recommendations:

1. I recommend Council pass a motion declaring portions of PID 15547284, PID 15609902, PID 15609910, and PID 15609928 as surplus to the needs of the Municipality (Attachment F)
2. I recommend Council pass a motion to schedule a Public Hearing in accordance with the *Municipal Government Act* to sell portions of PID 15547284, PID 15609902, PID 15609910, and PID 15609928 for the sum of \$1.00 to the Menelik Hall Society.
3. Based on Part 10, Policy 17, of the Municipal Planning Strategy Policy, it is reasonable for Council to consider the proposed amendment. I recommend the Council pass a motion to schedule a Public Hearing to consider this zoning amendment at an upcoming meeting of Council (Attachment C and Attachment E).

**Submitted by:**

**Originally Signed by**

**Karen Neville**

**Planning and Development Department**

April 15, 2021

**RE: Menelik Hall Project, 88 Laurier Street Whitney Pier and PIDs 15130438, 15130446, 15130628, 15130610, 15547284, 15609902, 15609910, 5609928 and 15130636**

Dear Karen Neville and Sheila Kolanko,

The Menelik Hall was built by members of the African Nova Scotian community in 1936. It has been in continuous operation since that time and serves as a vital gathering spot for African Nova Scotians and the wider Whitney Pier community. The Hall is operated by a not-for-profit society, solely for the benefit of the community.

In order to ensure the hall continues to serve the community for generations to come, the society has secured funding from the Government of Nova Scotia to undertake some much needed upgrades to the historic building, plus build an addition which will increase the opportunities for the hall to serve the needs to the community. We hope to begin work later this spring. For your reference, you will find attached the preliminary drawings prepared by Trifos Design Consultants.

As part of this project, the Society respectfully requests the following:

- I. PIDs 15547284, 15609902, 15609910 and 15609928, which abut the hall to the west, be deemed surplus as per the terms of the Municipal Government Act;
- II. that CBRM convey the above 4 parcels to the non-profit Society for consideration of \$1.00; and
- III. that the zoning for the 4 parcels noted above, plus PIDs 15130438, 15130446, 15130628, 15130610, and 15130636 be amended and rezoned to the Downtown Central Business District (CBD) zone. Currently there are three zones within these parcels. The owners of PID 15130636 consent to this request (confirmation pending).

These additional parcels will enable the society to expand its service to the community and permit outdoor programming and eventual cultural interpretation and commemoration of African Nova Scotian heritage in Cape Breton.

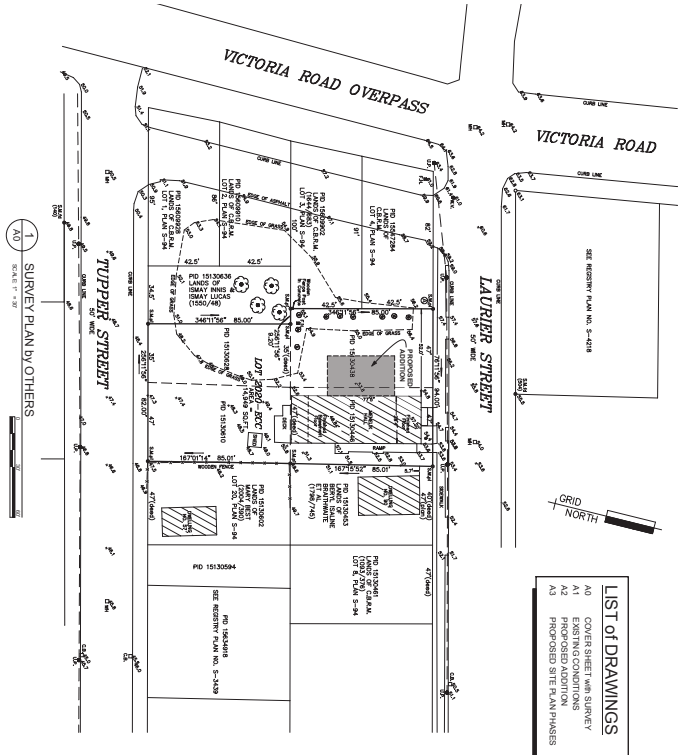
We thank you for your consideration of this request.

Michael Morrison  
Board Chair  
Menelik Hall



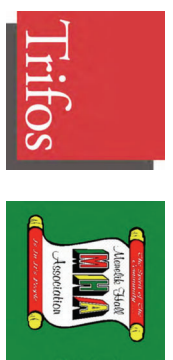
**B**

2 KEY PLAN  
SCALE: 1" = 1000'



- LIST OF DRAWINGS**
- A0 COVER SHEET WITH SURVEY
  - A1 EXISTING CONDITIONS
  - A2 PROPOSED SITE PLAN PHASES

10 SURVEY PLAN BY OTHERS  
SCALE: 1" = 20'



# MENELIK HALL COMMUNITY CENTRE

## SPACE-NEEDS ANALYSIS & PRE-DESIGN ASSESSMENT

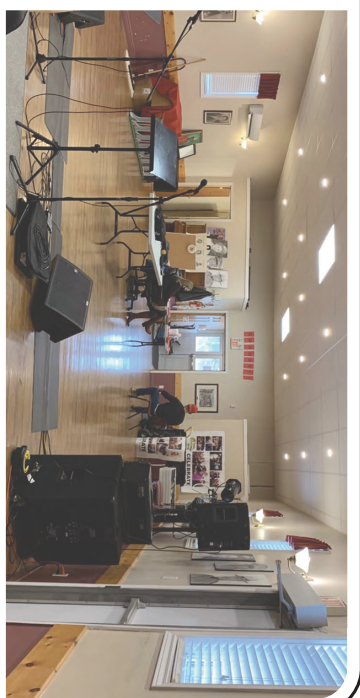
88 Laurier Street, Whitney Pier, Nova Scotia

TDC No. 20-034

Submitted: January, 2021



EXTERIOR FRONT ENTRANCE



INTERIOR VIEW looking towards ENTRANCE



EXTERIOR FRONT VIEW from NORTH-WEST

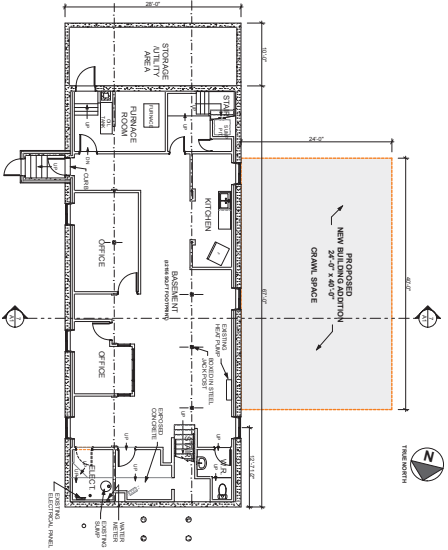


INTERIOR VIEW looking towards STAGE

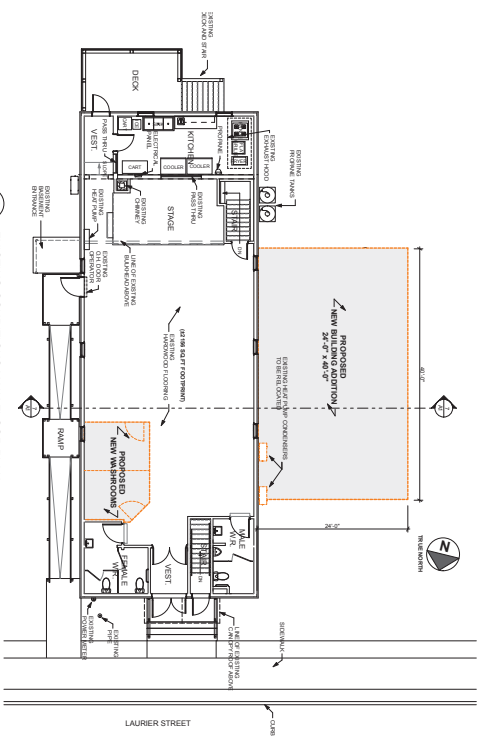


EXTERIOR REAR VIEW from SOUTH-EAST

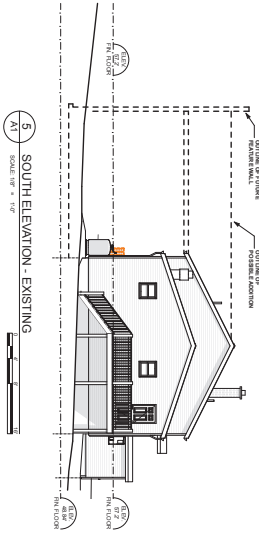
**1** EXISTING CONDITIONS BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"



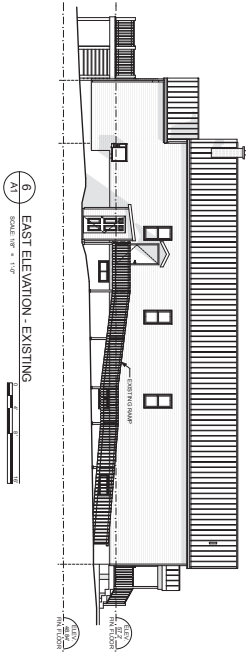
**2** EXISTING CONDITIONS MAIN FLOOR PLAN  
SCALE: 1/8" = 1'-0"



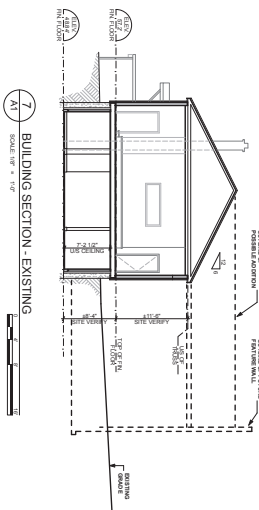
**3** SOUTH ELEVATION - EXISTING  
SCALE: 1/8" = 1'-0"



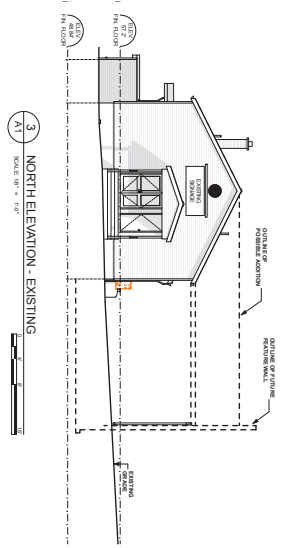
**4** EAST ELEVATION - EXISTING  
SCALE: 1/8" = 1'-0"



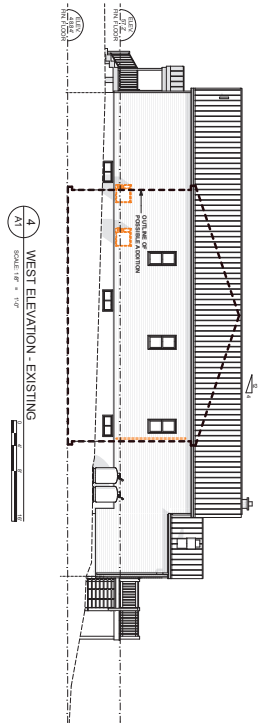
**7** BUILDING SECTION - EXISTING  
SCALE: 1/8" = 1'-0"



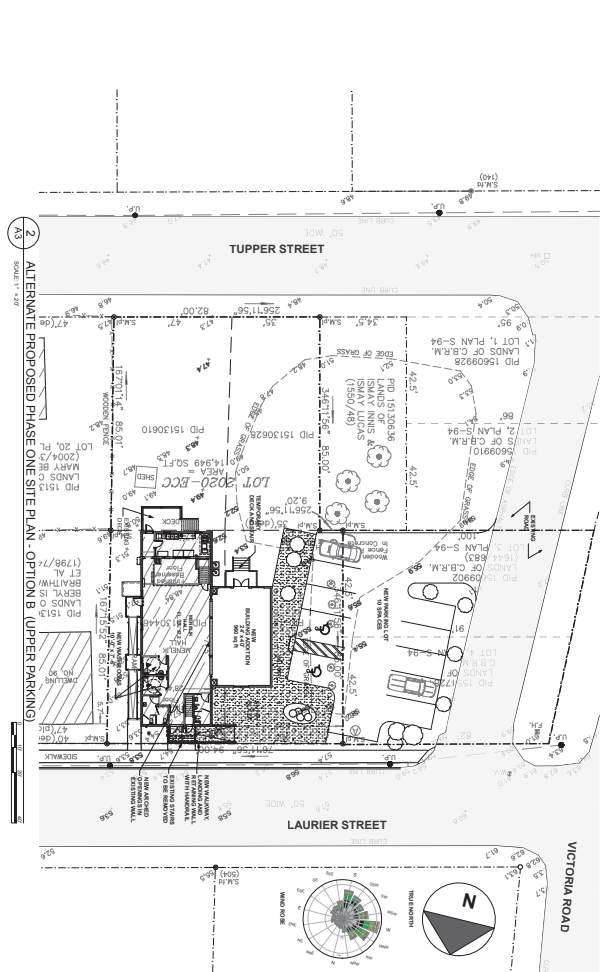
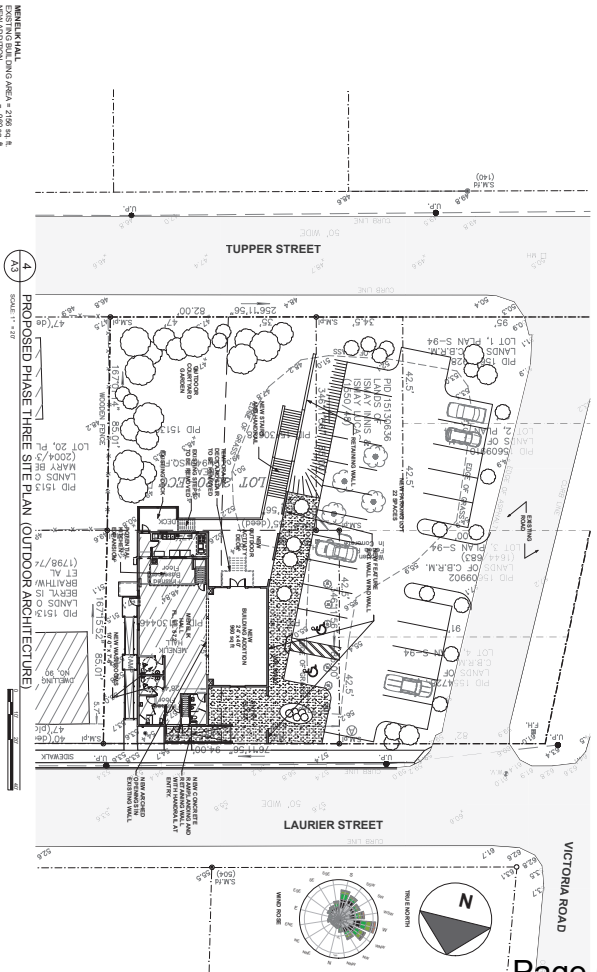
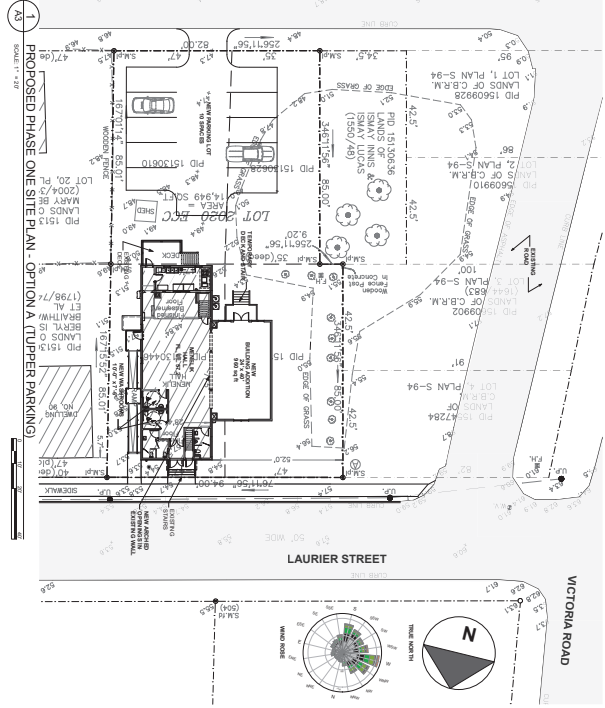
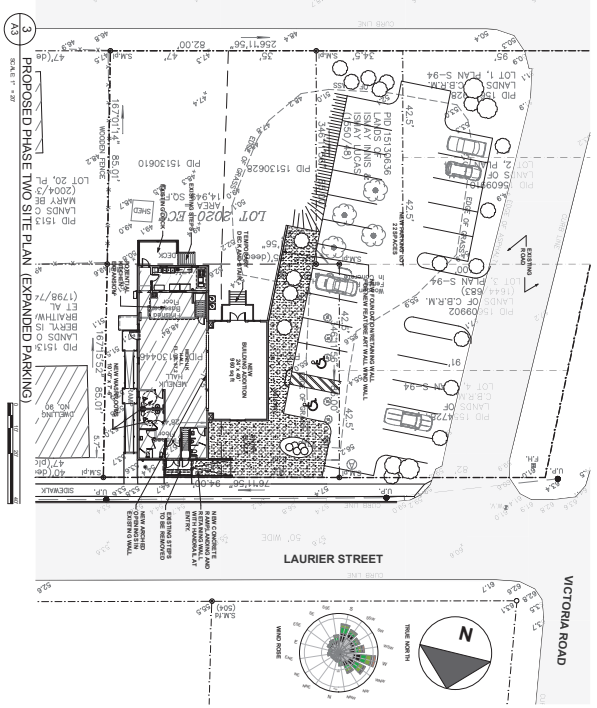
**3** NORTH ELEVATION - EXISTING  
SCALE: 1/8" = 1'-0"



**4** WEST ELEVATION - EXISTING  
SCALE: 1/8" = 1'-0"







**MENELIK HALL**  
EXISTING BUILDING AREA = 200 SQ. FT.  
EXISTING BUILDING AREA = 315 SQ. FT.  
TOTAL

**MENELIK HALL COMMUNITY CENTRE**  
88 Laurier Street, Whitney Pier, Nova Scotia  
**PROPOSED SITE PLAN PHASES**  
Print Date: 2021-01-29  
TDC No. 20-034



Railroad Street

Laurier Street

559



Victoria Road

60

30

0

60 Feet

PID 15547284

PID 15609902

PID 15609910

PID 15609928

PID 15130636

PID 15130438

PID 15130628

PID 15130446

PID 15130610

Tupper Street

Laurier Street

40

44

50

89

90

57

67

114

**Legend**

Properties Subject to the Zone Amendment Request

CBRM Property

CBD

RUAM

RUD

Menelik Hall

88

60



584

119

113

89

Laurier Street

126

120

114

90

88

81

77

67

57

78

76

60

50

44

40

559

55

61

Laurier Street

Victoria Road

Tupper Street

Railroad Street

19

15

11

506

90 45 0 90 Feet

### Legend



Proposed Menelik Hall Property



Proposed Public Street Property

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 map 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 A in effect for PID 15130438 and PID 15130446 by replacing it with the Downtown Central Business District (CBD) Zone.

**THAT:** Council amends the CBRM's Land Use Bylaw map by deleting Residential Urban D (RUD) in effect for PID 15130628, PID 15130610, and PID 15130636 by replacing it with the Downtown Central Business District (CBD) Zone.

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

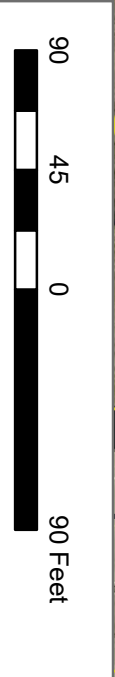
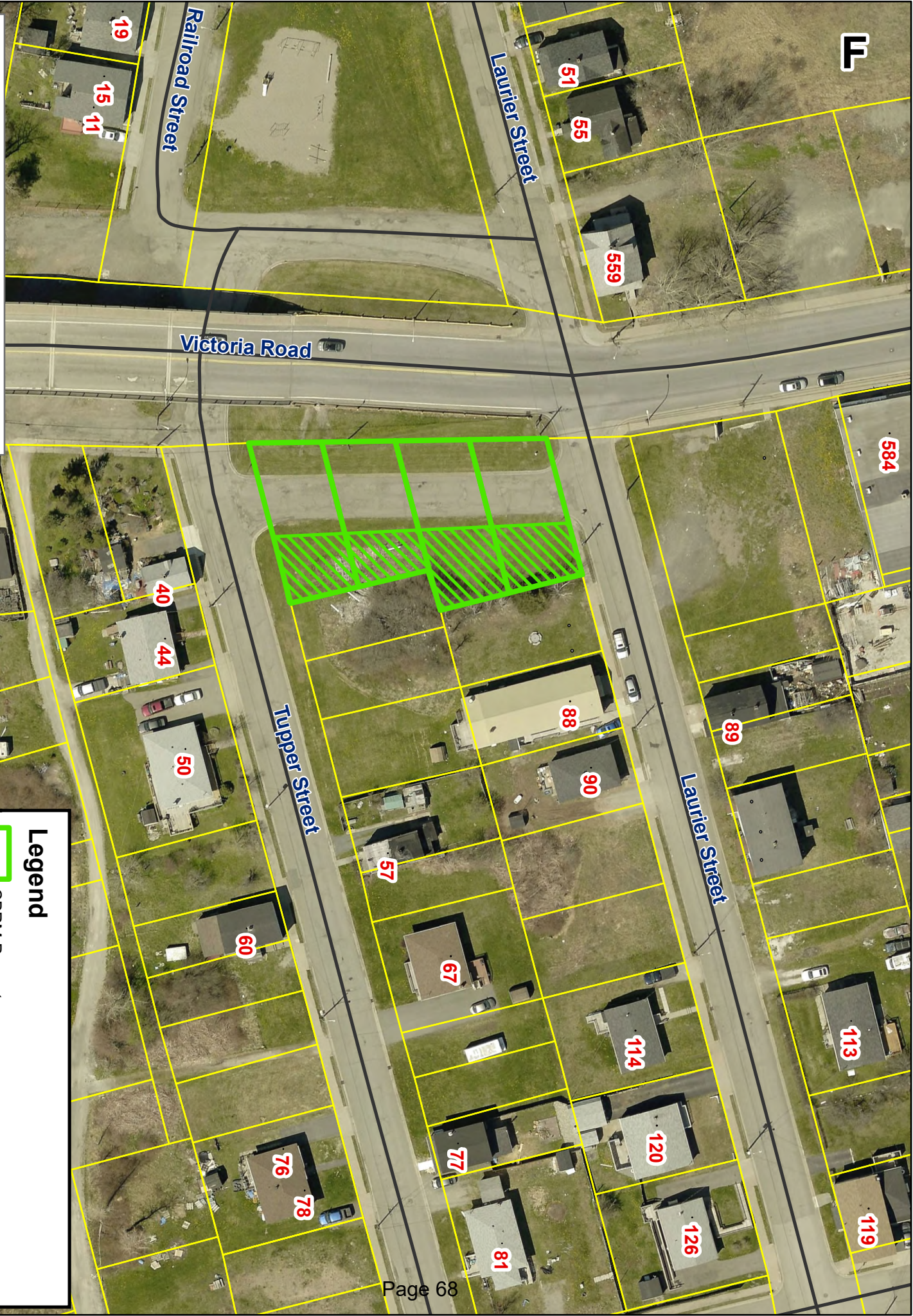
\_\_\_\_\_  
**MAYOR**

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

\_\_\_\_\_  
Deborah Campbell Ryan, CLERK

F



**Legend**

-  CBRM Property
-  Request Area of CBRM Property to Declared Surplus



**TO:** CBRM Council

**FROM:** Kristen Knudskov

**SUBJECT:** Rural CBRM and Rural CBRM - No Mobile Home Zones (Staff Request)

**DATE:** April 22, 2021

---

### **Background**

Staff is requesting that Council consider a housekeeping amendment to clarify access provisions in the Rural CBRM – No Mobile Homes (RCB-NM) and Rural CBRM (RCB) Zones within the Land Use Bylaw.

Prior to 2019, the RCB-NM Zone was in place for properties fronting onto Grand Lake Road/Sydney Road as identified in Attachment A. To ensure that traffic flow is effectively managed in this area, the CBRM and the Department of Transportation and Infrastructure Renewal jointly commissioned a traffic study in 2004. The recommendations of the study were acknowledged in the Planning Strategy under Part 2 Policy 5.b(3) [Attachment B] and implemented in the RCB-NM Zone.

The RCB-NM Zone is essentially a mirror of the RCB Zone with the exception that it does not permit mobile homes. In 2019, CBRM Council adopted amendments to permit mobile homes in additional areas within the municipality. As a result, all RCB-NM zoned areas were designated RCB. There are no remaining areas identified as RCB-NM on the zoning map.

Attachment C includes a draft Amending Bylaw which would remove the RCB-NM Zone from the Land Use Bylaw and apply the access provisions for the Grand Lake Road/Sydney Road area within the RCB Zone.

### **Next Steps**

If Council wishes to proceed, the next step would be to schedule a Public Hearing for an upcoming meeting of Council. The Public Hearing would be advertised in accordance with the *Municipal Government Act*. In addition, notice of the hearing would be posted CBRM's Facebook page.

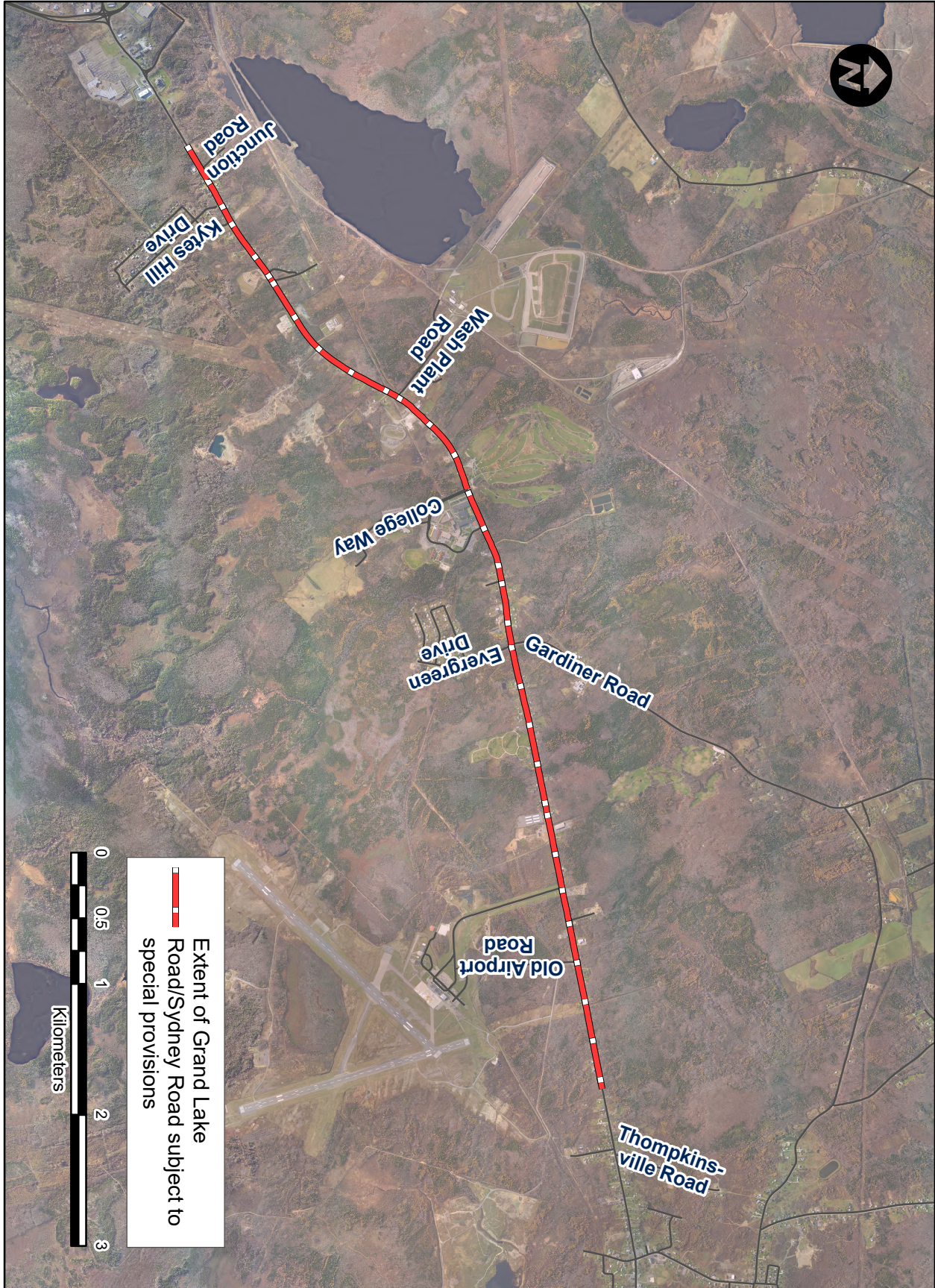
**Recommendation**

Proceed to a public hearing to consider the Amending Bylaw provided in Attachment C, which would remove the Rural CBRM – No Mobile Homes (RCB-NM) Zone from the Land Use Bylaw and to apply the Special Provision for Grand Lake Road/Sydney Road within the Rural CBRM (RCB) Zone.

**Respectfully submitted by:**

**ORIGINAL SIGNED BY**

Kristen Knudskov  
Planning & Development Department



# Municipal Planning Strategy

## Part 2, Policy 5.b(3)

B

5.a Along urban and rural Level 1 and Level 2 public streets/roads, or the central business districts of small urban communities, where there already is a mix of land use types along the streetscape, it shall be a policy of Council to:

- permit the existing sales/service developments and a variety of similar uses, or uses more compatible with the surrounding land uses, at the site presently occupied by these developments and at the scale existing at the time this Municipal Planning Strategy comes into effect; and to
- permit expansion by site plan approval, including expansion onto adjacent lots to be consolidated into the larger site.

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.);
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This policy directive is implemented in Part 51 of the Land Use By-law.

Any sales/service development not identified in the list of similar or more compatible uses, or any sales/service development proposed to be located elsewhere along these designated corridors shall be by zoning amendment.

The purpose of the zoning amendment shall be to ensure:

- the site itself;
- the site plan; and
- management of the facility

mitigate any adverse affects the development will have on low density residential development in proximity.

Council shall use the following criteria to evaluate such zoning amendment proposals:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (e.g. parking spaces, driveways, utility facilities, etc.)
- The development proposal must include a traffic plan (both on-site and along the public street/road accessing it) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criteria is adhered.
- The development proposal must respect the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.

5.b The following corridors shall be designated as subject to this policy statement. Their extent is illustrated on the Municipal Planning Strategy Map.

1. Alexandra Street in Sydney
2. Main Street Sydney Mines from downtown Sydney Mines to its intersection with the Trans Canada Highway

3. The sector of Grand Lake Road/Sydney Road within the jurisdiction of a speed limit greater than 60 kilometres per hour (i.e. just west of Grand Lake Road's intersection with the Junction Road in the community of Grand Lake Road to the western extremity of the Reserve Mines sewer main). The CBRM and the Nova Scotia Department of Transportation and Infrastructure Renewal jointly commissioned a traffic study of Grand Lake Road/Sydney Road by a consultant specializing in traffic management. The purpose of the corridor study was to make recommendations on how the both levels of Government can manage the flow of motor vehicle traffic along Grand Lake Road between Sydney and Glace Bay because of the two conflicting uses of this corridor i.e.

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

The following recommendations of that study are to be implemented as provisions in the CBRM Land Use Bylaw.

- Minor expansions, or an additional use, and/or a change in use, may be permitted at the sites of existing business developments provided there is no significant increase in traffic volumes generated;
- No new business developments on previously undeveloped sites, or sites unoccupied with business development, shall be permitted, unless the site can be accessed via a signalized intersection or roundabout approved by the Traffic Authority;
- No residential developments large enough to generate more than a minimum use generation of motor vehicle traffic, unless the site can be accessed via a signalized intersection or roundabout approved by the Traffic Authority;
- Flag shaped lot development is banned;
- Although the above mentioned consultant recommended a minimum lot parcel public street/road frontage of 150 meters, this Municipal Planning Strategy is advocating a significantly reduced frontage requirement in the Land Use Bylaw.

4. The sector of Kings Road from its intersection with Highway 125 southward to its intersection with the Meadows Road. This policy directive shall also include the lots that abut Kings Road within the RRS Zones in effect for residential subdivisions intersecting Kings Road along this corridor.

5. The sector of Victoria Road in Whitney Pier from the central business district designation to the Sydney community boundary

6. The sector of the Westmount Road from the Dobson yacht club and its intersection with Monteith Avenue

7. The sector of Emerald Street in New Waterford from its intersection with Mahon Street and Larch Street

8. George Street from downtown Sydney to its intersection with Argyle Street.

9. King Street from downtown New Waterford to the railroad right-of-way.

10. Main Street in Louisbourg:

- from the northeastern boundary of the downtown central business district up to and including the site of the Railway Museum; and
- from the southwestern boundary of the downtown central business district down to the brook just west of the fish processing plant.

**Section 1 RCB Uses Permitted**

a. Development Permits shall only be issued in the RCB 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, **provided the development is not capable of being serviced by a CBRM sanitary sewer main.** Developments to be serviced by a sanitary sewer main shall be subject to the provisions of the Zone in effect from where the sanitary sewer main is being extended, or subject to any General Provision that would otherwise come into effect.

- **agricultural uses – (all)**
- **fishery uses – (all)**
- **forestry** all forestry uses *including*
  - sawmills
  - splitting, chunking and retailing or wholesaling of forestry products *in compliance with Section 8*
- **manufacturing – only the following**
  - assembly *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
  - forestry products manufacturing *in compliance with Section 4*
  - mining products manufacturing *in compliance with Section 9*
- **recreational – only the following**
  - all except racetracks for motor vehicles and campgrounds (existing campgrounds are listed as permitted below)
  - existing campground at PID# 15330996, 15330947, 15701568, 15331036, 15331028, and 15330947 (6136 – 6140 East Bay Highway, Ben Eoin)
  - existing campground at PID # 15072598 (10 Johnson Road Extension, Little Bras D'Or)
  - existing campground at PID# 15270234 (5781 Union Highway)
  - existing campground at PID # 15354285 (5785-5789 Highway 22, Catalone)
  - existing campground at PID # 15841273 (3241 Grand Mira North Road, Sandfield)
  - existing campground at PID# 15542848 (168 Waterpark Drive, Marion Bridge)
- **residential – only the following**
  - apartments in a converted community, educational or municipal service building at a ratio of 1 apartment per 1,000 sq. ft. of floor space
  - mobile homes
  - residential resort complex
  - single detached dwellings
  - recreational vehicles
  - two unit dwellings
- **sales – only the following**
  - bakery sales
  - boutiques
  - convenience stores *in compliance with the site plan approval provisions of Section 5*
  - sale of fishery produce *as an accessory use to a fishery use*

- warehouse *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
- wholesale *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
- **service – only the following**
  - animal (domestic) care facilities
  - artist/artisan establishment
  - arts/entertainment studio
  - boat charter
  - business offices
  - community service
  - community service residences
  - crematoriums
  - cultural service
  - day care facilities
  - educational service
  - health care
  - heavy equipment depots *in compliance with the provisions of Section 7 and the setback provisions of Section 3*
  - hotels up to a maximum of 10 rental units
  - hotels with more than 10 rental units *in compliance with the site plan approval provisions of Section 6*
  - inns
  - long term care facilities
  - marina at PID 15190614 (Long Island Road, Georges River) and PIDs 15634462 and 15289390 (Hillside Road, Albert Bridge)
  - motels *in compliance with the site plan approval provisions of Section 6*
  - motor vehicle repair service *subject to the outdoor storage provisions of Section 2 and the setback provisions of Section 3*
  - personal service businesses
  - protective *only the following*
    - coast guard stations
    - fire
    - judicial
    - military
    - police
  - repair services
  - residential care dwellings
  - restaurants *in compliance with the site plan approval provisions of Section 5*
  - self-storage facilities *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
  - tourist cottage complex up to a maximum of 10 tourist cottages
  - tourist cottage complex with more than 10 tourist cottages *in compliance with the site plan approval provisions of Section 6*

**Section 2 Outdoor Display and Storage**

Outdoor display is permitted.

Outdoor storage of motor vehicles displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker awaiting repair at a motor vehicle and related service shall be permitted.

Outdoor storage of derelict motor vehicles not displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker, used bodies or parts of motor vehicles, or used bodies or parts of other vehicles, machinery or equipment, shall not be permitted.

When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still cannot be more than 3 pieces of heavy equipment on site.

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**Section 3 Setback Provisions from dwellings**

All land uses, buildings and structures subject to this Section shall be a minimum of 300 feet from a dwelling, other than the dwelling of the proprietor of the business.

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**Section 4 Forestry Products Manufacturing**

- Any buildings or structures associated with a forestry products manufacturing use shall be a minimum of 1,000 feet from any dwelling other than the dwelling of the proprietor.
- The site of the forestry products manufacturing use shall front along a public street/road *owned and maintained* by the Cape Breton Regional Municipality or the Province of Nova Scotia.

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**Section 5 Convenience Stores and restaurants – site plan approval**

All convenience stores and restaurants are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.

- b. Any outdoor lighting must be directed away from adjacent properties.
- c. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
- d. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
- e. All of the items required by this Section shall be adequately maintained.
- f. Only one ground sign shall be permitted.
- g. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.

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**Section 6                      Hotels and Motels – site plan approval**

All land uses that reference this Section are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
- b. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
- c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
- d. Setbacks shall be correlated to the scale of the hotel building, the amount of existing vegetation that is capable of lessening its impact on adjacent single detached dwellings.
- e. Signs shall be limited to one per public street/road access point.
- f. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.

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**Section 7                      Heavy equipment depots**

- b. Heavy equipment depots as a home business are permitted in compliance with the following provisions.

The maximum number of pieces of heavy equipment shall be 3 per depot.

No more than 1 depot per lot parcel.

Each depot must be located on the same lot parcel as the dwelling of the owner/operator.

Noise producing equipment (e.g. refrigeration units) cannot be operated.

When a trailer is not attached to a truck it is considered a separate piece of equipment.

When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still cannot be more than 3 pieces of heavy equipment on site.

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**Section 8                    Splitting, Chunking and Retailing/wholesaling Forestry uses**

c. Splitting, chunking and retailing/wholesaling forestry uses shall only be permitted at the harvested site unless at another location setback from any dwelling a minimum distance of 1,000 feet.

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**Section 9                    Mining Products Manufacturing at a Construction Site**

Manufacturing using raw minerals at a construction site shall be permitted only as a temporary ancillary use to the project provided:

the manufacturing occurs within 200 feet of the construction site; and

the manufacturing is at least 200 feet from a dwelling.

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**Section 10                    Provisions when development is serviced by CBRM sewer**

d. A Development Permit to permit any of the uses listed as permitted in Section 1 of this Zone shall only be issued if the use proposed is not serviced by a CBRM sanitary sewer main. Any proposed development in this Zone intended to be serviced by a CBRM sanitary sewer main must also be a permitted use in the adjacent urban zone from which the sanitary sewer main is being extended, or it is permitted as a General Provision in all zones.

**Section 1 RCB-NM Uses Permitted**

e. Development Permits shall only be issued in the RCB-NM 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, **provided the development is not capable of being serviced by a CBRM sanitary sewer main.** Developments to be serviced by a sanitary sewer main shall be subject to the provisions of the Zone in effect from where the sanitary sewer main is being extended, or subject to any General Provision that would otherwise come into effect.

- **agricultural uses – (all)**
- **fishery uses – (all)**
- **forestry** all forestry uses *including*
  - sawmills
  - splitting, chunking and retailing or wholesaling of forestry products *in compliance with Section 8*
- **manufacturing – only the following**
  - assembly *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
  - forestry products manufacturing *in compliance with Section 4*
  - mining products manufacturing *in compliance with Section 9*
- **recreational – only the following**
  - all except racetracks for motor vehicles and campgrounds (existing campgrounds are listed as permitted below)
  - existing campground at 6136 – 6140 East Bay Highway
  - existing campground at PID # 15072598
  - existing campground at 5781 Union Highway
  - existing campground at PID # 15354285
- **residential – only the following**
  - apartments in a converted community, educational or municipal service building at a ratio of 1 apartment per 1,000 sq. ft. of floor space
  - residential resort complex
  - single detached dwellings *that do not have the dimensions of a mobile home as defined by this By-law*
  - two unit dwellings
- **sales – only the following**
  - bakery sales
  - boutiques
  - convenience stores *in compliance with the site plan approval provisions of Section 5*
  - sale of fishery produce *as an accessory use to a fishery use*
  - wholesale *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
  - warehouse *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*

- **service – only the following**
  - animal (domestic) care facilities
  - artist/artisan establishment
  - arts/entertainment studio
  - boat charter
  - business offices
  - community service
  - community service residences
  - crematoriums
  - cultural service
  - day care facilities
  - educational service
  - health care
  - heavy equipment depots *in compliance with the provisions of Section 7 and the setback provisions of Section 3*
  - hotels up to a maximum of 10 rental units
  - hotels with more than 10 rental units *in compliance with the site plan approval provisions of Section 6*
  - inns
  - long term care facilities
  - motels *in compliance with the site plan approval provisions of Section 6*
  - motor vehicle repair service *subject to the outdoor storage provisions of Section 2 and the setback provisions of Section 3*
  - personal service businesses
  - protective *only the following*
    - coast guard stations
    - fire
    - judicial
    - military
    - police
  - repair services
  - residential care dwellings
  - restaurants *in compliance with the site plan approval provisions of Section 5*
  - self-storage facilities *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
  - tourist cottage complex up to a maximum of 10 tourist cottages
  - tourist cottage complex with more than 10 tourist cottages *in compliance with the site plan approval provisions of Section 6*

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## **Section 2                    Outdoor Display and Storage**

- Outdoor display is permitted.

- Outdoor storage of motor vehicles displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker awaiting repair at a motor vehicle and related service shall be permitted.
  - Outdoor storage of derelict motor vehicles not displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker, used bodies or parts of motor vehicles, or used bodies or parts of other vehicles, machinery or equipment, shall not be permitted.
  - When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still cannot be more than 3 pieces of heavy equipment on site.”
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**Section 3                      Setback Provisions from dwellings**

All land uses, buildings and structures subject to this Section shall be a minimum of 300 feet from a dwelling, other than the dwelling of the proprietor of the business.

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**Section 4                      Forestry Products Manufacturing**

- Any buildings or structures associated with a forestry products manufacturing use shall be a minimum of 1,000 feet from any dwelling other than the dwelling of the proprietor.
  - The site of the forestry products manufacturing use shall front along a public street/road *owned and maintained* by the Cape Breton Regional Municipality or the Province of Nova Scotia.
- 

**Section 5                      Convenience Stores and restaurants – site plan approval**

All convenience stores and restaurants are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
- b. Any outdoor lighting must be directed away from adjacent properties.
- c. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.

- d. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
  - e. All of the items required by this Section shall be adequately maintained.
  - f. Only one ground sign shall be permitted.
  - g. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
- 

## **Section 6                      Hotels and Motels – site plan approval**

All hotels and motels are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
  - b. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
  - c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
  - d. Setbacks shall be correlated to the scale of the hotel building, the amount of existing vegetation that is capable of lessening its impact on adjacent single detached dwellings.
  - e. Signs shall be limited to one per public street/road access point.
  - f. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
- 

## **Section 7                      Heavy equipment depots**

f. Heavy equipment depots as a home business are permitted in compliance with the following provisions.

- The maximum number of pieces of heavy equipment shall be 3 per depot.
- No more than 1 depot per lot parcel.
- Each depot must be located on the same lot parcel as the dwelling of the owner/operator.

- Noise producing equipment (e.g. refrigeration units) cannot be operated.
- When a trailer is not attached to a truck it is considered a separate piece of equipment.
- When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still can not be more than 3 pieces of heavy equipment on site.”

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**Section 8                      Splitting, Chunking and Retailing/wholesaling Forestry uses**

g. Splitting, chunking and retailing/wholesaling forestry uses shall only be permitted at the harvested site unless at another location setback from any dwelling a minimum distance of 1,000 feet.

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**Section 9                      Mining Products Manufacturing at a Construction Site**

Manufacturing using raw minerals at a construction site shall be permitted only as a temporary ancillary use to the project provided:  
the manufacturing occurs within 200 feet of the construction site; and  
the manufacturing is at least 200 feet from a dwelling.

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**Section 10                      Special Provision for Grand Lake Road/Sydney Road**

- a. The existing business developments and the properties they are located on which are mutually:
- in this Zone; and
  - along the sectors of Grand Lake Road and Sydney Road where the speed limit is greater than 60 kilometers per hour;
- are listed in Part 51 of this Bylaw under the title “Grand Lake Road/Sydney Road Greater than 60 Kilometres Per Hour”. Pursuant to Policy 5.b.3 of Part 2 of the Municipal Planning Strategy, Development Permits for the expansion of these business developments, or change in the use of the property, shall only be permitted in compliance with the provisions in Part 51 specific to each site. However, no Development Permits shall be issued for any of the types of land uses listed below on lot parcels on which are not identified in Part 51 as referenced above:
- all sales
  - all service
  - recreational business establishment
  - all manufacturing
  - sales as an accessory use to an agricultural use, forestry, or fishery.
- b. **Minimum lot parcel frontage** = 150 ft. *unless* the lot parcel existed on the effective date of this Bylaw provision (i.e. May 28<sup>th</sup>, 2012), or was approved by the Development Officer in compliance with the Subdivision Bylaw to alter boundaries or consolidate lot parcels.
- c. In a plan of subdivision approved by the Development Officer after May 28<sup>th</sup>, 2012 that provides access to lot parcels by means of a public street/road (which became a public

street/road when the plan of subdivision was approved) intersecting with either Grand Lake Road or Sydney Road, the maximum number of dwelling units shall be 5.

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**Section 11                    Provisions when development is serviced by CBRM sewer**

h. A Development Permit to permit any of the uses listed as permitted in Section 1 of this Zone shall only be issued if the use proposed is not serviced by a CBRM sanitary sewer main. Any proposed development in this Zone intended to be serviced by a CBRM sanitary sewer main must also be a permitted use in the adjacent urban zone from which the sanitary sewer main is being extended, or it is permitted as a General Provision in all zones.

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**Section 12                    Prohibiting the use of mobile homes for any use in this Zone**

Pursuant to Part 4, Policy 3.b of the Planning Strategy, the use of a mobile home converted to operate any use permitted in this Zone is banned throughout the jurisdiction of this Zone.

By-law  
of the  
Cape Breton Regional Municipality  
amending the  
Land Use By-law

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

**THAT:** Council removes the Rural CBRM (RCB-NM) Zone from the CBRM Land Use Bylaw.

**THAT:** Council inserts the following into the Rural CBRM (RCB) Zone:

**Section 11                      Special Provision for Grand Lake Road/Sydney Road**

a. The existing business developments and the properties they are located on which are mutually:

- in this Zone; and
- along the sectors of Grand Lake Road and Sydney Road where the speed limit is greater than 60 kilometers per hour;

are listed in Part 51 of this Bylaw under the title "Grand Lake Road/Sydney Road Greater than 60 Kilometres Per Hour". Pursuant to Policy 5.b.3 of Part 2 of the Municipal Planning Strategy, Development Permits for the expansion of these business developments, or change in the use of the property, shall only be permitted in compliance with the provisions in Part 51 specific to each site. However, no Development Permits shall be issued for any of the types of land uses listed below on lot parcels on which are not identified in Part 51 as referenced above:

- all sales
- all service
- recreational business establishment
- all manufacturing
- sales as an accessory use to an agricultural use, forestry, or fishery.

b. **Minimum lot parcel frontage** = 150 ft. *unless* the lot parcel existed on the effective date of this Bylaw provision (i.e. May 28<sup>th</sup>, 2012), or was approved by the Development Officer in compliance with the Subdivision Bylaw to alter boundaries or consolidate lot parcels.

c. In a plan of subdivision approved by the Development Officer after May 28<sup>th</sup>, 2012 that provides access to lot parcels by means of a public street/road (which became a public street/road when the plan of subdivision was approved) intersecting with either Grand Lake Road or Sydney Road, the maximum number of dwelling units shall be 5.

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**THAT:** Council remove “All uses permitted in the RCB-NM Zone” from:

- Part 48 Rural General Store and Service (GSS) Zone, Section 1 GSS Uses Permitted
- Part 77 1248 Lingan Road Trucking Depot (LTD) Zone, Section 1 LTD Uses Permitted

• **All uses permitted in the RCB-NM Zone**

**THAT:** Council insert “All uses permitted in the RCB Zone” into:

- Part 48 Rural General Store and Service (GSS) Zone, Section 1 GSS Uses Permitted
- Part 77 1248 Lingan Road Trucking Depot (LTD) Zone, Section 1 LTD Uses Permitted

**THAT:** Council remove the following from the table within Tier A of Section 25 Nursing Homes a.k.a. Long Term Care Facilities:

Rural CBRM No Mobile (RCB-NM) Zone if not serviced by a CBRM sanitary sewer main

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

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

***THIS IS TO CERTIFY*** that the above amendments are 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 DATE to amend the Cape Breton Regional Municipality’s Land Use By-law.

\_\_\_\_\_  
Deborah Campbell Ryan, CLERK

**Parking Area Request – CBRM Parking Meter Bylaw T-5**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Edwards, that staff be directed to draft an issue paper outlining potential options for amendments to the CBRM Parking Meter Bylaw T-5.

**Discussion:**

The following items were discussed:

- Parking Permits
- Loading Zones

**Motion Carried.**



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**TO:** CBRM Council **DATE:** May 07, 2021

**FROM:** Director, Planning and Development

**RE:** Parking Area Request – CBRM Parking Meter Bylaw T-5

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### **BACKGROUND**

Breton Brewing is currently evaluating options for a potential location in downtown Sydney. The applicant has indicated that due to the nature of their business and lack of dedicated parking spaces, they would require dedicated on-street parking spaces from 8-11am (Monday-Friday) in front of the building for the purpose of loading and unloading. The by-products from the production of beer require removal daily to avoid pests and potential odour.

At the Council meeting on April 20<sup>th</sup>, 2021 a motion was passed by council directing staff to draft an issue paper outlining potential options for amendments to the CBRM Parking Meter Bylaw. This bylaw would need to be amended to permit the designation of parking spaces by request of property owners in the downtown. There is no current mechanism in place for the designation of on-street spaces for specific property owners.

### **DISCUSSION**

With the number of existing buildings located within CBRM's downtown cores, it may be reasonable to consider a mechanism to provide limited spaces for the purpose of accommodating operational challenges. This would practically need to be balanced against public/customer parking requirements during business hours which are posted on CBRM's downtown parking meters currently (8am-6pm).

The *Motor Vehicle Act* provides the municipality and traffic authority to:

- Designate the location of passenger zones;
- Designate the location of loading zones;
- Determine the days and hours when passenger zones and loading zones shall be in effect, and also erecting appropriate signs; and
- Regulate parking through the adoption of a Municipal parking meter bylaw.

## **Other Jurisdictions**

A survey of Nova Scotia municipalities was undertaken to identify how (and if) on-street loading areas are regulated and designated in commercial downtowns. Generally, municipalities within the province dedicate on-street loading areas or allow on-street loading/off-loading through their traffic authority for a period of no more than 30 minutes.

A summary of the provisions from other jurisdictions can be found in **Attachment A**.

## **Options**

Staff have provided three options for Council's consideration of the current request based on a jurisdictional scan and regulatory options in the existing bylaw.

### **1. CBRM Traffic Authority Designate Loading Zones**

This option would create a limited number of equally distributed loading zones throughout the downtown core accessible to all businesses in the downtown at no cost. Loading zones are permanent, day-long spaces but are only permitted to be used for a maximum of 30 minutes at a time under the *Motor Vehicle Act*.

### **2. Property Owner Parking Permits**

This option would require a bylaw amendment to the Parking Meter Bylaw T-5 and expand the list of applicable circumstances for the issuance of parking permits. Permit holders would be responsible for displaying the permit on the vehicle and would be able to park in any metered spaces. Council may want to consider:

- A prescribed fee for permit(s) - Currently, CBRM charges \$220/month for the temporary removal of meters related to construction activity and \$175/month for mobile vendors to have access to on-street parking spaces. Permits should be in consistent with this pricing, as it has the potential to remove metered spaces from use throughout the day.
- Criteria for eligible property owners – Property owners which house a manufacturing use which require daily access to the building for the purpose of loading/unloading of goods.
- Limits for the number of permits – The number of permits should reflect the intent to mitigate operational challenges, not provide free parking for staff.

### **3. Designation of On-Street Parking Spaces for Property Owner**

This option would require a bylaw amendment to the Parking Meter Bylaw T-5 to create a process to designate specific parking spaces for property owners. Council may want to consider:

- A prescribed fee for space(s) - Currently, CBRM charges \$220/month for the temporary removal of meters related to construction activity and \$175/month for mobile vendors to have access to on-street parking spaces.

- Criteria for eligible properties – Properties which house a manufacturing use which require daily access to the building for the purpose of loading/unloading of goods.
- Limits for time designated – Designation of spaces should account for the broad need for customer parking within the downtown core and avoid customer hours of 9am-6pm where possible.

### **NEXT STEPS**

If Council wishes to proceed with one of these options, a motion should be made for staff to proceed. Upon a decision of Council, staff will move forward to draft any applicable bylaw amendments to schedule a Public Hearing and required notices will be published in the Cape Breton Post encouraging individuals to contact the Planning and Development Department if they have any questions and of their opportunity to provide comments to Council.

#### **Options before Council are to:**

1. Designate loading zones throughout the downtown;
2. Amend CBRM's Parking Meter Bylaw for property owner parking permits; and
3. Amend CBRM's Parking Meter Bylaw for the designation of parking spaces or property owners.

Respectfully submitted by:

Original Signed By

Michael Ruus  
Director, Planning and Development

## Other Jurisdictions within Nova Scotia

**On-Street Commercial Loading Zones in Nova Scotia Municipalities**

The following chart lists a number of municipalities in Nova Scotia and the provisions they have put in place, if any, concerning off-street loading spaces and on-street loading zones.

<b>Municipality</b>	<b>Provisions</b>	<b>Amendments</b>	<b>Links</b>	<b>Traffic Authority</b>
Town of Amherst	The <i>Town of Amherst Land Use Bylaw – Bylaw P-2</i> defines loading space as an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which is connected to a public street by an appropriate access. The bylaw includes provisions for these off-street loading spaces but does not define or regulate on-street loading zones.	<a href="https://www.amherst.ca/land-use-planning.html">https://www.amherst.ca/land-use-planning.html</a>	<a href="http://www.amherst.ca">www.amherst.ca</a>	The Town of Amherst has appointed its Police Chief as the Traffic Authority for the town. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i> .
Antigonish	The <i>Town of Antigonish Land Use By-Law</i> defines loading space as a vacant area of land provided and maintained upon the same lot or lots upon which the principle use is located and which area is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicles and is not upon or partly upon any	<a href="http://www.edpc.ca/landuse.htm">http://www.edpc.ca/landuse.htm</a>	<a href="http://www.townofantigonish.ca">www.townofantigonish.ca</a>	The Town of Antigonish has appointed its By-Law Enforcement Officers as the Traffic Authority and Deputy Traffic Authority for the town. The officers are also appointed as Special Constables. They do not issue permits to commercial vehicles under

## Other Jurisdictions within Nova Scotia

	street or highway. The by-law includes provisions for these off-street loading spaces.			Section 156 (4) of the <i>Motor Vehicle Act</i> .
Bedford (Halifax Regional Municipality)	The <i>Land Use By-Law</i> for Bedford defines loading space as an unencumbered area of land on privately owned property which is provided and maintained for temporary parking of a commercial motor vehicle while merchandise or materials are being loaded onto or unloaded from such vehicle. Such parking shall not be for the purpose of sales or display. Such parking shall have access to permit ingress and egress by means of driveways, aisles or maneuvering areas and no part of which shall be used for temporary parking or storage of a motor vehicle. The by-law includes provisions for these off-street loading spaces.	<a href="https://www.halifax.ca/business/planning-development/planning-application">https://www.halifax.ca/business/planning-development/planning-application</a>	<a href="http://www.halifax.ca">www.halifax.ca</a>	The provincial Traffic Authority and HRM's Director of Transportation and Public Works share the duty of Traffic Authority for the municipality.

Other Jurisdictions within Nova Scotia

	<p>Section 12A (1) of the HRM <i>Parking By-Law</i> states the driver of a commercial motor vehicle may park or leave such commercial motor vehicle standing in any parking space for the purpose of loading or unloading goods, wares, merchandise, materials or passengers for any period of time not exceeding thirty minutes without depositing any payment in the parking meter or pay station relating to such parking space.</p>			
<p>Bridgewater</p>	<p>The Town of Bridgewater <i>Land Use By-Law</i> defines loading space as an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located. Under the definition, a loading space must be suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicle and not be for the purpose of sale or display. The space must not be upon, or partly upon, any street or highway. The space must also have adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas and no part of which shall be used for the temporary parking or storage of one or more motor vehicles. The bylaw includes provisions for these off-street</p>	<p><a href="https://www.bridgewater.ca/town-services/planning/land-use-planning#applications-and-approvals">https://www.bridgewater.ca/town-services/planning/land-use-planning#applications-and-approvals</a></p>	<p><a href="http://www.bridgewater.ca">www.bridgewater.ca</a></p>	<p>The Town of Bridgewater has appointed its Engineer as the Traffic Authority for the town. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i>.</p>

## Other Jurisdictions within Nova Scotia

	loading spaces but does not define or regulate on-street loading zones.			
Kentville	The Town of Kentville <i>Land Use By-Law</i> defines loading space as an unencumbered off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. The by-law also allows for off-street parking for commercial purposes in any commercial/industrial zone on a different lot than the use or building in question provided the parking area is not located more than 300 feet away from the subject building and the landowner provides written notice of a shared parking arrangement to the Development Officer. The bylaw includes provisions for these off-street loading spaces but does not define or regulate on-street loading zones.	<a href="https://kentville.ca/town-hall/planning-and-development">https://kentville.ca/town-hall/planning-and-development</a>	<a href="http://www.kentville.ca">www.kentville.ca</a>	The Town of Kentville has appointed its Director of Engineering as the Traffic Authority for the town. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i> .
Lunenburg	The Town of Lunenburg <i>Land Use By-Law</i> includes provisions for off-street loading spaces but does not offer a definition of loading space.  Section 12 of the <i>Town of Lunenburg Bylaw No. 20, Parking Meter Bylaw</i> allows the driver of a commercial motor	<a href="https://www.explorelunenburg.ca/planning-and-development.html">https://www.explorelunenburg.ca/planning-and-development.html</a>	<a href="http://www.explorelunenburg.ca">www.explorelunenburg.ca</a>	The Town of Lunenburg has appointed the RCMP as the Traffic Authority for the town. They do not issue permits to commercial vehicles under

## Other Jurisdictions within Nova Scotia

	vehicle to park or leave such commercial motor vehicle standing in any parking space for the purpose of loading or unloading goods, wares, merchandise, materials or passengers for any period of time not exceeding 30 minutes without depositing any coin or coins in the parking meter relating to such parking space.			Section 156 (4) of the <i>Motor Vehicle Act</i> .
New Glasgow	The <i>Towns of New Glasgow, Pictou, Stellarton, Trenton and Westville (Common) Land Use Bylaw</i> defines loading space as a land area for temporary parking of a commercial motor vehicle for on and off-loading or merchandise and materials. Among the criteria for loading spaces, no street, highway or road shall be used as a loading space. The bylaw includes provisions for these off-street loading spaces.  Section 12 of the <i>Town of New Glasgow Parking By-Law (By-Law No. 30)</i> allows the driver of a commercial motor vehicle to park or leave such commercial motor vehicle standing in any parking space for the purpose of loading or unloading goods, wares, merchandise, materials or passengers for any period of time not exceeding 30 minutes without depositing any coin or coins in the parking meter relating to such parking space.	<a href="https://www.newglasgow.ca/index.php/lifestyle/planning-building-permits-inspections-recycling-waste-management">https://www.newglasgow.ca/index.php/lifestyle/planning-building-permits-inspections-recycling-waste-management</a>	<a href="http://www.newglasgow.ca">www.newglasgow.ca</a>	The Town of New Glasgow has appointed the New Glasgow Regional Police as the Traffic Authority for the town. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i> .

## Other Jurisdictions within Nova Scotia

Truro	The <i>Town of Truro Land Use By-Law</i> defines loading space as an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which is connected to a public street by an appropriate access. The bylaw includes provisions for these off-street loading spaces but does not define or regulate on-street loading zones.	<a href="https://www.truro.ca/planning-and-development.html">https://www.truro.ca/planning-and-development.html</a>	<a href="http://www.truro.ca">www.truro.ca</a>	The Town of Truro has appointed its Engineer as the Traffic Authority for the town. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i> .
Windsor (West Hants Regional Municipality)	The <i>Town of Windsor Land Use By-Law</i> defines loading space as an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located. The space must be suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display. It may not be upon or partly upon any street or highway and must have adequate access to permit ingress and egress by means of driveways, aisles, maneuvering area or similar area and shall not be used for temporary parking or storage of one or more motor vehicles. The bylaw includes provisions for these off-street loading spaces but does not define or regulate on-street loading zones.	<a href="https://www.westhants.ca/planning.html">https://www.westhants.ca/planning.html</a>	<a href="http://www.westhants.ca">www.westhants.ca</a>	The West Hants Regional Municipality has appointed its Manager of Public Works Operations as its Traffic Authority. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i> .

Other Jurisdictions within Nova Scotia

Yarmouth	<p>The <i>Town of Yarmouth Land Use By-Law</i> defines loading space as an unencumbered area of land 3.66 m (12 ft) by 12.19 m (40 ft) with a minimum height clearance of 4.27 m (14 ft) provided and maintained on the same lot upon which the principal use is located. The space must be suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display. It may not be upon or partly upon any street or highway and must have adequate access to permit ingress and egress by means of driveways, aisles, maneuvering area or similar area and shall not be used for temporary parking or storage of one or more motor vehicles. The bylaw includes provisions for these off-street loading spaces but does not define or regulate on-street loading zones.</p>	<p><a href="https://www.townofyarmouth.ca/planning-and-development.html">https://www.townofyarmouth.ca/planning-and-development.html</a></p>	<p><a href="http://www.townofyarmouth.ca">www.townofyarmouth.ca</a></p>	<p>The Town of Yarmouth has appointed its Manager of Public Works as its Traffic Authority. They do not issue permits to commercial vehicles under Section 156 (4) of the <i>Motor Vehicle Act</i>.</p>
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Other municipalities in Canada deal with commercial loading zones in the following ways:

- Vancouver, BC: Any lane that is next to a commercial property is classified as a commercial loading zone. Under Vancouver’s Street and Traffic Bylaw, it is illegal to stop in a commercial loading zone unless you have, and display, a commercial vehicle permit that shows the name and address of the operator. Permitted commercial vehicles can stop for up to 30 minutes to load or unload at a metered space free of charge on any day up to 10:30 AM.
- Winnipeg, MAN: The Winnipeg Parking Authority carries the authority for approval of installation or removal of commercial loading zones. When the authority considers requests for commercial loading zones, they try to balance the needs of the general street user for on-street parking against the needs of the specific users and property

**Other Jurisdictions within Nova Scotia**

owners of the commercial properties. No more than one commercial loading zone is normally permitted on any given block unless it can be clearly shown that a single zone is not functional. Commercial loading zones are not permitted where a public lane is present that provides reasonable access to the commercial property. They are also not permitted if the commercial property already makes use of a loading dock or bay. Commercial loading zones cannot exceed the business hours of the commercial property. The cost of signage for a commercial loading zone is the responsibility of the owner of the commercial property owner.

- Toronto, ONT: Specific sections of certain streets within the city are designated, with signage, as commercial loading zones. Commercial vehicles may stop in these zones while drivers are actively loading or unloading materials and vehicles may not be left unattended at any time. The loading zones all have different times during the week when they may be used.
- Fredericton, NB: The city established flex loading zones in their downtown area and each of these zones contain signage which outlines permitted loading/unloading times for commercial vehicles. Red zones permit loading/unloading between 7 AM and 4 PM, Monday to Friday. Green 1 zones permit loading/unloading between 7 AM and 10:30 AM, Monday to Friday. Green 2 zones permit loading/unloading between 7 AM and 5 PM, Monday to Friday. Commercial vehicles must contain prominent and permanent signage that establish that they are used for commercial purposes. The driver of a commercial vehicle must be actively engaged in loading or unloading the vehicle while parked in the zone and they may not park there for longer than 10 minutes in duration.

**Land Purchase for Playground/Dry Hydrant – MacKessey Drive, Victoria Mines**

**Motion:**

Moved by Councillor Green, seconded by Councillor Gillespie, to direct staff to prepare an Issue paper for the next regular meeting of Council for the purpose of negotiating the purchase of Lot 16 – PID15519929 – (Playground area) and Lot 18 – PID 15519903 – (Dry Fire Hydrant) located on MacKessey Drive in Victoria Mines from the Executors of the estate concerning Gladys MacKessey.

**Discussion:**

Councillor Green advised that the playground has been in existence since 1985 and the fire hydrant in place since about 2010 or 2011. The intent is to maintain the two vital community assets.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Bill Murphy, Director of Recreation, Parks, Grounds & Buildings**

**SUBJECT: Property MacKessey Drive**

**DATE: May 2021**

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### **Introduction**

The existing playground at MacKessey Drive was established by an incorporated community group in the late 1980's following the formal transfer of a number of large building lots on land owned by Grace MacKessey for intended recreation use.

The community group was given permission to develop a small playground (photos attached) on a parcel containing a natural drainage creek viewed not ideal for building construction (Lot #16). This parcel was conveyed to the former County of Cape Breton by deed in 1985 with the restriction that it be used for recreation purposes. If this ceased, the lands were to be reconveyed back to Grace MacKessey. In 2018 the estate requested the land be turned back over to the family and so CBRM conveyed the property back including lot 16.

Additionally, In March 2009, the New Victoria Volunteer Fire Department installed a dry hydrant on Lot #18. At that time, the property was listed as a CBRM owned property and provided a location where the fire apparatus could be completely removed from the public road when filling up. The CB Reg. Fire & Emergency Service's Volunteer Coordinator, who was unaware of the covenants, approved the location and provided \$3,891 in assistance for the hydrant installation.

This property had also been conveyed to the former County of Cape Breton by deed in 1985 and was also subject to a restriction that it was to be used for a playground facility. As mentioned, CBRM conveyed the property back in 2018. The current owner now has the property listed for sale. The residents and volunteer fire dept are requesting CBRM purchase the property to preserve the playground and the dry hydrant.

The estimated cost of removal, replacement, and accessibility to an alternate dry hydrant in another location is \$9,346.25.

**Option 1**

Purchase the two lots for the market value at a total cost of \$26,500.

**Option 2**

Relocate the existing dry hydrant at a cost of \$9,346.25.

Bill Murphy

Director of Parks, Recreation  
Buildings & Facilities









**Report on Call for Expressions of Interest – Citizen Representatives on Committees:**

**Motion:**

Moved by Councillor Gillespie, seconded by Councillor Parsons, that a recommendation be made to Council to appoint the following eight (8) citizens to the Accessibility Advisory Committee:

- Candidate #1
- Candidate #2
- Candidate #3
- Candidate #4
- Candidate #5
- Candidate #6
- Candidate #7
- Candidate #8

**Motion Carried.**

**Motion:**

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, that a recommendation be made to Council to appoint Councillor Cyril MacDonald and Councillor Steve Gillespie as the two (2) Council representatives on the Accessibility Advisory Committee.

**Motion Carried.**

**Motion:**

Moved by Councillor Parsons, seconded by Councillor Gordon MacDonald, that a recommendation be made to Council to appoint Candidate #10 to the Diversity Committee as the Gay, Lesbian and Transgender Community representative.

**Discussion:**

Clarification was provided by the Clerk regarding the Candidate number in the matrix package circulated.

**Motion Carried.**

## M·E·M·O

**To:** Mayor Amanda M. McDougall & the Nominating Committee  
**From:** Deborah Campbell Ryan, Municipal Clerk  
**Date:** May 4, 2021  
**Subject:** Report on Call for Expressions of Interest – Citizen Representatives on Committees

### Call for Expressions of Interest:

As directed by motions of the Nominating Committee on February 9, 2021, and motion of Council on March 9, 2021 (copies attached), expressions of interest for the citizen positions on various external Committees were publicly advertised in the Cape Breton Post on March 13, 2021. Notice was also placed on the CBRM website and social media. The deadline for submissions was 4:30 p.m. on Friday, March 26, 2021.

In response, there were ten (10) applications received, with one individual applying to serve on two Committees.

Below is a breakdown of submissions received:

- a) Accessibility Advisory Committee – eight (8)
- b) Diversity Committee – two (2)
- c) Cape Breton Island Housing Authority – one (1)

The matrix outlining the particulars of each applicant is attached separately.

### Next Steps:

The Nominating Committee shall review the submissions in terms of suitability based on the responsibilities for each Committee and then forward their recommendations to Council for appointments to each Committee.

**Continued...**

Applicants should be referenced by their matrix number only during discussions and in the motion to Council. Once they have accepted the appointments, their names will be publicly released at a future meeting of Council.

- a) **Accessibility Advisory Committee**: We require *up to* 8 citizens plus 2 Council members for a two-year term, noting we received applications from 8 citizen. As directed, Council was also polled for 2 members to serve on this Committee. Councillor Cyril MacDonald and Councillor Steve Gillespie put their names forward.
  
- b) **Diversity Committee**: This was the second call for citizen applications for one representative from the Gay, Lesbian & Transgendered Community, from Cape Breton University, and from the Cape Breton-Victoria Regional Centre for Education. However, we only received 2 applications for the representative from the Gay, Lesbian & Transgendered Community, one of which also applied for the Accessibility Advisory Committee.
  
- c) **Cape Breton Island Housing Authority Board**: They require three citizens for a two-year term. We only received one application, however that applicant was ineligible because of their employment relationship with the Housing Authority.

Recommendation:

That staff be directed to re-advertise for citizen volunteers to fill the vacant positions on the Diversity Committee (i.e. one representative from Cape Breton University, and from the Cape Breton-Victoria Regional Centre for Education.); and the three representatives for the Cape Breton Island Housing Authority Board.

Thank you.

**Yours truly,**

*Original signed by:*

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**Deborah Campbell Ryan,  
Municipal Clerk**

Attachments



*A Community of Communities*

*Cape Breton Regional Municipality*

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*Office of Demetri Kachafanas  
Regional Solicitor*

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**ISSUE PAPER**

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**TO:** Mayor and Council

**CC:** Marie J. Walsh, CAO

**FROM:** Demetri Kachafanas, QC, Regional Solicitor

**DATE:** May 13, 2021

**RE:** Seaview Manor Resolutions

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**Issue**

Seaview Manor Corporation is requesting Council pass two resolutions to aid in its operations. The First is to appoint two people to the Board of Directors of Seaview Manor and the second is to guarantee \$200,000.00 in borrowing for working capital requirements.

**Background**

Seaview Manor is a non-profit corporation formed under the Municipal Housing Corporation Act. It was incorporated by the former Towns of Glace Bay, Dominion and the Municipality of the County of Cape Breton on July 23, 1975, and accordingly is owned by the Municipality.

Section 11 of the Act, states the objectives of the corporation as follows:

- (a) to construct, manage and hold accommodation for the aged, mentally handicapped or physically disabled or others requiring nursing or custodial care; and
- (b) in combination with the objects set out in Clause (a), to provide personal-care programs and rehabilitative programs for the aged, mentally handicapped or physically disabled.

### **Board of Directors**

The Board of Directors of the Corporation included councillors from the above-noted Towns and County. The arrangement continued post amalgamation despite the fact that the former entities no longer existed. However, in 2013, Council passed a motion providing that Councillors do not sit on external boards in their capacity of Councillors, other than certain specified statutory boards. A copy of the issue paper and motion is attached for your review.

Although Councillors no longer sit on the Board of Seaview Manor Corporation, the by-laws of Seaview Manor and the legislation still require Council appoint the members of the Board of Directors and the Corporation currently brings the potential Board members selected by the Corporation to Council for approval.

### **Borrowing**

The *Municipal Housing Corporation Act* allows a municipality that incorporated the non-profit corporation to lend to the corporation or guarantee borrowing carried out by the corporation.

Section 17(1) of the Act states:

A municipality that executed the instrument of incorporation of a corporation or consented to an amendment to the instrument may grant or lend or guarantee a borrowing by the corporation to assist the corporation in carrying out its objects such sums and on such terms as the council of the municipality determines.

In 1994, the former Towns of Glace Bay and Dominion and the former Municipality of the County of Cape Breton passed resolutions guaranteeing borrowing in the amount of \$200,000.00 for Seaview Manor's working capital. CBRM as successor to these former municipal units currently guarantees the borrowing. The original resolutions are attached for your review.

Seaview Manor's bank is requesting an updated resolution from the Municipality guaranteeing the \$200,000.00, reflecting the Cape Breton Regional Municipality as the guarantor.

**Recommendation**

It is recommended that Council pass the two resolutions:

1. Appointing the Board Members submitted to Council for approval and appointment; and
2. Guaranteeing the Borrowing for working capital in the amount of \$200,000.

Copies of the proposed resolutions from Seaview Manor are attached for Council's review.

Yours truly,

*Original signed by:*

Demetri Kachafanas, QC  
Regional Solicitor

**Committee Structure – External Committee:**

The Municipal Clerk provided background information on this issue.

**Motion:**

Moved by Deputy Mayor Saccary, seconded by Councillor MacLeod, approval of the report as presented, noting that an advertisement be placed to recruit citizen volunteers where necessary.

**Motion Carried**



# M·E·M·O

**To:** CBRM General Committee  
**From:** Bernie White, Municipal Clerk  
**Date:** June 11<sup>th</sup>, 2013  
**Subject:** Committee Structure – External Committee

In the past 6-8 months since the “New” Council was elected, there have been a number of Issue Papers brought before Council dealing with changes in our Committee Structure.

Issue Papers on Dec. 11<sup>th</sup>, 2012 and January 29<sup>th</sup> & April 4<sup>th</sup>, 2013 dealt with decisions on what type of governance model was preferred and the mechanics of how it would be implemented.

Specific powers were delegated to the General Committee by Council by April 16<sup>th</sup>.

As noted, this implementation to the new Committee Structure will be on going and revised from time to time.

The focus of today’s discussion paper deals with appointments to “Exterior” and even some “Internal Committees”.

There are statutory requirements for CBRM to keep the following Committees:

- Police Commission
- Audit Committee
- Heritage Advisory
- CBRM Pension Committee (Defined Benefit & Defined Contribution)

In addition, there are several committees currently in existence that we appoint elected members to and we recommend that practice to continue for:

- Library Board
- Pitu’paq
- Mayors & Wardens of CB Municipalities
- Successor to CBCEDA – as per agreement with other Municipalities

### Library Board

The Library Board has 3 Councillors and 3 citizens appointed by CBRM. The majority of appointees on this Board are from CBRM, thus it would be appropriate to continue the practice of having 3 Council members appointed.

### Pitu'paq

The mandate of this Committee is to protect the Bras d'Or Lakes. Over the past twelve years we've had political representatives at the table working with other municipal representatives and First Nations officials. As it is similar to other committees, i.e. Mayors & Wardens of CB Municipalities and the proposed Regional Enterprise Network (REN), we are currently working on, there is an expectation that CBRM have continued membership.

In conclusion and for emphasis, the "Exterior/Internal Committees" that we suggest the discontinuation of appointment of elected officials to are:

- Bay Plex
- ACAP
- Miner's Museum
- Savoy Theatre
- Seaview Manor
- Sydney Chamber of Commerce
- Diversity
- Two Rivers Park
- Active Transportation
- Sydney Port Authority
- Cape Breton Island Pathways

All of the above noted Committees are involved with exemplary community services for the benefit of CBRM.

Some of the above noted organizations have By-Laws or Special Acts of the legislature which specifically require participation by CBRM elected officials. In areas where such legislative obligations exist, we should initiate steps to seek revisions to same.

Examples of such groups would be Seaview Manor and the Miner's Museum. The recent trends in Nova Scotia are for elected representatives to get off such Boards, i.e. Braemore Home Board.

As noted in the January 29<sup>th</sup> Issue Paper:

"Citizen Appointees to some committees is recommended to continue. The balance of a citizen's perspective assists with decisions such as those made by the Diversity Committee."

### Recruitment

To facilitate the recruitment of appropriate citizen appointees, the CBRM from time to time, advertises for interested citizens.

In the near future, we will place an advertisement seeking interested citizens to sit on various committees. These will be voluntary service appointments. The Citizen Appointment Policy will guide the citizen selection process.

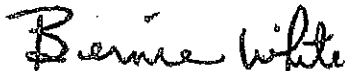
### Conclusion

The recommendations noted in the Issue Paper proposed a different way for CBRM to participate and receive input from various organizations in CBRM.

The list is not intended to be all inclusive, and other committees may have to be addressed if new requests for elected representation comes in.

The major intent is to emphasize that the Council remain involved with the work of external committees but direct representation on all committees isn't always viewed to be practical or most efficient.

Exterior Boards always have the option of requesting an appearance before Council periodically if specific issues arise.



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Bernie White  
Municipal Clerk

/lem  
Attachment


Copy: Directors

①  
②  
③

**SEAVIEW MANOR CORPORATION**  
**WORKING CAPITAL REQUIREMENT**  
**GUARANTEE REPAYMENT OF BORROWING**

Be it resolved that Town Council of the Town of Glace Bay guarantees to repay 64 % of any portion of the borrowing of \$200,000 by the Seaview Manor Corporation from the Glace Bay Branch of the Bank of Montreal, which cannot be financed by the Per Diem Rate. Aforementioned borrowing will be used to cover the working Capital requirements for Seaview Manor Corporation.

Certified to be a true copy  
of a Resolution adopted by  
Town Council of the Town of Glace Bay  
on the 26th day of January, A.D., 1994

  
\_\_\_\_\_  
Al MacDermid  
Town Clerk  
Town of Glace Bay



3

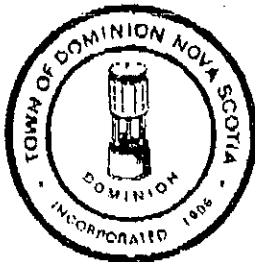
BORROWING RESOLUTION

**BE IT RESOLVED** that the Municipality of the County of Cape Breton guarantees to repay twenty-eight percent (28%) of any portion of the borrowing of \$200,00 by the Seaview Manor Corporation from the Clace Bay Branch of the Bank of Montreal, which cannot be financed by the per diem rate. Aforementioned borrowing will be used to cover the working capital requirements for Seaview Manor Corporation.

**THIS IS TO CERTIFY** that the above is a Resolution passed by the Municipal Council of the Municipality of the County of Cape Breton at a duly called meeting held on the 15th day of February, A.D., 1994.

  
\_\_\_\_\_  
DAVID N. MUISE, CLERK

4



DOMINION  
CANADA

May 5th, 1994

Mr. Dan Munroe  
Administrator,  
Seaview Manor  
South Street  
Glace Bay, N.S.


Re: WORK CAPITAL REQUIREMENTS - GUARANTEE REPAYMENT OF  
BORROWING;

Dear Mr. Munroe:

Be it resolved that the Town Council of the Town of Dominion guarantees to repay 8% of any portion of the borrowing of \$200,000.00 (two hundred thousand), by the Seaview Manor Corporation from the Glace Bay Branch of the Bank of Montreal which cannot be financed by the per diem rate.

The aforementioned borrowing will be used to cover the Work Capital Requirements for Seaview Manor Corporation.

This is to certify that the above is a true and certified copy of a resolution passed by the Town of Dominion Town Council by motion at a duly called meeting of Council held on the 13th day of December, 1993.

  
\_\_\_\_\_  
Cathy MacIntyre  
Deputy Town Clerk,  
Town of Dominion.

**RESOLUTION**

**CAPE BRETON REGIONAL MUNICIPALITY COUNCIL**

**WHEREAS** Seaview Manor is a body corporate established pursuant to the provisions of the *Municipal Housing Corporation Act* (the "Act");

**WHEREAS** Seaview was incorporated in 1978 under the Municipal Housing Corporations Act on an application from Town of Glace Bay, Town of Dominion and the County of Cape Breton;

**AND WHEREAS** the amalgamation of the Municipality of the County of Cape Breton, the City of Sydney, the Towns of Glace Bay, Sydney Mines, New Waterford, North Sydney, Dominion and Louisburg in 1995 resulted in the creation of the Cape Breton Regional Municipality;

**AND WHEREAS** the current (1978) by-laws require the members of Seaview Manor be appointed by the Council which is now the Cape Breton Regional Municipality Council;

**AND WHEREAS** the Cape Breton Regional Municipality (CBRM) Council has a finite number of councillors and has not been in a position since (date) to appoint multiple Councillors to the Seaview Manor Corporation Board of Directors as required by the 1978 bylaws;

**AND WHEREAS** the following persons have expressed to Seaview Manor their willingness to participate as a member of the Seaview Manor Board of Directors;

**BE IT RESOLVED** that the following persons be appointed as members to the Seaview Manor Board of Directors until such times as their successor has been appointed.

**Justin Morrison**  
**1 Martina Dr.,**  
**Howie Centre, NS**  
**B1L 1H1**

**Alison Etter**  
**6S Ferris St.,**  
**Sydney, NS**  
**B1N 2N1**

Dated at Sydney, Nova Scotia, this            day of            ,2021.

---

**Amanda McDougall**  
Mayor

---

**Deborah Campbell-Ryan**  
Municipal Clerk

**RESOLUTION**

**CAPE BRETON REGIONAL MUNICIPALITY COUNCIL**

**WHEREAS** Seaview was incorporated in 1978 under the Municipal Housing Corporations Act on an application from Town of Glace Bay, Town of Dominion and the County of Cape Breton;

**AND WHEREAS** the Town of Glace Bay on January 26<sup>th</sup>, 1994, guaranteed to repay 64% of any portion of the borrowing of \$200, 000 by the Seaview Manor Corporation from the Glace Bay Branch of the Bank of Montreal , which cannot be financed by the Per Diem Rate. Aforementioned borrowing will be used to cover the working Capital requirements for Seaview Manor Corporation;

**AND WHEREAS** the Municipality of the County of Cape Breton on February 15<sup>th</sup>, 1994, guaranteed to repay 28% of any portion of the borrowing of \$200, 000 by the Seaview Manor Corporation from the Glace Bay Branch of the Bank of Montreal, which cannot be financed by the Per Diem Rate. Aforementioned borrowing will be used to cover the working Capital requirements for Seaview Manor Corporation;

**AND WHEREAS** the Town of Dominion on December 13<sup>th</sup>, 1993, guaranteed to repay 8% of any portion of the borrowing of \$200, 000 by the Seaview Manor Corporation from the Glace Bay Branch of the Bank of Montreal, which cannot be financed by the Per Diem Rate. Aforementioned borrowing will be used to cover the working Capital requirements for Seaview Manor Corporation;

**AND WHEREAS** the amalgamation of the Municipality of the County of Cape Breton, the City of Sydney, the Towns of Glace Bay, Sydney Mines, New Waterford, North Sydney, Dominion and Louisburg in 1995 resulted in the creation of the Cape Breton Regional Municipality;

**AND WHEREAS** the ownership of Seaview Manor Corporation continued with the Cape Breton Regional Municipality, and the original working capital guarantees transferred to the Cape Breton Regional Municipality;

**AND WHEREAS** the costs of doing business has significantly increased since 1995 and Seaview Manor Corporation has made an application to increase its working capital and the Bank of Montreal is requesting an updated resolution to reflect that the Cape Breton Regional Municipality, as the newly an amalgamated entity, guarantees 100% of the \$200,000.00;

**BE IT RESOLVED THAT:** the Cape Breton Regional Municipality honours 100% of the original guarantee of \$200,000 for any portion of the borrowing of \$200,000 which cannot be financed by the Per-Diem Rate and the aforementioned borrowing will be used to cover the working Capital requirements for Seaview Manor Corporation.

Dated at Sydney, Nova Scotia, this                      day of                      ,2021.

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Amanda McDougall  
Mayor

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Deborah Campbell-Ryan  
Municipal Clerk



**CBRM**

*A Community of Communities*

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## ISSUE PAPER

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**TO:** Mayor and Council

**FROM:** Sheila Kolanko – Property Manager

**SUBJECT:** Request for Street Closure  
Portion of 8<sup>th</sup> Street, New Waterford

**DATE:** May 18<sup>th</sup>, 2021

---

### **INTRODUCTION:**

A letter of request was received on behalf of the Nova Scotia Lands Inc., seeking a street closure for a portion of 8<sup>th</sup> Street, New Waterford in relation to the New Waterford Hub Project. A copy of the letter is attached for reference (Attachment “A1”). The area required for the project is shown and identified on the attached maps and outlined in red. (Attachment “B” and Attachment “C”).

### **BACKGROUND INFORMATION:**

At a Special Meeting held back on November 4<sup>th</sup>, 2019, Council passed a motion approving the sale of land encompassing the Breton Education Center (BEC) and CBRM recreation facilities to the Province of Nova Scotia/Department of Transportation and Infrastructure Renewal for consideration of \$1.00 in exchange for relocation of community recreational assets. The purpose of the exchange/transfer is to provide a new Community Hub including a Long-Term Care Facility, Community Health Centre and a Grades 6-12 School.

The reason for the request is to develop a green space to run across 8<sup>th</sup> Street and to connect the new Hub on the Breton Education Centre property to the new walking track/recreation facilities on MacKinnon's Field. The design will enhance safety for long-term care residents and students upon completion of the project.

## **REVIEW**

Engineering and Public Works support the request provided easements related to CBRM's existing infrastructure as well as any new easement be acquired prior to transferring the property.

Recreation/Parks/Grounds & Buildings support the request.

Planning Department has indicated that if Council proceeds with the requested street closing, the travel way for Eighth Street will be disconnected. It can be a cause of confusion when a street, initially assigned one name, becomes physically disconnected. When this is the case, each section should be considered a separate street. In situations like this, it is recommended that each section have a different name and be addressed separately. Council should direct staff of the Planning and Development Department to initiate a street renaming prior to officially closing a section of Eighth Street.

## **RECOMMENDATION:**

Staff's recommendation to Council is to pass a Motion:

1. Directing staff of the Legal Department to initiate a formal street closure pursuant to Section 315 of the Municipal Government Act, for that portion of 8<sup>th</sup> Street, New Waterford identified on the attached maps (Attachment "B" Attachment "C") with the intention of deeming it surplus and to be conveyed to the Province of Nova Scotia as part of transfer to land required for the New Waterford Hub Project.
2. Directing staff of the Planning and Development Department to initiate a street renaming prior to officially closing a section of Eighth Street.

Respectively Submitted,

## **ORIGINAL SIGNED BY**

Sheila Kolanko  
Property Manager



## Healthcare Infrastructure Projects

Cape Breton Regional Health Park  
45 Weatherbee Road  
Suite 406  
PO Box 406  
Sydney, NS B1M 0A1

Joshua Wludyka, P.Eng.  
Project Manager  
Healthcare Redevelopment  
Cell: 902.574.1930  
Joshua.Wludyka@novascotia.ca

11<sup>th</sup> September, 2020

Sheila Kolanko  
Property Manager  
Cape Breton Regional Municipality  
320 Esplanade, Suite 200  
Sydney, Nova Scotia, B1P 7B9

RE: Letter of Request to close portion of 8<sup>th</sup> Street, New Waterford

Dear Ms. Kolanko,

### Background

I am writing on behalf of Nova Scotia Lands Inc. and the New Waterford Hub project. The Hub will house a new school (grades 6 to 12), 60 bed long term care facility and health centre. Currently, we are relocating community recreation facilities in New Waterford to vacate the adjacent properties for the Hub development. Components of that project are new facilities and a walking track on MacKinnon field. The recreation facilities are to be turned back over to CBRM upon substantial completion of construction.

### Requirements and Benefits

The purpose of this request is to permanently close a portion of 8<sup>th</sup> Street to develop a green space to span across 8<sup>th</sup> Street to connect the new Hub on the Breton Education Centre property and the new walking track/recreation facilities on MacKinnon field. The project team believes that providing physical separation for pedestrian traffic from road traffic will enhance safety for long-term care residents and students once the Hub is operational.

I have attached a sketch depicting the segment location where we are requesting a discontinuation of 8<sup>th</sup> Street thus resulting in 8<sup>th</sup> Street no longer being a throughway. The exact location and dimensions can be confirmed over the next couple of months during Detailed Design development. Engineering design to maintain existing buried storm and sanitary sewer infrastructure would be completed as a component of the Hub project.

Please do not hesitate to contact me if you have any questions or require further information.

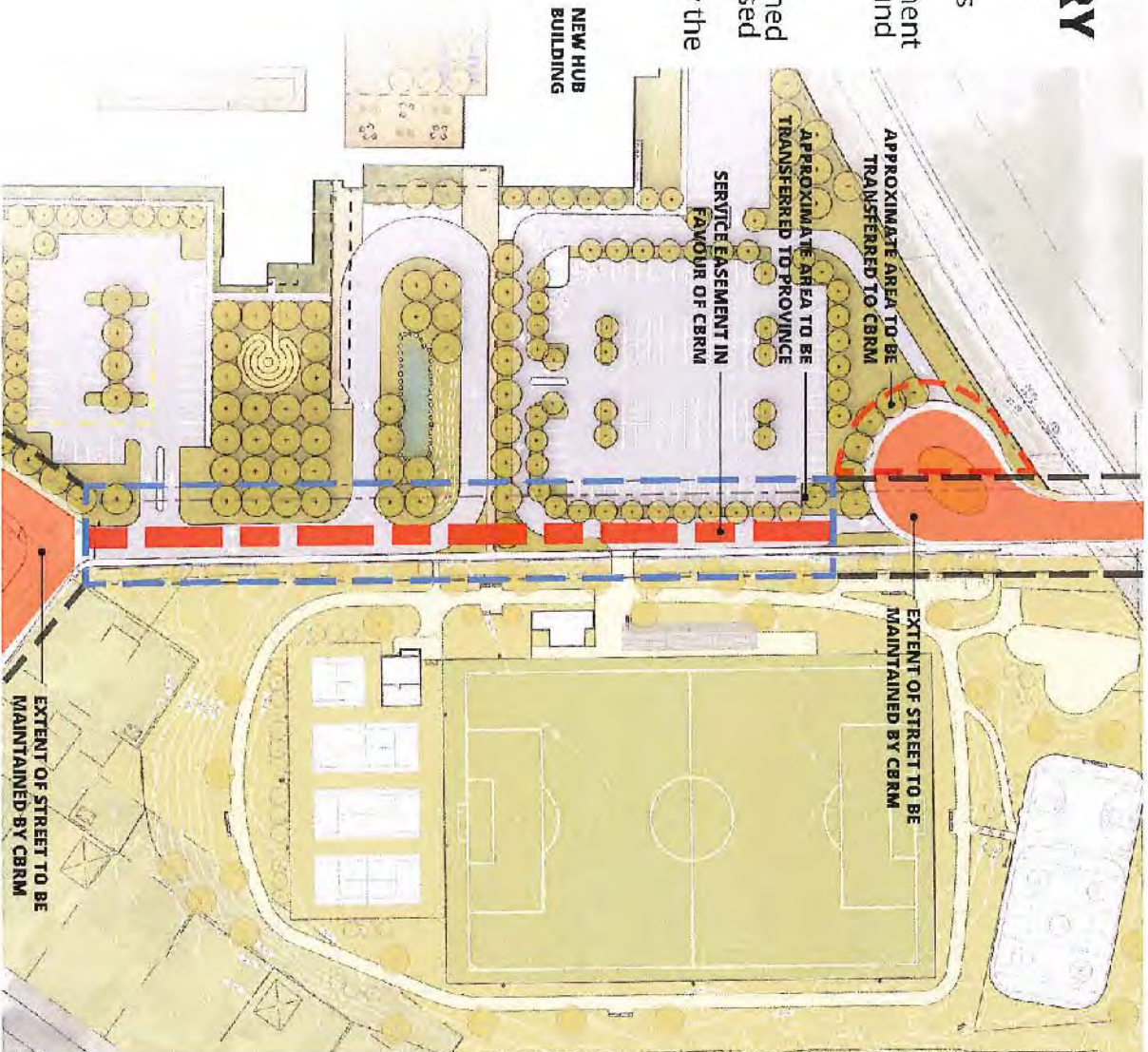
Kind Regards,

A handwritten signature in black ink, appearing to read "J. Wludyka".

Joshua Wludyka, P.Eng.  
Project Manager of Healthcare Redevelopment

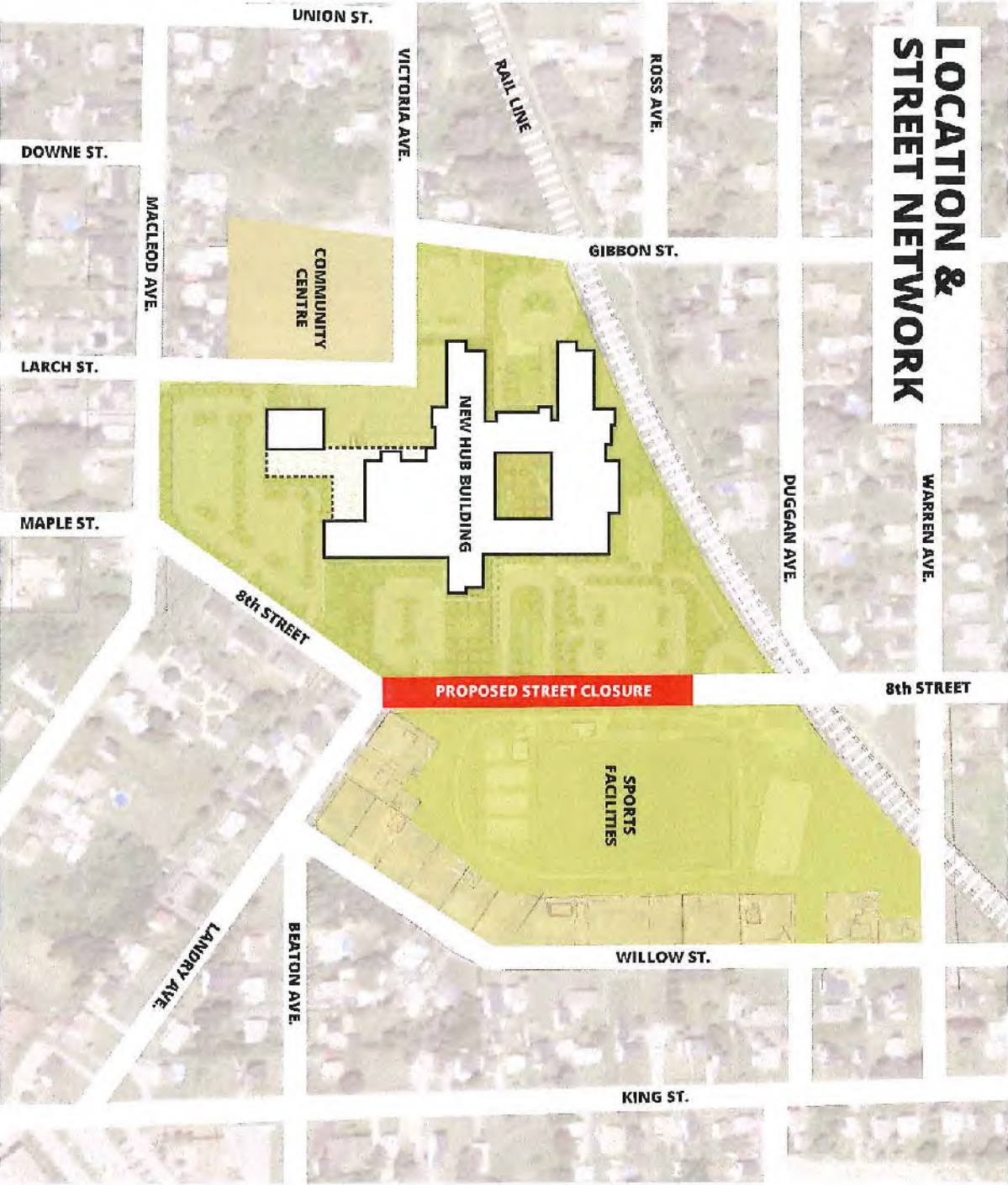
## NECESSARY CHANGES

1. Land transfers
2. Service easement for underground utilities
3. CBRM streets to be maintained by CBRM. Closed section to be maintained by the Province



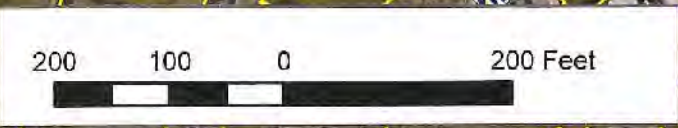
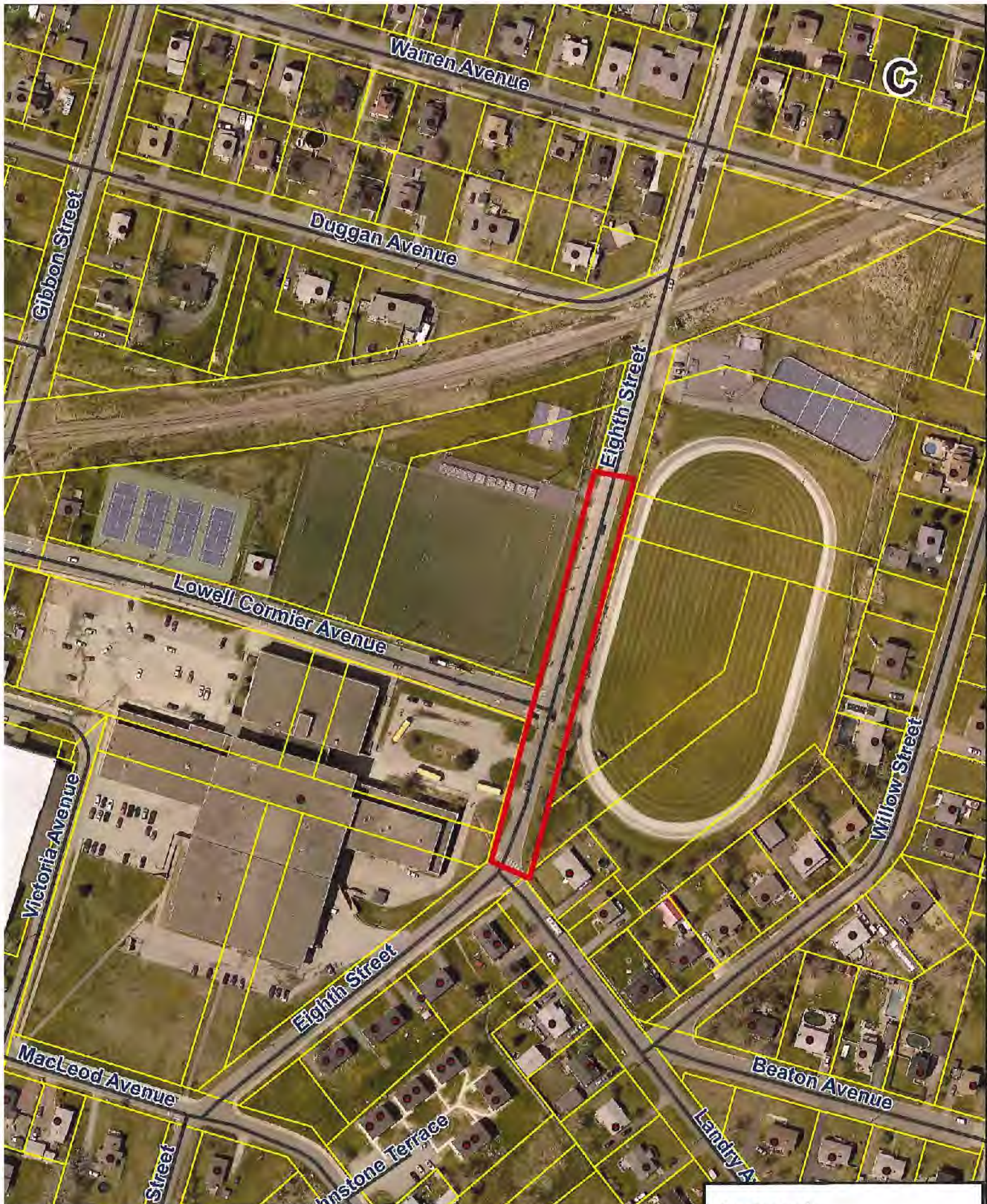
**NEW WATERFORD HUB:**  
PROPOSED CLOSURE OF 8TH ST.  
2021.04.09

**LOCATION &  
STREET NETWORK**




**NEW WATERFORD HUB:**  
PROPOSED CLOSURE OF 8TH ST.  
2021.04.09





**Legend**

 Proposed Street Closure



**CBRM**

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## ISSUE PAPER

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**TO:** Mayor and Council

**FROM:** Sheila Kolanko – Property Manager

**SUBJECT:** REQUEST TO DEEM PROPERTY SURPLUS  
Portion of PID 15080195  
St. Bridget Street, Sydney

**DATE:** May 18<sup>th</sup> , 2021

---

### REQUEST:

CBRM received a letter of interest asking CBRM to consider selling a portion of CBRM property located in Sydney that is currently deemed essential municipal property. The CBRM property is outlined in green on the attached map and identified as PID 15080195 (Attachment A).

### INFORMATION:

Wendy Gouthro is the registered owner of 19 St. Bridget Street, Sydney. Her property is identified as PID 15080252 and outlined in red on attached map. Ms. Gouthro purchased her property in December of 2010 and has lived there since that time. She has advised she currently uses and maintains a section of the CBRM lands. The section being used and occupied measures approximately 20 feet by 40 feet (outlined in blue on the attached map).

The CBRM property (PID 15080195) contains approximately 5 acres and is currently deemed essential for a natural drainage system along Churchill Drive area leading to Membertou.

Ms. Gouthro is asking CBRM to consider selling the small portion for the sole purpose of gaining ownership to that section of property that she is currently maintaining. She advised she has been mowing and maintaining the property for the last 11 years.

An internal staff review determined that while CBRM requires a large portion of this property for municipality purposes, staff found no reason not to consider conveying the small section to Ms. Gouthro for her intention use.

Staff concluded a small lot measuring approx. 20 feet by 40 feet more or less in the rear of Ms. Gouthro's property (PID 15080252) is not required for municipal purposes and as such, can be deemed surplus for sale. The estimated area is shown in blue on attached map (Attachment "A"). Any proposed sale would be subject to lot consolidation with existing lands of Ms. Gouthro and compliance with Land Use By-law and all other applicable legislation and government regulations.

#### **RECOMMENDATION:**

It is my recommendation to council to pass a motion declaring that portion of PID 1508019S, as shown outlined in blue on the attached map, surplus to the needs of the municipality and be sold at market value to Wendy Gouthro. All costs will be the responsibilities of the proposed purchaser and subject to lot consolidation and compliance with Land Use By-law and other applicable legislation and government regulations.

**Respectively Submitted by:**

**ORIGINAL SIGNED BY**

**Sheila Kolanko**  
Property Manager

A




Churchill Drive

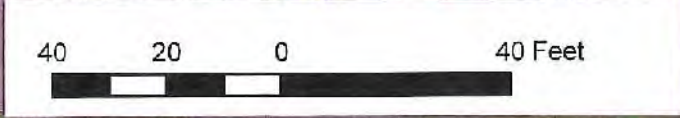
St Bridget Street



41

**Legend**

-  Wendy Gouthro PID 15080252
-  CBRM Property PID 15080195
-  Portion of CBRM Property (app 40ft X 20ft)





**CBRM**

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## ISSUE PAPER

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**TO:** Mayor and Council

**FROM:** Sheila Kolanko – Property Manager

**SUBJECT:** Request from New Aberdeen Revitalization Affordable Housing Society  
PID 15440514 – Ninth Street, Glace Bay  
PID 15440696 – Tenth Street, Glace Bay  
PID 15438591 – Second Street, Glace Bay  
(Vacant land)

**DATE:** May 18<sup>th</sup>, 2021

---

### **REQUEST:**

CBRM is in receipt of a request from the New Aberdeen Revitalization Affordable Housing Society requesting CBRM convey 3 parcels of land for consideration \$1.00. The properties are identified in the Provincial Land Registry as PID 15440514; PID 15440696 and 15438591. All parcels are outlined in red on the maps attached herein. (Attachment “A”; Attachment “B” and Attachment “C”).

### **BACKGROUND INFORMATION:**

The Society has developed a working relationship with the CBRM with an understanding that if the Society entice families to invest in residential development within the New Aberdeen area, CBRM would entertain conveying surplus lands to the Society for \$1.00. The properties are currently listed in CBRM’s inventory as surplus to the needs of the municipality.

The Society has secured the sale of the 3 subject properties provided CBRM agrees to convey the land for nominal consideration. While one of the proposed purchasers wish to purchase a new mini home and locate it on the property on Ninth Street, the other proposed purchaser wishes to develop rental units on the Tenth and Second Street locations. The Society has confirmed they have secured deposits on all 3 parcels.

The planning department has confirmed the property is currently zoned Residential Urban D (RUD), which permits one and two unit dwellings along with mobile homes. Development on these properties would be subject to compliance with applicable provisions of the Land Use By-Law and the issuance of a building development permit. Staff deem this will have a very positive impact on the redevelopment to this area and support the request.

The Municipal Government Act permits municipalities to sell at a price below market value to a nonprofit organization that Council considers to be carrying on an activity that is beneficial to the Municipality.

## **MUNICIPAL GOVERNMENT ACT**

### *Sale or lease of municipal property*

51 (1) *A municipality may sell or lease property at a price less than market value to a nonprofit organization that the council considers to be carrying on an activity that is beneficial to the municipality.*

(2) *A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the council present and voting.*

(3) *Where the council proposes to sell property referred to in subsection(1)valued at more than ten thousand dollars at less than market value, the council shall first hold a public hearing respecting the sale.*

(4) *The council shall advertise the public hearing at least twice, in a newspaper circulating in the municipality, the first notice to appear at least fourteen days before the hearing.*

(5) *The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale.*

The subject properties have a current assessed value of \$3000 per lot (below \$10,000) and for that reason a public hearing is not required.

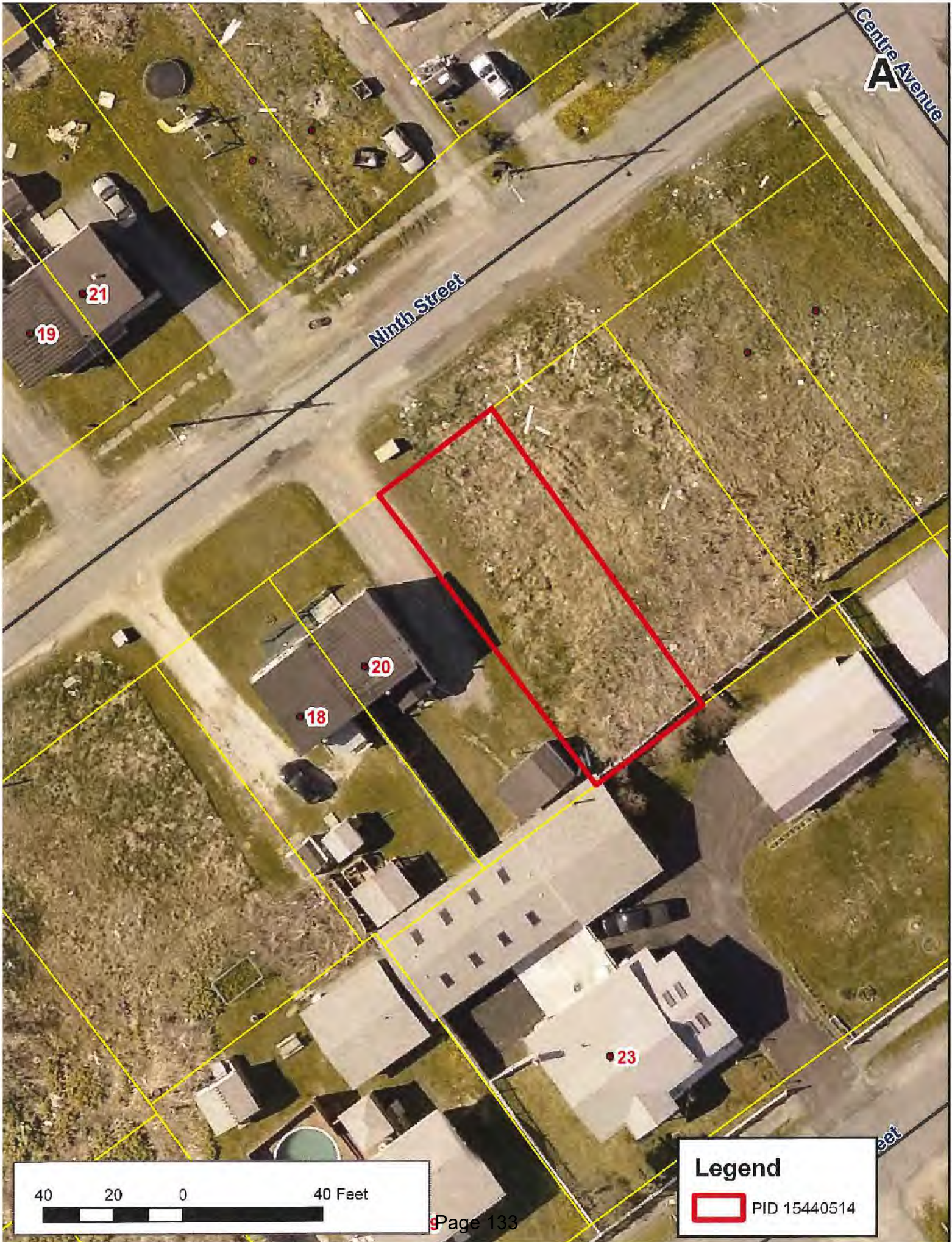
We have been advised by Paul Burt, Manager of Buildings and Planning & Licensing Laws that he has been in regular contact with the Society and their recent activities. He has confirmed that he fully supports this request and the positive work of the Society.

### **Recommendation**

Staff recommends to Council to approve a motion to convey the properties identified herein as PID PID 15440514; PID 15440696 and 15438591 to the New Aberdeen Revitalization Society for \$1.00. The conveyance shall be subject to application for a building permit within One (1) year. All costs will be the responsibility of the Society.

**Respectively Submitted by:**

**Sheila Kolanko  
Property Manager**



Centre Avenue  
A

Ninth Street

19

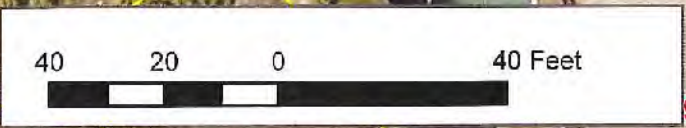
21

18

20

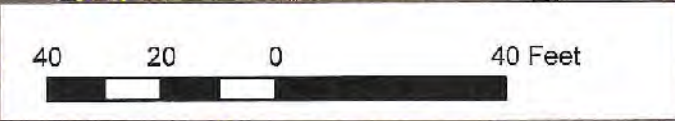
23

Street




**Legend**

 PID 15440514



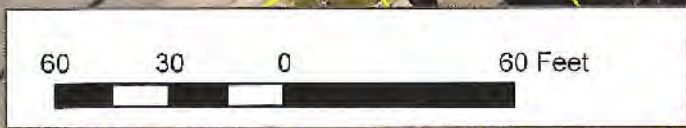
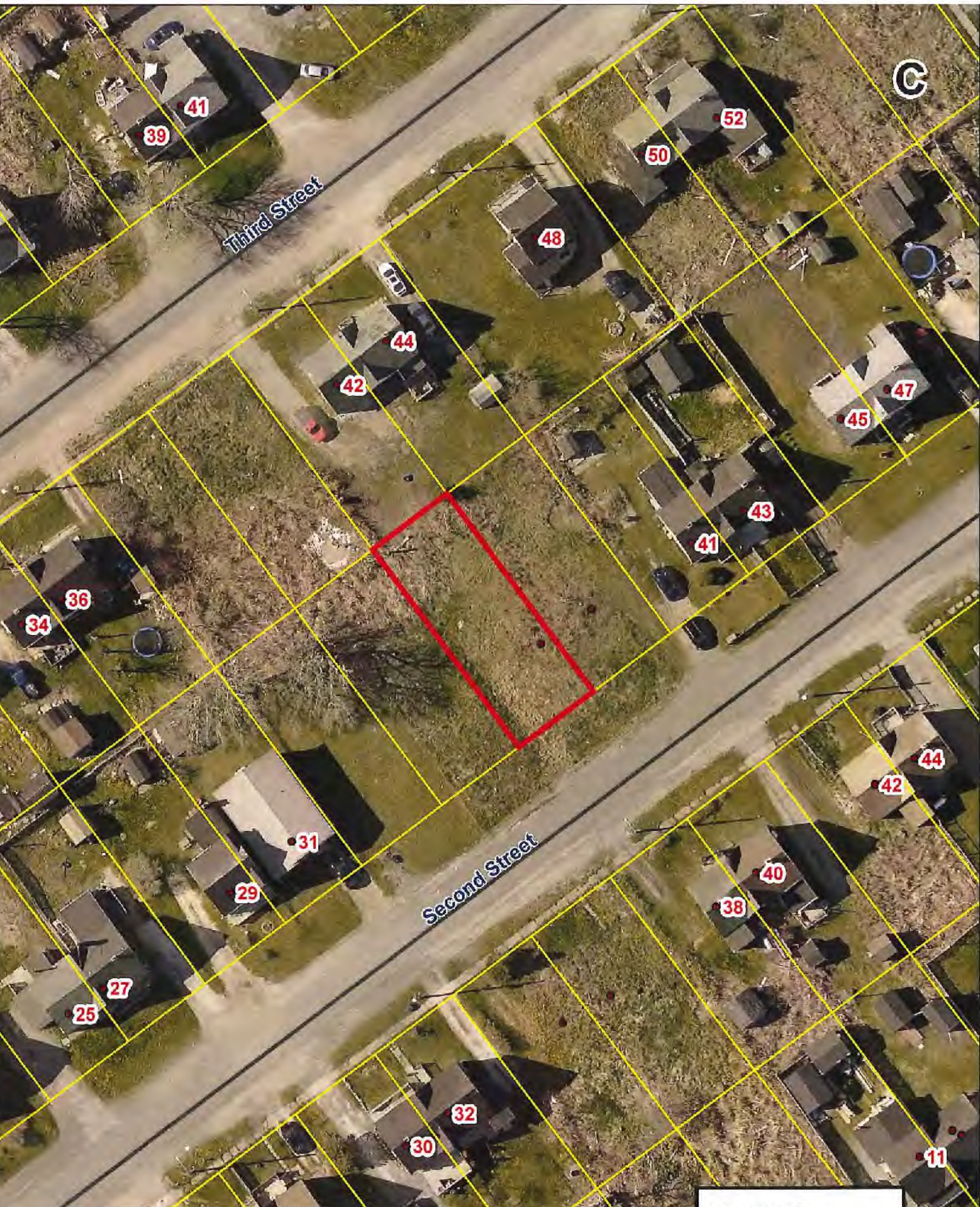
**Legend**

 PID 15440696


©

Third Street

Second Street



**Legend**

 PID 15438591



# **CBRM**

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**Cape Breton Regional Municipality**

## **MEMO**

**Date:** May 6, 2021  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Borrowing Resolution, Lease Facility

---

CBRM has in place a lease facility that carries a limit of \$2,000,000. Our financial institution, the Bank of Montreal, requires CBRM to renew this lease facility annually. CBRM will from time to time, opt to finance equipment purchases through a capital lease agreement that carries a shorter term than borrowing through the traditional debenture process and at a more favorable rate than other direct-financing options. Lease payments are included in the respective departments' operating budgets and does not affect borrowing capacity.

The Bank of Montreal requires a motion from Council to renew this lease facility for the 2021/2022 fiscal year.

Sincerely,

---

Jennifer Campbell, CPA, CA Chief Financial Officer



**CBRM**

*A Community of Communities*

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**Cape Breton Regional Municipality**

## **MEMO**

**Date:** May 6, 2021

**To:** Mayor and Council

**From:** Jennifer Campbell, CPA, CA Chief Financial Officer

**Re:** Borrowing Resolution, Operating

---

CBRM has in place a borrowing resolution for a \$44,000,000 line of credit. Our financial institution, the Bank of Montreal, requires CBRM to renew this operating line of credit annually. This represents the overdraft that is used to finance short term operations and bridge financing for capital projects.

The Bank of Montreal requires a motion from Council to renew this borrowing resolution for the 2021/2022 fiscal year.

Sincerely,

---

Jennifer Campbell, CPA, CA Chief Financial Officer



# MEMO

**Date:** May 6, 2021  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Resolution for Pre-Approval of Debt Issuance

CBRM requires a pre-approval for Debenture Issuance for Municipal Finance Corporation's 2021 Fall Debenture. The amount of borrowing required is \$11,133,693. This borrowing is for capital projects approved and completed in the fiscal year March 31, 2020. A summary of the projects and related borrowing is included for reference:

CBRM Capital Program 2019-20	Budget	Cost	Funding	Borrowing
Land and buildings	\$ 568,000	\$ 649,258	\$ 529,082	\$ 120,176
Glace Bay Police	2,750,000	2,266,129	963,410	1,302,719
Miners Forum	4,500,000	6,834,893	4,715,397	2,119,497
Sydney Cruise Berth	15,035,243	13,248,267	7,915,096	5,333,170
Fire Equipment	1,183,980	1,024,410	-	1,024,410
Streets and Sidewalks	11,003,036	9,893,888	9,842,740	51,148
Fleet Replacement	1,500,000	1,574,996	941,170	633,826
Sewer/Storm Water	6,413,316	3,382,485	2,847,814	534,672
Parks, Grounds and Arenas	350,000	374,391	374,391	-
Active Transportation	1,000,000	48,086	34,010	14,076
Transit	1,000,000	2,833,976	2,833,976	-
<b>Total</b>	<b>\$ 45,303,575</b>	<b>\$ 42,130,779</b>	<b>\$ 30,997,086</b>	<b>\$ 11,133,693</b>

Due to the fact that longer than 12 months have elapsed since the original borrowing resolution approval and the required borrowing amount has changed, a current resolution must be passed to meet MFC's debenture participation requirements.

The original resolution was passed on May 15, 2019 during 2019/20 Capital Budget deliberations for \$10,178,724 (see attached motion). You will note that the required borrowing is approximately \$1M higher than Council's motion. This is due to the timing of costs associated with the Sydney Cruise Berth and GB Miners Forum which spanned over multiple fiscal years. Actual costs up to March 31, 2019 were less than forecasted, therefore the borrowing for the 2020 Fall debenture (\$8,808,140) was less than the original resolution passed for that year (\$9,891,361). The remaining costs of construction and related borrowing for these projects merely shifted from 2018/19 to 2019/20 due to timing of the project work.

Requested Motion:

Council approve the amended resolution for the pre-approval of debt issuance in the amount of \$11,133,693 for capital projects completed up to March 31, 2020.

Sincerely,

---

Jennifer Campbell, CPA, CA Chief Financial Officer

**Capital Budget 2019-2020**

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Coombes, to approve the 2019-2020:

- Capital Budget totaling \$59,536,544;
- Associated required Borrowing Resolutions for \$10,178,724; and
- \$1,457,000 withdrawal from Capital Reserve.
- In principle the proposed multi-year capital plan with associated funding partnerships pending funding confirmation from the Province of Nova Scotia incorporating federal, provincial and municipal infrastructure commitments necessary for CBRM municipal infrastructure and regulatory wastewater projects by June 2019.

**Discussion:**

During discussion, Capital Reserve was discussed.

**Motion Carried.**

**Excerpt Council Minutes - June 9, 2020**

**Subject:** Resolution for Pre-Approval of Debt Issuance

---

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Gillespie, for pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$8,808,140 for capital projects approved and completed in the fiscal year 2018-2019.

**Motion Carried.**

**Excerpt – Special Council Budget Session Minutes – March 6, 2018**

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**DRAFT Capital Budget 2018-2019:**

**Motion:**

Moved by Councillor Bruckschwaiger, seconded by Councillor George MacDonald, approval of the 2018-2019 Capital Budget as recommended by staff, as follows:

- Capital Budget totaling \$33,932,855;
- Associated required Borrowing Resolutions for \$9,891,361; and
- \$1,526,000 withdrawal from Capital Reserve.

**Discussion:**

Some of Council discussion included:

- Vehicles, Equipment and Fleet
- Proposed 2<sup>nd</sup> Berth
- Renovations for the Civic Centre
- Transit
- Infrastructure, roads, sidewalk and repairs
- Victoria Road Overpass
- Provincial and Federal Funding
- Bayplex and Canada Games Complex
- J-Class roads
- UNSM
- Centre 200
- Heavy Garbage Pick-up
- Equalization
- Option to cut other budget items
- Borrowing and Amendments to the Borrowing Policy

**Most Councillors shared their frustration in the lack of funding for CBRM Roads from the other levels of government. They also requested amendments be made to the Borrowing Policy to be presented at a future meeting of the General Committee.**

**Motion Carried.**



## ***Issue Paper***

**DATE:** May 11, 2021,  
**TO:** Mayor & Council  
**FROM:** Bill Murphy, Director Parks, Recreation, and Buildings & Facilities  
**Subject:** C200 Expansion Feasibility Study

**Background:** Centre 200 a multi-purpose sport, entertainment and convention center located in the downtown of Sydney was completed in 1986 as a host facility for the 1987 Canada Winter Games. It has a standard 200'x 85' ice surface with a seating capacity of nearly 5000 people for hockey and more than 6000 for concerts and special events.

Centre 200 also has meeting room space for up to 1750 people as well as 20,000 square feet of exhibit space available in the main arena.

Cape Breton Regional Municipality (CBRM) delivers a variety of programs and support services designed to enhance the quality of life for residents. It is committed to attracting and hosting a variety of events at its central entertainment venue.

The facility is used year round for a variety of events, including concerts, private functions, hockey games, basketball, in addition to hosting national events. In 2019, the facility was host venue for the Scotties Tournament of Hearts Curling event.

**Current Situation**

Since 2016, there have been several community sport groups advocating for the creation of a new or renovated municipal multi-use recreation facility for CBRM. In 2018 Council heard from delegations again highlight the ever-growing requirement.

From an operating perspective, the Department has tried to accommodate court needs through several alternate facilities only to find the limitations outweighed the benefit of temporary fixes. It is also recognized that to be successful a facility would have to take advantage of existing infrastructure and require study on operating scenarios, costs and feasibility.

**Objective**

The objective of this paper is to request approval to carry out a feasibility study on a possible addition to our existing facility at C200. The purpose of the study is to provide advice and guidance to the municipality on the potential of adding a 47,800,000 square ft. multi-purpose recreation facility to the existing C200. In addition, the study will provide a general perspective on operating costs for a newly added facility.

The budget estimate for a study of this nature would be \$90,000.00. Discussions held with both levels of government indicate there is interest in participating in the project. It is anticipated two thirds of the cost of the study will be recovered.

**Basic Scope of Work:**

The outline for the scope of work and deliverables include but not be limited to:

- Conduct project orientation, gather and review background information
- Meet with the Client to review issues, refine project methodology and work schedule

- Conduct a review of the existing CBRM services, programs and operations and recommend a Service, Program and Operational Plan for the proposed multi-purpose recreation facility; (see note below)
- Review the current concept design and advise on required functional space program for all public, partner, staff and facilities maintenance areas
- Review existing C200 drawing and specifications; provide information, options and or requirements to integrate the existing C200 mechanical systems with the mechanical requirements for a new municipal multi-purpose recreation facility
- All associated liaison and project reporting including submission/presentation of draft findings and final report.
- Collect relevant information from the Client on groups including sport clubs key service indicators, staffing, financial information and operating policies, and partnership and collaborative opportunities;
- Provide a Class D estimate of concept facility

Note

A detailed review of the existing services program opportunity and operation is required as a backdrop to recommendations. The intention is that the plan will recommend services and programs and the operational review will document the implications for staffing, financial and other resources, operating policies, management approaches, income generation and partnership/collaborative relationships.

The recommendations will consider the current context of tight operating budgets, projected to exist for some time into the future. Cape Breton Regional Recreation staff and user group input will be critical to the assessment, to include the following topics:

The staffing requirements for the proposed facility including:  
 Determine if new positions are required and job descriptions.  
 Any proposed revisions to existing roles and responsibilities.  
 Any proposed development and training for existing staff.  
 Recommended revisions or additions to current operating policies and procedures, including hours of operation, marketing, ongoing service and long range planning.

A preliminary estimate of the financial implications associated with the recommendations;

The successful Consultant will be required to consult special user groups, present findings and the draft recommendations for the Service Program Operations Plan at a public Council session;

The Consultant shall conduct a partnership assessment to determine if there are other community agencies or organizations interested in becoming a part of the multi-purpose recreation facility development in the pursuit of shared objectives in the areas of social, cultural, economic and human capital development and overall financial cost mitigation;

### **Recommendation**

Conditional on successfully securing 2/3 external funding, Council authorize staff to carryout out a feasibility study on a possible expansion to our existing building at C200, Sydney N.S.

Further, that CBRM maximum contribution of \$30,000.00 be financed through an equal amount form the CAO and Department budgets.

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**Bill Murphy, Director**

Parks, Recreation, Buildings & Facilities

