

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, SEPTEMBER 13TH, 2022

6:00 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

Council Meeting

Tuesday, September 13th, 2022
6:00 p.m.

AGENDA ITEMS

Land Acknowledgement

6:00 p.m.

Roll Call

O' Canada

1. APPROVAL OF AGENDA: (Motion Required)

2. PROCLAMATIONS:

6:10 p.m.

2.1 Maritime Kids Health Day:

Councillor Ken Tracey (See page 6)

2.2 Cape Breton Classic Cruisers Fall Classic Show & Shine Weekend:

Councillor Eldon MacDonald (See page 7)

2.3 Wrongful Conviction Day – 2022:

Councillor Cyril MacDonald (See page 8)

2.4 Medic Monday 2022:

Councillor Gordon MacDonald (See page 9)

2.5 Fire Prevention Week 2022:

Councillor Lorne Green (See page 10)

2.6 Fetal Alcohol Spectrum Disorder (FASD) Awareness Month – September 2022:

Deputy Mayor Earlene MacMullin (See page 11)

Continued...

**Council Meeting Agenda
September 13, 2022 (Cont'd)**

3. DELEGATION: 6:15 p.m.

- 3.1 Elizabeth Fry Society of Cape Breton:** Julie Kendall, Associate Executive Director, Elizabeth Fry Society of Cape Breton (See page 12)

4. PLANNING ISSUES: 6:45 p.m.

4.1 FINAL APPROVAL - Public Hearings:

- a) **Municipal Planning Strategy Request (Case 1087) – Dwayne Fudge:** Karen Neville, Senior Planner (See page 16)
- b) **Zone Amendment Application – Case 1088:** Karen Neville, Senior Planner (See page 27)
 - i. **Request for Partial Street Closure - MacIsaac Street, Sydney Mines (PID 15725591)**
 - ii. **22-Unit Apartment Building at 224 Pitt Street, Sydney Mines (PID 15505282 & PID 15725591)**
- c) **Zone Amendment Request (Case 1090) - Thomas Street, Sydney (PID 15082407):** Karen Neville, Senior Planner (See page 42)
- d) **Zone Amendment Request - Case 1091 - Mixed-Use Commercial Development at PID 15046535 (1957 Kings Road, Howie Center):** Karen Neville, Senior Planner (See page 57)

4.2 APPROVAL TO ADVERTISE: N/A

5. BUSINESS ARISING: 7:30 p.m.

5.1 CBRM Council: July 12, 2022:

- a) **Request to Repeal the CBRM COVID-19 Mandatory Vaccination Policy:** Deanna Evely, Director of Human Resources (See page 78)

Continued...

**Council Meeting Agenda
September 13, 2022 (Cont'd)**

6. CORPORATE SERVICES ISSUES:

7:45 p.m.

- 6.1 **Property Transfer to CBRM – Portion of PID 15468192, Thirteenth Street, New Waterford:** Robert Nearing, Manager Public Works East (See page 85)
- 6.2 **Land Purchase – Future Louisbourg Wastewater Treatment Plant Site:** Matt Viva, Manager – Wastewater Operations (See page 88)
- 6.3 **Land Expropriation, Lot 2021-1, PID 15408867, Glace Bay Wastewater Treatment Plant:** Demetri Kachafanas, QC, Regional Solicitor (See page 99)
- 6.4 **Central Library – Consultation Process:** Mayor Amanda M. McDougall (See page 104)
- 6.5 **Appointment of Nominating Committee:** Deborah Campbell Ryan, Municipal Clerk (See page 106)

7. COMMITTEE REPORTS:

N/A

8. Review of Action Items from this Meeting: Mayor Amanda M. McDougall

8:30 p.m.

ADJOURNMENT

CBRM PROCLAMATION

“Maritime Kids Health Day”

Whereas: The IWK Foundation, Ronald McDonald House Charities Atlantic, Brigadoon Village and Make-A-Wish Canada deliver compassion, support and critical care to sick children and their families throughout the Maritimes;

And Whereas: We believe that continuing to act together in support of our sick children will better their chances on their journey to better health;

And Whereas: The IWK Foundation, Ronald McDonald House Charities Atlantic, Brigadoon Village and Make-A-Wish Canada have renewed their commitment to a day of joint action to improve the healthcare outcomes of children in the Maritimes;

And Whereas: Declaring September 14 “Maritime Kids Health Day” will raise awareness of the importance of Maritimers coming together to raise up our kids and their families;

Be it Therefore Resolved: That CBRM Mayor Amanda M. McDougall and Council proclaim September 14, 2022, as “Maritime Kids Health Day” in Cape Breton Regional Municipality.

Councillor Ken Tracey - CBRM District #9

September 13th, 2022

Cape Breton Regional Municipality Proclamation

“Cape Breton Classic Cruisers Fall Classic Show & Shine Weekend”

Whereas: The Cape Breton Classic Cruisers Car Club is a group of individuals promoting to further an interest in antique and custom cars, trucks, motorcycles, and special vehicles;

And Whereas: The Club is open to everyone who has a mutual interest, the guiding principle of the Club is respect. Respect for each other, our communities, other automobile clubs and our neighbours;

And Whereas: The success level of the annual events held/hosted by the Cape Breton Classic Cruisers continues to reach new heights. The annual Wheels and Deals Show & Shine, Swap Meet, Flea Market continues to grow. These events attract participants and spectators from across Cape Breton and mainland Nova Scotia to show their vehicles and sell their wares;

And Whereas: The Fall Classic Events have become a signature event in Nova Scotia’s car show circuit and a must attend event. Our largest crowds have seen over 5,000 spectators in a single day and over 310 vehicles on display for one day;

And Whereas: The Cape Breton Classic Cruisers believe in giving back to the community. Since the startup in 2016 they were able to donate over \$20,000.00 to various charities;

Be It Therefore Resolved: That CBRM Mayor Amanda M. McDougall and Council proclaim September 16th – 18th, 2022, as the “Cape Breton Classic Cruisers Fall Classic Show & Shine Weekend” in the Cape Breton Regional Municipality.

Councillor Eldon MacDonald – CBRM District #5

September 13th, 2022

Proclamation

Wrongful Conviction Day - 2022

- Whereas:** Wrongful Conviction Day is designated as an annual International Day to recognize the tremendous personal, social and legal costs associated with wrongful criminal convictions;
- And Whereas:** this day recognizes those persons who have been forced to endure the tremendous consequences brought by a wrongful criminal conviction;
- And Whereas:** to inform and educate the broader international community on the causes, consequences and complications associated with wrongful criminal convictions;
- And Whereas:** Innocence Canada is a not-for-profit organization founded in 1993 and have been responsible for exonerating 24 wrongly convicted individuals, amongst those exonerated are David Milgaard, Romeo Phillion; Steven Truscott and Guy Paul Morin;
- And Whereas:** There is an undetermined number of individuals imprisoned for crimes they did not commit, and nobody is exempt from the possibility of being wrongfully convicted;
- Be It Therefore Resolved:** That Mayor Amanda M. McDougall and CBRM Council proclaim Sunday October 2nd, 2022 as “**Wrongful Conviction Day**”, to help raise awareness to work toward the prevention of further wrongful convictions.

Councillor Cyril MacDonald - CBRM # 3

September 13th, 2022

Proclamation
MEDIC MONDAY 2022

WHEREAS: Emergency medical services is a vital public service, with Paramedic teams ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS: access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS: the people within the system consists of paramedics, emergency medical dispatchers, specialists in various roles including support, education and development; and

WHEREAS: they engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills, and they deserve to have their accomplishments and contributions recognized; and

WHEREAS: paramedics are on the front lines of the COVID-19 pandemic, continuing to provide high-quality and professional care ensuring the health and safety of Nova Scotians, and

**BE IT THEREFORE
RESOLVED:** That Mayor Amanda M. McDougall and Council of the Cape Breton Regional Municipality proclaim Monday, September 26, 2022, as **MEDIC MONDAY** in the CBRM in appreciation for everything our paramedics do.

Councillor Gordon MacDonald CBRM District #1

September 13th, 2022

Proclamation

“Fire Prevention Week 2022”

-
- Whereas:** The Cape Breton Regional Municipality is committed to ensuring the safety and security of all those living in and visiting our municipality;
- And Whereas:** Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire;
- And Whereas:** smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely;
- And Whereas:** working smoke alarms cut the risk of dying in reported home fires in half;
- And Whereas:** CBRM residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond;
- And Whereas:** CBRM residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities;
- And Whereas:** The Firefighters and First Responders of the Cape Breton Regional Fire and Emergency Service, are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education;
- And Whereas:** CBRM residents are responsive to public education measures and better able to take personal steps to increase their safety from fire, especially in their homes;
- And Whereas:** the 2022 Fire Prevention Week theme “**Fire Won't Wait. Plan Your Escape,**” effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.
- Therefore, Be It Resolved:** That the Cape Breton Regional Municipality Mayor and Council October 9th to 15th, 2022 as Fire Prevention Week throughout the Cape Breton Regional Municipality, and to urge all the people of the CBRM to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2022, and to support the many public safety activities and efforts of the Cape Breton Regional Fire and Emergency Services and its members.

Councillor Lorne Green - CBRM District #12

September 13th, 2022

Cape Breton Regional Municipality

Proclamation

Fetal Alcohol Spectrum Disorder (FASD) Awareness Week – September 2022

Whereas: Fetal Alcohol Spectrum Disorder (FASD) is a [diagnostic](#) term used to describe impacts on the brain and body of individuals prenatally exposed to alcohol. FASD is a lifelong disability. Individuals with FASD will experience some degree of challenges in their daily living, and need support with motor skills, physical health, learning, memory, attention, communication, emotional regulation, and social skills to reach their full potential. Each individual with FASD is unique and has areas of both strengths and challenges; and

Whereas: fasdNL is a pan-provincial organization that educates, provides supports and resources, and raises awareness about fetal alcohol spectrum disorder (FASD) in Newfoundland and Labrador and Atlantic Canada; and

Whereas: fasdNL is leading a three-year FASD prevention, awareness, training, and collaborative action project in the four Atlantic provinces; and

Whereas: FASD Awareness week is devoted to raising awareness of fetal alcohol spectrum disorder (FASD) to improve prevention of FASD and diagnosis and support for individuals with FASD and broad public awareness helps to put FASD the ‘map’; and

Be It Therefore Resolved: That the CBRM Mayor Amanda M. McDougall and Council proclaim the month of September, 2022 as FASD Awareness Month in the Cape Breton Regional Municipality.

Deputy Mayor Earlene MacMullin

September 13, 2022

Elizabeth Fry Society of Cape Breton

Presented to: Cape Breton Regional Municipality

September 13, 2022

1

Overview

- The Elizabeth Fry Society of Cape Breton (EFSCB) is a non-profit, charitable organization that engage with vulnerable women, girls and gender diverse people to foster reintegration, rehabilitation, personal empowerment and to address the root causes of criminalization. The people we support are often at a high risk of returning to the cycle of poverty, homelessness and self-harm that can cause criminalization. We are devoted to improving the lives of women in our province through comprehensive housing supports, innovative programming initiatives, justice system reform and through building individual strength and capacity in all of the women and gender diverse people we serve. EFSCB provide the structure for marginalized women and girls to transform their lives from a cycle of poverty and insecurity to one of stability, growth and hope.

2

Our Core Values

Safety and healing	Trauma informed	Social Justice oriented
Inclusive and Diverse	Relational	Advocacy for human and legal rights

3

Defending Human Rights


- Prison Advocacy
- Social Justice
- Identifying trends and shared concerns
- Advocating for systemic change

A Venn diagram consisting of three overlapping circles. The top-left circle is labeled 'Individual Advocacy', the top-right circle is labeled 'Institutional Advocacy', and the bottom circle is labeled 'Systemic Advocacy'. The circles overlap in the center, and each pair of circles also overlaps.

4

Building Capacity

- Of our community
- Of our residential services programs
- Of criminalized women, girls, and gender-diverse people



5

Our Services

Our Programs



Our Services:

- Bail Verification & Supervision
- Residential & Release Options
- Programming
- Public Safety
- Support & Advocacy
- Restorative Approaches
- Breaking the Cycle
- Human Trafficking Prevention
- Transition
- Records of Suspension

Our Programs:

- Addiction and Recovery And Personal Boundaries
- Domestic Violence And Women 4 Change (Anger Management)
- Teen Program And The Gate Program
- Psycho-social Workshops
- Self-esteem And Healthy Relationships
- Community Transitioning And Conflict Management
- Vivian's Culinary Project And The Backpack Program

6

Contact Us

<http://www.efrycb.com>

Phone: 902-539-6165

Fax: 902-539-1683

Email: efrycb@eastlink.ca

Municipal Planning Strategy Amendment – Case 1087 (Dwayne Fudge)

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Green, to direct staff to prepare the necessary Amending By-laws which would amend Part 2, Policy 17.c of the Municipal Planning Strategy and create a site-specific zone to support the applicant's request and proceed with Approval to Advertise Notice of a Public Hearing to be held at an upcoming Council meeting. Part 2, Policy 17.c should be amended by adding a statement which states if the motor vehicle repair service business cannot meet the setbacks as outlined in the Land Use By-law, Council shall consider reducing the setback requirement by zone amendment. This new policy should contain criteria that Council shall use to evaluate such zoning amendment proposals. Criteria should include:

- Variety of existing uses in the area
- Outdoor storage shall only be to the rear of a main building and must be screened from low density residential development
- The site was the location of a former or existing sales or service use
- Traffic to and from the property
- Any other considerations of the Planning Department.

Discussion:

In response to a question, the Senior Planner clarified the difference between the motion on the floor and the recommended option 2 in the staff report.

Motion Carried.



TO: CBRM Mayor & Council

FROM: Karen Neville

SUBJECT: Municipal Planning Strategy Request – Case 1087
Dwayne Fudge

DATE: September 2, 2022

Background

Dwayne Fudge of Seaview Cycle & Power Equipment Inc. has requested that CBRM Council consider amending the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to allow motorcycle inspections and repair at 1526 Keltic Drive, Leitches Creek. The application letter is provided in Attachment A.

In 2020, Mr. Fudge of Seaview Cycle & Power Equipment Inc. obtained a Building & Development Permit to convert the former propane sales building into a repair service for small engines. At that time, Staff advised Mr. Fudge that motor vehicle repair is not permitted and discussed the option to proceed with an amendment to the MPS.

The property is currently zoned Rural CBRM (RCB). The RCB zone does permit motor vehicle repair subject to being setback at least 300 feet from a dwelling. There is a single detached dwelling (civic #1516) located roughly 150 feet from the subject building. For that reason, Planning and Development Staff are unable to approve a building & development permit application for motor vehicle repair on the subject property, outlined in red on Attachment B. The rear Seaview Cycle property, outlined in blue, is separated from the nearby residential development by a rail corridor and would meet the minimum setback requirement. Based on our land use inventory, the property outlined in blue was the location of propane storage and distribution. The property outlined in red was used for retail sales.

In 2019, Council approved a preliminary public participation program in response to a similar request. The feedback included 23 submissions opposed and 1 in support of the proposed amendment. Council passed a motion to uphold the MPS and LUB and proceed with enforcement processes.

On April 26, 2022, Council directed Staff to return to Council with additional background information and policy options which would accommodate Mr. Fudge's proposed development. Three options are outlined below, which include amending policy and the Land Use Bylaw to:

1. Extend the Keltic Drive Business Corridor (KBC) Zone boundary to include the subject property.
2. Reduce or remove the setback requirement.
3. Redefine motor vehicle repair to exclude motorcycles.

Based on the information presented by Staff to Council on May 24, 2022, Council passed a motion directing Staff to initiate a Public Participation Program in relation to the applicant's request.

Public Participation Program

On August 23rd Staff presented the results of the Public Participation Program to Council. While the results of the survey appeared to be support maintaining the current separation requirement, Council passed a motion directing Staff to prepare amending by-laws which would give Council the authority to consider a zone amendment for motor vehicle repair service in rural areas when the required separation distance cannot be met and to create a site specific zone for the applicant's request (Attachment C). The requested Amending By-laws can be found in Attachment D and Attachment E.

Recommendation

Because CBRM is in the midst of reviewing its planning documents, Staff recommends that this application be considered as a part of CBRM Forward. However, if Council wishes to proceed with the applicant's request, a motion should be passed adopting the Amending By-laws found in Attachment D and Attachment E.

Submitted by:

Originally Signed By

Karen Neville
Planning and Development Department

A

SEAVIEW CYCLE & POWER EQUIPMENT INC.

1526 KELTIC DRIVE

NORTH SYDNEY, NS

B2A 4Y1

April 8, 2022

Cape Breton Regional Municipality

Esplande, Sydney, NS

Attention: Kristen R. Knudskov

Please accept this letter as my application to amend Zoning to allow Motorcycle Inspections to be completed at Seaview Cycle & Power Equipment Inc., 1526 Keltic Drive, Leitches Creek, NS B2A 4Y1.

Attached you will find payment of \$1000.00 for the application fee.

If you require any further information, please do not hesitate to contact me.

Sincerely,

Original Signed By

Dwayne Fudge

Seaview Cycle & Power Equipment Inc.

902-304-3605

B





M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Karen Neville, Senior Planner
From: Deborah Campbell Ryan, Municipal Clerk
Date: September 2, 2022
Subject: Municipal Planning Strategy Amendment – Case 1087 (Dwayne Fudge)

At the Council meeting on August 23, 2022, the following motion was passed:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Green, to direct staff to prepare the necessary Amending By-laws which would amend Part 2, Policy 17.c of the Municipal Planning Strategy and create a site-specific zone to support the applicant's request and proceed with Approval to Advertise Notice of a Public Hearing to be held at an upcoming Council meeting. Part 2, Policy 17.c should be amended by adding a statement which states if the motor vehicle repair service business cannot meet the setbacks as outlined in the Land Use By-law, Council shall consider reducing the setback requirement by zone amendment. This new policy should contain criteria that Council shall use to evaluate such zoning amendment proposals. Criteria should include:

- Variety of existing uses in the area
- Outdoor storage shall only be to the rear of a main building and must be screened from low density residential development
- The site was the location of a former or existing sales or service use
- Traffic to and from the property
- Any other considerations of the Planning Department.

Discussion:

In response to a question, the Senior Planner clarified the difference between the motion on the floor and the recommended option 2 in the staff report.

Motion Carried.

.../2

I would ask that you please take the action noted in the above motion. We have this issue listed in the pending file for the September 13, 2022 Council meeting.

Thank you.

Original Signed By



Deborah Campbell Ryan

Municipal Clerk

/tcn

C: Michael Ruus, Director of Planning & Development
Council Pending

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 deleting Policy 17c. and replacing it with the following:

17.c It shall be a policy of Council to permit motor vehicle 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.

If the motor vehicle repair service business cannot meet the setbacks as outlined in the Land Use By-law, Council shall consider reducing the setback requirement by zone amendment. 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. Council shall use the following criteria to evaluate such zoning amendment applications:

- the development proposal must include a landscaping plan to buffer and screen low density residential uses from the variety of land use types in the vicinity;
- traffic attracted to, and leading from, the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- the development proposal shall only permit outdoor storage to the rear of a main building;
- the site must be the location of an existing or former sales and service use;

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: Council Renumbers Part 104 Definitions to Part 105

THAT: Council amends the text of the Land Use By-law by creating the following Zone.

PART 104 RURAL CBRM - MV (RCB-MV)

Section 1 RCB-MV Uses Permitted

Development Permits shall only be issued in the HRC Zone for 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.

- motor vehicle repair *in compliance with the provisions of Section 2, Section 3, Section 4, and Section 5*
 - all uses permitted in the RCB Zone subject to the RCB Zone requirements
-

Section 2 Motor Vehicle Repair Development Standards

Motor vehicle repair is subject to the lot parcel development requirements in the General Provision Part.

Section 3 Outdoor Display and Storage

- Outdoor display is permitted.
 - Outdoor storage shall only be permitted to the rear of all main buildings and screened from any pedestrian sidewalk.
-

Section 4 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.

Section 5 Screening Provision adjacent Residential Development

Any:

- new construction of a business development or its accessory parking area; or

- expansion of existing business development including buildings and/or parking area

shall be screened (as defined in the Definitions Part of this By-law) from the residential property unless all aspects of the business development are more than 100 feet from the boundary of either the abutting residential lot parcel, or the residential lot parcel directly across the public street/road.

THAT: Council amends the Land Use Bylaw map by deleting the Rural CBRM (RCB) Zone in effect for PID 15325160 and replacing it with the Rural CBRM - MV (RCB-MV)

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 above text amendments and Land Use Bylaw map amendments on the next page referencing this Amending Bylaw 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 _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

**Zone Application Case 1088 – Future Growth Co-op Ltd. for a 22-Unit Apartment Building at 244 Pitt Street, Sydney Mines (PID 15505282 & PID 15725591)
Request for Partial Street Closure – MacIsaac Street, Sydney Mines (PID 15725591)**

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Parsons, to direct staff to initiate a formal street closure pursuant to Section 135 of the *Municipal Government Act* for the portion of road parcel identified as PID 15725591 in Attachment A to the staff Issue Paper dated August 12, 2022.

Motion Carried.

Motion:

Moved by Councillor Gordon MacDonald, seconded by Deputy Mayor MacMullin approval to advertise Notice of a Public Hearing for an upcoming meeting of Council to consider the zoning amendment application from Future Growth Co-op Ltd. to construct a 22-unit apartment building on the property located on 224 Pitt Street, Sydney Mines (PID 1505282 and PID 15725591), as outlined in the staff Issue Paper dated August 12, 2022.

Motion Carried.



TO: CBRM Mayor & Council

FROM: Karen Neville

SUBJECT: Zone Amendment Application - Case 10BB
22-Unit Apartment Building at 224 Pitt Street, Sydney Mines (PID 15505282 & PID 15725591)

Request for Partial Street Closure - MacIsaac Street, Sydney Mines (PID 15725591)

DATE: September 2, 2022

Background

The Planning & Development Department has received a zoning amendment application from Future Growth Co-op Ltd. (Future Growth) to construct a 22-unit apartment building on the property located 224 Pitt Street (PID 15505282) and a portion of the undeveloped road reserve for MacIsaac Street in Sydney Mines (PID 15725591) [Attachment A].

PID 15505282 is an irregularly shaped lot comprised of approximately 3.5 acres. The site is accessed from a narrow portion of the parcel fronting along Pitt Street. The property opens to a width of approximately 275 feet behind the residential properties fronting along Pitt Street. It tapers to approximately 100 feet wide at the south property boundary. The applicant is requesting to acquire a portion of the undeveloped section of MacIsaac Street to increase their lot area and increase the proposed building setback from the low density residential properties on Crescent Street.

Why is a zone amendment necessary for this development

The property is currently zoned 224 Pitt Street Apartment Building (224AB). In 2005, CBRM Council approved the site-specific zone in response to a zone amendment request. The provisions of the 224AB Zone only permit a maximum of 20 apartment units (Attachment B); therefore, a zone amendment is required for Future Growth to construct any additional units on the property.

The Municipal Planning Strategy (MPS) identifies areas where apartment building development should be encouraged. The allowable density and scale is correlated to the following criteria:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

Higher density development is generally encouraged along streets which rank highly in the MP5 public street network hierarchy. The site in question fronts onto Pitt Street, which is classified as a neighbourhood through street (Level 4). While the surrounding area is predominantly low-density residential there are large undeveloped parcels of land in the surrounding area. The above criteria clearly

rationalize why the MPS does not encourage additional apartment building development as-of-right on the subject site. However, in urban service areas, higher-density development proposals can be considered by means of a zone amendment.

Part 4, Policy 1.d.9 of the MPS (Attachment B) includes six criteria that Council is obliged to consider when deciding upon such a zone amendment request. The purpose of the criteria is to ensure that the apartment building development does not adversely affect low density residential development in the vicinity. Each criterion is discussed below.

- **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 site plan includes a proposed privacy fence along the entire western property boundary which would screen both the proposed and existing apartment buildings and the driveway and parking areas from the view of the dwellings along Crescent Street. The proposal includes a storage building on the south end of the site which is buffered by about 50 feet of landscaped open space (Attachment C).

- **An on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included.**

The site will continue to be accessed via the existing driveway from Pitt Street. The proposal includes a one-way loop around the building with the possibility of parallel parking spaces in front of the apartment units. Seven additional spaces are provided in the area between the existing and proposed buildings. Parking standards and number of spaces will be reviewed upon submission of a Building Development Application for compliance with the Land Use By-law. The Amending By-law includes a provision addressing driveway access to permit the continued use of the shared driveway if the lot parcels were to be subdivided in the future.

- **Traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing.**

The Future Growth property fronts onto Pitt Street. This section of Pitt Street is classified as a level 4 neighbourhood through street under the MPS street network hierarchy. In addition to the immediate area, it also serves the entire Cranberry neighbourhood. The traffic emanating from the 22-unit apartment building is not expected to significantly increase the traffic volume along Pitt Street. In addition, this application was referred to the Traffic Authority for comment. No concerns were raised.

- **The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.**

The proposed building is a single story with approximately 14,000 sq. ft (Attachment D). Height is not a concern. Other than the existing apartment building on site (224 Pitt Street), the floor area of the building is of a much greater scale than dwellings in the area. The applicant is proposing to mitigate the scale of the building by the installation of a privacy fence. In addition, with the possible purchase of CBRM land, the building setback from the property boundary shared with the residential development on Crescent Street can be increased. At the narrowest point, the site plan depicts a setback of 27.43m (90 feet) to the property boundary. The current provisions of the 224AB zone requires a building of this size to be setback a minimum of 90 feet, which is in keeping with the proposed site plan (Attachment C).

- **The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;**

Given that the building is located behind the dwellings on Crescent Street, this criterion is not applicable. Further, the site will be screened by privacy fencing. It is the roofline of the building that will be visible. The proposed building is setback significantly from the dwellings on Pitt Street and will be almost entirely screened from view by the existing apartment building.

- **Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.**

The bulk and height of the building are discussed under the fourth criteria above.

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the August 29th and September 6th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the properties in question. In addition, notice of the Public Hearing was posted on CBRM's Facebook and webpage. At the time this report was prepared no written comments were received by the Planning and Development Department.

CBRM Property

To mitigate potential impacts of the proposed building on the adjacent low density residential development, the applicant is requesting to purchase a portion of the undeveloped section of MacIsaac Street (Attachment A) for a dollar. On August 23rd Council deemed the portion of MacIsaac Street (PID 15725591) identified surplus to the needs of the municipality. Prior to selling the property to the applicant, CBRM is required to formally close the requested portion of the road reserve. Pursuant to the *Municipal Government Act*, Council is required to hold a Public Hearing prior to the closing of a public street.

Notice of this Public Hearing appeared in the August 29th edition of the Cape Breton Post in compliance with the requirements of the *Municipal Government Act*. At the time this report was prepared no written comments were received by the Planning and Development Department in relation to the requested street closure.

Recommendation

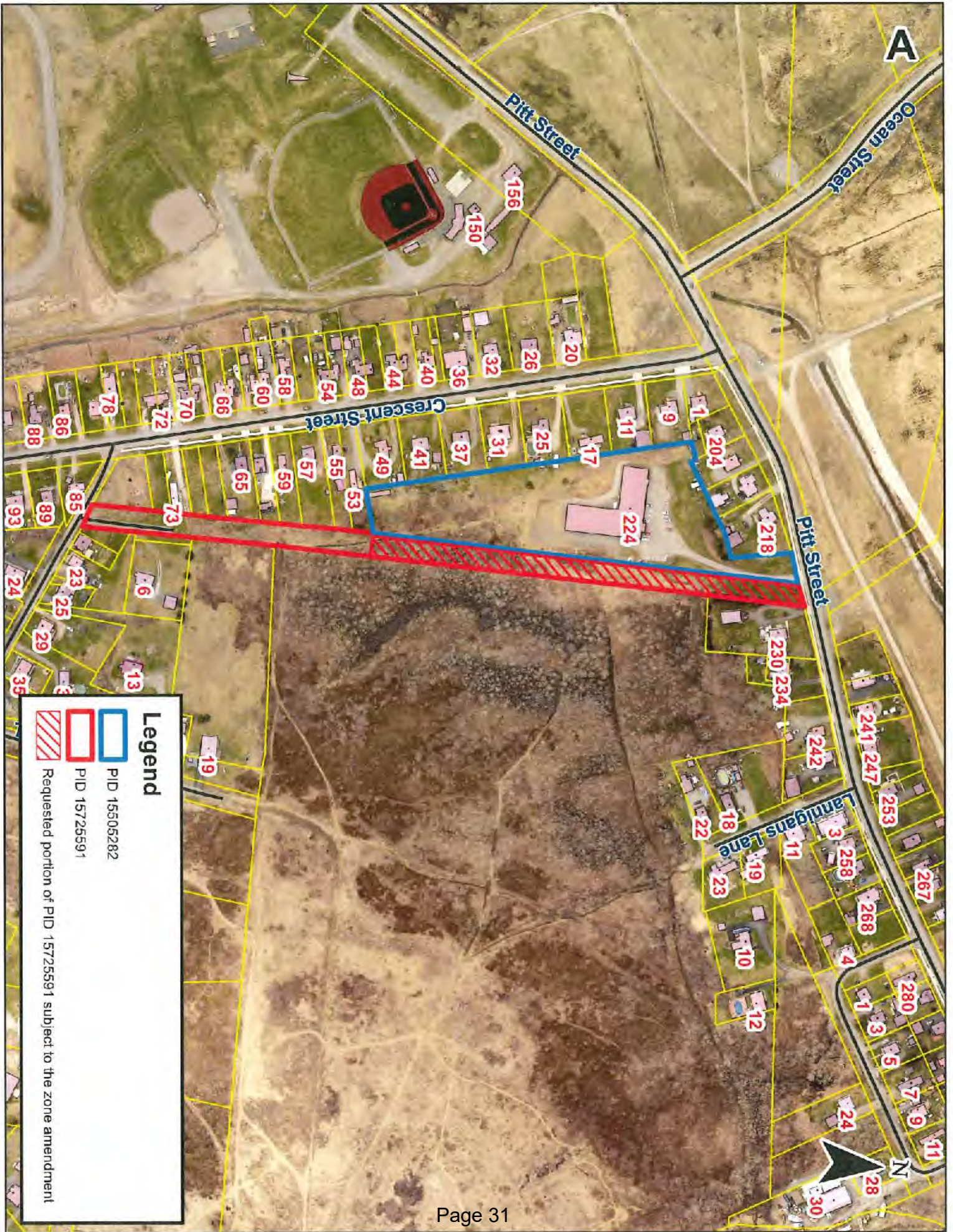
For this application, two Motions are required from Council; therefore, there are two staff recommendations:

1. Staff recommends Council to pass a motion to close a portion of the public street/right-of-way identified as PID 15725591 as shown on Attachment A and to convey to the applicant for a dollar.
2. Based on Part 4, Policy 1.d.9, of the Municipal Planning Strategy Policy, it is reasonable for Council to consider the proposed amendment. Staff recommends Council pass a motion adopting the Amending By-law found in Attachment E.

Submitted by:

Originally Signed By

Karen Neville
Planning and Development Department



Municipal Planning Strategy Policies

Part 4 Residential Development

- 1.a It shall be a policy of the CBRM to recognize apartment buildings as a legitimate form of housing providing accommodation for a significant segment of the population. The degree to which they are to be accepted shall range from:
- outright permission with little or no regulatory provisions;
 - permitted with regulatory provisions;
 - a requirement to get specific permission from Council by means of a public hearing process;
 - to near prohibition.

The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);
- the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;
- the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (*i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic*); and
- apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts.

These four suppositions shall be applied in the form of criteria to be used as pre-requisites to specifically determine where apartment building development should occur, the scale at which it is to be permitted, and the site design provisions to be imposed.

1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

- within the central business districts of the major urban concentrations of the CBRM;
- within neighbourhoods in proximity to the central business districts;
- along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (*refer to Charts on pages 7.3 and 7.4*);
- in proximity to other concentrations of sales/service business developments;
- in other locales where they are already prevalent; and
- all other urban service areas.

1.c The criteria shall correlate a link between the density and scale of the allowable apartment building development and the site design provisions to be imposed with:

- the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood; that allows for increasingly higher densities as:

- the level of the public street/road increases in the CBRM's road network hierarchy; combined with
- the higher the existing density of the neighbourhood; and
- the variety of land use types in the vicinity.

1.d A scale of acceptability is established based on the suppositions and criteria above.

1.d.1 To facilitate residential development back into our downtowns, throughout the central business districts of the major urban concentrations, apartment building development shall be permitted at the highest densities and largest scale with the least restrictive lot development provisions. More specifically this means:

- significantly reduced parking requirements that recognize the need for automobiles is not as important to residents of a central business district as it is in other neighbourhoods;
- more flexible regulations that recognize the difficulty in providing such amenities on-site because of the density of development;
- significantly reduced landscaping provisions;
- no building setbacks from property boundaries; and
- no lot size standards correlated to scale of development. The only exceptions to this policy direction shall be:
 - along any public street/roads primarily serving local traffic, the streetscape of which is comprised primarily of low density residential uses and little or no business sales/service development exists, where they are to be permitted at a much reduced scale and density with more stringent lot development provisions intended to lessen the impact on adjacent low density residential developments by buffering and screening the starker aspects of the apartment building development; and
 - along any waterfront dominated by recreational/tourist/service-retail commercial developments, where the starker aspects of the apartment building development shall be buffered and screened by landscaping provisions from the view along any public recreational pedestrian way.

1.d.2 In the central urban neighbourhoods, apartment building development shall be permitted at the highest densities and largest scale with the least restrictive lot development provisions:

- along streetscapes served by Level 1 and Level 2 public streets/roads in the CBRM's road network hierarchy where low density residential development (i.e. 1 and 2 unit dwellings) does not represent the majority of buildings;
- along any other public street/road where low density residential development is a small minority.

1.d.3 Apartment building development shall be permitted, by site plan approval, at densities approaching twice the average density in the neighbourhoods that meet the criteria below in:

- the central urban neighbourhoods where single detached dwellings are not a significant majority of the buildings, and
- along primary urban arterials and major urban collectors serviced directly by the CBRM's public transit where the streetscape is comprised of a substantial mix of residential and non-residential developments and dwelling units in low density residential developments do not represent the majority of dwelling unit development.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- The scale and bulk of any new, or expanded building, and how it is to be sited and aligned, be regulated to alleviate obnoxious effects on adjacent low density residential development and the streetscape;
- 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.*);
- building façade provisions be included to prevent unattractive ancillary and protuberant structures attached to any main building from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.4 In all other urban neighbourhoods either:

- directly accessed by a neighbourhood through street (Level 4) or higher level in the CBRM's road network hierarchy (*refer to Charts on pages 7.3 and 7.4*) where a majority of the dwellings are low density and the average land density per dwelling unit is significantly greater than the average throughout the urban central neighbourhoods; or
- along any public street/road where the average land density per dwelling unit is significantly higher than the neighbourhoods referenced above;

apartment building development shall be permitted, by site plan approval that allows:

- renovation conversions from low density residential to higher which generally correlates the number of apartments with the number of floors in the building; and
- new construction at densities approximating 1/3 higher than the average density in the neighbourhoods that meet the criteria above.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- the scale and bulk of any new, or expanded building, and how it is to be sited and aligned, be regulated to alleviate obnoxious effects on adjacent low density residential development and the streetscape;
- 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.*);
- building façade provisions be included to prevent unattractive ancillary and protuberant structures attached to any main building from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.5 While normally not encouraged on local urban public streets/roads, apartment building development shall be permitted at established densities along any local urban public street/road where such developments already predominate in the streetscape, or at the site of abandoned mobile home parks. Three separate zones exclusively designed to permit and regulate apartment building development are in the Land Use By-law text, each

with a unique maximum density threshold, and 16 separate areas are zoned using one of the three zones, depending on which zone most closely fits the actual density of a given area.

1.d.6 Apartment building development shall also be a permitted optional use at the site of abandoned mobile home parks by site plan approval. The density of the development may be as much as three times the dwelling unit per acre density of the mobile home park. The site plan approval provisions should stipulate that:

- The development proposal 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.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- The development proposal mitigates 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.

1.d.7 Apartment building development shall also be a permitted optional use for abandoned community, educational, or municipal service buildings. In rural areas such conversions are permitted pursuant to Policy 1.d.10 below. In urban/suburban neighbourhoods outside business districts/corridors the building and site of these former facilities may be so converted by site plan approval. 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.

1.d.8 It is the intention of this Municipal Planning Strategy to acknowledge the legitimacy of all existing apartment buildings as a general provision in the Land Use By-law unless specifically identified as being either non-conforming or illegally established. Therefore, it shall be a policy of the CBRM to consider all existing apartment buildings as permitted uses at their existing scale and density at their present site, regardless of the zoning provisions affecting apartment buildings generally throughout the jurisdiction of the zone in effect at each site. However, where apartment buildings are generally not permitted, existing apartment buildings may only be replaced by site plan approval. Any expansion of the dwelling unit density shall also be permitted by Site Plan Approval provided the density does not exceed the maximum density threshold of the one apartment building Zone established pursuant to Policy 1.d.5 that has the least dense threshold of the three zones established pursuant to that policy. Any other expansion of the dwelling unit density shall be subject to the directive of Policy 1.d.9.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- The scale and bulk of any new building, and how it is to be sited and aligned, be regulated to improve (*in comparison to the building to be replaced*) any obnoxious effects on adjacent low density residential development and the streetscape provided the improvements imposed do not reduce the services provided to the tenants of the apartment building;
- 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.*);
- unattractive ancillary and protuberant structures attached to any main building are kept from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment.

The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

- 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.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- 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.

Land Use By-law Zone Provisions

PART 55 224 PITT STREET APARTMENT BUILDING (224AB) ZONE

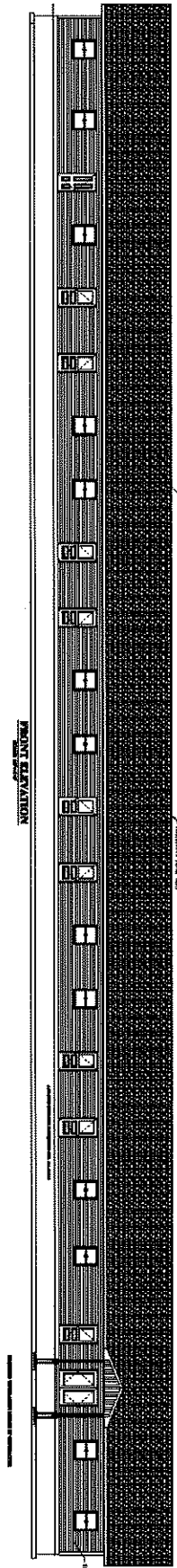
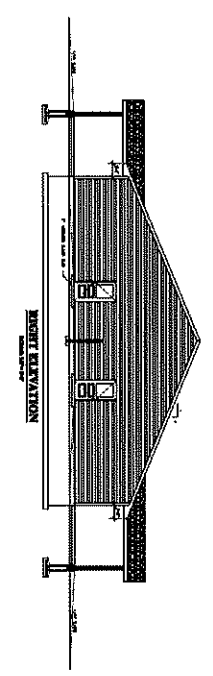
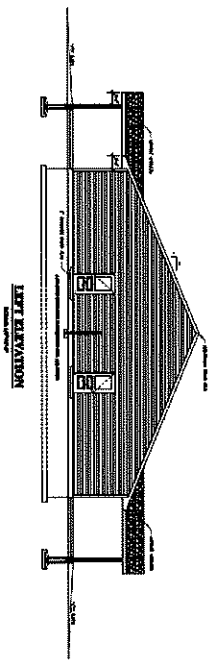
Section 1 224AB Uses Permitted

Development Permits shall only be issued in the 224AB Zone for one or more of the following uses in compliance with any relevant section of the General Provision Part, and any specific section of this Part devoted to the use.

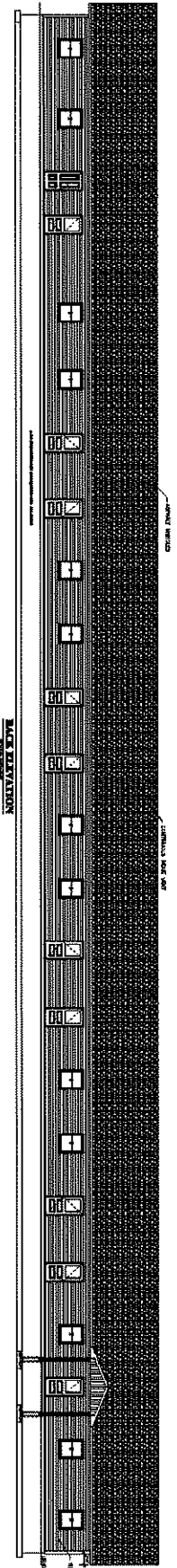
- apartment buildings
- townhouses

Section 2 224AB Lot Parcel Development Requirements

Maximum height of apartment building or townhouse	1 storey
Maximum number of dwelling units (apartments)	20
Apartment building/townhouse setback from adjacent lot parcel occupied by a single detached dwelling	10 ft. for any exterior wall less than or equal to 60 ft. wide 90 ft. for any exterior wall greater than 60 ft.
Parking area setback from adjacent lot parcel	15 ft.
Landscaping	The apartment building/townhouse and parking area shall be framed within a landscaped open area at least 30 ft. wide or to the edge of the lot parcel boundary
Accessory buildings	Any buildings or structures accessory to the apartment building/townhouse shall be within the landscaped open area



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Provision Section of this Bylaw titled "Parking Requirements According to Land Use Type" may be waived if an easement describing the entrance/exit ramp and any driveway leading to the adjacent lot parcel(s) serviced by the entrance/exit ramp is included in the deed description of the lot parcel(s) on which the easement is/are over.

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

Updated Information for Zone Amendment Request – (Case 1090) Thomas Street, Sydney (PID 15082407)

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, to accept the proposed changes to the site plan and building design by the applicant and to direct staff to proceed with creating an Amending By-law and scheduling a Public Hearing for an upcoming meeting of Council meeting based on the updated information.

Motion Carried.



TO: CBRM Mayor & Council

FROM: Karen Neville

SUBJECT: Zone Amendment Request – Case 1090
Thomas Street, Sydney (PID 15082407)

DATE: September 2nd, 2022

Background

Ray Embree has requested that CBRM Council amend the Land Use Bylaw to allow the development of a 3-unit apartment building on PID 15082407 located on Thomas Street in Sydney (Attachment A). The property in question is currently zoned Residential Urban D (RUD). The RUD zone permits one and two-unit dwellings but does not allow for a 3-unit apartment. A copy of the proposed site plan presented at the August 23, 2022 Council meeting can be found on Attachment B.

CBRM Council has the authority under Part 4, Policy 1.d.9 of the Municipal Planning Strategy (MPS) to consider a proposal for higher density residential development by zone amendment (Attachment E). The policy lays out several criteria which Council shall use to evaluate the proposal, which are discussed below.

Evaluation

There are several policies in the Municipal Planning Strategy (MPS) which advocate for higher density residential developments under a variety of circumstances (Attachment E). The MPS states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

Higher density development is generally encouraged along higher ranked streets in the MPS public street network hierarchy. The site in question fronts onto Thomas Street, a local road (level S). Apartments would typically not be encouraged along local roads. However, in this case the request is only for one additional unit. The property in question is near the intersection with Alexandra Street, a level 2 major collector serviced by transit.

Development on Thomas Street consists predominantly of single detached dwellings. There is one two-unit dwelling located directly across from the subject site. In the wider area there is a greater mix of land uses. There are three residential care complexes, and two 64-unit apartment buildings within a half kilometer of the property. There are also two office buildings and a radio station in proximity.

When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. Part 4 Policy 1. d. 9 of the MPS provides a list of six criteria Council must use to evaluate the merits of each application (Attachment E). When considering a proposed amendment for an apartment building the MPS states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity.

- 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 former dwelling on the lot was recently demolished, and the landscaping present was removed. The site plan submitted depicts that the areas which are not occupied by the apartment building or the parking area will be landscaped with grass (Attachment B). No other landscaping provisions are identified on the site plan. The Amending By-law includes a provision which requires all areas of the lot parcel not occupied by the building footprint, parking area, deck must comply with the Land Use Bylaw's definition for landscaped open area (Attachment F).

- An on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;

The Land Use Bylaw outlines minimum parking space requirements according to land use type. For a three-unit apartment, the property owner would be required to provide three on-site parking spaces. The site plan submitted shows three parking spaces provided, which meet the minimum parking area standards. Parking areas will be reviewed for compliance with the Land Use By-law upon receipt of a Building Development Permit Application.

- Traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

In the zone in effect, the applicant could construct a two-unit dwelling on the property with as-of-right approval subject to compliance with applicable provisions in the Land Use By-law. The applicant is seeking to construct one three-unit apartment. This development would not significantly increase the volume of traffic along Thomas Street. The criteria to evaluate increased traffic is more relevant when considering a zone amendment for a much larger apartment building.

- The development proposal must mitigate the potential adverse effects any significant buildings will have on much smaller scale low density residential buildings.
- Any adverse effects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;

The proposed building is a single story, and therefore height is not an issue. However, the building will have approximately three times the square footage of the average dwelling on Thomas Street. The site plan does not include measures to mitigate the potential impacts of the increased building size on the lower density residential buildings in the area. The dwellings on Thomas Street do not have a discernable

aesthetic aspect of the streetscape. However, each of the main buildings currently constructed on this street are oriented with an entrance facing the street. The applicant's original building design was oriented so that all the main entrances faced the house on at 222 Alexandra Street (Attachment C). As was presented to Council on August 23rd, the applicant is now proposing one main entrance will face Thomas Street. The Amending By-law requires an entrance facing Thomas Street (Attachment E).

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the August 29th and September 6th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the properties in question. In addition, notice of the Public Hearing was posted on CBRM's Facebook and webpage. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

Based on Part 4, Policy 1.d.9, of the Municipal Planning Strategy Policy, Council shall consider apartment buildings by zone amendment. If Council wants to approve this amendment request, Staff recommends Council pass a motion adopting the Amending By-law found in Attachment F.

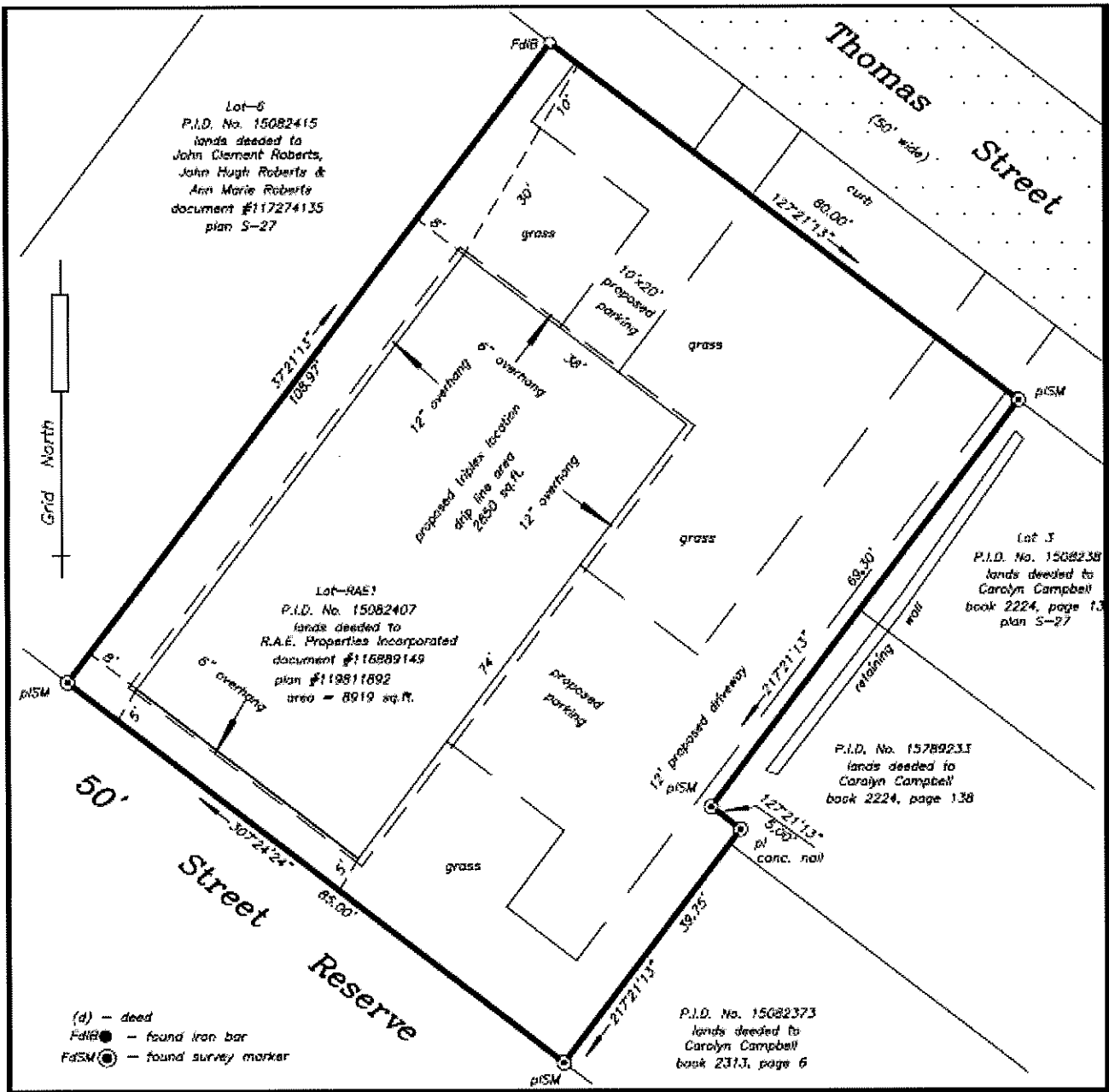
Submitted by:

Originally Signed by

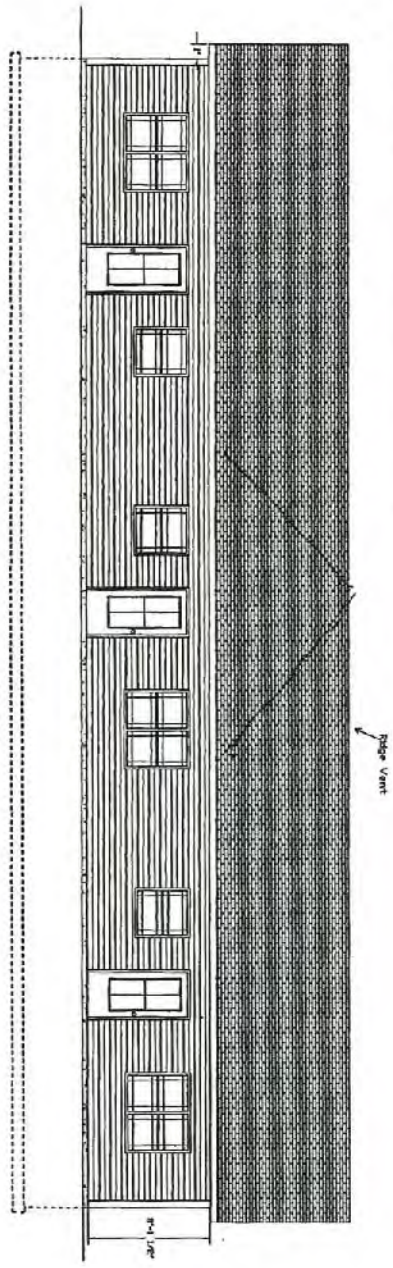
Karen Neville

Planning and Development Department

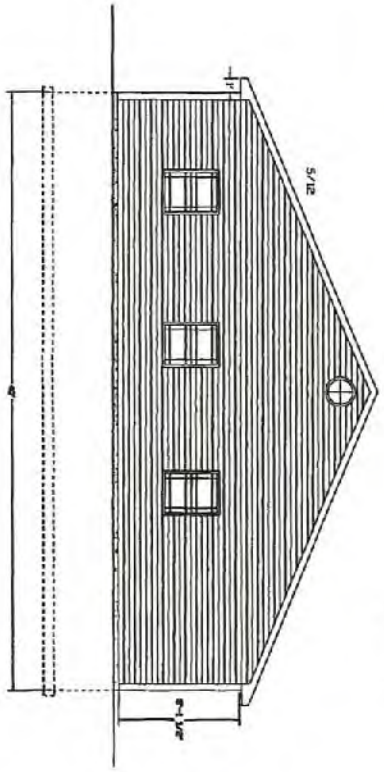




- Any Errors or Omissions Must Be Brought Forth Prior To Construction.
 - DRAWING IS NOT AN AIR VAPOR LIABLE FOR ERRORS
 DURING CONSTRUCTION BEGINS.



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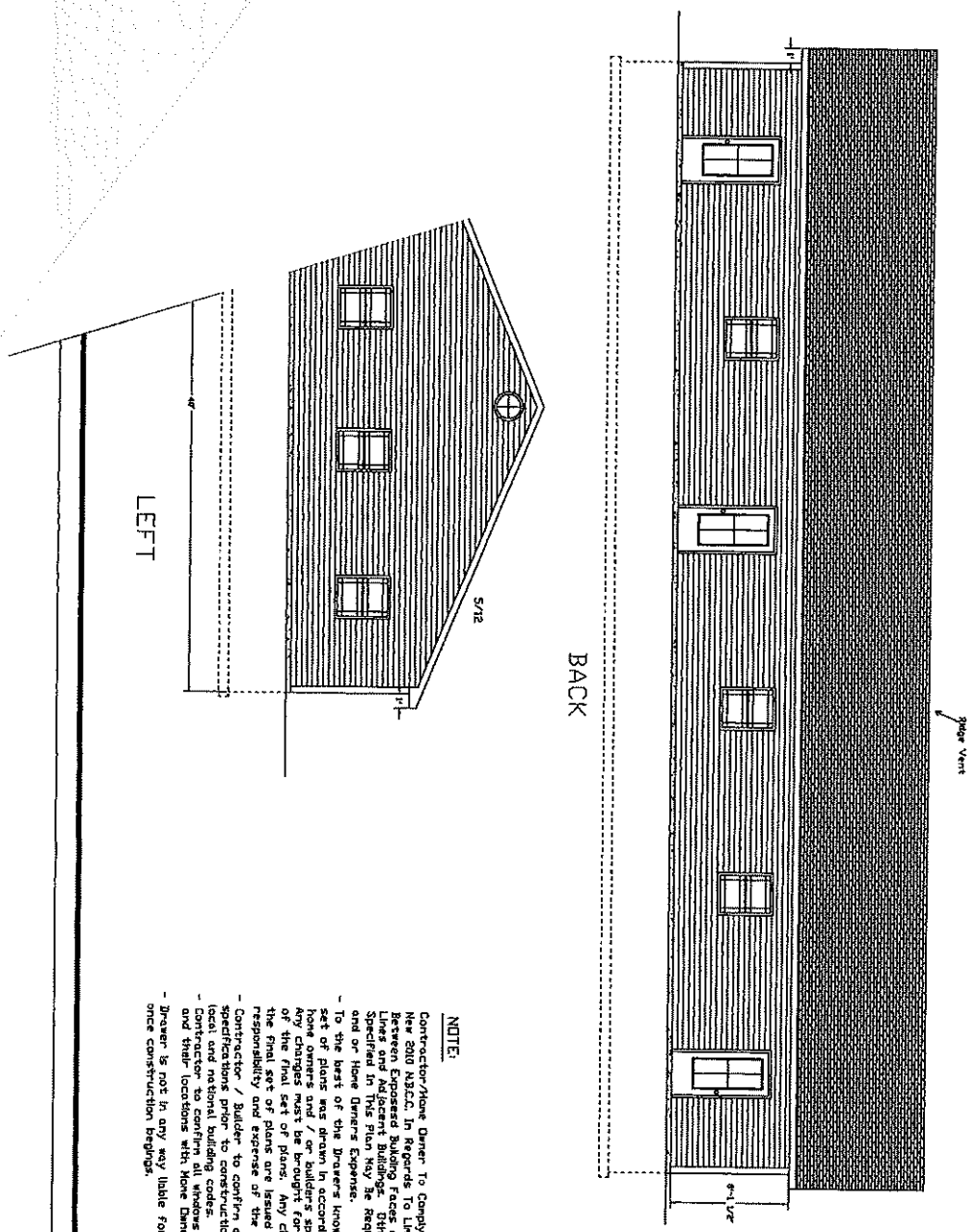
RIGHT

NOTE:

- Contractor/Home Owner To Comply With New 2010 N.E.C. In Regards To Lighting Distances Between Exposed Building Faces and Property Lines and Adjacent Buildings. Other Requirements Not Specified In This Plan May Be Required As Contractors and or Home Owners Expense.
- To the best of the Drawers knowledge, this set of plans was drawn in accordance to the Home Owners needs and requests and requests. Home Owners must be brought forward prior to the completion of the final set of plans. Any changes made after the final set of plans are issued will be the responsibility and expense of the home owner / builder.
- Contractor / Builder to confirm all dimensions and specifications prior to construction against all local and national building codes.
- Contractor to confirm all windows and door sizes and their locations with Home Owner prior to ordering once construction begins.
- Drawer is not in any way liable for errors once construction begins.

<p>ALL WORK IN ACCORDANCE WITH WEST GORE & LOCAL BUILDING CODE</p> <p>2. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND ALL CONSTRUCTION BEGINS TO CONSTRUCTION BEGINS</p> <p>3. ALL GRADE TO BE DETERMINED BY CONTRACTOR</p> <p>4. DO NOT SCALE DRAWINGS</p> <p>5. ALL FINISHING WORK TO BE DONE IN ACCORDANCE TO N.E.C. AND LOCAL BUILDING CODES</p> <p>6. ALL ELEC. WORK DONE BY A CERTIFIED ELECTRICIAN</p> <p>7. ENG. TRUSS DESIGN AND ENG. BEAM BEINGS PROVIDED BY QUALIFIED SUPPLIER</p> <p>8. WALL CONSTRUCTION TO BE CONFORMED TO N.E.C. SPEC. FIRE CONDITION OF THE BUILDING. CONTRACTOR OR PROJECT ENGINEER TO APPLY</p> <p>9. CONTRACTOR TO APPLY PROVISIONS IN ACCORDANCE WITH ALL N.E.C. STRUCTURAL, ELEC. DRAWINGS SPECIFIED BY LOCAL AND LOCAL BUILDING CODES. ANY ERRORS OR OMISSIONS MUST BE BROUGHT FORTH PRIOR TO PROJECT START</p> <p>10. IN ANY SITUATION NOT SPECIFIED BY A CODE, THE CONTRACTOR SHALL CONSULT WITH THE ENGINEER AT THE EXPENSE OF THE HOME OWNER</p>	
<p>DATE: _____</p> <p>SCALE: _____</p> <p>NO. _____</p> <p>DESCRIPTION: _____</p> <p>DATE: _____</p>	<p>DATE: _____</p> <p>SCALE: _____</p> <p>NO. _____</p> <p>DESCRIPTION: _____</p> <p>DATE: _____</p>
<p>FRONT / RIGHT</p>	
<p>RAY EMBREE 204-9924 2/25/11</p>	
<p>DATE: _____</p> <p>SCALE: _____</p> <p>NO. _____</p> <p>DESCRIPTION: _____</p> <p>DATE: _____</p>	<p>DATE: _____</p> <p>SCALE: _____</p> <p>NO. _____</p> <p>DESCRIPTION: _____</p> <p>DATE: _____</p>

- Any Errors or Omissions Must Be Brought Forth Prior To Construction
 - DRAWER IS NOT IN ANY WAY LIABLE FOR ERRORS
 - DURING CONSTRUCTION BEGINS.



NOTE:
 Contractor/Home Owner To Comply With
 New 2009 IBC/C. In Regards To Existing Distances
 Between Exposed Building Faces and Property
 Lines and Adjacent Buildings. Other Requirements Not
 Specified In This Plan May Be Required At Contractors
 and or Home Owners Expense.
 - To the best of the Drawer's knowledge, this
 set of plans was drawn in accordance to the
 home owners and / or builder's specifications and request.
 Any changes must be brought forward prior to the completion
 of this set of plans. Any changes made after
 the final set of plans will be the
 responsibility and expense of the home owner / builder.
 - Contractor / Builder to confirm all dimensions and
 specifications prior to construction against all
 local and national building codes.
 - Contractor to confirm all windows and door sizes
 and their locations with Home Owner prior to ordering.
 - Drawer is not in any way liable for errors
 once construction begins.

E.A. B.A. D. VALL BE CONTRACTOR FOR COUNTY, BUILDING CODES, PROJECT ENGINEER I, I OWE MY SIGNATURE TO YOU TO APPLY IN ALL NECA STRUCTURAL ELEC. DRAWINGS SPECIFIED BY SUB-TRADES IN ACCORDANCE WITH NEBC AND LOCAL BUILDING CODES. ANY ERRORS OR OMISSIONS FROM THIS PROJECT SHALL BE THE CONTRACTOR'S RESPONSIBILITY IN ANY SITUATIONS NOT RECORDED IN NEBC ARE TO BE CORRECTED BY A QUALIFIED ENGINEER AS A CONSULTANT OF THE CONTRACTOR OR HOME OWNER	Date: _____ Signature: _____ Title: _____
BACK / LEFT	Date: _____ Signature: _____ Title: _____
RAY EMBREE 304-9741	Date: _____ Signature: _____ Title: _____
Sept 2016 1/4" = 1'	2 - 5

Municipal Planning Strategy Policies

Part 4 – Residential Development

1.a It shall be a policy of the CBRM to recognize apartment buildings as a legitimate form of housing providing accommodation for a significant segment of the population. The degree to which they are to be accepted shall range from:

- outright permission with little or no regulatory provisions;
- permitted with regulatory provisions;
- a requirement to get specific permission from Council by means of a public hearing process;
- to near prohibition.

The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);
- the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;
- the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (*i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic*); and
- apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts.

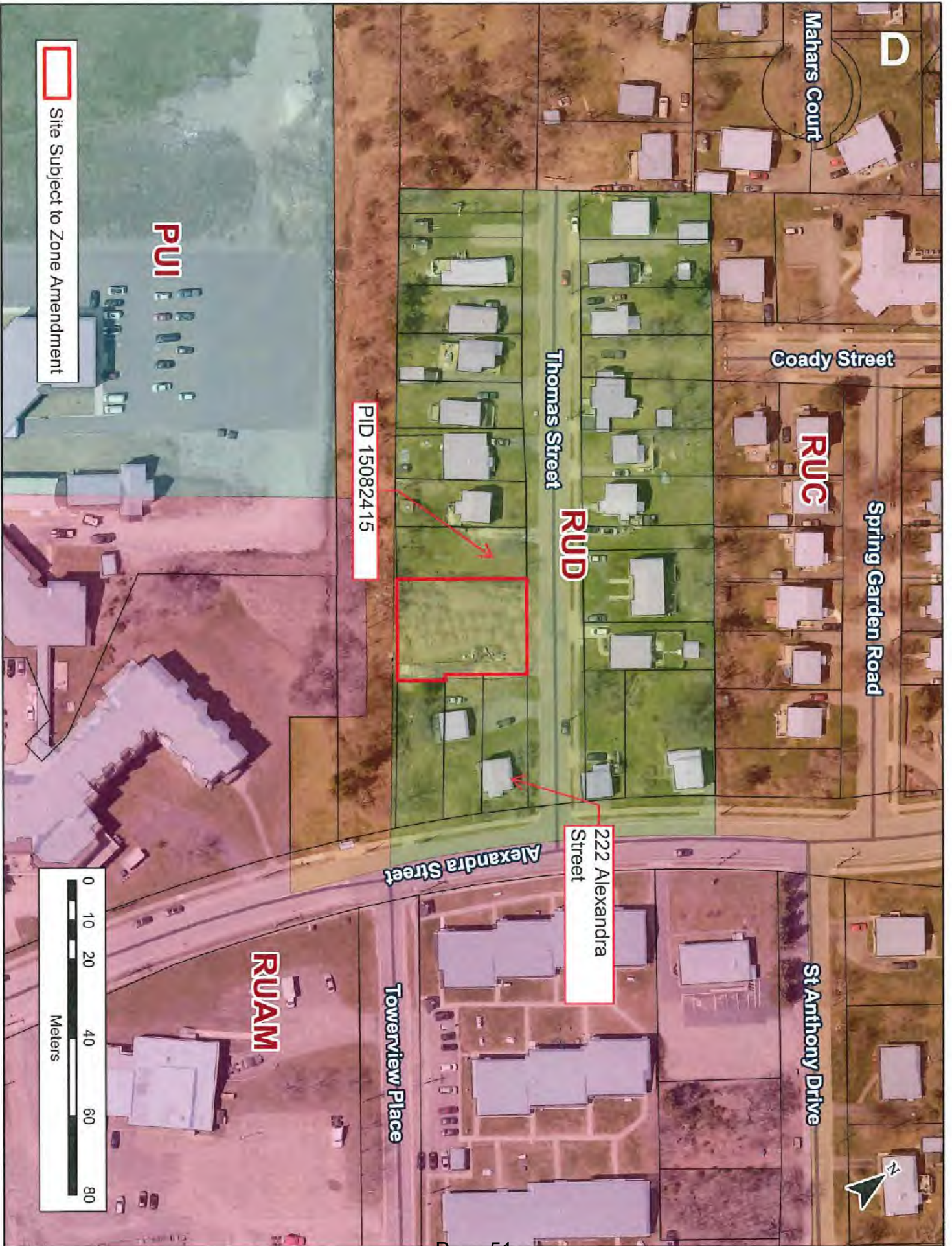
These four suppositions shall be applied in the form of criteria to be used as pre-requisites to specifically determine where apartment building development should occur, the scale at which it is to be permitted, and the site design provisions to be imposed.

1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

- within the central business districts of the major urban concentrations of the CBRM;
- within neighbourhoods in proximity to the central business districts;
- along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (*refer to Charts on pages 7.3 and 7.4*);
- in proximity to other concentrations of sales/service business developments;
- in other locales where they are already prevalent; and
- all other urban service areas.

1.c The criteria shall correlate a link between the density and scale of the allowable apartment building development and the site design provisions to be imposed with:

- the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood; that allows for increasingly higher densities as:



- the level of the public street/road increases in the CBRM's road network hierarchy; combined with
- the higher the existing density of the neighbourhood; and
- the variety of land use types in the vicinity.

1.d A scale of acceptability is established based on the suppositions and criteria above.

1.d.1 To facilitate residential development back into our downtowns, throughout the central business districts of the major urban concentrations, apartment building development shall be permitted at the highest densities and largest scale with the least restrictive lot development provisions. More specifically this means:

- significantly reduced parking requirements that recognize the need for automobiles is not as important to residents of a central business district as it is in other neighbourhoods;
- more flexible regulations that recognize the difficulty in providing such amenities on-site because of the density of development;
- significantly reduced landscaping provisions;
- no building setbacks from property boundaries; and
- no lot size standards correlated to scale of development. The only exceptions to this policy direction shall be:
 - along any public street/roads primarily serving local traffic, the streetscape of which is comprised primarily of low density residential uses and little or no business sales/service development exists, where they are to be permitted at a much reduced scale and density with more stringent lot development provisions intended to lessen the impact on adjacent low density residential developments by buffering and screening the starker aspects of the apartment building development; and
 - along any waterfront dominated by recreational/tourist/service-retail commercial developments, where the starker aspects of the apartment building development shall be buffered and screened by landscaping provisions from the view along any public recreational pedestrian way.

1.d.2 In the central urban neighbourhoods, apartment building development shall be permitted at the highest densities and largest scale with the least restrictive lot development provisions:

- along streetscapes served by Level 1 and Level 2 public streets/roads in the CBRM's road network hierarchy where low density residential development (i.e. 1 and 2 unit dwellings) does not represent the majority of buildings;
- along any other public street/road where low density residential development is a small minority.

1.d.3 Apartment building development shall be permitted, by site plan approval, at densities approaching twice the average density in the neighbourhoods that meet the criteria below in:

- the central urban neighbourhoods where single detached dwellings are not a significant majority of the buildings, and
- along primary urban arterials and major urban collectors serviced directly by the CBRM's public transit where the streetscape is comprised of a substantial mix of residential and non-residential developments and dwelling units in low density residential developments do not represent the majority of dwelling unit development.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- The scale and bulk of any new, or expanded building, and how it is to be sited and aligned, be regulated to alleviate obnoxious effects on adjacent low density residential development and the streetscape;
- 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.*);
- building façade provisions be included to prevent unattractive ancillary and protuberant structures attached to any main building from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.4 In all other urban neighbourhoods either:

- directly accessed by a neighbourhood through street (Level 4) or higher level in the CBRM's road network hierarchy (refer to *Charts on pages 7.3 and 7.4*) where a majority of the dwellings are low density and the average land density per dwelling unit is significantly greater than the average throughout the urban central neighbourhoods; or
- along any public street/road where the average land density per dwelling unit is significantly higher than the neighbourhoods referenced above;

apartment building development shall be permitted, by site plan approval that allows:

- renovation conversions from low density residential to higher which generally correlates the number of apartments with the number of floors in the building; and
- new construction at densities approximating 1/3 higher than the average density in the neighbourhoods that meet the criteria above.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- the scale and bulk of any new, or expanded building, and how it is to be sited and aligned, be regulated to alleviate obnoxious effects on adjacent low density residential development and the streetscape;
- 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.*);
- building façade provisions be included to prevent unattractive ancillary and protuberant structures attached to any main building from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.5 While normally not encouraged on local urban public streets/roads, apartment building development shall be permitted at established densities along any local urban public street/road where such developments already predominate in the streetscape, or at the site of abandoned mobile home parks. Three separate zones exclusively designed to permit and regulate apartment building development are in the Land Use By-law text, each with a unique maximum density threshold, and

16 separate areas are zoned using one of the three zones, depending on which zone most closely fits the actual density of a given area.

1.d.6 Apartment building development shall also be a permitted optional use at the site of abandoned mobile home parks by site plan approval. The density of the development may be as much as three times the dwelling unit per acre density of the mobile home park. The site plan approval provisions should stipulate that:

- The development proposal 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.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- The development proposal mitigates 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.

1.d.7 Apartment building development shall also be a permitted optional use for abandoned community, educational, or municipal service buildings. In rural areas such conversions are permitted pursuant to Policy 1.d.10 below. In urban/suburban neighbourhoods outside business districts/corridors the building and site of these former facilities may be so converted by site plan approval. 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.

1.d.8 It is the intention of this Municipal Planning Strategy to acknowledge the legitimacy of all existing apartment buildings as a general provision in the Land Use By-law unless specifically identified as being either non-conforming or illegally established. Therefore, it shall be a policy of the CBRM to consider all existing apartment buildings as permitted uses at their existing scale and density at their present site, regardless of the zoning provisions affecting apartment buildings generally throughout the jurisdiction of the zone in effect at each site. However, where apartment buildings are generally not permitted, existing apartment buildings may only be replaced by site plan approval. Any expansion of the dwelling unit density shall also be permitted by Site Plan Approval provided the density does not exceed the maximum density threshold of the one apartment building Zone established pursuant to Policy 1.d.5 that has the least dense threshold of the three zones established pursuant to that policy. Any other expansion of the dwelling unit density shall be subject to the directive of Policy 1.d.9.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- The scale and bulk of any new building, and how it is to be sited and aligned, be regulated to improve (*in comparison to the building to be replaced*) any obnoxious effects on adjacent low density residential development and the streetscape provided the improvements imposed do not reduce the services provided to the tenants of the apartment building;
- 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.*);
- unattractive ancillary and protuberant structures attached to any main building are kept from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment.

The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

- 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.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- 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.

By-law
of the Cape Breton Regional Municipality

amending the

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

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

THAT: Council amends the Par 102 Residential Urban 3-Unit (RU3) of the Land Use By-law is hereby amended adding the following:

Section 4 Special Provisions for PID # 1S082407

The façade of the building facing Thomas Street must contain one main entrance to a dwelling unit.

Section 5 Landscaping Provisions

All areas of the lot parcel subject to this Zone not occupied by the building footprint, parking area, deck, shall be in compliance with this Bylaw's definition for landscaped open area.

THAT: Council amends the Land Use Bylaw map by deleting the Residential Urban D (RUD) Zone identified on PID 1S082407 and by replacing it with the Residential Urban 3-Unit (RU3).

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

Case 1091 – Zone Amendment Request for a Mixed-Use Commercial Development at PID 15046535 (1957 Kings Road, Howie Center)

Motion:

Moved by Councillor Green, seconded by Councillor Parsons, approval to advertise Notice of a Public Hearing for an upcoming meeting of Council to consider the application by Red Farm Project and Development Inc to develop a mixed-use commercial development on PID 15046535, which is located at 1957 Kings Road, Howie Center, as outlined in the staff Issue Paper dated August 15, 2022.

Motion Carried.



TO: CBRM Mayor & Council

FROM: Karen Neville

SUBJECT: Zone Amendment Request - Case 1091
Mixed Use Commercial Development at PID 15046535
(1957 Kings Road, Howie Center)

DATE: September 2nd, 2022

Background

The Planning & Development has received a request from Red Farm Project and Development Inc to develop a mixed use commercial development on PID 15046535, which is located at 1957 Kings Road, Howie Center (see Attachment A). The applicant's full development proposal can be found in Attachment B and their proposed site plan can be found in Attachment C. While the current zoning of Rural CBRM (RCB) permits a range of sales and service uses, not all the uses being proposed are permitted. For this reason, the applicant is requesting Council consider a zone amendment. The zone provisions for the RCB zone can be found in Attachment D.

The chart on the next page identifies the proposes uses as listed by the applicant, classification of the proposed uses under the Land Use By-law, how each use relates to the current zoning, and new or existing structure. Those uses that are highlighted in yellow require an amendment of Council.

Proposed Use	Classification Under the Land Use By-law	Current Zoning	New or Existing Structure
Restaurant	Restaurant	Permit subject to Site Plan Approval	Permit Application under review
Beer Garden	Alcohol Beverage Service Establishment	Not permitted as a stand-a-lone use	Associated with the restaurant Permit Application
Playground	Recreational Use	Permitted	New
Event Barns	Assembly Space	Not Permitted	Existing
Big Hall	Assembly Space	Not Permitted	Existing
Indoor Climbing	Recreational business establishment	Permitted	Existing
Café	Restaurant	Permit subject to Site Plan Approval	Existing
Curling Field	Indoor Recreational Business Establishments	Permitted	New
Greenhouse	Agricultural Use	Permitted	New
Grocery Shop	Retail	Not Permitted if selling off-site products	New
Brewery	Alcohol Processing	Not Permitted	Existing
Butchery	Agricultural products processing or Accessory to an Agricultural Use	Permitted	New
Keeping of Livestock (Chicken and Turkeys)	Agricultural Use	Permitted	New
Storage Space	Accessory Use	Permitted	Existing
Storage of Vehicles	Commercial self-storage facility	Not Permitted	Existing
Motel	Motel	Permit subject to Site Plan Approval	New
Holiday Cabins	Tourist Cottages	Permitted up to 10 More than 10 Permit subject to Site Plan Approval	New
Fruit Growing	Agricultural Use	Permitted	New

Municipal Planning Strategy

The Municipal Planning Strategy contains policy which allows business developments in rural areas which are not permitted under the Land Use Bylaw to be considered by zone amendment (see Attachment D). The purpose of the amendment is to ensure that the site itself, the site plan, and management of the development mitigate any adverse effects on residential development in proximity.

In considering the zone amendment, the proposal must be evaluated from the perspectives of:

1. Visual compatibility and noise

When it comes to visual compatibility and noise, the proposed development consists of uses permitted as-of-right, permitted subject to site plan approval, and uses subject to an amendment approved by Council. Of those uses subject to the zone amendment, the retail use (grocery shop) is the only use not proposed to be located in an existing building on the property. The proposed site plan shows the addition of vegetation on the eastern side of the property adjacent to the proposed restaurant (Attachment C). Additional screening provisions could be included in the Amending By-law to address the residential development at 1951 and 1967 Kings Road (Attachment A). The Noise By-law can address noise generated from those use permitted by the Land Use By-law as well as those that would be subject to an Amending By-law.

2. Dust or fumes emanating from the site

The driveway leading to the proposed development and its associated parking areas will be gravel. During hot, dry periods, the gravel driveway and parking areas may generate some dust. In accordance with the Land Use By-law, the driveway and parking area of a lot parcel serviced by a municipal sanitary sewer main shall be maintained with a permanent hard service (pavement or similar material). In this case, the lot parcel is not serviced by municipal sanitary sewer main; therefore, the applicant is not required to pave the parking area.

3. Traffic attracted to, and leading from, the site

King Road (Route 4) is a Level 1 regional route in the CBRM public street/road hierarchy which is used to access the Canso Causeway. The volume of motor vehicle traffic emanating to and from the proposed development will be low in comparison to the volume of traffic traversing Kings Road already. That being said, because the Kings Road is a Provincially owned road, access locations will need to be approved by Department of Public Works. (DPW). A traffic study was submitted to DPW staff for their review related to the Building Development Application for the restaurant. DPW Staff has indicated there are no concerns with the proposed restaurant and each additional use on the property will require their review and approval.

Part 2, Policy 17.e of the MPS states that if zone provisions cannot be established that provide reasonable protection to residential development, the application shall be denied. In this case, site-specific zone provisions could be drafted which would recognize the permitted uses and development provisions within the RCB zone while including provisions for those uses currently not permitted in the RCB zone.

CBRM Forward

As Council is aware, Dillon Consulting is currently in the process of a comprehensive review the CBRM's Municipal Planning Strategy and Land Use By-law. The draft documents are expected to be considered by Council by the end of 2022 or early 2023. It is important to note that while the current planning documents give Council the authority to consider the applicant's amendment request, it is not clear how the new planning documents will address development in this area moving forward. If Council approves this amendment requests, the applicant will need to receive Building and Development Permits prior to the adoption of any new planning documents to ensure all the proposed uses could proceed. Staff has informed that applicant of this and have instructed them to reach out to the consultants working on CBRM Forward.

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the August 29th and September 6th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the properties in question. In addition, notice of the Public Hearing was posted on CBRM's Facebook and webpage. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

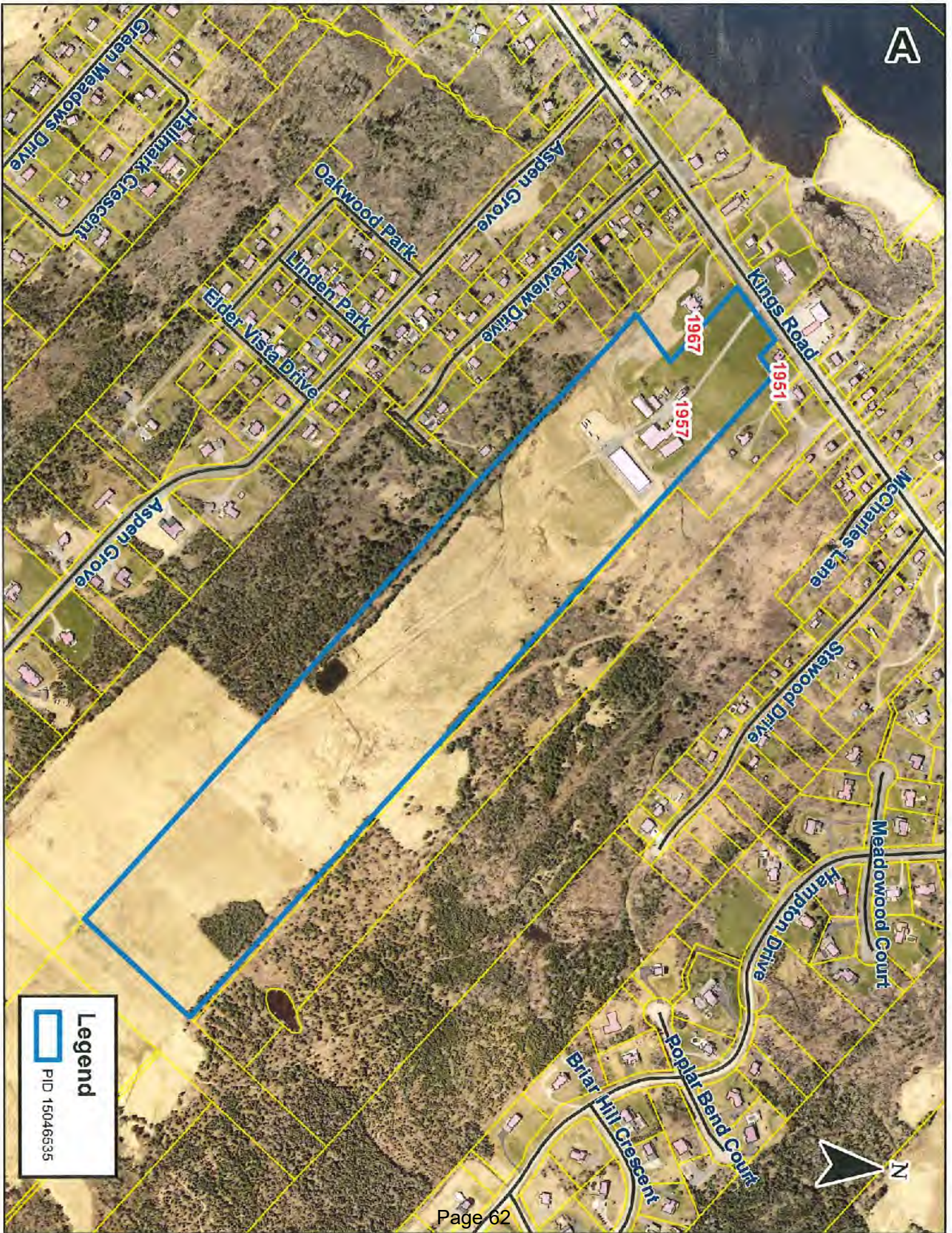
Based on Part 10, Policy 17, of the Municipal Planning Strategy Policy, I recommend that Council approve amending the zoning for PID 15046535 from Rural CBRM (RCB) to Rural CBRM - RB (RCB-RB).

A copy of the Amending By-law can be found in Attachment E.

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**



A

Legend
PID 15046535



7/18/22

RED FARM PROJECT AND DEVELOPMENT INC. -5 YEARS PROJECT DEVELOPMENT PLAN-

The Idea of -The RED FARM-

Families and people want to have a good time together with high quality organic food and drinks, a relaxing and cozy ambience and options for their kids to have fun. The **RED FARM** will combine all this and more.

A warm **RESTAURANT** where the quality of the service is just as much a part of the concept as the uncompromising organic quality of all ingredients. The planned **SUMMER BEERGARDEN** with barbecue in the classic Bavarian style will be a unique asset, that is outstanding for the region. For our young guests we are planning an exciting **ADVENTURE OUTDOOR PLAYGROUND** to make the Red Farm experience unforgettable for them.

Aside from the standard offer in the restaurant and beer garden, we find on the farm ground an existing huge **EVENT TENT WITH 1400 m²** that we built already in 2020, where we will celebrate a huge seasonal events four times a year: **SPRING FEST, CANADA DAY PARTY, SUMMER FEST** and **OCTOBER FEST**. The tent has the capacity to let up to **1000 guests** celebrate these events together, independently from the influence of bad or good weather. During the rest of the summer season, the tent can be rented for private events like marriages, big family birthdays or company events. During the winter it can be used as a storage for cars, boats and caravans for local people.

Of course, not every event is a major event. That's why part of the Red Farm concept is the conversion of a **BEAUTIFUL OLD BARN**, located in the back of the restaurant, into an event location for up to **350 guests**. This location will be ideal for weekly events such as small concerts, corporate events, weddings and birthdays. The charming ambience will characterize the events. In order to make the location more attractive for events, **GUEST ROOMS** and **HOLIDAY APARTMENTS** are part of the concept.

The entire concept is not only based on pure hospitality and entertainment for guests. The project is a holistic concept with **FARM TO TABLE** components that creates a place based on sustainable action that is intended to promote the development of the entire Sydney region. The **BIODYNAMIC CULTIVATION OF**



Red Farm Project and Development Inc.

1957 Kings Road
Sydney NS B1L 1C6
Canada

E-MAIL contact@red-farm.ca

WEBSITE www.rd-farm.ca

VEGETABLES and herbs for the restaurant and possibly an **ORGANIC GROCERY SHOP** is one of the intended goals. Another component of the concept is a **house brewery**, which is intended to complement the local beer range and primarily supply the events and the restaurant with local beer. Alternatively, we are also open to **cooperation with one of the local craft breweries** who could brew the house beer for us. Realizing this concept, we will create up to **20 permanent and up to 52 seasonal jobs over 5 years** and promote Sydney as a tourism destination.

To sum up, we see an almost inexhaustible potential in the locality and location. In the course of planning the concept, we carried out a comprehensive location analysis, taking into account the local income structure, tourism figures and competition, and came to the conclusion that the project will be a success and be a new draw for regional tourism from the mainland.

The investments in a nutshell:

	Restaurant	Barn	Big Hall	Grocery Store	Food production	Motel / Apart.	Total
Taxable annual turnover (3rd Y after start)	\$2,025,000.00	\$1,125,000.00	\$816,000.00	\$ 472,500.00	\$306,000.00	\$ 264,000.00	\$ 5,008,500.00
Employees (permanent)	8	4	1	2	4	2	21
Employees Seasonal	12	6	26	0	6	2	52
Investment by VERAG Inc. and Red Farm Inc.	\$ 2,500,000.00	\$ 170,000.00	\$350,000.00	\$ 150,000.00	\$ 70,000.00	\$ 650,000.00	\$ 3,890,000.00

Roughly 95% of the infrastructural investment will come from VERAG Logistics Inc. and RED FARM will lease the assets from them. The starting cash flow liquidity will be provided by RED FARM with roughly 350,000 CAD.



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Market Potential of Tourism:

There is an overall increase in demand for the products and services we plan to provide in the Local market.

Typically, we service or sell products mainly to customers located close to your business. In addition to accommodation and transportation, restaurants are the top revenue generators in the Nova Scotia tourism industry.

Breakdown of 2019 Tourism Revenues by Category

- Sports, culture and entertainment >> 5%
- Vehicle rental and local transport >> 5%
- Restaurants >> 19%
- Vehicle operations >> 10%
- Accommodations >> 21%
- Transportation >> 18%
- Shopping >> 13%
- Groceries >> 9%
- >> Total >> 100%

In 2017, around 2,413,000 foreign overnight guests came to Nova Scotia. To determine how many of them are coming to Cape Breton Island, a good indicator of the general market potential of the area, is the number of visitors to Cape Breton Highlands National Park. We see continuous growth over the past 10 years to a stable level of 300,000+ visitors annually. The pandemic situation does not seem to have any significant influence on this number either (see statistics below).



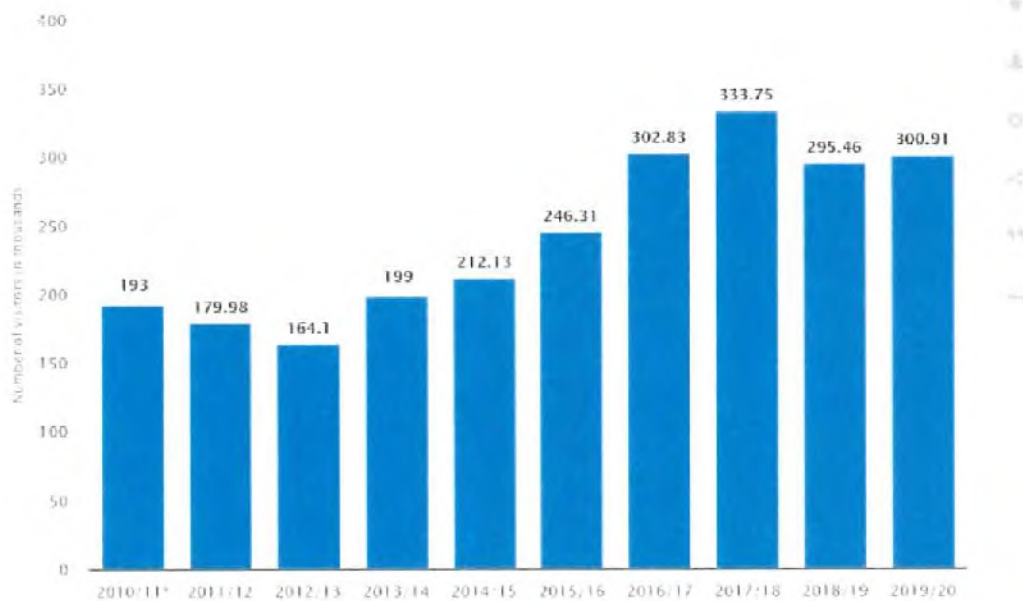
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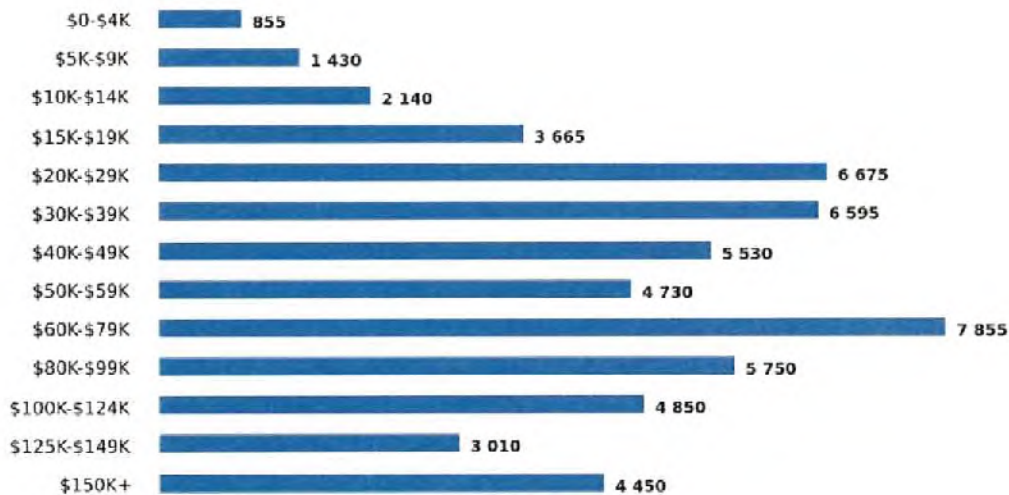


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We have an income structure that suggests good potential for households that can afford to eat out regularly.



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Concept scope of the entire project:

List of project components (some are optional):

- a. Restaurant
- b. Beergarden
- c. Adventure playground for kids attached to the restaurant and beer garden
- d. Event location in the Events Barn (Marriages, Concerts, Comedy, etc, up to 350 people)
- e. Event location for big events (up to 1000 people) in the "Big Hall"
- f. Indoor Climbing Hall with small Café (rear portion of Events Barn)
- g. Curling field close to the restaurant and barn
- h. Up to 4 greenhouses for farm to table (Restaurant) and local organic grocery shop on the farm
- i. Organic grocery shop to sell overproduction of the greenhouses and meat and brewery
- j. Brewery just for in-house demand and maybe the shop
- k. Small butchery for Chicken, Turkey, Pork and Beef to supply the demand of the Restaurant and the shop
- l. Chicken breeding for meat processing and egg production
- m. Turkey breeding for meat processing and egg production
- n. Small organic grocery shop close to the Kings Road
- o. Additional storage space
- p. Storage of cars boats caravans in the buildings when not used for events
- q. Motel Style Guest Rooms (10 - 15 rooms for up to 50 Guests)
- r. Holiday Cabins for Families (4 Units for up to 16 Guests -> 4/unit)
- s. Fruit Growing for Farm to Table concept and selling in the organic grocery shop



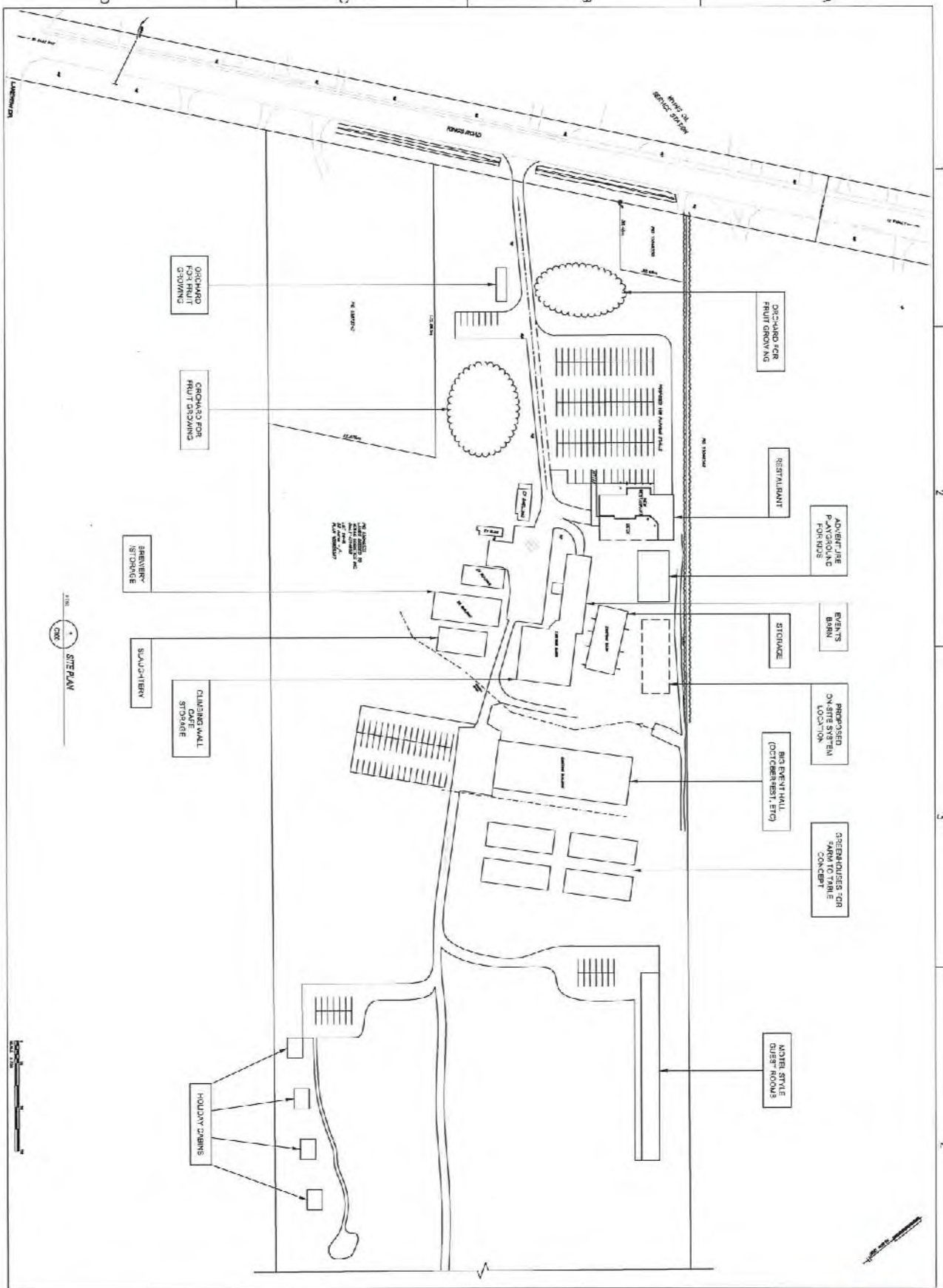
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STEP PLAN

Municipal Planning Strategy Policy

- 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.d It shall be a policy of Council to permit larger accommodations businesses other than campgrounds, food service establishments, and boutiques throughout rural CBRM by site plan approval, *except in neighbourhoods subject to Policy 18 of this Part and planned residential subdivisions.*
- 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 landscape in the vicinity.
- 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.

Land Use By-law Provisions

PART 41 RURAL CBRM (RCB) ZONE

Section 1 RCB Uses Permitted

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.

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.

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 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.
-

Section 7 Heavy equipment depots

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.

Section 8 Splitting, Chunking and Retailing/wholesaling Forestry uses

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.

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.

Section 10 Provisions when development is serviced by CBRM sewer

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 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 28th, 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 28th, 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.
-

By-law
of the Cape Breton Regional Municipality

amending the

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

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

THAT: Council Renumbers Part 105 Definitions to Part 106

THAT: Council amends the text of the Land Use By-law by creating the following Zone.

PART 105 RURAL CBRM - RB (RCB-RB)

Section 1 RCB-RB Uses Permitted

Development Permits shall only be issued in the RCB-RB Zone for 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.

- alcohol processing
 - alcohol beverage service establishments
 - assembly halls
 - retail sales/grocery sales
 - self-storage facility
 - all uses permitted in the RCB Zone subject to the RCB Zone requirements
-

Section 2 Screening Provision

Any:

- new construction of a business development or its accessory parking area; or
- expansion of existing business development including buildings and/or parking area on a parcel of land:

abutting a parcel of land occupied by a residential development shall be screened (as defined in the Definitions Part of this By-law) from the residential property unless all aspects of the business development are more than 100 feet from the boundary of either the abutting residential lot parcel, or the residential lot parcel directly across the public street/road.

THAT: Council amends the Land Use Bylaw map by deleting the Rural CBRM (RCB) Zone in effect for PID 15046535 and replacing it with the Rural CBRM - RB (RCB-RB) 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 above text amendments and Land Use Bylaw map amendments on the next page referencing this Amending Bylaw 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 _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Request to Repeal the CBRM COVID-19 Mandatory Vaccination Policy

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Green, that the Director of Human Resources be requested to provide a report for the August 23, 2022 Council meeting on the pros and cons of repealing the CBRM COVID-19 Mandatory Vaccination Policy.

Discussion:

Following discussion on the issue, the Mayor called for the vote.

Motion Carried.

ISSUE PAPER

September 2022

To: Mayor & Council

Re: Request to Repeal the CBRM COVID – 19 Mandatory
Vaccination Policy

Overview/Background:

At the Council meeting held on July 12th, 2022, a motion was passed requesting a report be provided on the pros and cons of repealing the *CBRM Covid 19 Mandatory Vaccination Policy*.

The CBRM's continued adherence to Nova Scotia Public Health Protocols, throughout the pandemic, proved to be very successful. Whether the requirements were related to self-reporting, close contact tracing, isolation periods, PCR testing, Rapid Tests, enhanced cleaning procedures, and/or vaccination requirements, our staff showed incredible resilience during unprecedented times.

As outlined in the *CBRM Covid 19 Mandatory Vaccination Policy*, which was approved by Council on November 9th, 2021, "vaccination is a key element in the protection of Municipal Employees against the hazard of Covid 19". To this end, the requirement for new Municipal Employees to provide proof of vaccination against Covid 19, remains in place. This aligns with the March 8th, 2022, motion of Council, which invoked "part C of the *COVID-19 Mandatory Vaccination Policy* (i.e. CBRM determines that the unpaid leave is no longer feasible or in the best interest of the Municipality) for any employees who have been placed on leave without pay and allow them to return to work, effective on March 21st, 2022 when all restrictions are lifted." Further discussion continued, including discussion around maintaining the requirement for new hires to provide proof of vaccination. The Motion passed affirming the Policy should remain in place in the event there is another wave of COVID-19 and State of Emergency.

Seventh Wave:

In a news release on July 21st, 2022, all four provinces in Atlantic Canada were reporting an increase in COVID 19 infections and hospitalizations. Public Health experts are also advising that a seventh (7th) wave of the pandemic has already begun.

.....cont'd

Nova Scotia Public Health Regulations:

In July, the province announced all remaining COVID-19 restrictions in communities would be lifted. Isolation requirements are no longer in place, along with the requirement for contact tracing, and mandatory masking. However, upon the lifting of the restrictions, it was also noted that “if a workplace has occupational health policies that are stricter than the general public health recommendations, such as mandatory masking or isolation requirements, people must continue to follow those policies”.

Throughout the province, various units, and organizations continue to implement practices or maintain policies that are best suited for their workplaces.

For example, Halifax Regional Municipality rescinded their policies, however, Truro, and the County of Kings, have maintained existing policies. As recently as the last few weeks, St. F.X. University, Dalhousie University, and SMU have implemented mandatory masking practices in classrooms. Yet, Cape Breton University and Acadia University have not.

Requirements of Employment:

Since the *CBRM Covid 19 Mandatory Vaccination Policy*, was approved by Council on November 9th, 2021, we have hired approximately 40 new employees. These new hires have been required to fill various vacancies throughout the organization, and our current staffing compliment remains constant at approximately 850 employees.

As an applicant to a position within the CBRM, there are various requirements that must be satisfied prior to the awarding of a position. Medical assessments ensure employees meet the necessary requirements for the position they have applied for and can safely carry out the duties of the position. Along with the requirement for a Covid 19 vaccination, candidates hired for certain positions throughout the municipality (i.e., garbage collection, cleaners, transfer station, transit, etc.) are also required to have a Hepatitis B vaccination and/or tetanus. As the Employer, we take these steps to ensure the safest work environment for **all** our staff.

Since this policy has come into effect, there have been two (2) external applicants that have indicated they were unable and/or unwilling to provide proof of Covid 19 vaccination, and therefore, were unable to proceed in the hiring process.

Moving Forward:

While it is difficult to predict what the coming months may bring, all Public Health indicators point to increased Covid 19 activity. The Provincial guidelines and restrictions may continue to be relaxed, or they may be reinstated.

If the decision of Council is to repeal the current policy, the requirement for new hires to provide proof of Covid 19 vaccination will cease. In the event of reinstated restrictions, or vaccination requirements, departments will again begin the process of confirming vaccination statuses of their staff.

However, if the decision of Council is to maintain the current policy, all current processes will remain in place.

Recommendations:

The following three options are presented for Council consideration:

1. Repeal existing *CBRM Covid-19 Vaccination Policy*
2. Maintain existing *CBRM Covid-19 Vaccination Policy*
3. Review the *Policy* in one year (or other time period deemed suitable by Council) to determine if any changes are required.

Respectfully submitted,

Deanna Evely
Director of Human Resources

**Cape Breton Regional Municipality
Human Resource Services
Policy**

Category: Human Resources/Occupational Health & Safety

Date: November 9, 2021

Page: 1 of 3

Approved by Council: November 9, 2021

COVID – 19 Mandatory Vaccination Policy

Policy Statement/Purpose

The health and safety of Cape Breton Regional Municipality (CBRM) employees is a priority. CBRM is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19. Vaccination is a key element in the protection of Municipal Employees against the hazard of COVID-19. This Policy is designed to maximize COVID-19 vaccination rates among Municipal Employees as one of the critical control measures for the hazard of COVID-19.

To this end Councillors, Municipal Employees, Contractors, Students, Volunteers, and any other persons working for or providing services in Municipal Buildings, are required to be vaccinated against COVID-19.

Background and Current Situation

Full vaccination has been shown to be effective in reducing COVID-19 virus transmission and protecting vaccinated individuals from severe consequences of COVID-19 and COVID-19 variants including the Delta variant currently circulating.

Given the continuing spread of COVID-19, including the Delta variant, the compelling data demonstrating a higher incidence of COVID-19 among the unvaccinated population and the increasing levels of contact between individuals as businesses, services, and activities have reopened, it is important for Municipal Employees to be fully vaccinated in order to protect themselves against serious illness from COVID-19 as well as to provide indirect protection to others, including colleagues.

Continued Compliance with all Health and Safety Precautions

Unless a legislated or regulatory exemption applies, all CBRM Employees are expected and required to continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with established workplace access controls (e.g. screening), wearing a mask or face covering, using provided PPE, maintaining appropriate physical distancing and self-monitoring of potential COVID-19 symptoms when at work or otherwise engaged in Municipal business.

Responsibilities

All levels of management are responsible for the administration of this Policy.

Managers are expected to:

lead by example, and;

ensure Employees complete any required education or training about COVID-19, including regarding vaccinations and safety protocols.

Employees are expected to:

follow all health and safety policies and protocols, and;

complete any required education or training about COVID-19, including regarding vaccinations and safety protocols.

Vaccination Requirement

All CBRM Employees are required to be fully vaccinated with a COVID-19 vaccine series by December 31st, 2021.

New CBRM Employees are required to be fully vaccinated against COVID-19 as a condition of being hired by the CBRM.

Proof of Vaccination

The CBRM requires proof of vaccination from all employees. Proof means documentation verifying receipt of a vaccination series approved by Health Canada or the World Health Organization.

Employees must disclose their vaccination status to the CBRM no later than December 31st, 2021.

Employees will be required to update their vaccination status by the dates set out in this policy, as they obtain each dose of COVID-19 vaccine.

The CBRM will maintain vaccination disclosure information, including documentation verifying receipt of a vaccination series approved by Health Canada or the World Health Organization, in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this policy, for administering health and safety protocols, and infection and prevention control measures in the workplace.

Accommodations in Accordance with the Nova Scotia Human Rights Act

Employees who are not able to obtain a COVID-19 vaccine for a reason related to a protected ground set out in the *Nova Scotia Human Rights Act*, shall be accommodated up to the point of undue hardship, in accordance with the *CBRM's Accommodation Policy*. Each request for an exemption will be reviewed on a case-by-case basis.

All accommodation requests require written proof of the need for accommodation to be submitted to the Occupational Health and Safety Manager and/or Human Resources department along with the required supporting documentation (e.g. in the case of a request for a medical accommodation, medical documentation from a physician or nurse practitioner, including whether a medical reason is permanent or time-limited).

Employees who remain unvaccinated due to a substantiated *Nova Scotia Human Rights Act* related accommodation request, in accordance with *CBRM's Accommodation Policy*, may be required to take additional infection and prevention control measures, which may include, but not limited to:

- a. An ongoing requirement to wear a mask;
- b. Continued physical distancing;
- c. And/or mandatory twice weekly COVID-19 testing.

Ongoing Monitoring and Assessment of COVID-19 Workplace Safety Measures

The CBRM will continue to closely monitor its COVID-19 risk mitigation strategy and the evolving public health information and context, to ensure that it continues to optimally protect the health and safety of employees in the workplace and the public that they serve. To that end, and in consultation with Nova Scotia Public Health and occupational health and safety experts, the CBRM will continue to assess other available workplace risk mitigation measures.

If it is determined that additional precautions are necessary, the CAO is authorized to deploy new measures (including at an individual level) to protect employees and the public from COVID-19 and shall communicate the required precautions to Council and Employees.

Consequences of Non-Compliance with Policy

Unvaccinated Employees without an approved exemption shall be placed on Leave Without Pay until such time that;

- a. The Employee becomes fully vaccinated in accordance with this policy;
- b. Nova Scotia Public Health determines the pandemic has ended and all restrictions have lifted; or
- c. CBRM determines that the unpaid leave is no longer feasible or in the best interest of the Municipality.

Employees who do not comply with this policy may be subject to discipline, up to and including dismissal.

ISSUE PAPER

13 September, 2022

To: COUNCIL

**Subject: Property Transfer to CBRM – Portion of PID 15468192,
Thirteenth Street, New Waterford, NS**

BACKGROUND:

On 23 March 2022, Public Services and Procurement Canada (PSPC) contacted CBRM Public Works East proposing a Property Transfer at no cost to the CBRM. The Property Transfer involves a section of PID 15468192, which is currently owned by the Federal Government.

OVERVIEW:

Ella Hussey, Property and Record Officer with PSPC, outlined the blue highlighted section in a plan that would involve subdividing PID 15468192. The coloured plan (and original plan) are attached in Appendix A showing Lot 1A with highlighted coloured sections. The proposed property transfer to CBRM would involve the “blue” highlighted section.

The property in the blue highlighted section would allow CBRM Public Works to have a CBRM-owned turn around area for a dead-end section of Thirteenth Street in New Waterford.

PSPC requires a motion of Council to start the process of transferring this property.

RECOMMENDATION:

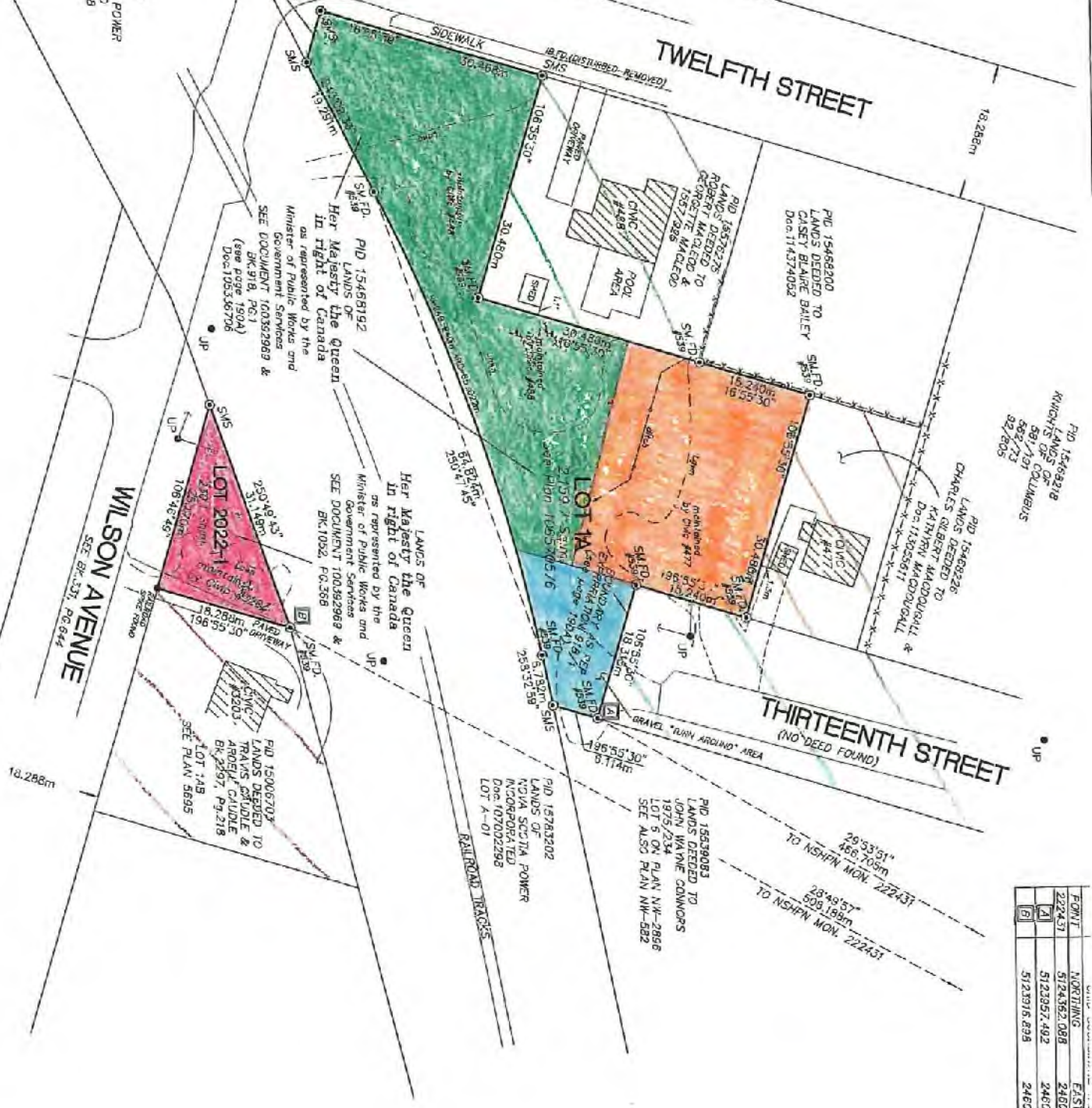
That Council pass a motion authorizing the acquisition of property by CBRM from Public Works Government Services Canada (PWGSC) as identified as a portion of Lot 1A, PID 15468192, shown outlined in blue on the attached plan, at no cost to the Municipality.

Respectfully Submitted:

Robert Nearing
Manager Public Works East
Attachments

Appendix A

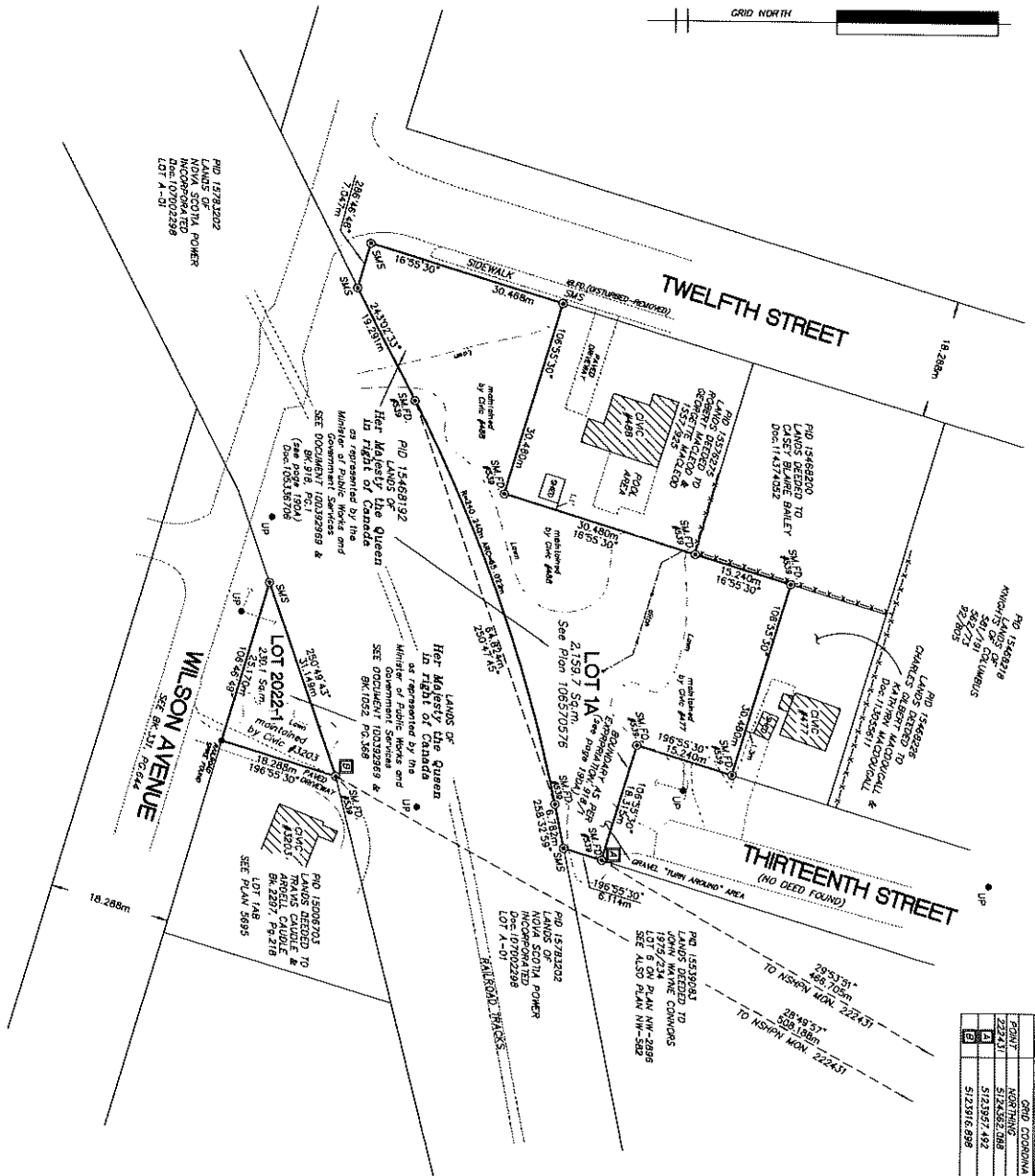
PID 15783202
LANDS OF
NOVA SCOTIA POWER
INCORPORATED
Doc:107002298
LOT A-01



POINT	NORTHING	EASTING	DESCRIPTION
222431	5124362.088	24609533.154	N5HPN MON. 222431
222432	5123952.492	24609400.526	SM.FD.#539
5123916.828	24609398.06	SM.FD.#539	



GRID NORTH

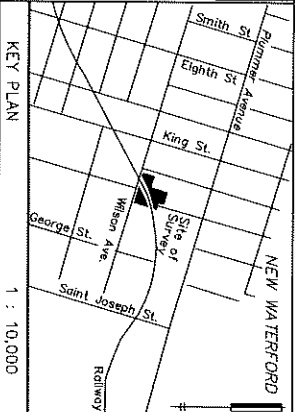


- NOTES
- 1) See CBCP plan D-423-S Part I (CBO then ROAD)
 - 2) See plan 106570976 dated March 27, 2014 signed by Horace R. Lovell, N.S.L.S.
 - 3) See plan 5895 dated September 23, 2002 signed by Horace R. Lovell, N.S.L.S.

GRID COORDINATE TABLE (INTERNAL)			
EASTING	NORTHING	EASTING	NORTHING
512387.402	512387.402	512387.402	512387.402
512387.402	512387.402	512387.402	512387.402
512387.402	512387.402	512387.402	512387.402

Public Services and Procurement Canada
Real Property Branch - Halifax, NS

S-6727
Plan 5895



KEY PLAN
1 : 10,000

CROSS SECTION TYPE	RTM	SOURCE	NOTES
HORIZONTAL	MAPS (CORS)	EPHOC	2010

ASIMUTHS:
All azimuths shown herein are grid azimuths and were derived using Global Navigation System (GNSS) technology based on 3rd order datum NAD83 (GRS) Epoch 2010. All measurements were taken on 11/20/2010.

LEGEND:
 - --- PROPOSED BOUNDARY LINE
 - --- EXISTING BOUNDARY LINE
 - --- UNLIT POLE
 - ● UNLIT POLE
 - ○ UNLIT POLE
 - ○ UNLIT POLE
 - ○ UNLIT POLE

SURVEYOR'S CERTIFICATE:
 I, HORACE R. LOVELL, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT I AM A MEMBER OF THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS AND THAT THE SURVEY WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REGULATIONS AND STANDARDS OF THE PROFESSION. I AM NOT PROVIDING ANY WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

DAVID THIS 8TH DAY OF MARCH, 2022.
 HORACE R. LOVELL
 N.S.L.S.

Plan of Survey showing Lot 1A & Lot 2022-1 being lands of

Her Majesty the Queen in right of Canada
 as represented by the Minister of Public Services and Procurement Canada

**Wilson Avenue,
 Twelfth Street &
 Thirteenth Street
 NEW WATERFORD
 CAPE BRETON COUNTY
 NOVA SCOTIA**

SURVEYOR: HORACE R. LOVELL, N.S.L.S.
 2244 UNGUY ROAD, UNDAUN, N.S.
 B1H 5H8 (902) 882-2884

SCALE 1:500

THIS SURVEY WAS CARRIED OUT NOVEMBER 4, 2021 - MARCH, 2022



Cape Breton Regional Municipality

ISSUE PAPER

Sept 13, 2022

To: Mayor and Council

Re: Land Purchase - Future Louisbourg Wastewater Treatment Plant site.

Background:

The community of Louisbourg is serviced by a municipal gravity sewer system that discharges untreated sewage to the Louisbourg Harbour via five (5) outfalls. Similar to other communities around CBRM, this system is mandated by Environment & Climate Change Canada to treat effluent to national performance standards. In order to do this, CBRM must construct a wastewater treatment plant in Louisbourg prior to January 1st, 2041.

The preliminary design of the Louisbourg wastewater treatment plant (WWTP) was completed under the 2017-20 Wastewater Pre-Design Project. One of the primary objectives of the pre-design process was to determine the optimal location for each future wastewater treatment plant and treated effluent outfall. A summary of the Louisbourg system from the study is provided as attachment 1 – excerpt from the Pre-Design Project summary report.

Discussion:

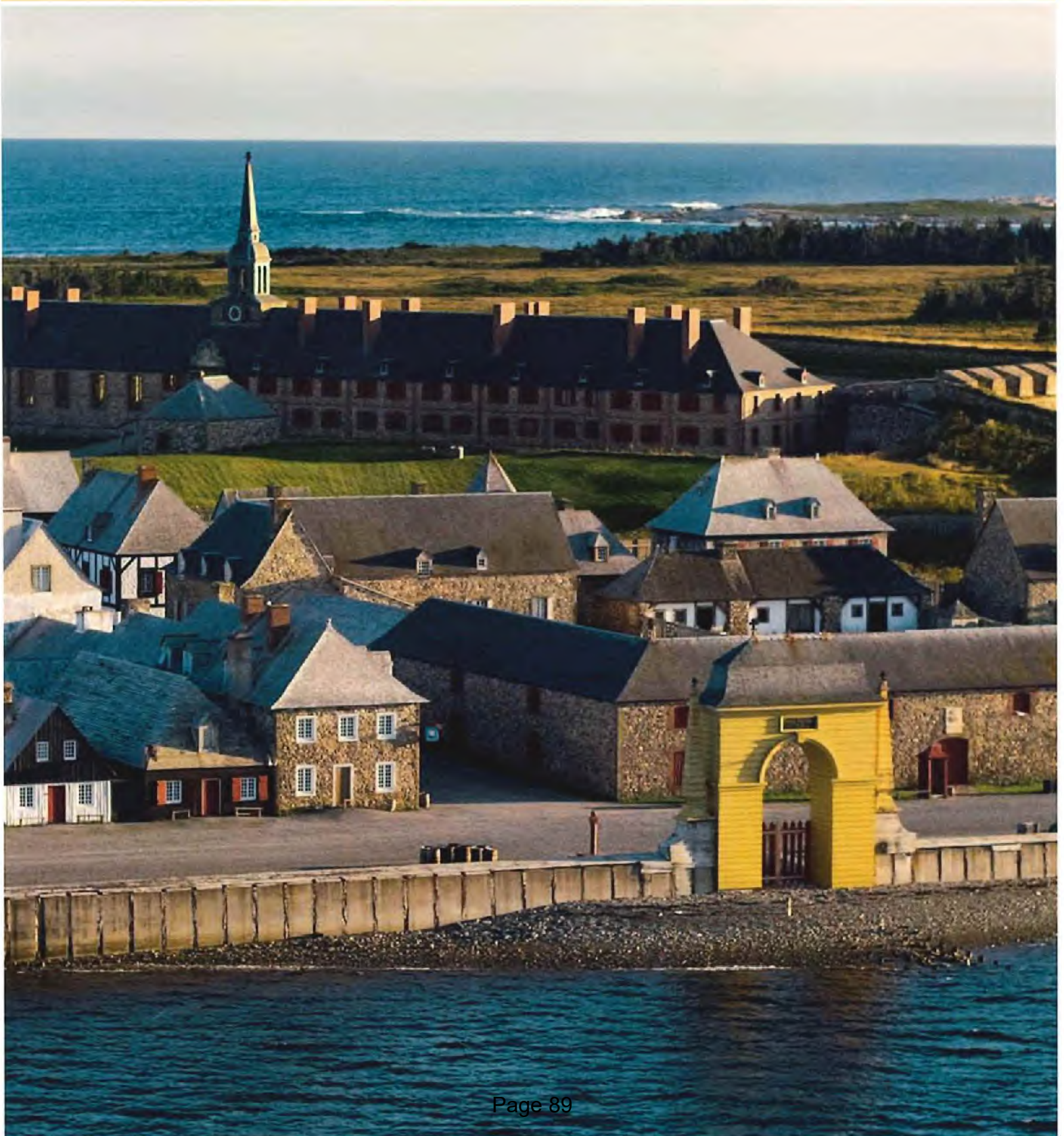
As outlined in the summary report, the recommended location of the Louisbourg WWTP is in the southern corner of the community near the old fish plant site. In this immediate area, at the corner of Strathcona Street and Commercial Street, four (4) properties are currently for sale (see figure 1). Unique characteristics of these properties make them an ideal location for the future WWTP in Louisbourg. Specifically, the location in reference to the existing sewer collection system, the site elevation, combined lot size, zoning, and direct access to the Harbour via a shore lot and a water lot. An environmental assessment and market value appraisal have been completed. The market value assessment dated November 25th, 2021, concluded a combined value of \$133,000 for PIDs 15571532, 15458268, 15690795, & 15690803. Through negotiations, the property owner is willing to accept \$80,000 for all four (4) lot's plus legal fees. Purchasing these properties will set the stage for wastewater treatment in Louisbourg.

Recommendation:

That council passes a motion directing staff to proceed with the purchase of PIDs 15571532, 15458268, 15690795, & 15690803 for \$80,000 plus legal fees which are estimated to be in the range of \$2,000 to \$2,500.

Matt Viva, P.Eng
Manager, Wastewater Operations

Louisbourg



Louisbourg Wastewater System

Existing Wastewater Collection System

Louisbourg:

5
wastewater
outfalls

12km
of sewers

The community of Louisbourg is serviced by a gravity sewer system, ranging in size from 200 to 750mm in diameter. There are 5 wastewater sewersheds in the community of Louisbourg. Each sewershed actively discharges raw sewage to Louisbourg Harbour. The outfalls for the sewersheds are located as follows:

- ▶L#1 - South of the Wolfe/Riverdale/Main Street intersection at the Barrachois Columbus Street.
- ▶L#2 - South of the Centre and Commercial Street intersection
- ▶L#3 - Adjacent to the boardwalk, south of Harbourview Crescent
- ▶L#4 - Minto Street; and
- ▶L#5 - South of the Beatrice/Main Street intersection.

An additional unnamed outfall is located at the south end of Marvin Street, which has been denoted as L#6 for the purposes of this preliminary design brief. This outfall receives discharge from one home. This home would be best served in the future by a low pressure sewer system that would convey discharge to the new interceptor sewer.

There are several commercial buildings on the Louisbourg Waterfront that appear to not be connected to the existing sanitary sewer network. Each of these buildings may have their own outfalls for sanitary and process sewer flows. These buildings would be best served in the future by a low pressure sewer system that could convey sewer to the adjacent CBRM sewer network.

The following table provides key information about the existing wastewater collection system in Louisbourg.

Parameter	Value
Service Population	821
Approximate Length of Gravity Sewer Piping (km)	12
Approximate # of Manholes	72
# of Sewage Pumping Stations	0
# of Outfalls (excluding overflows)	5

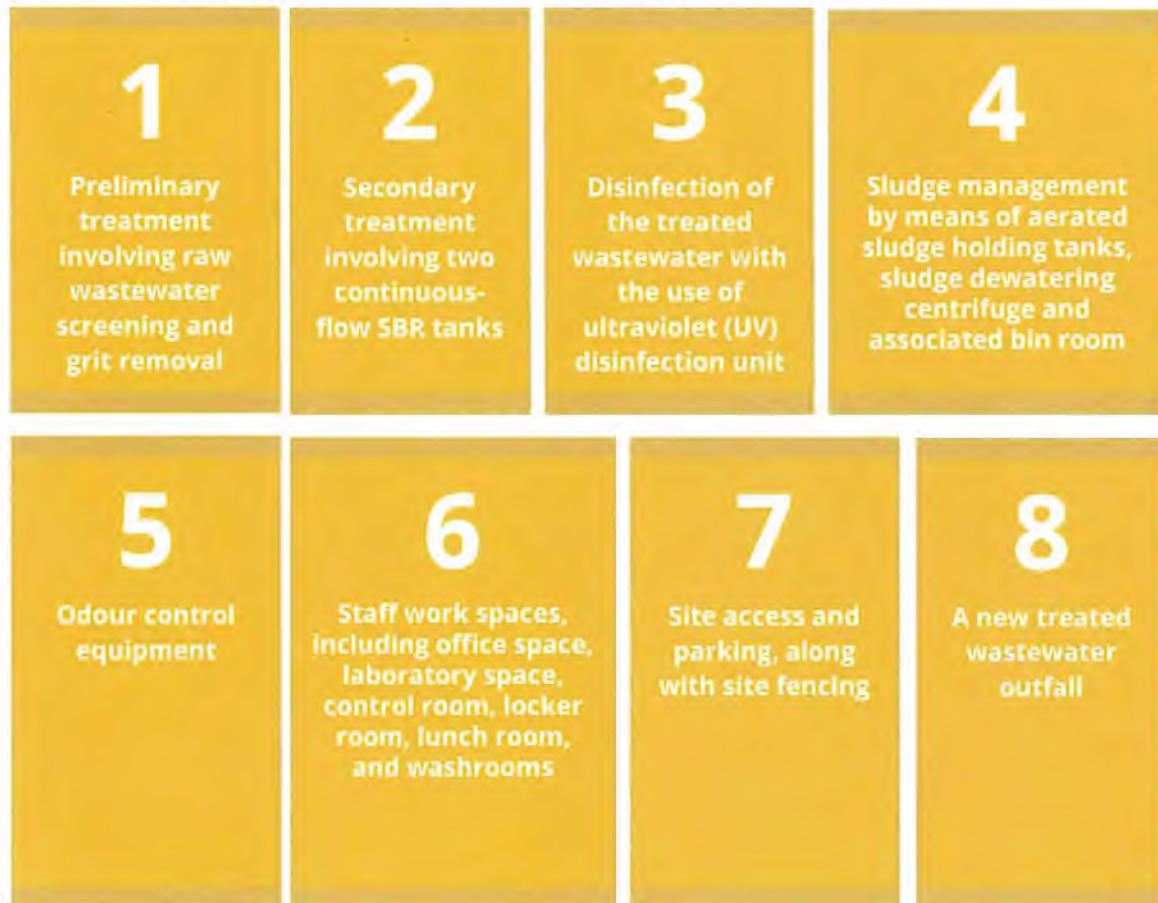
The Louisbourg Wastewater System has been classified as low risk under the federal Wastewater System Effluent Regulations (WSER) under the Fisheries Act, requiring implementation of treatment systems by the year 2040.

Proposed Wastewater Interception & Treatment System

Proposed Wastewater Treatment System

The recommended wastewater treatment facility for Louisbourg is the Sequencing Batch Reactor (SBR) process, which is an aerobic suspended-growth biological treatment process. The SBR process is a batch process whereby secondary treatment, including nitrification, is achieved in one reactor. It involves a “fill and draw” type reactor where aeration and clarification occur in the same reactor. Settling is initiated after the aeration cycle and supernatant is withdrawn through a decanter mechanism.

The WWTP would provide the following general features:



existing box culvert at Main Street and convey flow to Combined Sewer Overflow (CSO) #2.

- ▶ CSO-1 will be used to redirect flow and decrease pipe size from the existing 750mm diameter L#5 outfall system to the new gravity interceptor.
- ▶ A 250 mm diameter interceptor gravity sewer will convey the flow from CSO-1 to the Louisbourg Wastewater Treatment Plant (WWTP). The route will commence on Main Street and flow to Commercial Street. L#3 will be intercepted on Harbourview Drive. L#4 will be intercepted at Minto Street.
- ▶ To intercept flow at Commercial Street, the interceptor sewer increases in size to 450mm diameter at the intersection of Commercial and Aberdeen Street. The interceptor sewer will connect to the existing sewer on Lower Warren, Alexandra and Strathcona Street.
- ▶ The conveyed flow will then be intercepted by CSO-2, to limit the flow into the proposed WWTP.
- ▶ In addition to the outlined pipe route, low pressure sewer systems would be provided for buildings along the waterfront that are currently not connected to the CBRM sanitary sewer system.

Key information about the proposed wastewater interception system for Louisbourg:



Key information about proposed new wastewater pumping stations for Louisbourg:



Interception & Treatment System Required Property Acquisitions

The Louisbourg Wastewater Interception and Treatment System will require property acquisitions as shown in the following table:

PID#	Property Owner	Assessed Value	Purchase Entire Lot (Y/N)	Purchase Portion of Lot (Y/N)	Area of Property Required (m ²)
15458243	3264937 Nova Scotia Limited	\$307,900	N	Y	10000
15458128	SNE Sea Products Incorporated	\$34,500	N	Y	450
15458243	3264937 Nova Scotia Limited	\$307,900	N	Y	2000
Totals		\$650,300	-	-	12450

Interception & Treatment System Capital Costs

An opinion of probable capital cost for the recommended wastewater interception and treatment system for Louisbourg is presented in the table below. All costs are in 2019 dollars and exclude applicable taxes and cost estimate uncertainty allowances.

Project Component	Capital Cost (Excluding Taxes)
Wastewater Interception System	\$1,341,308
Wastewater Interception System Land Acquisition	\$25,000
Subtotal 1:	\$1,366,308
Construction Contingency (25%):	\$336,000
Engineering (10%):	\$135,000
Total Wastewater Interception:	\$1,837,308
Wastewater Treatment Facility	\$10,057,560
Wastewater Treatment Facility Land Acquisition	\$71,429
Subtotal 2:	\$10,128,989
Construction Contingency (25%):	\$2,514,400
Engineering (12%):	\$1,207,000
Total Wastewater Treatment:	\$13,850,389
Total Interception & Treatment System:	\$15,687,697

Interception & Treatment System Operating Costs

An opinion of probable annual operating costs for the recommended wastewater interception and treatment system for Louisbourg is presented in the table below. All costs are in 2019 dollars and exclude applicable taxes and cost estimate uncertainty allowances. Costs also do not account for annual inflation.

Project Component	Annual Operating Cost (Excluding Taxes)
Wastewater Interception System	
General Linear Maintenance Cost	\$1,000
Electrical Operational Cost	\$1,000
Total Wastewater Interception Annual Operating Costs:	\$2,000
Wastewater Treatment System	
Staffing	\$175,000
Power	\$25,500
Maintenance Allowance	\$33,000
Total Wastewater Treatment Annual Operating Costs:	\$233,500
Total Interception & Treatment System Annual Operating Costs:	\$235,500

Interception & Treatment System Annual Capital Replacement Fund Costs

Annual contributions would be made to prepare for replacement of the wastewater assets at the end of their useful life

A Capital Replacement Fund is to be created to which annual contributions would be made to prepare for replacement of the wastewater assets at the end of their useful life. The calculation of annual contributions to this fund involves consideration of such factors as the type of asset, the asset value, the expected useful life of the asset, and the corresponding annual depreciation rate for the asset.

In consideration of these factors, the table below provides an estimate of the annual contributions to a capital replacement fund excluding taxes for the proposed new wastewater interception and treatment system infrastructure.

All costs are in 2019 dollars and exclude applicable taxes and cost estimate uncertainty allowances. Costs also do not account for annual inflation.

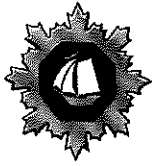
Description of Asset	Asset Value	Asset Useful Life Expectancy (Years)	Annual Depreciation Rate (%)	Annual Capital Replacement Fund Contribution
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Wastewater Interception System				
Linear Assets (Piping, Manholes and Other)	\$1,241,308	75	1.3%	\$16,137
Pump Station Structures (Concrete Chambers, etc.)	\$55,000	50	2.0%	\$1,100
Pump Station Equipment (Mechanical / Electrical)	\$45,000	20	5.0%	\$2,250
Subtotal	\$1,341,308	-	-	\$19,487
Construction Contingency (Subtotal x 25%):				\$4,872
Engineering (Subtotal x 10%):				\$1,949
Wastewater Interception System Annual Capital Replacement Fund Contribution Costs:				\$26,307
Wastewater Treatment System				
Treatment Linear Assets (Outfall and Yard Piping, Manholes and Other)	\$2,341,682	75	1.3%	\$30,442
Treatment Structures (Concrete Chambers, etc.)	\$2,333,623	50	2.0%	\$46,673
Treatment Equipment (Mechanical / Electrical, etc.)	\$5,382,255	20	5.0%	\$269,113
Subtotal	\$10,057,560	-	-	\$346,228
Construction Contingency (Subtotal x 25%):				\$86,557
Engineering (Subtotal x 12%):				\$41,547
Wastewater Treatment System Annual Capital Replacement Fund Contribution Costs:				\$474,332
Total Wastewater Interception & Treatment Annual Capital Replacement Fund Contribution Costs:				\$500,640

Existing Collection System Upgrades / Assessments

The estimated costs of upgrades and assessments related to the existing wastewater collection system are shown in the table below. All costs are in 2019 dollars and exclude applicable taxes and cost estimate uncertainty allowances. Costs also do not account for annual inflation.

Item	Cost
Collection System Asset Condition Assessment Program	
Condition Assessment of Manholes based on 72 MHs	\$40,000
Condition Assessment of Sewer Mains based on 2.1 kms of infrastructure	\$35,000
Total	\$75,000
Sewer Separation Measures	
Separation based on 11.6 kms of sewer @ \$45,000/km	\$522,000
Engineering (10%)	\$52,000
Contingency (25%)	\$131,000
Total	\$705,000
Total Estimated Existing Collection System Upgrade and Assessment Costs	\$780,000



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas

SUBJECT: Land Expropriation, Lot 2021-1, PID 15408867, Glace Bay Wastewater Treatment Plant

DATE: Sept. 6, 2022

Background

On May 17, 2021, we received the final results of a geotechnical assessment that determined that the best site for the new Glace Bay Wastewater Treatment Plant was on lands located at the east side of Nower North Street, Glace Bay, colloquially known as "Fisherman's Park". A 6,427 square metre portion of the site is located on property identified as PID #15408867, which is currently owned by H. Hopkins Ltd. This portion of the site is shown on the attached map and identified as "Lot 2021-1" on the attached survey plan. In order to proceed with construction of the Wastewater Treatment Plant at this site, it is necessary for CBRM to acquire title to this portion of the site.

Attempts have been made to negotiate purchase of the property from the property owner during 2020 and 2021. However, the property owner has refused to sell the property to CBRM for an amount lower than two million dollars. Because of this, it has been determined that the best option to obtain title to the property is expropriation. An appraisal report on the portion of the property to be

expropriated, prepared by Jan Wicherek of Altus Group Ltd. and dated Aug. 31, 2022, has valued the property at \$350,000. This appraisal report shall be used for the final market value of the subject property.

Recommendation:

That Council passes a motion directing staff to proceed with the expropriation of Lot 2021-1 from PID #15408867 in order to proceed with the construction of the Glace Bay Wastewater Treatment Plant.

Respectively Submitted by:

Original signed by

Demetri Kachafanas
~~Regional Solicitor~~



KEY PLAN
SCALE 1:20,000

LEGEND:

- POINT: HIGH PRECISION TRIANGULATION
- POINT: SECOND ORDER
- POINT: THIRD ORDER
- POINT: FOURTH ORDER
- POINT: FIFTH ORDER
- POINT: SIXTH ORDER
- POINT: SEVENTH ORDER
- POINT: EIGHTH ORDER
- POINT: NINTH ORDER
- POINT: TENTH ORDER
- POINT: ELEVENTH ORDER
- POINT: TWELFTH ORDER
- POINT: THIRTEENTH ORDER
- POINT: FOURTEENTH ORDER
- POINT: FIFTEENTH ORDER
- POINT: SIXTEENTH ORDER
- POINT: SEVENTEENTH ORDER
- POINT: EIGHTEENTH ORDER
- POINT: NINETEENTH ORDER
- POINT: TWENTIETH ORDER
- POINT: TWENTY-FIRST ORDER
- POINT: TWENTY-SECOND ORDER
- POINT: TWENTY-THIRD ORDER
- POINT: TWENTY-FOURTH ORDER
- POINT: TWENTY-FIFTH ORDER
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- POINT: FORTY-SEVENTH ORDER
- POINT: FORTY-EIGHTH ORDER
- POINT: FORTY-NINTH ORDER
- POINT: FIFTIETH ORDER

COORDINATE SYSTEM AND SURVEY INFORMATION

PROJECTION	UNIT	ORIGIN	ADJUSTMENT METHOD
UTM	METER	500000 E	LEAST SQUARES
ZONE			
18			

SURVEYOR'S CERTIFICATE:

I, Dennis Prendergast, Nova Scotia Land Surveyor, hereby certify that the survey was conducted in accordance with the Nova Scotia Land Surveyors Act, Regulations and Standards made there under.

Dated this 3rd day of December, 2021.

This survey was executed during the period:
October 20th, 2020 to December 3rd, 2021.

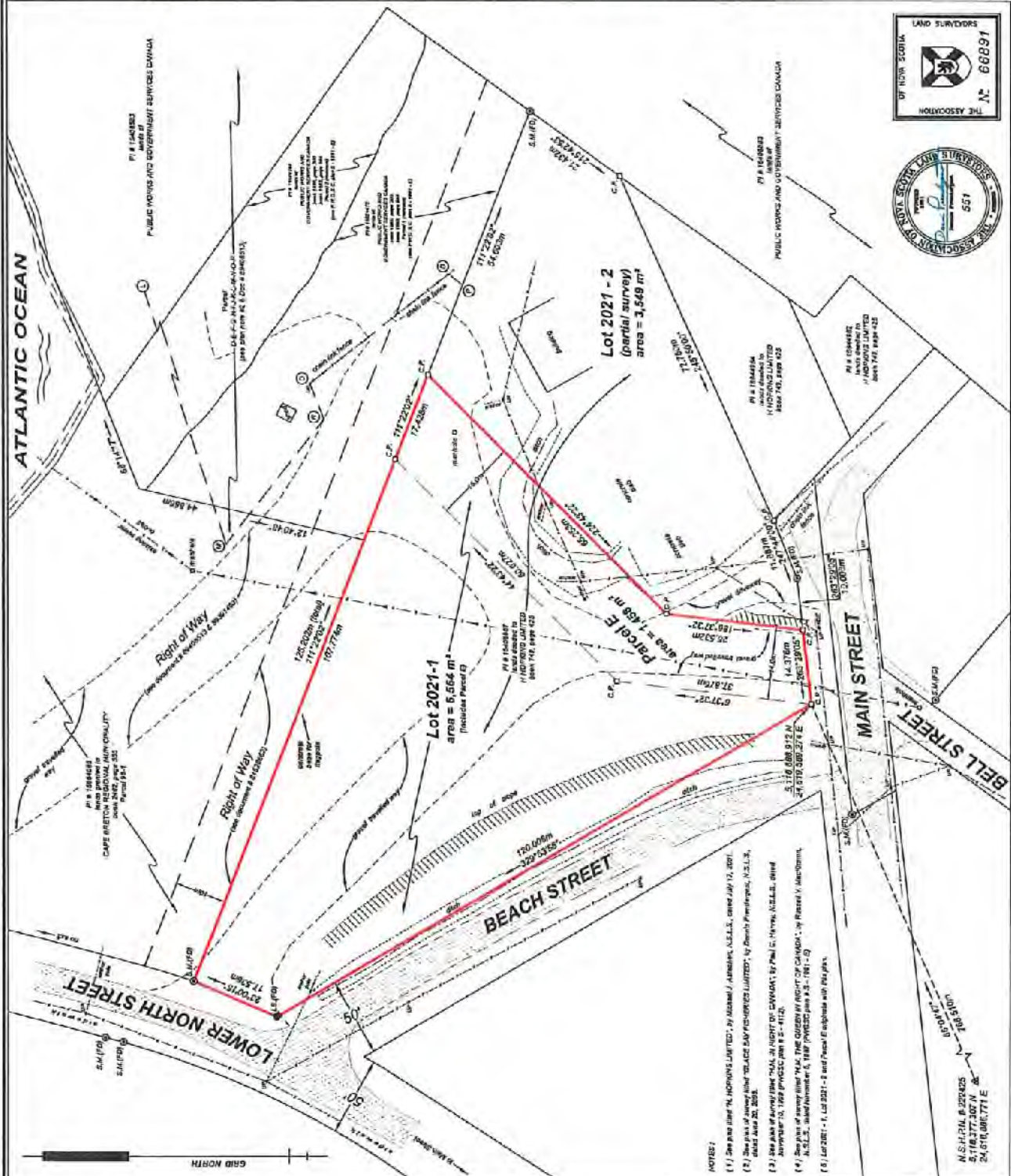
The above are to satisfy of findings unless otherwise noted.

PRENDERGAST SURVEYS LIMITED
 1000 WEST STREET, 2ND FLOOR, WEST STATION, HALIFAX, N.S., B3H 2Y9
 PHONE: (902) 440-7228 FAX: (902) 440-1077
 WEBSITE: www.prendergast.com

PLAN OF SURVEY SHOWING IDENTIFICATION OF LOT 2021 - 1 BEING AREA REQUIRED BY C.B.R.M. FOR USE AS TRAILER FACILITY FROM HOPKINS LIMITED AND SHOWING PARCEL E BEING A RIGHT OF WAY IN FAVOR OF LOT 2021 - 2

LOWER NORTH STREET, BEACH STREET, MAIN STREET, GLACE BAY, NOVA SCOTIA
 SCALE 1:1,500
 10 m 5 m 10 m 20 m 30 m 40 m

Drawn By: Barry Boush
 Scale: 1:1,500
 Date: December 3, 2021



NOTES:

- (1) See also plan N. HOPKINS LIMITED, by HAZARD / ARMADES, A.S.L.L.S., dated July 13, 2021.
- (2) See plan N. HOPKINS LIMITED, by HAZARD / ARMADES, A.S.L.L.S., dated July 13, 2021.
- (3) See also survey plan N.S. 2021-1, in respect of CAVANAGH, by P.M. G. HENRY, A.S.L.L.S., dated September 15, 2021.
- (4) See plan of survey under N.S. 2021-1, THE QUEEN BY RIGHT OF CHARGE, by RAYMOND V. McDONNELL, A.S.L.L.S., dated November 6, 2018 (PROCESSED BY 2-1-1817-2).
- (5) LOT 2021 - 1, LOT 2021 - 2 and Parcel E adjacent with the plan.

N.S. PLAN N. 2021-2
 S. 18,377.307 N
 24,616.061771 E

All that certain lot, piece or parcel of land situate, lying and being at Glace Bay, Province of Nova Scotia and being shown as **LOT 2021-1** on a plan of survey entitled "**C.B.R.M. and H HOPKINS LIMITED**" prepared by Prendergast Surveys Limited dated December 3, 2021 (and hereinafter referred to as the "PLAN") and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the northern boundary of Main Street and the northeastern boundary of Beach Street as shown on said "PLAN";

THENCE 329°53'58" following the said northeastern boundary of Beach Street a distance of (120.008m) meters to an iron bar found on the southeastern boundary of Lower North Street;

THENCE 23°00'15" following the said southeastern boundary of Lower North Street a distance of (17.536m) meters to a survey marker found at the western corner of lands granted to Cape Breton Regional Municipality recorded in book 2462 at page 555 and being Parcel 98-1 shown on PWGSC plan #S-4112;

THENCE 111°22'02" following the southwestern boundary of said Cape Breton Regional Municipality (Parcel 98-1) a distance of (125.202m) meters to a point at the northern corner of Lot 2121-2;

THENCE 224°43'22" following the northwestern boundary of said Lot 2021-2 a distance of (65.253m) meters to a point;

THENCE 186°37'32" following the western boundary of said Lot 2021-2 a distance of (26.532m) meters to a point on the said northern boundary of Main Street;

THENCE 263°29'05" following the said northern boundary of Main Street a distance of (14.376m) meters to the **Place of Beginning**.

Said **Lot 2021-1** containing 6,564 square meters by calculation.

Said **Lot 2021-1** being a portion of lands deeded to H

Hopkins Limited recorded in book 749 at page 425.

Said **Lot 2021-1** being subject to a Right of Way in favor of Lot 2021-2 over the southeastern portion of Lot 2021-1 and shown as Parcel E on said "PLAN".

All azimuths are grid, derived from GPS observations on Nova Scotia High Precision Network Monument 222425 and are based on 3° modified transverse mercator projection, Zone 4, central meridian 61° 30' west longitude.

MEMO

DATE: September 7, 2022
TO: CBRM Council and Staff
FROM: Mayor Amanda McDougall
RE: Central Library – Consultation Process

Dear Councillors and Colleagues:

I am excited to provide the following information to you regarding the process to identify a new space for our Central Library.

As was shared at a previous meeting of Council, CBRM has been examining the capacity of the building located at 70 Crescent Street, Sydney, to serve as a new location for our Central Library. Since then, we have received positive feedback from Kwilmu'kw Maw-Klusuaqn Negotiation Office (KMKNO) advising that a motion from the Assembly of Nova Scotia Mi'kmaw Chiefs (ANSMC) was passed, releasing their interest in this property and offering the support of Eskasoni and Membertou to work in partnership with CBRM on a new library.

I am extremely grateful to have been part of the consultation process which was led by the current building owners, Public Services and Procurement Canada and KMKNO, and has brought us to this point.

We have two viable options for our Central Library -- the current McConnell site that could be considered for renovation and 70 Crescent Street. I should note that, while the consultation with KMKNO was occurring, CBRM engaged with McKay-Lyons Sweetapple Architects who oversaw the Truro Public Library renovation and the new Charlottetown Central Library. It has been confirmed that 70 Crescent Street is, in fact, a viable and suitable option to be considered for a public library and there is opportunity to increase square footage of the site.

With the support of Council, I suggest that we move ahead with a public consultation process to engage the public on these two options and allow opportunity for alternate sites to be suggested and considered.

Original Signed By

MAYOR AMANDA MCDUGALL

amm/tfd



Kwilmu'kw Maw-Klusuaqn Negotiation Office
Mi'kmaq Rights Initiative

Our Rights. Our Future.

75 Treaty Trail
Truro, NS B6L 1W3

Tel (902) 843 3880 Fax (902) 843 3882
Toll Free 1 888 803 3880
Email info@mikmaqrights.com
www.mikmaqrights.com

July 19, 2022

Meghan Carney
Senior Real Estate Advisor
Real Estate Services
Public Services and Procurement Canada
1713 Bedford Row, P.O. Box 2247
Halifax, N.S., B3J 3C9

RE: Proposed Disposal of PSPC Property at 70 Crescent Street, Sydney, Nova Scotia


Ms. Carney,

This letter is a follow-up to our March 15th, 2022, letter expressing our interest in the proposed disposal of 70 Crescent Street, Sydney, Cape Breton County, and our wish to proceed with consultation on this property.

At the June 30th, 2022, convened meeting of the Assembly of Nova Scotia Mi'kmaw Chiefs (ANSMC), the resolution was passed to release their interest in this property, to support Eskasoni and Membertou to continue their partnership with the CBRM.

The Mi'kmaq Nation in Nova Scotia has a general interest in all lands in Nova Scotia as the Mi'kmaq have never surrendered, ceded, or sold the Aboriginal Title to any of its lands in Nova Scotia. The Mi'kmaq have a Title claim to all of Nova Scotia and as co-owners of the land and its resources it is expected that any potential impacts to Rights and Title shall be addressed.

Yours in Recognition of Mi'kmaw Rights and Title,


Twila Gaudet, B.A., LL.B.
Director of Consultation
Kwilmu'kw Maw-Klusuaqn Negotiation Office

c.c.:

Craig Hodder, Lands Officer, Kwilmu'kw Maw-Klusuaqn Negotiation Office
John Counsel, Regional Manager, Owner Investor, Public Services and Procurement Canada Atlantic
Kathleen Boissonneault, Real Estate Advisor, Public Services and Procurement Canada Atlantic

CBRM

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Amanda M. McDougall and Regional Councillors

From: Deborah Campbell Ryan, Municipal Clerk

Date: September 6, 2022

Subject: Appointment of the Nominating Committee

There is a requirement to appoint a Nominating Committee for a two-year term in accordance with Section 12 of Policy RC4 Committees (excerpt attached). Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve on the standing committees and external agencies/committees. The two-term for the current Nominating Committee expires on October 31, 2022 (see current membership attached).

The Clerk's Department will poll Council members to determine their interest in serving on Committees in advance of the Nominating Committee meeting.

Recommendation:

It is recommended that Council appoint at least five Councillors to serve on the Nominating Committee with the Mayor, and that the Committee meeting should be scheduled as soon as possible in order to have the Committee appointments in place for November. It would be in order for the Mayor to call for nominations from the floor.

Thank you.

Deborah Campbell Ryan
Municipal Clerk

Attachments

12. Nominating Committee

(1) At the first regular meeting of Council held, after the Election, and at the first regular meeting of Council held in October and every two years thereafter, the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and at least five (5) Councillors.

(2) Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve for the next two years on the standing committees and external agencies/committees.

(3) The Nominating Committee shall also meet as required to deal with citizen appointments and any vacancies on Committees.

(4) With respect to the appointments of citizens to Committees, the following selection process shall be used:

- While the meetings of the Nominating Committee are open to the public, the proceedings will not be live streamed or videotaped when dealing with citizen appointments.
- The background information for the applicants will not be attached to the public agenda.
- A matrix of the applicants identified by name and number, noting their qualifications and experience in the related field, will be provided to the Nominating Committee.
- Discussion by the Committee will be non-specific, referring to the candidates by number and not by name.
- Recommendations to Council will refer to the candidate number, and once the citizens have accepted the positions and any required background checks have been completed, their names will be released at a subsequent open meeting.

(5) The Council may ratify the report of the nominating committee or may substitute the name of any person instead of the person nominated by the committee.

13. Non-Committee Council Members

Council members not serving on Committees will not be permitted to participate in the Committee debate or the vote, but are authorized to make comments, presentations and participate at Committee meetings.

Nominating Committee Members: 2020-2022:

Mayor Amanda M. McDougall, Chair

Councillor Gordon MacDonald

Councillor Steve Gillespie

Councillor Eldon MacDonald

Councillor Glenn Paruch

Councillor Steve Parsons

