

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, SEPTEMBER 26TH, 2023

9:30 A.M.

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, September 26th, 2023

9:30 a.m.

AGENDA ITEMS

Land Acknowledgement

Roll Call

O' Canada

1. **APPROVAL OF AGENDA:** (Motion Required)

2. **PROCLAMATIONS:**
 - 2.1 **Cadet Day:**
Councillor Eldon MacDonald (See page 4)

 - 2.2 **Medic Monday:**
Deputy Mayor James Edwards (See page 5)

 - 2.3 **Fire Prevention Week:**
Deputy Mayor James Edwards (See page 6)

 - 2.4 **Wi'kipatmu'k Mi'kmawey/Honouring of the Mi'kmaw Way:**
Mayor Amanda M. McDougall-Merrill (See page 7)

3. **CORPORATE SERVICES ISSUES:**
 - 3.1 **PID 15126667, Welton/Gorman Street, Sydney (Former Welton Street Ballfield Property) District #12:**
 - a) **25 Gorman Street, Sydney - Presentation:** Greg Nelson, Harrison Jay Investment (See page 9)

 - b) **Staff Issue Paper:** Sheila Kolanko, Property Manager (See page 13)

Continued...

**Council Meeting Agenda
September 26th, 2023 (Cont'd)**

4. PROTECTIVE SERVICE ISSUE:

- 4.1 Future of NS-EMO EMPO Position in CBRM/Region 1: Bruce MacDonald, Manager EMO (See page 18)**

5. BY-LAWS & MOTIONS:

5.1 By-laws:

a) First Reading:

- i) CBRM Fee Policy: Planning, Development, and Building: Karen Neville, Senior Planner (See page 19)**

b) Second / Final Reading: N/A

6. PLANNING ISSUE:

- 6.1 Appointment of New Development Officer: Michael Ruus, Director of Planning and Development (See page 49)**

7. COMMITTEE REPORTS:

N/A

8. REVIEW OF ACTION ITEMS FROM THIS MEETING:

Mayor Amanda M. McDougall-Merrill

ADJOURNMENT



PROCLAMATION

Cadet Day

WHEREAS: Royal Canadian Sea, Army and Air Cadets have a lengthy history of service in Nova Scotia and are a positive influence in today's society; and

WHEREAS: Royal Canadian Sea, Army and Air Cadets provide young people with positive opportunities to develop self-confidence, self-esteem, self-discipline and respect for others; and

WHEREAS: The young people involved in the Royal Canadian Sea, Army and Air Cadets learn valuable life and work skills, such as teamwork, leadership, good citizenship and physical fitness, that will benefit them no matter what path they choose to follow; and

WHEREAS: The young people involved in the Royal Canadian Sea, Army and Air Cadets are rewarded with a sense of accomplishment, recognition from their peers and mentors, once-in-a-lifetime personal and professional growth experiences, lifelong friends and a chance to show their talents and maturity; and

WHEREAS: The hard work and dedication of all those involved in the Royal Canadian Sea, Army and Air Cadets should be recognized; and

WHEREAS: Throughout the province, in each and every year, the first Saturday in October is observed under the name of Sea, Army, Air and Navy League Cadets Day;

BE IT THEREFORE RESOLVED: That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim Saturday, October 7th, 2023 as Cadet Day in the Cape Breton Regional Municipality.

Councillor Eldon MacDonald - CBRM District #5

September 26th, 2023



PROCLAMATION

Medic Monday

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-Merrill and Council of the Cape Breton Regional Municipality proclaim Monday, September 25th, 2023, as **MEDIC MONDAY** in the CBRM in appreciation for everything our paramedics do.

Deputy Mayor James Edwards CBRM District #8

September 26th, 2023



PROCLAMATION

Fire Prevention Week

- 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 2023 Fire Prevention Week theme is “**Cooking safety starts with you,**” and serves to remind us that simple and important steps that can be taken to help reduce the risk of fire when cooking at home;
- BE IT THEREFORE RESOLVED:** That the Cape Breton Regional Municipality Mayor and Council proclaim October 8th to 14th, 2023 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 2023, and to support the many public safety activities and efforts of the Cape Breton Regional Fire and Emergency Services and its members.

Deputy Mayor James Edwards - CBRM District #8

September 26th, 2023



PROCLAMATION

Wi'kipatmu'k Mi'kmawey/Honouring of the Mi'kmaw Way

WHEREAS: In 1993, Premier John Savage and Mi'kmaw Grand Chief Ben Sylliboy declared October as the official month to recognize and celebrate Mi'kmaw culture and heritage. Mi'kmaq History Month is celebrating its 30th year and invites everyone to join in the celebration of Mi-kmaw culture and heritage; and

WHEREAS: Each October, community activities, events, sharing and showcasing the Mi'kmaw history take place across Nova Scotia. Everyone is encouraged and welcome to participate in Mi'kmaq History Month events; and

WHEREAS: In 1986, the then Grand Chief Donald Marshall Sr. proclaimed every October 1st as Treaty Day. It commemorates the key role of treaties in the relationship between the Nova Scotia Mi'kmaq and the Crown. The annual ceremony reaffirms the historic presence of the Mi'kmaw who have occupied the land for thousands of years. The Mi'kmaq Nation and the crown also exchange gifts to mark each October 1st. By celebrating Treaty Day, we are giving thanks to the Mi'kmaw and the Crown for signing treaties of peace and friendship. People continue to gather their home communities, on October 1st to participate and enjoy various cultural events in celebration of Treaty Day. It is a reunion for many Mi'kmaq and a time for people to learn a part of Nova Scotia's 12,000 year-old history; and

WHEREAS: Each year, September 30 marks the National Day for Truth and Reconciliation. The day honours the children who never returned home and Survivors of residential schools, as well as their families and communities. Public commemoration of the tragic and painful history and ongoing impacts of residential schools is a vital component of the reconciliation process. Both the National Day for Truth and Reconciliation and Orange Shirt Day take place on September 30. Orange Shirt Day is an Indigenous-led grassroots commemorative day intended to raise awareness of the individual, family and community inter-generational impacts of residential schools, and to promote the concept of "Every Child Matters". The orange shirt is a symbol of the stripping away of culture, freedom and self-esteem experienced by Indigenous children over generations.

BE IT THEREFORE That CBRM Mayor Amanda M. McDougall-Merrill and Council
RESOLVED: encourage all residents to wear orange to honour the thousands of Survivors of residential schools, honour Treaty Day and celebrate the educational journey of Mi'kmaq History month throughout October and every month in the Cape Breton Regional Municipality.

Mayor Amanda M. McDougall-Merrill

September 26th, 2023



1

The CBRM Housing Situation

- CBRM Housing Crisis Defined:
 - Low Vacancies
 - High Rents
 - Lack of Apartment Units
 - Damaged and Aging Housing Stock

1.4% Vacancy Rate as per CMHC

2,108 Total Apartment Units in CBRM in 2022

46% of the existing housing stock in CBRM is below one or more of the CMHC housing standards

2

The Cape Breton University Context

- Lack of Student Housing
- Existing supply is far from the downtown core and away from places of work for students
- Growing Student Population



3

Proposal

- Applicant: Numbered Company TBD
- Location: 25 Gorman St, Sydney
- Proposal: Three 100-unit buildings.
One 6-storey building with commercial space. Two 5-storey buildings.



4

Our Solution

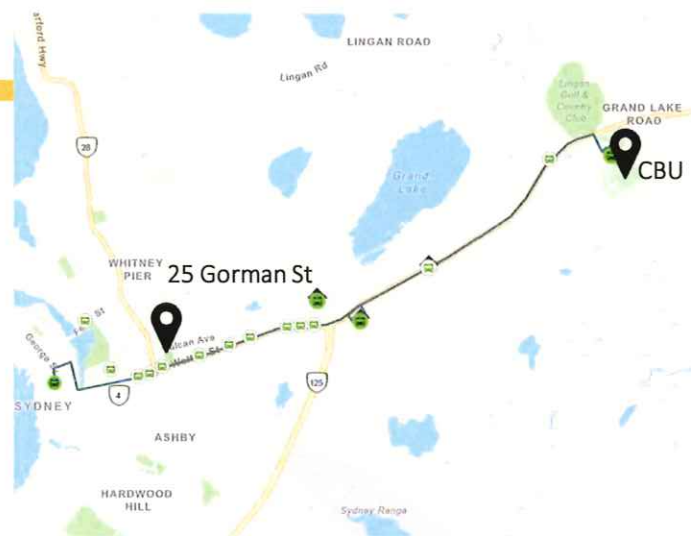
- 3 buildings built over 3 phases with a total of 300 units
- All 2 bedrooms units
- Ground Floor Commercial space
- 300+ parking spaces



5

Why Here?

- Close to downtown services and amenities
- Across the street from the Route 15 Bus Stop that runs from Downtown Sydney to CBU



6

Additional Benefits

- The Creation of dozens of construction jobs
- The use of local planners, engineers etc.



7

Questions?



8



ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: PID 15126667, Welton/Gorman Steet, Sydney
(Former Welton Street Ballfield Property)
District #12

DATE: September 26th, 2023

BACKGROUND INFORMATION:

At a council meeting held on June 21st, 2016, council passed a motion declaring the property, known as the Welton Street Sports Field, surplus to the needs of the municipality and approved a sale of the said lands to the Southend Community Development Association (SCDA) for the sum of \$1.00 for the purpose of a housing development.

In May of 2022, CBRM was notified by SCDA, would not be proceeding with their development and would not require the fields for future programming. As such, title to the property was vested back into the municipality in June of 2022.

In July of 2022, Sydney Memorial Chapel Limited reached out to the municipality asking CBRM to sell a portion of the municipal property located adjacent to their property for an expansion to their business. The municipality entered into an Agreement of Purchase and Sale to sell a portion of the property for the proposed expansion. The parcel under contract with Sydney Memorial Chapel is outlined in red on the attached map (Attachment "A"). The closing is expected to be completed by the end of the September 2023. The remaining surplus property ("subject property") is shown outlined in yellow (Attachment "A")

An appraisal report was obtained to determine the market value for both parcels. The lot required by Sydney Memorial Chapel is valued at \$37,000 and the subject property appraised value is \$320,000.

An Expression of Interest (EOI) was put out to the public to determine the level of interest for redevelopment of the subject property by both non-profit and the private sector. The EOI went out to the public on January 31st, 2023 and closed on February 27th, 2023. There was one submission received for a housing development. CBRM reached out to the proponent for further information and to date, no further response was received. As such, the file was closed.

After the closing of the EOI, the municipality was contacted by Harrison Jay Investments – Good Homes (“the applicant”) seeking the subject property for a mix housing/commercial development. The applicant is proposing to construct three buildings, comprising of 100 2- bedroom units in each building and commercial space on the ground floor in one of the buildings. Please see attached proposal (Attachment “B”).

An internal staff evaluation was completed.

Planning Department: The property is zoned Regional Commercial (CR) under the new Land Use By-law, which permits higher density residential development. The develop would be subject to the provisions of the Land Use By-Law and the issuance of a Building Development Permit.

Engineering & Public Works: The capacity of existing sanitary, storm and water mains would need to be confirmed to ensure the scale of development could be supported and possible easements or upgrades required. A traffic study would be required to determine access requirements and any applicable upgrades.

Recreation Parks & Grounds: Reported that given council deemed the property surplus and approved the sale of the land in 2016, there are no concerns from their department on the removal of the recreational assets.

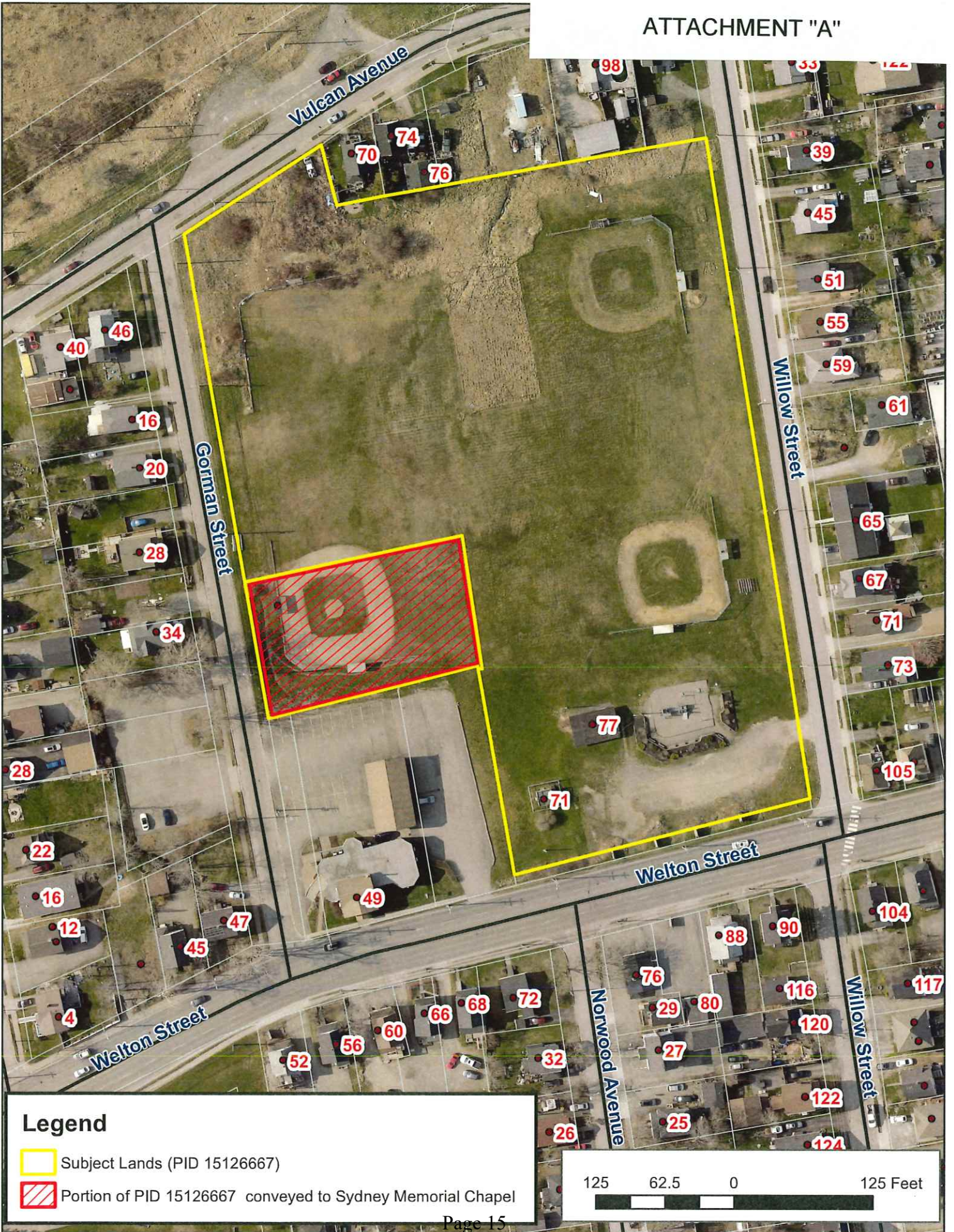
RECOMMENDATION:

Staff is recommending council support the sale of the surplus property to the applicant for Fair Market Value in the amount of \$320,000 for their proposed housing development pursuant to the *Municipal Government Act* and Property Management Policies.

Respectively Submitted by:

ORIGINAL SIGNED BY

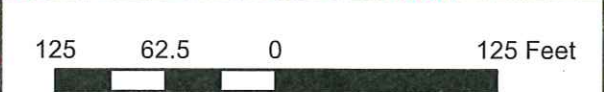
Sheila Kolanko



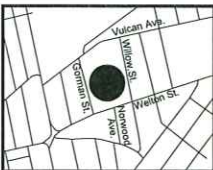
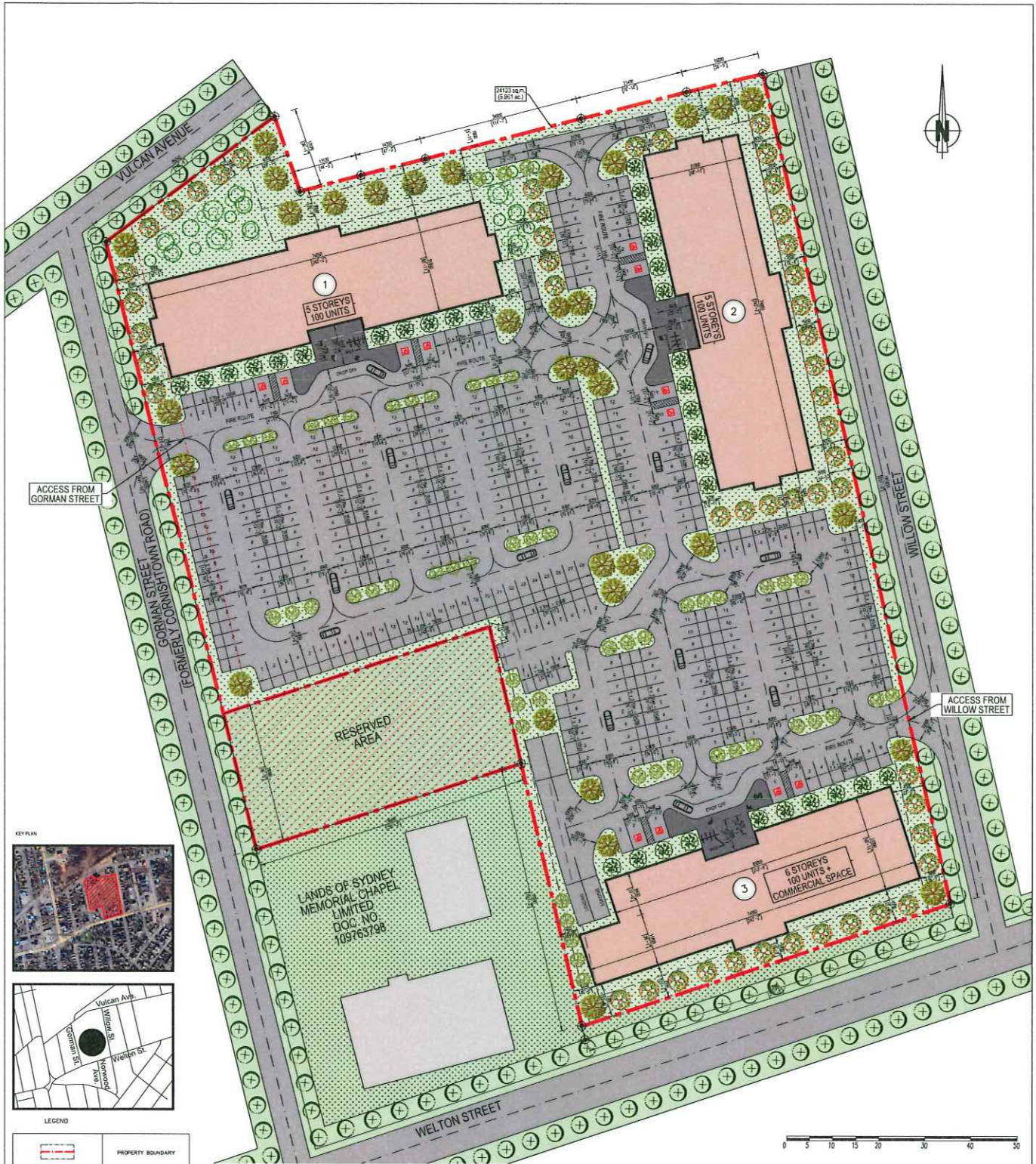
Legend

 Subject Lands (PID 15126667)

 Portion of PID 15126667 conveyed to Sydney Memorial Chapel







LEGEND

	PROPERTY BOUNDARY
	PROPOSED BUILDINGS
	PROPOSED ROAD DESIGN
	PROPOSED LOT
	RESERVED AREA
	REGULAR PARKING SPACE 2.7 x 6 m
	ACCESSIBLE PARKING 3.4 x 6 m

STATISTICS

PROPOSED:	2 X FIVE (5) STOREY BUILDING (100 UNITS EACH) 1 X SIX (6) STOREY BUILDING (100 UNITS + COMMERCIAL SPACE)
TOTAL PROPOSED UNITS:	300 UNITS + COMMERCIAL SPACE
SITE AREA:	
SITE TOTAL:	24 123 SQ.M / 2.41 HA, 259 657 SQ.FT. / 5.961 ACRES
BUILDING G.F.A.	
TYPICAL FLOOR:	1 570.0 SQ.M. x 5 = 7 850.0 SQ.M. / (84 496 SQ.FT. x 2 (buildings)) 1 467.0 SQ.M. x 6 = 8 802.0 SQ.M. / (94 743 SQ.FT. x 1 (building))
TOTAL:	24 502 SQ.M. / 263 737 SQ.FT.

SITE AREA	24 123 SQ.M. = 100 %
PAVED AREA	11 418.0 SQ.M. = 47.33 %
LANDSCAPE OPEN SPACE (INCLUDING RESERVED AREA)	8 098 SQ.M. = 33.57 %
COVERAGE BUILDINGS:	1570.0 SQ.M. x 2 = 3140 SQ.M. 1467.0 SQ.M. x 1 = 1467 SQ.M. 4607 SQ.M. = 19.10 %
PARKING PROPOSED	
REGULAR (2.70m x 6.00m)	314
ACCESSIBLE (3.40m x 6.00m)	12
TOTAL:	326 SPACES
TOTAL HEIGHT	
FRONT ELEVATION TO ROOF TOP	18.55 METERS (5 STOREYS) 21.55 METERS (6 STOREYS)

ALL LOT DIMENSIONS INCLUDING FRONTAGES, SETBACKS, WIDTHS AND SETBACKS ARE PRELIMINARY AND SUBJECT TO CHANGE AND CORRECTION BY AN ANNOVA SCOTIA LAND SURVEYOR

INTERNAL LOT AND ROAD CONFIGURATION IS PRELIMINARY AND CAN CHANGE AT ANY TIME. INFORMATION CONTAINED ON THE DRAWING IS CONCEPTUAL AND NOT A PLAN OF SURVEY

PRELIMINARY

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECT
DO NOT SCALE THE DRAWINGS
THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED BY THE ARCHITECT

JONATHAN WEIZEL ARCHITECT
35 JAMESVILLE ROAD
Thornton, Ontario L4A 6Z9
Telephone: (905) 707-1996
Facsimile: (905) 707-3474

Project: **25 GORMAN STREET**
SYDNEY, NOVA SCOTIA

Drawing Title: **CONCEPT MASTER PLAN**

Scale: 1 : 250
Date: JUN 2023
Project Number: 223/06
Drawing Number: A1.0

Bruce MacDonald
Manager of Emergency Management
Fire & Emergency Services
Cape Breton Regional Municipality



320 Esplanade Sydney, Nova
Scotia B1P 7B9 Telephone
902.574.3895 Fax:
902.563.0883
bemacdonald@cbrm.ns.ca

MEMO

To: Mayor Amanda M. McDougall-Merrill & Council

From: Bruce MacDonald, Manager of Emergency Management

Date: September 21, 2023

Subject: NS EMO EMPO Position in CBRM Region 1

The Region 1 Emergency Management Planning Officer (EMPO) position will be vacant as of January 1st, 2024.

NSEMO typically has five EMPOs located in various regions across NS. Based on the recent departures of other EMPOs across the Province whose positions have not been replaced, it is unclear if NSEMO is permanently eliminating the EMPO positions.

The EMPO is the only local field position in the NSEMO organization and has proved to be a valuable link between the Municipality and the Province. The EMPO helps facilitate provincial resources and provides the province with valuable situation awareness during an incident. This local support is critical to CBRM following a disaster, providing firsthand witness information to provincial partners, while providing on-the-ground support for the municipality and residents during events such as the 2016 floods and Hurricane Fiona in 2022.

The local EMPO is also an asset and partner during our delivery of emergency management courses, a source of expertise for local organizations who require support developing their emergency management plans, and link relied upon by municipal EMO to connect with the province about emergency management initiatives and resources. Without the local EMPO in place there will be more demand placed on the municipal resources and EMC to fill the gaps left by the vacancy.

With the ever-increasing impact of climate change on the frequency and intensity of severe weather events throughout Nova Scotia, any reduction in NSEMO field staff is a step in the wrong direction. Rather than reducing support, this is a time when there should be a substantial increase in the support, collaboration, and resources provided to municipalities. This is especially true for CBRM, where our large population base is isolated from the bulk of NS's resources and support services that are centralized within HRM by distance and a causeway.

As a result, we ask your support to send a letter seeking commitment from NSEMO to fill the Region 1 EMPO position prior to becoming vacant at the beginning of next year, and for that position to be situated within the CBRM.

Thank you.

**Bruce MacDonald B.Tech (EM) CET ABCP
Manager of Emergency Management
Cape Breton Regional Fire and Emergency Service**



TO: CBRM Mayor & Council

FROM: Karen Neville

SUBJECT: CBRM Fee Policy: Planning, Development, and Building

DATE: September 18, 2023

Background

Council has directed staff to complete a review of the fees associated with the services provided by Department. Please consider this issue paper the Planning and Development Department's response to fees for permits, application, and services associated with land use planning and building development. Currently, the fees charged by the Planning and Development Department appear in several CBRM documents. Staff is recommending all the fee associated with permits, application, and services associated with land use planning and building development be within one policy.

The *Municipal Government Act* provides clear direction for the recovery of municipal costs incurred with respect to applications for various permits and changes needed for planning permission for developments. Staff have drafted a new policy, CBRM Fee Policy: Planning, Development, and Building (CBRM Fee Policy), which outlines of the fees related to planning permissions for development (Attachment A). The purpose of this policy is to outline the land use planning and building development fees for permits, application, and services offered by the Planning and Development Department. The purpose of this policy is to also ensure a fair and consistent approach when setting parameters for refunding fees for the various services.

Amendments Planning Service Fees

A survey of land use planning fees was completed for various municipalities within Nova Scotia. The fees in the CBRM Fee Policy are based on this survey. Below is an explanation of the proposed fees.

Fees charged by other Nova Scotia municipalities vary significantly when it comes to Municipal Planning Strategy Amendment, Land Use By-law Amendment, and Development Agreement Applications (Attachment B). Similar to CBRM's current practise, some municipalities charge an application fee, while others charge an application fee plus advertising cost. The Municipality of the District of Clare does not have any fee for Municipal Planning Strategy Amendment, Land Use By-law Amendment, and Development Agreement Applications and the Region of Queens Municipality only charges the costs of advertising, printing of materials and postage as required by the *Municipal Government Act*.

The current fee for a Municipal Planning Strategy Amendment and Land Use By-law Applications in the CBRM is \$1000 as outlined in the CBRM Fees to Process Land Use Bylaw amendments, Development Agreements, and Municipal Planning Strategy Amendments Policy. This fee generally does not cover the legislative advertisement cost required under the *Municipal Government Act*. Given that many of the municipalities surveyed include a fee for advertising costs and CBRM's current fee does not cover

legislative advertising costs, it is being recommended that in addition to the application fee, applicants requesting amendments to the Municipal Planning Strategy, Land Use By-law, Subdivision By-law or Development Agreement Applications should be required to pay the advertising costs for public notification as required by the *Municipal Government Act*. With the cost of advertising being included, it is reasonable to leave the fees charge for Land Use By-law Amendments and Development Agreement unchanged.

The *Municipal Government Act* requires amendments to the Municipal Planning Strategy to have a Public Participation Program, where the requirement for a Public Participation Program for amendments to the Land Use By-law and Development Agreements are at Council's discretion. In accordance with Subsection 271(9) of the *Municipal Government Act*, amendments to a Subdivision By-law should follow the same procedure as amendments to the Municipal Planning Strategy. Due to the requirement of a Public Participation Program, the fees for charge for Municipal Strategy Amendment and Subdivision By-laws applications should be the same. It is recommended the fees for Municipal Planning Strategy and Subdivision By-law Amendments be increased to \$1,500 to address the additional legislative requirement of the Public Participation Program.

While the fees charged for processing Subdivision Applications were increased in 2020, another jurisdictional review was done in relation to the development of the new CBRM Fee Policy (Attachment C). CBRM's fees for subdivision application include Land Registration Fees. Upon the completion of this review, it was determined CBRM's fees for Subdivision Applications are competitive with other jurisdictions in Nova Scotia; therefore, staff are not recommending a change in Subdivision Application Fees.

When an individual makes an application for a Building Development Permit, they are receiving two applications. A Development Permit which is issued in compliance with the Land Use By-law and a Building Permit with is issued in compliance with the Building By-law and Building Code. Similar to other land use planning fees, there is a range of fees charge throughout Nova Scotia for Development Permits. The average fee being charge is \$61, compared to the \$20 charge in the CBRM. Therefore, based on the jurisdictional, it is being recommended that the fee for Development Permits be increased to \$50.

Under the new planning documents, there are more instances for where Site Plan Approval is required. The process to undergo Site Plan Approval is unique to the property owner; therefore, there applicant is receiving a benefit that other properties may not. The same is true for Variance Applications. The procedure for these types of applications as required by the *Municipal Government Act* is similar; therefore, it is reasonable to charge the same fee for both applications. Based on the jurisdictional review (Attachment E), it is recommended that a fee of \$100 be applied for both Site Plan Approval and Variance Applications

When individuals are inquiring about specific properties, they often ask for a Zoning Confirmation Letter and/or Municipal Clearance Letters. These letters are often required by financial institutions or for Provincial licencing requirements. During the jurisdictional review, it was determined there is a range of fees being charged, with the Municipality of Chester not charging a fee for such requests (Attachment F). The fee charge by CBRM is low in comparison to other municipalities, for this reason, it is being recommend the fee for Zoning Confirmation Letter and/or Municipal Clearance Letters be increased from \$25 (plus HST) to \$50 (plus HST).

The Building By-law was amended by Council in 2023. At that time, a jurisdictional review of various Nova Scotia was undertaken (Attachment G). It was determined that CBRM's fees for Building Permits was competitive; therefore, no change is being recommended.

Refund

In addition to outlining fees for land use planning and building development for permits, application, and services offered by the Planning and Development Department, the CBRM Fee Policy contains policies for the remission of fees. The intention of these policies is to ensure a fair and consistent approach when setting parameters for refunding fees for the various services. The provisions for refunds found in both the Subdivision and Building By-laws have been included in the CBRM Fee Policy. The practise for refunds for Municipal Planning Strategy Amendment, Land Use By-law Amendment, Subdivision By-law Amendment, and Development Agreement Applications along with Zoning Confirmation Letter and/or Municipal Clearance Letters is now formalized and included in the CBRM Fee Policy. As the fees for Site Plan Approval and Variance Applications are new, a process for refunds was developed and added to the CBRM Fee Policy. The development of this process was based on practise used for Municipal Planning Strategy Amendment, Land Use By-law Amendment, Subdivision By-law Amendment, and Development Agreement Applications.

Amendments to the Building By-law

As a result of new CBRM Fee Policy, amendments are required to the Building By-law. A copy of the proposed Amending By-law can be found in Attachment H. The intention of the Amending By-law is to add reference to new CBRM Fee Policy and remove the fees from the Building By-law.

In addition to the proposed amendments to the Building By-law referenced above, staff are recommending Council consider two additional amendments to the Building By-law. The first is to the numbering sequence for Section 3 Permits. Currently two Subsection 3.7; therefore, Section 3 should be renumbered to be in sequential order. The second amendment reduces the number of sets of building plans is being from three to two. The proposed amendment would require the applicant supply one set complete of building plans in paper and one digital as opposed to the three set of plans currently required.

Next Steps

Before a motion can be passed on the amendment or adoption of a policy, the *Municipal Government Act* requires Council receive notice at least seven days to making a decision. This issue paper could be considered notice to Council. If Council wishes to proceed, with the adoption of the CBRM Fee Policy: Planning, Development, and Building, it should be considered at an upcoming meeting of Council along with the repeal of the CBRM Fees to Process Land Use Bylaw amendments, Development Agreements, and Municipal Planning Strategy Amendments Policy.

The *Municipal Government Act* requires that Council hold a public hearing prior to considering an amendment to a By-law. If Council agrees to proceed with the adoption of the CBRM Fee Policy: Planning, Development, and Building a Public Hearing should be scheduled to consider the amendments to the Building By-law.

Recommendation

To proceed with the new CBRM Fee Policy: Planning, Development, and Building, two motions are required from Council; therefore, there are two staff recommendations:

1. For Council to pass a motion directing staff to bring the CBRM Fee Policy: Planning, Development, and Building to an upcoming Council meeting for their consideration along with the repeal of the CBRM Fees to Process Land Use Bylaw amendments, Development Agreements, and Municipal Planning Strategy Amendments Policy; and
2. For Council to give First Reading of the proposed amendments to the Building By-law found in Attachment H and schedule a Public Hearing for an upcoming meeting of Council.

Submitted by:

Originally Signed By

Karen Neville

Planning and Development Department

CBRM FEE POLICY: PLANNING, DEVELOPMENT, AND BUILDING

1. LEGISLATIVE AUTHORITY

- (1) This policy derives its authority from Sections 49, 211, 220 (4)(l), 221(2), 232(4), 237(3), 270(3)(e), 271(3)(f), and 282(1)(b) of the *Municipal Government Act* and Section 7 of the *Building Code Act* of the Province of Nova Scotia

2. PURPOSE

- (1) The purpose of this policy is to outline fees for permits, applications, and services associated with land use planning and building development offered by the Planning and Development Department.
- (2) The purpose of this policy is to ensure fair and consistent approach when setting parameters for refunding fees for the various services identified in Schedule A.

3. STATEMENTS OF POLICY

- (1) The *Municipal Government Act* provides clear direction for the recovery of municipal costs incurred with respect to applications for various permits and changes needed for permission for land use planning and building development.

4. ADVERTISEMENT

- (1) In addition to the application fees identified in Schedule A, an applicant requesting an amendment Municipal Planning Strategy Amendment, Land Use By-law Amendment, Subdivision By-law Amendment, or Development Agreement Application shall be required to provide a deposit for costs related to public notification. Should the actual costs associated with public notification be greater than the deposit, then the applicant shall be responsible for the outstanding balance. However, if the actual costs are less than the deposit, then the Municipality shall refund the balance to the applicant.
- (2) For greater clarity, all costs incurred related to public notification for Municipal Planning Strategy Amendment, Land Use By-law Amendment, Subdivision By-law Amendment, or Development Agreement Application must be paid even if an application is refused.

5. REMISSION OF FEES

- (1) If a person submits a written request to withdraw or discontinue an application for a planning service identified in Schedule A, refunds of application fees are available in accordance with the following:

- (a) For Municipal Planning Strategy Amendment Applications (which may or may not include a Land Use By-law Amendment or Development Agreement):
 - i. 90% refund prior to a presentation to Council or if Council decides to uphold policy prior to proceeding with a Public Participation Program;
 - ii. 70% refund prior to a Public Participation Program;
 - iii. 50% refund prior to First Reading;
 - iv. No refund shall be available upon the completion of the Public Hearing;
 - v. No refund shall be available for any costs incurred related to public notification.

- (b) For Land Use By-law Amendment or Development Agreement Applications:
 - i. 90% refund prior to a presentation to Council;
 - ii. 50% refund prior to First Reading;
 - iii. No refund shall be available upon the completion of the Public Hearing;
 - iv. No refund shall be available for any costs incurred related to public notification.

- (c) For Subdivision By-law Amendment Applications:
 - i. 90% refund prior to a presentation to Council;
 - ii. 70% refund prior to a Public Participation Program;
 - iii. 50% refund prior to First Reading;
 - iv. No refund shall be available upon the completion of the Public Hearing;
 - v. No refund shall be available for any costs incurred related to public notification.

- (d) For Variance Applications:
 - i. 90% refund shall be available only if the application is withdrawn prior the application being circulated to neighbouring property owners.
 - ii. No refund shall be available after notice of the application has been circulated to neighbouring property owners.

- (e) For Site Plan Approval Applications:
 - i. 90% refund shall be available only if the application is withdrawn prior the application being circulated to neighbouring property owners.
 - ii. No refund shall be available after the site plan has been circulated to neighbouring property owners.

- (f) Refunds on Zoning Confirmation Letters and Municipal Clearance Letters shall not be granted.

- (g) For Subdivision Applications:
 - i. No refund shall be available for Preliminary Approval.
 - ii. 90% refund shall be available for Tentative Approval only if the application is withdrawn prior the application being circulated.
 - iii. No refund shall be available for Tentative Approval after the application has been circulated.
 - iv. 90% refund shall be available for Final Approval only if the application is withdrawn prior the application being circulated.
 - v. If the Development Officer refuses to approve or repeal a Final plan of subdivision, the Development Officer shall return the submitted fees charged

by the Province under the *Costs and Fees Act* for filing an approved plan of subdivision in the Registry of Deeds back to the subdivider after the appeal period has lapsed.

- (h) No refunds shall be available for mapping costs after a map has been printed.
- (i) For Development Permit:
 - i. 90% refund if a complete application is not received within one year of the original submission;
 - ii. 90% refund if the application was denied;
 - iii. No refund shall be available for an approved Development Permit.
- (j) For Building Permit Application:
 - i. 90% refund if a complete application is not received within one year of the original submission;
 - ii. 90% refund if the application was denied;
 - iii. 70% refund if Building Permit revoked or abandoned before work commenced (fee for the Development Permit is retained);
 - iv. No refund shall be available if a Building Permit is revoked or abandoned after work commenced;
 - v. No refund shall be available if a Building Permit is expired.

Approved by Council:

Amended by Council:

Schedule A
Fee Schedule – Planning and Development

Category		Fee	
Municipal Planning Strategy Amendment (may/may not include a Land Use By-law Amendment or Development Agreement)		\$1,500*	Plus, Total Cost of Advertising (\$500 Deposit plus remainder invoiced)*
Land Use By-law Amendment		\$1,000*	Plus, Total Cost of Advertising (\$500 Deposit plus remainder invoiced)*
Development Agreement (Adoption, Amendment, or Discharge)		\$1,000*	Plus, Total Cost of Advertising (\$500 Deposit plus remainder invoiced)*
Subdivision By-law Amendments		\$1,500*	Plus, Total Cost of Advertising (\$500 Deposit plus remainder invoiced)*
Development Permit		\$50.00	
Renewal of Development Permit		\$50.00 per year	
Variance		\$100.00	
Site Plan Approval		\$100.00	
Zoning Confirmation		\$50.00 Plus HST	Per PID No.
Municipal Clearance Letter		\$50.00 Plus HST	Per PID No.
Subdivision	Preliminary	\$50.00	
	Tentative	\$70.00	
	Final	\$300.00	
	Repeal	\$300.00	
Mapping	Single copies of 8.5x11 and 11x17	No fee	
	Maps larger than 11x17	\$25.00, plus HST	

* All costs incurred related to advertisement must be paid even if an application is refused

**Schedule A
Fee Schedule – Building**

Category		Fee
Plan Review	Residential	\$30.00
	Commercial	\$70.00
Residential	Mobile Home and Modular Home	\$200.00
	New One Unit Dwelling Residential	\$400.00
	New Multiple Residential	\$200.00 per unit
	Addition - greater than 53.5m ² (576 ft ²)	\$150.00
	Addition - less than 53.5m ² (576 ft ²)	\$2.69 per m ² (\$0.25 per ft ²)
	Residential Renovations	\$20 construction base plus \$1.50 per \$1000 of project cost
	Change of Use	\$20 construction base plus \$1.50 per \$1000 of project cost
	Accessory Dwelling Unit	\$400.00
	Secondary Suite	\$200.00
	Residential Plumbing	\$50.00 per dwelling unit
	Residential Accessory Building, one storey up to 53.5m ² (576 ft ²)	\$50.00
	Residential Accessory Building, two storey and/or greater than 53.5m ² (576 ft ²)	\$100.00
	Power Connect	\$50.00
	Pool and Fence	\$50.00
Deck	\$50.00	
Tent	\$50.00	
Demolition	\$50.00	
Renewal of Building Permit	\$50.00 per year	
Commercial and all other, excluding residential	Commercial New Construction and Additions	\$20 construction base plus \$2.69 per m ² (\$0.25 per ft ²) of total Building Area
	Industrial, Institutional, Agricultural or Recreational New Construction and Additions	\$20 construction base plus \$1.61 per m ² (\$.15 per ft ²) of total Building Area
	Repairs and Alterations	\$20 construction base plus \$1.50 per \$1,000 of value of work
	Change of Use	\$20 construction base plus \$1.50 per \$1000 of project cost
	Plumbing	\$15.00 per fixture
	Any Non-Residential Accessory building	\$150
Work commenced without an approved building permit**		double the permit fee

**The additional fee applied where construction has been started prior to issuance of Building permit does not preclude prosecution for non-compliance and does not prevent the Building Official from requiring construction work to be undone in whole or in part in order to inspect conditions not otherwise observable.

B

Municipal Planning Strategy Amendment, Land Use By-law Amendment, and Development Agreement Fees – Other Jurisdictions

Eastern District Planning Commission	Municipal Planning Strategy, Land Use By-law Amendment, Development Agreement	\$400		
Chester	Municipal Planning Strategy Amendment	\$500	Refundable if within drawn in 7 business days. Plus \$500 deposit toward advertisement	
	Land Use By-law Amendment	\$300	Refundable if within drawn in 7 business days. Plus \$500 deposit toward advertisement	
	Development Agreement	\$400	Refundable if within drawn in 7 business days. Plus \$500 deposit toward advertisement	
	Development Agreement - Non substantive Amendment	\$400	Refundable if within drawn in 7 business days. Plus \$500 deposit toward advertisement	
	Development Agreement - Substantive Amendment	\$100	Plus \$500 deposit toward advertisement	
	Pre-Planning Application	\$500		
HRM	Municipal Planning Strategy Amendment along with a Development Agreement	\$5,000	Cancellation of the pre public consultation will result in a 50% refund. No refunds will be issued post public consultation. Where public consultation does not apply, a cancellation within 30 calendar days will result in a full refund. No refunds will be issued after 30 calendar days.	
	Land Use By-law Amendment	\$3,000		
	Municipal Planning Strategy Amendment along with a Land Use By-law Amendment	\$5,000		
	Land Use By-law Amendment along with a Development Agreement	\$4,000		
	Development Agreement	\$3,000		
	Discharge of a Development Agreement (in whole or in part)	\$500		Non-refundable
	Amendments to Development Agreements unless all the amendments are listed as non-substantive in the development agreement*	\$4,000	Non-refundable	
	Amendments to Development Agreements where all the amendments are listed as Non-Substantive*	\$3,000	Non-refundable	
	Please note: In addition to the above noted fees, the applicant shall be responsible for advertising costs, and the Municipality may require the deposit of an appropriate amount too cover such costs. These costs are refundable if not required. * Amendments defined within contract			

B

Annapolis County	Municipal Planning Strategy Amendment	\$1,000	*in the process of reviewing. Recommendation \$2,000-\$2,500
	Land Use By-law Amendment	\$1,000	*in the process of reviewing. Recommendation \$2,000-\$2,501
	Development Agreement	\$500	*in the process of reviewing. Recommendation \$1,200-\$1,500
Municipality of the District of Lunenburg	Amendments to a Planning Strategy or a Land Use By-law	\$525	+ advertising fee
	Development Agreement	\$525	+ advertising fee
East Hants	Rezoning Application Admin fee: Major industrial, commercial or institutional proposals, building footprint greater than 15,000 square feet; multiple unit dwellings and townhouses over 50 units; and proposals involving WCDD or RCDD land:	\$750	
	Non-commercial, non-multi-unit residential: \$200,	\$200	
	All other application	\$500	
	Deposit: All applications	\$750	
	MPS Application Admin fee: Major industrial, commercial or institutional proposals, building footprint greater than 15,000 square feet; multiple unit dwellings and townhouses over 50 units; and proposals involving WCDD or RCDD land:	\$750	
	Non-commercial, non-multi-unit residential: \$200,	\$200	
	All other application	\$500	
	Deposit: All applications	\$1,000	
	Development Agreement Application Admin fee: Major industrial, commercial or institutional proposals, building footprint greater than 15,000 square feet; multiple unit dwellings and townhouses over 50 units; and proposals involving WCDD or RCDD land:	\$750	
	Non-commercial, non-multi-unit residential: \$200,	\$200	
	All other application	\$500	
	Deposit: All applications	\$750	

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Town of Wolfville	Municipal Planning Strategy Amendment	\$2,000	Includes advertising costs
	Land Use By-law Amendment	\$2,000	Includes advertising costs
	Development Agreement	\$2,000	Includes advertising costs
Municipality of the District of Guysborough	Municipal Planning Strategy Amendment		Total Cost of Advertising (\$500 Deposit plus remainder invoiced)
	Land Use By-law Amendment		Total Cost of Advertising (\$500 Deposit plus remainder invoiced)
	Development Agreement		Cost Billed to the Applicant
Region of Queens Municipality	rezoning, amendment to a planning document or development agreement	\$700	The fee for a rezoning request, amendment to a planning document or a development agreement shall be the actual cost of advertising, printing of materials and postage as required by the Municipal Government Act. Should the actual costs associated with these processes be greater than the deposit, then the applicant shall be responsible for the outstanding balance. However, if the actual costs are less than the deposit, then the Municipality shall refund the balance to the applicant.
Town of Amherst	Application to Amend the Land Use Bylaw	\$200	
	Application for a Development Agreement	\$200	
	Application to Amend the Municipal Planning Strategy	\$300	
	Deposit for Amendments to Municipal Planning Strategy		Deposit includes application fee and advertising and notifications cost for the amendment. (Un-used portion is refundable)
West Hants	LUB Amendment	\$500.00	processing fee
		\$1,100.00	deposit for direct costs such as notice (excess is refunded)
	Development Agreement	\$500.00	processing fee
		\$1,100.00	deposit for direct costs such as notice (excess is refunded)
	Substantive Amendment to a Development Agreement	\$500.00	processing fee
		\$1,100.00	deposit for direct costs such as notice (excess is refunded)
	non-Substantive Amendment to a Development Agreement	\$300.00	processing fee
		\$600.00	deposit for direct costs such as notice (excess is refunded)
Deposit for Amendments to Municipal Planning Strategy		Deposit includes application fee and advertising and notifications cost for the amendment. (Un-used portion is refundable)	

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Municipality of the District of Yarmouth	Amendments, Rezoning & Development Agreements	\$800	down payment. covers cost of ads
Town of Yarmouth	Municipal Planning Strategy Amendment	\$780.75	plus Advertising Deposit Fee
	Land Use By-law Amendment	\$780.75	plus Advertising Deposit Fee
	Development Agreement	\$780.75	plus Advertising Deposit Fee
Windsor	LUB Amendment	\$500.00	processing fee
		\$1,100.00	deposit for direct costs such as notice (excess is refunded)
	Development Agreement	\$500.00	processing fee
		\$1,100.00	deposit for direct costs such as notice (excess is refunded)
	Substantive Amendment to a Development Agreement	\$500.00	processing fee
		\$1,100.00	deposit for direct costs such as notice (excess is refunded)
	non-Substantive Amendment to a Development Agreement	\$300.00	processing fee
		\$600.00	deposit for direct costs such as notice (excess is refunded)
Deposit for Amendments to Municipal Planning Strategy		Deposit includes application fee and advertising and notifications cost for the amendment. (Un-used portion is refundable)	
Hansport	LUB Amendment	\$500.00	processing fee
		\$1,000.00	deposit for direct costs such as notice (excess is refunded)
	Deposit for Amendments to Municipal Planning Strategy		Deposit includes application fee and advertising and notifications cost for the amendment. (Un-used portion is refundable)
Town of Oxford	LUB Amendment	\$500.00	processing fee. Non refundable. Processing fee will be waived for charitable or non-profit organizations if agreement of amendment is for the benefit of the organization
		\$500.00	Advertising deposit payable at the time application is filed. When the actual costs of advertising or providing notice is know, the difference the deposit and the actual cost will be refunded or billed to the applicant
Municipality of the District of Guysborough		\$500.00	Deposit for advertising. If advertising costs exceed \$500, the balance due will be invoiced and must be paid prior to the issuance of any permits.
Municipality of the District of St. Mary's		\$500.00	Deposit for advertising. If advertising costs exceed \$500, the balance due will be invoiced and must be paid prior to the issuance of any permits.
Town of Truro	LUB and Development Agreement	\$600.00	Deposit for advertng. Clerk will invoice outstanding or refund surplus costs.

B

Municipality of the District of Yarmouth	Development Agreement or Amendment to Development Agreement	\$1,000.00	payment to accompany an application in advance as a deposit on such costs as advertising, sending notices to neighboring property owners by post, posting a sign and notifying affected landowners (if required by Land Use By-law)
	Land Use By-law Amendment	\$800.00	payment to accompany an application in advance as a deposit on such costs as advertising, sending notices to neighboring property owners by post
Municipality of Kings County	Land Use By-law Amendment	\$500.00	non-refundable plus \$400 advertising fee which is refunded if the application is withdrawn or refused before the application is advertised in the newspaper, or if the application results in a general text amendment that benefits multiple properties
	Development Agreement or Substantial Amendment to Development Agreement	\$700.00	non-refundable application fee (including property registration costs).
	Non-Substantial Amendment to Development Agreement	\$300.00	non-refundable application fee (including property registration costs). Plus \$400.00 advertising fee refunded if the application is withdrawn or refused before the application is advertised in the newspaper.
Town of Bridgewater	Development Agreement	\$1,200.00	
	Development Agreement Amendment - Substantial	\$1,200.00	
	Development Agreement Amendment – Non-Substantial	\$700.00	
	Concurrent Development Agreement and Municipal Planning Strategy Amendment and/or Land Use Bylaw Amendment	\$1,700.00	
	Municipal Planning Strategy Amendment, Land Use By-Law Amendment or Concurrent Amendments	\$1,200.00	
Municipality of Chester	Municipal Planning Strategy Amendment	\$600.00	
	Land Use By-law Amendment	\$600.00	
	Development Agreement	\$600.00	
Town of Pictou	Rezoning (advertising deposit)	\$1,100.00	
	Development Agreement (advertising deposit)	\$1,300.00	
Municipality of Argyle	Development Agreement	\$700.00	
	Land Use By-law Amendment	\$400.00	

B

Municipality of the District of Digby	Development Agreement	\$1,000.00	plus advertising
	Municipal Planning Strategy Amendment	\$500.00	plus advertising
	Land Use By-law Amendment	\$500.00	plus advertising
Region of Queens Municipality	Amendments to Planning Documents		The actual cost of advertising, printing of materials and postage as required by the Municipal Government Act. Applications for a rezoning or amendment to a planning document shall be accompanied by a deposit of \$750.00. Should the actual costs associated with these processes be greater than the deposit, then the applicant shall be responsible for the outstanding balance. However, if the actual costs are less than the deposit, then the Municipality shall refund the balance to the applicant.
	Development Agreements		The actual cost of advertising, printing of materials, postage and registry fee as required by the Municipal Government Act. Applications for a development agreement shall be accompanied by a deposit of \$850.00. Should the actual costs associated with this processes be greater than the deposit, then the applicant shall be responsible for the outstanding balance. However, if the actual costs are less than the deposit, then the Municipality shall refund the balance to the applicant.
Town of Trenton	Rezoning	\$1,100.00	plus advertising
	Development Agreement	\$1,300.00	plus advertising
Town of New Glasgow	Rezoning	\$1,100.00	plus advertising
	Development Agreement	\$1,300.00	plus advertising
Town of Westville	Rezoning	\$1,100.00	plus advertising
	Development Agreement	\$1,300.00	plus advertising
Municipality of the District of Lunenburg	Development Agreement	\$525.00	
	Municipal Planning Strategy Amendment	\$525.00	
	Land Use By-law Amendment	\$525.00	
Town of Digby	Development Agreement	\$750.00	
	Municipal Planning Strategy Amendment	\$1,000.00	
	Land Use By-law Amendment	\$500.00	
Municipality of the District of Clare	Development Agreement	n/a	
	Municipal Planning Strategy Amendment	n/a	
	Land Use By-law Amendment	n/a	

Subdivision Application Fees – Other Jurisdictions

Annapolis County	Preliminary	\$0	
	Tentative	\$0	
	Final	\$225	in the process of reviewing.
Eastern District Planning Commission	Preliminary	\$0	
	Tentative	\$50	
	Final -first 5 lots	\$200	
	Final - additional lots	\$25	
Chester	Tentative	\$50	
	final (six or few lots)	\$200	plus recording fees and public open space dedication
	final (seven or more)	\$400	plus recording fees and public open space dedication
HRM	Concept	\$600	
	Tentative	\$400	
	Final with new infrastructure	\$500	Plus Registration fees
	Final without new infrastructure	\$2,000	Plus Registration fees
	Final	\$100	
St. Mary's	Preliminary/Tentative	\$0	
	Final	\$350	
Town of Wolfville	Final	\$100	plus \$10 for each additional lot beyond one
Municipality of the District of Lunenburg	Final (+ each lot after 2 lots)	\$105	plus \$26
East Hants	Preliminary	\$100	
	Tentative	\$50	per lot
	Final	\$100	
Region of Queens Municipality	Final	\$100	Plus \$213.35 for non-migrated properties Plus \$113.35 for migrated properties
Municipality of the District of Yarmouth	Final	\$175	plus registration cost. For subdivision applications which will result in the creation of a private or public road, an additional \$2000 payment is required
Town of Yarmouth	Final	\$136.65	for the first 5 lots. Plus registration fees
		\$34.45	for each additional lot.
West Hants	Tentative	\$25	
	Final	\$75	plus \$4.00 for each lot for which approval is requested. Plus Land Registration fees
	Final with public/private road	\$200	Plus Land Registration fees
Town of Oxford	Tentative, Final, and Repeal	\$75	non-refundable
	Additional fee public or private road	\$200	non-refundable
	Open Space/Recreational Capital Fund Fee	\$100	per lot, payable prior to approved - refundable if lot(s) not approved

C

Municipality of the District of Guysborough	Preliminary/Tentative	\$0	
Town of New Glasgow	Preliminary	\$0	
	Tentative	\$0	
	Final	\$100	
Municipality of East Hants	Preliminary	100	
	Tentative	\$50	per lot (does not include the road parcel or remainder)
	Final	\$100	plus \$13.35 for certified plan
Municipality of Kings County	Tentative	\$50	per lot
	Final	\$150	per plan
Region of Queens Municipality	Final	\$100	
Town of Bridgewater	Subdivision (Preliminary, Tentative or Final Plan)	100	Plus registration fees
	Subdivision (Concept)	\$200	
Municipality of the District of Lunenburg	Final	\$105	plus \$26 after 2 lots
Town of Pictou	Final	\$100	Plus Registration fees
Municipality of Chester	Tentative	\$75	
	Final	\$25	per lot to a max of \$250
Town of Mahone Bay	Preliminary	\$0	
	Tentative	\$0	
	Final	\$250	Plus Registration fees
Town of Truro	Preliminary	\$0	
	Tentative	\$0	
	Final	\$75	plus \$4.00 for each lot for which approval is requested. Plus Land Registration fees
Municipality of Kings	Tentative	\$50	
	Final	\$150	
Town of Pictou	Preliminary	0	
	Concept	0	
	Tentative	0	
	Final	100	Plus registration fees
Town of Trenton	Preliminary	0	
	Concept	0	
	Tentative	0	
	Final	100	Plus registration fees
Town of Westville	Preliminary	0	
	Concept	0	
	Tentative	0	
	Final	100	Plus registration fees

Development Permits – Other Jurisdictions

Annapolis County	\$10	in the process of reviewing. Recommendation \$20-\$25
Eastern District Planning Commission	\$40	
Chester	\$0	Construction over \$5,000
	\$10	Construction under \$5,001
HRM	\$200	Residential Development Permit Fee (includes: New Residential-up to 2 units, enclosed additions, Residential or Multi-use, Industrial, Commercial or Institutional (MICI) renovations , and lease hold improvements) Non-refundable
	\$500	Commercial Development Permit Fee (includes: Multi-use, Industrial, Commercial or Institutional (MICI)) Non-refundable
	\$50	Basic Development Permit Fee (includes: Home Occupation, Occupancy Only and Accessory Structures such as Decks, Pools, Sheds, and Fence) Non-refundable
Town of Wolfville	\$50	
Municipality of the District of Lunenburg	\$26	
Municipality of East Hants	\$100	
Region of Queens Municipality	\$10	
Municipality of the District of Yarmouth	\$20	
Town of Yarmouth	no fee	
Town of Amherst	\$50	
Town of Oxford	\$25	
Region of Queens Municipality	\$10	
Municipality of the District of Lunenburg	\$26	
Municipality of Chester	no fee	
Municipality of Kings County	\$20	
Hansport	\$25	
Town of Pictou	\$25	
Town of Trenton	\$25	
Town of New Glasgow	\$25	
Town of Westville	\$25	

D

Town of Digby	\$50	for accessory structures etc
	\$100	<2500 sq.ft
	\$100	>2500 sq.ft
Municipality of the District of Clare	\$25	
	\$100	Commercial
Municipality of the District of Digby	\$50	<2500 sq.ft
	\$100	>2500 sq.ft
Municipality of Argyle	\$25	

Site Plan Approval Applications

Chester	\$200	
HRM	\$500	Non-Substantive Site Plan Approval OR Level 1 (I) Site Plan Approval
	\$1,000	Level 2 (II) Site Plan Approval
	\$2,000	Downtown Substantive Site Plan Approval OR Level 3 (III) Site Plan Approval
Town of Wolfville	\$150	
Municipality of East Hants	\$50	
Town of Amherst	\$75	
Town of Oxford	\$100	
Region of Queens Municipality	\$25	
Town of Bridgewater	\$100	
Municipality of the County of Kings	\$100	
Town of Yarmouth	\$100	
Municipality of the District of Lunenburg	n/a	
Town of Digby	n/a	
Municipality of the District of Yarmouth	n/a	
Municipality of the District of Clare	n/a	
Municipality of the District of Digby		Notification Cost
Municipality of Argyle	\$100	

Variance Applications

HRM	Variance	\$1,000	\$500 refundable if not appealed
	Appeal of a Variance	\$1,000	non-refundable
Municipality of East Hants		\$100	
Municipality of the District of Yarmouth		\$15	
Town of Yarmouth		\$53	
Town of Amherst		\$75	
Town of Oxford		\$25	
Region of Queens Municipality		\$25	
Town of Bridgewater		\$50	
Municipality of the District of Lunenburg		\$79	
Hansport		\$25	
Town of Digby		\$125	
Municipality of the District of Clare		n/a	
Municipality of the District of Digby			Notification Cost
Municipality of Argyle		\$50	

Zoning Confirmation Letters

Annapolis County	\$50	
Eastern District Planning Commission	\$50	
Chester	\$30	
HRM	\$150	Per lot parcel
Town of Wolfville	\$50	
Municipality of the District of Lunenburg	\$53	
East Hants	\$75	Zoned Area
	\$25	Unzoned Area
Municipality of the District of Yarmouth	\$20	
Town of Yarmouth	\$54.50	
Town of Amherst	\$50	
Town of Oxford	\$25	
Region of Queens Municipality	\$25	Per lot parcel
Town of Bridgewater	\$100	
Municipality of the District of Lunenburg	\$53	
Municipality of Chester	\$0	no charge
Hansport	\$50	
Town of Lunenburg	\$50	Per lot parcel
Mahone Bay	\$25	
Municipality of Kings County	\$50	
West Hants	\$50	
Town of Pictou	\$100	
Town of Trenton	\$100	
Town of New Glasgow	\$100	
Town of Westville	\$100	
Town of Digby	\$50	
Municipality of the District of Clare	n/a	
Municipality of the District of Digby	\$50	
Municipality of Argyle	\$30	

Building Permit Fees – Other Jurisdictions

Eastern District Planning Commission

Development Permit (zoned areas only)	\$40.00
Residential Construction: Including Modular and Mobile Homes (Part 9 National Building Code)	\$40.00 + \$0.16 per sq. ft. (Each Floor including basement)
Commercial/Institutional/Industrial Construction (Assembly Buildings - Part 3 National Building Code)	\$40.00 + \$0.20 / sq. ft.
Agricultural Buildings	\$40.00 + \$0.10 per sq. ft.
Additions and Alterations	\$40.00 + \$2.75 per \$1000
Accessory Buildings (One storey in height and less than 55 sq. m)	\$50.00 flat fee
Demolition Permit	\$40.00
Occupancy Permit	nil
Refund for Unused Permit (within 30 days of issuance only)	50% of permit fee
Permit Renewal Fee	\$40.00
All Construction/Repairs/Alterations commenced without benefit of permit	double the standard fee

Truro

Administration Fee		\$25.00*
Construction	Residential	\$0.06 per ft ²
	Non-Residential	\$0.10 per ft ²
Renovation Residential	Less than 1000 ft ²	\$25.00
	Over 1000 ft ²	\$50.00
	Over 5000 ft ²	\$250.00
Renovation Non-Residential	Less than 1000 ft ²	\$100.00
	Over 5000 ft ²	\$250.00
Demolition	Residential	\$25.00
	Non-Residential	\$100.00
Repair		\$25.00
Sign Requiring Building Permit		\$25.00
Occupancy Deposit	Residential up to 4 units	\$100.00**
	Non-Residential up to 600m ²	\$100.00**
	Residential-5 Units or more	\$500.00**
	Non-Residential 600m ² or more	\$500.00**
Temporary Structure		\$50.00
Minimum Fee		\$25.00
Permit Cancellation		75% of fee refunded

***New Construction Only**

****Returned upon issuance of Occupancy Permit**

New Glasgow

PERMIT	FEE	PARTICULARS
Administration Fee	\$25.00	
New Residential Construction	\$25.00	Plus \$0.14/sf/fl & \$0.08/sf (b)
Mobil Homes	\$75.00	
Swimming Pools	\$50.00	
Commercial, Institutional and Industrial construction	\$25.00	Plus \$0.18/sf
Agricultural Buildings	\$25.00	Plus \$0.08/sf
Building Renovations	\$25.00	Plus \$2.50/\$1,000 estimated value of construction
Building Additions, Residential	\$25.00	Plus \$0.14/sf
Building Renovations, Commercial, Institutional, Industrial	\$25.00	Plus \$0.18/sf
Accessory Buildings	\$50.00	
Demolition	\$25.00	
Permit Renewal fee	\$25.00	
Unavailability or Not prepared for Inspections	\$25.00	
All construction, repairs, alterations commenced without permit	Double to required permit fee	
Fee refund Provisions	If not issued, \$25.00 fee retained If permit issued, no refund	

Stellarton

Fees for Building Permits shall be as Follows	\$25.00 plus \$0.10 (10 cents) per square foot for new construction plus additions excluding unfinished basements for residential buildings, community centers and churches.
	\$25.00 plus \$0.14(14 cents) per square foot of new construction plus additions for commercial, industrial and other buildings not otherwise specified.
	\$25.00 plus \$0.04 (4 cents) per square foot for the sheds, garages, barns and other accessory buildings
	\$25.00 plus \$2.00 per \$1,000.00 of estimated value for repairs, alterations, and renovations to all existing buildings.
	\$75.00 flat fee for location or relocation of an existing structure or mobile home.
	\$50.00 flat fee for construction or location of swimming pools, including required fencing.
	\$15.00 flat fee for the renewal of an approved permit
Occupancy Permit	NIL
Demolition Permit	\$25.00

Pictou

BUILDING PERMITS		
Administration Fee	\$25.00	
New Residential Construction	\$25.00	plus \$0.14 per sq. ft. (per floor) plus \$0.08 per sq. ft. (basement)
Mobile Homes	\$75.00	
Swimming Pools	\$50.00	
Commercial, Institutional and Industrial Construction	\$25.00	plus \$0.18 per sq. ft.
Agricultural Buildings	\$25.00	plus \$0.08 per sq. ft.
Building Renovations	\$25.00	plus \$2.50 per \$1,000 of estimated value of construction
Building Additions		
Residential	\$25.00	plus \$0.14 per sq. ft.
Commercial/Institutional /Industrial	\$25.00	plus \$0.18 per sq. ft.
Accessory Buildings	\$50.00	
Demolition Permit	\$25.00	
Permit Renewal Fee	\$25.00	
Unavailable or Not Prepared for Inspection	\$25.00	
All Construction/Repairs/Alterations		
Begun Without a Permit	Double the Required Fee	
Fee Refund Provisions	Not Issued	\$25 Fee Retained
	Permit Issued	No Refund

Trenton

Administration Fee	\$25.00	
New Residential Construction	\$25.00	plus \$0.14 per sq. ft. (per floor) plus \$0.08 per sq. ft. (basement)
Mobile Homes	\$75.00	
Swimming Pools	\$50.00	
Commercial, Institutional & Industrial Construction	\$25.00	plus \$0.18 per sq. ft.
Agricultural Buildings	\$25.00	plus \$0.08 per sq. ft.
Building Renovations	\$25.00	plus \$2.50 per \$1000 of estimated value of construction
Building Additions		
Residential	\$25.00	plus \$0.14 per sq. ft.
Commercial/Institutional/Industrial	\$25.00	plus \$0.18 per sq. ft.
Accessory Buildings	\$50.00	
Demolition Permit	\$25.00	
Permit Renewal Fee	\$25.00	
Unavailable or Not Prepared for Inspection All	\$25.00	
Construction/Repairs/Alterations		
Begun Without a Permit	Double the Required Fee	
Fee Refund Provisions	Not Issued	\$25 Fee Retained
	Permit Issued	No Refund

Westville

Administration Fee	\$25.00	
New Residential Construction	\$25.00	plus \$0.14 per sq. ft. (per floor) plus \$0.08 per sq. ft. (basement)
Mobile Homes	\$75.00	
Swimming Pools	\$50.00	
Commercial, Institutional & Industrial Construction	\$25.00	plus \$0.18 per sq. ft.
Agricultural Buildings	\$25.00	plus \$0.08 per sq. ft.
Building Renovations	\$25.00	plus \$2.50 per \$1000 of estimated value of construction
Building Additions		
Residential	\$25.00	plus \$0.14 per sq. ft.
Commercial/Institutional/Industrial	\$25.00	plus \$0.18 per sq. ft.
Accessory Buildings	\$50.00	
Demolition Permit	\$25.00	
Permit Renewal Fee	\$25.00	
Unavailable or Not Prepared for Inspection All Construction/Repairs/Alterations	\$25.00	
Begun Without a Permit	Double the Required Fee	
Fee Refund Provisions	Not Issued	\$25 Fee Retained
	Permit Issued	No Refund

Windsor/West Hants/Hantsport

New Construction of, and additions to:	
Residential buildings, community centres, cottages, and churches	\$25.00 + \$0.12ft ²
Commercial, industrial and other building not otherwise specified	\$50.00 + \$0.15ft ²
Sheds, decks, storage buildings, garages, barns, and other farm, forestry, or fishing buildings not designed for human occupancy	\$25.00 + \$0.06ft ²
Repairs, renovations, or alterations to all existing buildings	\$25.00 + \$2.50 per \$1,000 of value of construction except that for non-structural repairs, renovations, or alterations where the estimated value of construction is less than \$5,000 the fee is \$25.00
Relocation of mobile homes and mini-homes where there is not finished basements	\$50.00
Additional fee where construction has been started prior to issuance of building permit. Note: It does not preclude prosecution for non-compliance and does not prevent the Building Official from requiring construction work to be undone in whole or in part in order to inspect conditions not otherwise observable	\$50.00 + applicable building permit fees
Tents or air support structures	\$50.00
Pools	\$25.00
Demolition of building/structure	\$25.00
Renewal or amendment of an approved permit, whether construction has commenced	\$25.00

Yarmouth

Commercial Development	\$0.20 per sq. ft. or 1% (\$10) per \$1000 estimated cost of construction, whichever is less.
Residential Development	\$0.10 per sq. ft. or 1% (\$10) per \$1000 estimated cost of construction, whichever is less.
Demolition Permit	\$50.00 + \$10.00 (non-refundable processing fee) = \$60.00
Occupancy Permit	\$25.00 + \$10.00 (non-refundable processing fee) = \$35.00

HRM

Building Fees	
Building Fees Minimum Fee \$25.00 For new construction or addition to existing buildings; fees are based on the floor area.	
Description	Fee
All floors at or above the average finished grade surrounding the building (Residential, 4 units or less)	\$3.23 per square metre (\$0.30 a square foot)
All floors below the average finished grade, not more than 1.67 meters (5.5 ft) (Residential, 4 units or less)	\$2.69 per square metre (\$0.25 a square foot)
Basements - finished/unfinished at greater than 1.67 meters (5.5 ft) (Residential, 4 units or less)	\$1.08 per square metre (\$0.10 a square foot)
Attached and detached garages (Residential, 4 units or less)	\$1.08 per square metre (\$0.10 a square foot)
All Renovations and Repairs	\$5.50 per \$1000.00 of the estimated value of construction
Mobile Home Application Fee (Private or Park Lots)	Mobile Home Application Fee \$25, Residential Development Permit Fee \$200
Sheds & Accessory Buildings	\$1.08 per square metre (\$0.10 a square foot) - \$50 Development Permit fee Depending on the complexity of your project, additional fees may be required. If the property is located in Bedford, a Grade Alteration Permit is required. A \$200 Engineering Review fee may also apply.
Demolition Permit	\$50.00 (engineering related fees may apply)
Swimming Pools	\$5.50 per \$1000.00 of the estimated value of the project with a minimum \$25.00 fee Development Permit fee of \$50.00. Depending on the complexity of your project, additional fees, including engineering related fees, may be required.
Decks	\$5.50 per \$1000.00 of the estimated value of your project with a minimum fee of \$25.00, Development Permit fee of \$50.00 and depending on the complexity of your project, additional fees, including engineering related fees, may be required. If the property is located in Bedford a lot grading permit is required.
Solar (Roof & Ground Mounted Collectors)	\$150.00 (engineering related fees may apply)
Other Residential and All Commercial Construction	\$5.50 per \$1000.00 of the estimated value of construction (engineering related fees may apply)

HRM

Plumbing Fees	
Description	Fee
New residential construction to contain four units or less	\$50.00 per unit
Other multiple unit residential buildings	\$25.00 per unit
Additions or renovations to residential buildings (no new units)	\$25.00
Non-residential buildings - 5 or less fixtures	\$25.00
Non-residential buildings - 6 or more fixtures	\$50.00
Development fees	
Description	Fee
Residential: New Res-up to 2 units, enclosed adds, Res or Multi-use, Ind, Comm or Institutional (MICI) renovations, and leasehold improvements)	\$200.00
Commercial Development Permit Fee (includes: Multi-use, Industrial, Commercial or Institutional (MICI))	\$500.00
Basic Development Permit Fee(includes: Home Occupation, Occupancy Only and Accessory Structures such as Decks, Pools, Sheds, and Fence)	\$50.00

Town of Wolfville

New Construction of and addition to residential buildings, community centres and churches.	\$50.00 plus 15 cents per sq. ft.
New construction of and additions to commercial, industrial and other buildings not otherwise specified.	\$75.00 plus 20 cents per sq. ft.
New construction of and additions to sheds, decks, shell storage buildings, garages, barns, and other farm, forestry or fishing buildings not designed for human occupancy.	\$25.00 plus 10 cents per sq. ft.
Repairs, renovations, or alterations to all existing buildings.	\$50.00 plus \$4.00 per \$1000 of estimated value of construction work.
Location or relocation of an existing structure.	\$75.00
Construction or location of a swimming pool including required fencing.	\$100.00
Renewal of an approved permit.	\$25.00
Erection of a business or general sign.	\$50.00
Building or structure demolition.	\$50.00
Development Permit Only (i.e. signage)	\$50.00

Town of Digby

Application for a Development Permit pursuant to the Town of Digby's Land Use By-law (change of Use, small buildings, accessory uses)	\$50 per application
Application for a Development Permit pursuant to the Town of Digby's Land Use By-law (Residential/Commercial activities to 2500 Sq. Ft)	\$100 per application
Application for a Development Permit pursuant to the Town of Digby's Land Use By-law (All uses 2500 Sq. Ft and over)	\$150 per application
New construction & Additions to Residential, buildings, community centres, cottages and churches	\$20 processing charge plus \$0.10 per sq.ft. based on all usable floor area of the new construction or addition
New construction & Additions to Commercial, Industrial and other buildings not otherwise specified.	\$20 processing charge plus \$0.14 per sq.ft. based on all usable floor area of the new construction or addition
Sheds, Decks , Shell Storage buildings, garages, barns and forestry or fishing buildings not designed for human occupancy	\$10 processing charge plus \$0.05 per sq.ft. based on all usable floor area of the new construction or addition
Repairs, Renovations or Alterations to all Existing buildings	\$25 processing charge plus \$2.00 per \$1000 of estimated value of construction work
Location or Relocation of an existing structure or mobile home	\$75
Building or Structure Demolition	\$30

Municipality of Cumberland

Demolition	\$10.00 total fee
Residential	
Minimum Fee	\$10.00
New Dwelling	\$0.06 per square foot
New Decks	\$0.02 per square foot
New Sheds	\$0.02 per square foot
New Garages	\$0.02 per square foot
Renovations	\$1.00 per \$1,000.00 of Value
Commercial	
Minimum Fee	\$10.00
New Construction	\$2.00 per \$1,000.00 of Value (.2% of Value)
Renovations	\$2.00 per \$1,000.00 of Value (.02% of Value)

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Building By-law**

Pursuant to Section 168 of the *Municipal Government Act* of Nova Scotia and Section 7 of the *Nova Scotia Building Code Act, RSNS 1989, c. 46* and amendments thereto, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Building By-Law, No. B-300, 2022 in the following manner:

THAT: The subtitle of the Building By-law is hereby amended by deleting the term "Fees".

THAT: Section 3 Permits Subsection 3.3 of the Building By-law is hereby repealed and replaced with the following:

Every application for a building permit shall be accompanied by two complete sets of building plans containing sufficient information to show that the proposed work will conform to the Building Code. One set of building plans must be paper, and the other set of building plans must be digital.

THAT: Section 3 Permits Subsection 3.10 of the Building By-law is hereby repealed and replaced with the following:

An application shall state the valuation and area in square metres of the proposed work and be accompanied by the required fee outlined in CBRM Fee Policy: Planning, Development and Building.

THAT: Section 3 Permits Subsection 3.18 (d) of the Building By-law is hereby repealed and replaced with the following:

A fee for renewal of the permit is paid in accordance with CBRM Fee Policy: Planning, Development and Building.

THAT: Section 3 Permits of the Building By-law is hereby amended to ensure the subsections are in a sequential order.

THAT: Section 7 Demolition Permits Subsection 7.2 of the Building By-law is hereby repealed and replaced with the following

An application for a demolition permit shall be completed and all prescribed fees, outlined CBRM Fee Policy: Planning, Development and Building, be submitted before any demolition permit is issued.

THAT: Section 8 Permit of the Building By-law is hereby repealed and replaced with the following:

8.1 The Scale of Fees for permits shall appear in CBRM Fee Policy: Planning, Development and Building.

THAT: APPENDIX – A – Permit Fees of the Building By-law is hereby repealed.

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 Building By-law.*

Christa Dicks, CLERK



MEMO

TO: CBRM Council

DATE: September 18, 2023

FROM: Director, Planning & Development

RE: APPOINTMENT OF DEVELOPMENT OFFICER

BACKGROUND

As Council is aware, the Planning Department recently filled the vacant Planner position within the Department. An appointment by Council is therefore required to perform duties for the administration of the CBRM land use bylaw and subdivision bylaw.

DISCUSSION

Section 243 of the *Municipal Government Act* requires Council to appoint a Development Officer to administer its land use bylaw and subdivision bylaw. CBRM's Planner, in addition to the Development Officers are responsible for the day-to-day administration of its Land Use Bylaws and Subdivision Bylaw. This includes processing development permits and subdivision approval in compliance with these bylaws.

RECOMMENDATION

That Council appoint Peter Vandermeulen as a Development Officer for CBRM.

Respectfully submitted by:

Michael Ruus
Director, Planning & Development

