

**Cape Breton Regional Municipality**

**Special Council Meeting**

**AGENDA**

**THURSDAY, JULY 20<sup>TH</sup>, 2023**

**6:00 P.M.**

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

# Cape Breton Regional Municipality

## Special Council Meeting

Thursday, July 20<sup>th</sup>, 2023  
6:00 p.m.

### **AGENDA ITEMS**

---

#### Land Acknowledgement

#### Roll Call

1. **APPROVAL OF MINUTES:** (Previously Distributed)

- Special Council – June 19, 2023
- Council – June 27, 2023
- Special Council – July 4, 2023

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

3. **PROCLAMATIONS:**

3.1 **Burn Care Week:**

Councillor Earlene MacMullin (See page 4)

3.2 **2023 Pride Week:**

Councillor Steve Gillespie (See page 5)

3.3 **2023 Acadian Day:**

Councillor Eldon MacDonald (See page 6)

3.4 **Hiroshima Memorial Day – August 6<sup>th</sup>, 2023:**

Deputy Mayor James Edwards (See page 7)

3.5 **Emancipation Day - 2023:**

Councillor Lorne Green (See page 9)

Continued...

**Special Council Meeting Agenda  
July 20, 2023 (Cont'd)**

---

**4. PLANNING ISSUE:**

**4.1 FINAL APPROVAL – PUBLIC HEARING:**

- a) **CBRM Forward:** Michael Ruus, Director of Planning and Development and Karen Neville, Senior Planner (See page 11)

**Note:** Documents can be viewed on the CBRM Forward project website ([www.cbrmforward.ca](http://www.cbrmforward.ca)) under the Project Document Tab.

- 5. Appointment of CBRM Building Official:** Michael Ruus, Director of Planning and Development (See page 19)

**ADJOURNMENT**

# **CBRM PROCLAMATION**

## **“Burn Care Week”**

---

- Whereas:** Being a burn victim is a painful and traumatic experience that is witnessed by emergency responders across the province each year;
- And Whereas:** While there are exceptions, many burn patients have suffered their injury either in their home or at their workplace;
- And Whereas:** Atlantic Burn Camp is an exceptional program that is designed for children who have received burn injury and is one of only six camps in Canada and the first of its kind in Atlantic Canada;
- And Whereas:** Severely burned-injured children between the ages of six and seventeen from Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador come together in this unique environment to share stories, coping mechanisms and to simply have fun with children who have faced similar circumstances;
- And Whereas:** Atlantic Burn Camp is free of charge and includes transportation, to the children, thanks to community and corporate support;
- And Whereas:** The Camp is staffed by well trained professionals including, firefighters, police and medical personnel as well as other qualified staff who fill positions including counselor, food service manager and activities coordinator, all of whom are carefully screened and selected before being accepted as camp staff;
- Be it Therefore Resolved:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim the week of August 20<sup>th</sup> to 27<sup>th</sup>, 2023 as “Burn Care Week” in the Cape Breton Regional Municipality, in recognition of the importance of supporting the Cape Breton Firefighters Burn Care Society in raising public awareness and promotion of community education in regard to burns and burn care.

*Councillor Earlene MacMullin - CBRM District #2*

*July 20<sup>th</sup>, 2023*

**Cape Breton Regional Municipality**  
**Proclamation**  
*2023 Pride Week*  
*“Cape Breton Regional Municipality”*

---

**Whereas:** Pride Week in the Cape Breton Regional Municipality (CBRM) continues to grow celebrating the history, vitality, and diversity of our Municipality’s Pride community and promotes a society in which all individuals can live freely from discrimination;

**And Whereas:** Pride Week provides an opportunity to raise awareness about the barriers individuals face in areas such as health care, public safety, employment, education, and the recognition of personal and family relationships;

**And Whereas:** Pride Week is an important week in the CBRM since individuals identifying as LGBT2SQA+ continue to face prejudice, discrimination, physical, emotional, and psychological violence. To quote the late City Councillor of San Francisco, Harvey Milk “Young people, regardless of sexual orientation or identity deserve a safe and supportive environment in which to achieve their full potential”.

**And Whereas:** The CBRM is proud to support its strong and ever-present Pride community and their many contributions to our municipality and will continue to work toward becoming a more inclusive, supportive, and diverse community;

**Be It Therefore Resolved:** That Mayor Amanda M. McDougall-Merrill, Council, and staff continue their support for a community where we embrace, recognize, and celebrate diversity, inclusion, respect, and fellowship for all our residents and recognize August 4<sup>th</sup> to August 11<sup>th</sup>, 2023, as Pride Week in the Cape Breton Regional Municipality.

*Councillor Steve Gillespie – CBRM District #4*

July 20<sup>th</sup>, 2023

# **PROCLAMATION**

## ***“2023 Acadian Day”***

---

- Whereas:** August 15<sup>th</sup> is National Acadian Day in observance of the first permanent French settlement in North America in 1607;
- And Whereas:** 2022 marks the 138th anniversary of the Acadian Flag, designed by Bishop Marcel-François Richard in 1884 as a symbol of Acadian cultural identity;
- And Whereas:** Acadians are the descendants of the seventeenth-century French colonists who settled in Acadia located in the Canadian Maritime provinces – Prince Edward Island, Nova Scotia, New Brunswick, as well as in Quebec and Maine;
- And Whereas:** Acadians, in view of their origin, history and development, constitute the first permanent settlement from France in Canada;
- And Whereas:** The Acadian people have contributed, for some 400 years, to the economic, cultural and social vitality in Canada;
- And Whereas:** It is in the interest of all Canadians to be able to share in the rich historical and cultural heritage of Acadians and to become more familiar with all its aspects, both traditional and contemporary;
- And Whereas:** It is important to encourage Acadians to be proud of their heritage;
- Be It Therefore Resolved:** That Mayor Amanda M. McDougall-Merrill and Council of the Cape Breton Regional Municipality proclaim Tuesday, August 15<sup>th</sup>, 2023, as “Acadian Day” and encourage all residents to celebrate the rich heritage and culture of all Acadians in Nova Scotia and Canada.

*Councillor Eldon MacDonald - CBRM District #5*

July 20<sup>th</sup>, 2023

## *Proclamation*

### **Hiroshima Memorial Day – August 6<sup>th</sup>, 2023**

---

- WHEREAS:** August 6<sup>th</sup>, 2023, marks the 78<sup>th</sup> anniversary of the atomic bombing of Hiroshima, followed three days later by the atomic bombing of Nagasaki;
- AND WHEREAS:** Hundreds of thousands of civilians died in these attacks and tens of thousands more have suffered and are suffering from the wounds, radiation sickness and multigenerational genetic disorders and traumas triggered by the explosions;
- AND WHEREAS:** Today’s 13,000 nuclear weapons, possessed by nine states, are equal in their destructive power to hundreds of thousands of Hiroshima’s;
- AND WHEREAS:** Recent scientific studies confirm that even a so-called ‘limited’ nuclear war would, in addition to killing millions in minutes, cause a global famine and massive damage to the global environment and climate;
- AND WHEREAS:** President Vladimir Putin’s illegal and atrocious war on Ukraine, and his relentless threats to use nuclear weapons, expose the lie that nuclear weapons deter conventional war and help preserve international peace and security;
- AND WHEREAS:** Ten years ago, in July 2013, the Cape Breton Regional Municipality joined the global Mayors for Peace network, based in Hiroshima, which now has 8,265 members from 166 countries, including 113 municipalities in Canada;
- AND WHEREAS:** The Cape Breton Regional Municipality once again supports the call of Mayors for Peace for all states, including Canada, to sign and ratify the 2017 UN Treaty on the Prohibition of nuclear weapons (TPNW), recognizing the Treaty as the best path to a world free from the fear of nuclear annihilation:

Continued...

**BE IT THEREFORE  
RESOLVED:**

That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim August 6<sup>th</sup>, 2023, as “*Hiroshima Memorial Day*” here in the Cape Breton Regional Municipality. A day to remember the devastation of Hiroshima in 1945, and to renew our commitment to ensuring freedom from the intolerable threat to civilization and existence posed by nuclear weapons.

*Deputy Mayor James Edwards – CBRM District #8*

July 20<sup>th</sup>, 2023

# Cape Breton Regional Municipality

## Proclamation

### *“Emancipation Day – 2023”*

---

**Whereas:** Emancipation Day recognizes the struggle enslaved persons of African Descent endured in both upper and lower Canada.

**And Whereas:** This day is an opportunity to acknowledge the legacy and history of enslavement in Canada while recognizing the rich contributions that people of African descent have made to our city, our province and country;

**And Whereas:** Enslaved persons of African Descent who lived in the early settlements of Cape Breton in the 1700’s; to the “later arrivals” who came to work in Cape Breton’s steel and coal mining industries in the early 1900s, have long been a foundational piece of communities throughout the Cape Breton Regional Municipality;

**And Whereas:** We recognize Marie Marguerite Rose, an enslaved worker brought to Louisbourg in 1736. After being freed, Marie married a Mi’kmaq hunter and opened a local tavern. We recognize the Caribbean workers who settled in Whitney Pier, Glace Bay, and New Waterford in the early 1900s, those whose legacy continues in those communities today through the contributions of the generations of descendants who have followed them;

**And Whereas:** By recognizing Emancipation Day on August 1, we acknowledge an unforgiving period within our history and the importance of our ongoing commitment to eliminate discrimination in all its forms. The month of August marks many significant milestones in the struggles and successes faced by people of African descent on a journey that led to the abolition of slavery;

**And Whereas:**

For over 400 years, more than 15 million men, women, and children of African descent were the victims of the Transatlantic Slave Trade – An event in human history that exposed a cruelty and the inhumanity to others based on skin colour. The enslavement of African people occurred on these lands until 1834. We also recognize that racism is a legacy of the enslavement period and racism continues to impact the lives of people of African descent around the world, in our own city and in our province, that we need to collectively address

**Be It Therefore Resolved:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim **August 1, 2023**, as “**Emancipation Day**” in the Cape Breton Regional Municipality and encourage all CBRM residents to continue working hard to establish a caring and compassionate society in which all its members, regardless of race or ethnic origin, have the right to live in conditions of good health, safety, dignity, respect, and peace.

*Councillor Lorne Green – CBRM District #12*

July 20<sup>th</sup>, 2023

## **CBRM Forward**

### **Motion:**

Moved by Councillor Green, seconded by Councillor O’Quinn, to approve for first reading the new Municipal Planning Strategy, Land Use By-law, and Subdivision By-law and direct Staff to schedule a Public Hearing at an upcoming meeting of Council.

### **Discussion:**

Council discussed the following:

- Public engagement
- Construction and Build Code issues regarding tiny houses
- Licensing and annual inspections for rooming houses.
- Protection of residential areas
- Granny suites
- Private roads vs unlisted roads and municipal standards, safety and easements
- Parking regulations/bicycle parking.
- North End Sydney Secondary Land Use By-law limitations and future strategies
- *Coastal Protection Act* and Regulations
- Planning documents are open to amendments
- Land Use By-law and Building Code violations
- Housing density will depend on zoning
- Permit applications and processing time
- Economic Development Strategy/Growth Strategy considered during CBRM Forward

process

- Property Valuation Services Corporation (PVSC) provides valuation services to assessed properties

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

**Motion Carried.**



**CAPE BRETON**  
REGIONAL MUNICIPALITY

---

## **ISSUE PAPER**

**TO:** CBRM Council

**DATE:** July 14, 2023

**FROM:** Director, Planning and Development

**RE:** **CBRM FORWARD**

---

### **BACKGROUND**

The CBRM's current Regional Municipal Planning Strategies was adopted in 2004. The 2004 Municipal Planning Strategy was the first to encompass the CBRM as a single jurisdiction after the 1995 amalgamation that created a new local government entity. The intention of the 2004 Municipal Planning Strategy was to replace the 15 Municipal Planning Strategies and 16 Land Use By-laws left over from the former municipalities with a unified document applying a regional perspective. Following the adoption of the Regional Municipal Planning Strategy, a Secondary Municipal Planning Strategy for the North End of Sydney was adopted in 2006.

As part of CBRM's participation in the Provincial Regulatory Modernization Pilot, CBRM initiated the comprehensive review and development of a new Municipal Planning Strategy, Economic Development Strategy, and associated Land Use By-law and Subdivision By-law in March of 2021. Supported by the Province of Nova Scotia, and in partnership with the Eastern District Planning Commission and CBRM Regional Enterprise Network, the goal of this initiative was to:

- Modernize rules and language;
- Align policy and regulations with economic opportunities;
- Facilitate a more streamlined development process;
- Establish a land use framework that can adapt into the future; and
- Redesign regulations to promote clarity.

The new modernized Land Use By-law has less than 150 pages with fewer than 25 zones, this is compared to the more than 300 pages and more than 100 zones in the previous Land Use By-laws.

## DISCUSSION

CBRM Forward was developed collaboratively with the community through robust public engagement. A multi-faceted community engagement process took place between April 2021 and May 2023, including four concentrated rounds to educate on the process and seek targeted feedback on the future development framework in the community. The engagement was supplemented by a branding strategy, which saw the creation of the CBRM Forward project brand and associated communications materials.

### What We Heard Round 1

Due to the COVID-19 pandemic and public health restrictions, round 1 of engagement took place completely virtually given public health restrictions in March and April 2021. This included:

- Council meeting and project kick-off;
- Online Town Hall;
- Virtual Focus Groups; and
- Launch of CBRM Forward engagement platform
  - Idea wall
  - Discussion Forum
  - Interactive community map.

This initial round of engagement focused on building public awareness of the planning process, including the importance of the Municipal Planning Strategy and Land Use By-law. This round challenged residents and stakeholders to consider opportunities for the future of CBRM, including seeking options for a refreshed community vision. The initial engagement resulted in hundreds of responses, ultimately refined into an issues and opportunities report and the community vision presented in Chapter 2 of the Municipal Planning Strategy.

### What We Heard Round 2

Round 2 of engagement took place in August 2021 and used a hybrid format for engagement. This included:

- In-person council workshop;
- Workshop with senior staff;
- Focus groups with community interest groups;
- Pop-up engagements at the Sydney Waterfront, Mayflower Mall, Wentworth Park, Sydney Farmer's Market, New Waterford, Florence, North Sydney and Louisbourg;
- Three public open houses (Sydney, Glace Bay and North Sydney); and
- CBRM Forward engagement platform
  - Idea wall
  - Discussion Forum
  - Community Survey

- Interactive community map.

This round of engagement began to drill down on particular issues facing the community and sought to gather input on a variety of issues, including:

- Housing choice and affordability;
- Urban development;
- Population growth;
- Suburban and rural development;
- Cost and implications of development typologies;
- Integrated Mobility;
- Climate Resiliency;
- Community Infrastructure;
- Municipal services and operations; and
- Indigenous Reconciliation

Through this round, the project team and staff planners were able to receive hundreds of in-person and online comments and responses about CBRM Forward, allowing for refined approaches toward a renewed Municipal Planning Strategy and its associated chapters.

### What We Heard Round 3

The third round of engagement took place in Spring 2022 (April) and once again took a hybrid format. This round presented the draft approach to Future Land Use and policy directions for the Municipal Planning Strategy, confirming what we heard in subsequent rounds. This engagement included:

- Council workshop;
- Three public open houses (Sydney, Glace Bay, and North Sydney);
- Focus groups and meetings with senior staff, operators and community interest groups; and
- CBRM Forward engagement platform
  - Discussion Forum
  - Community Survey
  - Interactive community map

This round of engagement with the communities affirmed the following priorities:

- More housing choice and increased housing affordability;
- Better access to amenities and services;
- More dense and intensified commercial and residential developments in CBRM's urban areas;
- Increased employment opportunities;
- Commitment to grow the population through retaining newcomers and youth; and
- Becoming a more resilient community in the face of a changing climate.

#### What We Heard Round 4

The fourth and final round of engagement took place in Spring 2023 (May) and once again took a hybrid format. This round presented the final draft approach to both the Municipal Planning Strategy and zoning through the Land Use By-law. This included:

- Council zoning workshop;
- Three public open houses (Sydney, Glace Bay, and North Sydney);
- Focus groups and meetings with senior staff, operators and community interest groups; and
- CBRM Forward engagement platform
  - Discussion Forum
  - Email submissions from reviews of the draft mapping and documents.

Through this round we were able to confirm the final general approach to zoning and development:

- Increase density in serviced, urban areas;
- Broadly permit more development in Rural Areas by easing development restrictions (such as expanding areas where private roads are permitted), while limiting density in unserviced area;
- Facilitate development through de-regulation (less zones, streamlined regulations, no minimum parking requirements); and
- Increase housing choice by permitting more as-of-right housing developments and introducing site plan approval processes for more dense developments.

Overall, CBRM Forward employed a comprehensive and robust communications and engagement strategy that was successful in obtaining community input and broad public support of the new approach to responsibly facilitate development within the CBRM. This included radio ads, media releases, interviews in local media, paid advertising on social media, and post in all of the local libraries.

Throughout the two-year period of development, CBRM Forward engaged thousands of residents through dozens of opportunities for in-person and online engagement. This is in addition to the countless phones and emails addressed by CBRM staff and Dillion Consulting. The CBRM Forward engagement platform experienced over 30,000 website views from 8,000 unique visitors. CBRM is pleased with the outcome of this engagement strategy and is confident that the approach presenting in this Municipal Planning Strategy was informed by fulsome input from residents, business owners, and other stakeholders, creating a generational document that is adaptable to the needs of CBRM for years to come.

#### **MAJOR THEMES**

##### Housing

When it comes to housing, what we heard that people want a greater choice of housing type, more housing, affordable options, and better access to amenities in residential neighbourhoods.

In response, the proposed residential zones permit a range of housing types and densities, along with opportunities for some sales and service uses.

While the demand for shared dwellings (rooming houses) is increasing within the CBRM, the current Land Use By-laws restrict the areas where they are permitted. To ensure this type of land use is occurring in a safe manner, the proposed Land Use By-law permits this type of land use in many of the Residential zones subject to obtaining a Building Development Permit. Issuing permits for these structures will ensure they are inspected for compliance with the Building Code and improve public safety. Council can also examine the possibility of licensing this type of land use through an annual inspection.

To facilitate infill development, the proposed Land Use By-law will permit accessory dwelling units (granny suites) in all Residential zones. A lot containing a one or two-unit dwelling may also contain accessory dwelling unit as a secondary use in a separate building. The Land Use By-law is proposing a limit the location, size, and height of accessory dwelling units. Accessory dwelling units will also need to comply with all necessary Building Code Requirements.

### Parking

In response to the barriers to development created through parking minimums, the proposed Land Use By-law is moving away from regulating minimum parking requirements (i.e. number of parking spaces). Parking standards within the Land Use By-law when parking is being provided (i.e. size of the parking space, location, and surfacing) is defined, but the market will drive the number of spaces provided.

### Rural Development

While the proposed Land Use By-law encourages development within the Serviced Areas of the municipality, it still facilitates development within the rural areas of CBRM. There is an increase in the sales and service uses permitted in rural areas as well as permitting two one-unit dwellings on an unserviced lot parcel. The proposed Land Use By-law allows for private roads outside the serviced areas of the CBRM.

### Environmentally Sensitive and Hazardous Lands

The Land Use By-law aims to protect identified flood prone areas by including regulations for development within the known floodplains depicting the 1 in 20-year flood events and the 1 in 100-year flood events.

### **DOCUMENT UPDATE**

Since the proposed planning documents were presented to Council on July 4<sup>th</sup>, there have been four amendments made to the proposed Land Use By-law. The first, the definition for public street/road hierarchy, which can be found in the proposed Subdivision By-law, was added. The inclusion of this definition provides clarity to provisions found in the Land Use By-law.

Public street/road hierarchy means the public street/road network hierarchy as established in the CBRM Municipal Planning Strategy. There are 5 Levels in this hierarchy, with Level 1 public streets/roads having the highest priority and being considered the highest level and Level 5 public streets/roads having the lowest.

Second, the maximum front yard setback required was removed from the Rural zone. Given many lot parcels in the unserviced areas of the CBRM are long and narrow, it is reasonable to have a minimum front yard setback, but the inclusion of a maximum front yard setback would reduce their development potential.

Zone standards were added to the Regional Commercial Zone for residential uses six or less dwelling units. The zone standards added mirror those found in the High Density Urban Residential Zone. While the Regional Commercial Zone is applied in existing commercial areas of the CBRM, there are still areas where the predominant land use is lower density residential. Without the addition of these zone provisions, lower density residential development would need to comply with zone standards intended for larger scale residential uses.

Finally, the Waterfront Overlay has been updated to ensure development on the Sydney Waterfront does not inhibit views to the water from the streets originally identified in the North End Sydney Secondary Plan. This approach is based on the design principles from the Sydney Harbourfront Conceptual Vision & Design.

In accordance with the *Municipal Government Act*, only relatively minor changes can be made prior to second reading. The changes made are intended to provide clarity and do not change the overall intent of the Land Use By-law.

### **PUBLIC ENGAGEMENT PROGRAM**

In accordance with CBRM's Public Participation and Engagement Programs Policy, Council is required to solicit comments from abutting municipalities, Membertou, and Eskasoni when adopting or replacing a Municipal Planning Strategy. Notice was sent to the CAOs in all these communities on June 9<sup>th</sup>. No comments have been received.

### **PUBLIC NOTIFICATION**

Notice of the Public Hearing was published in the July 5<sup>th</sup> and July 12<sup>th</sup> editions of the Cape Breton Post in accordance with the *Municipal Government Act*. In addition, notice of the Public Hearing was also posted on CBRM's Facebook page and webpage along with the CBRM Forward Project webpage. A summary of written comments received by July 17<sup>th</sup> will be made available to Council prior to the Public Hearing.

### **OPTIONS**

In accordance with the *Municipal Government Act*, second reading for the adoption of planning documents shall occur after Council has considered submissions made or received at the public hearing. Upon the conclusion of the Public Hearing, Council may:

1. Proceed with Second Reading on July 20<sup>th</sup>, or
2. Request staff to prepare a response to questions raised at the Public Hearing which will be presented at an upcoming meeting of Council.

**RECOMMENDATION**

That Council pass a motion giving second reading to the new Municipal Planning Strategy, Land Use By-law, and Subdivision By-law and repeal CBRM's existing Regional Municipal Planning Strategy and Land Use Bylaw, North End Sydney Secondary Planning Strategy and Land Use Bylaw, and Subdivision By-law.

Respectfully submitted by:

**ORIGINAL SIGNED BY**

Michael Ruus  
Director, Planning and Development



---

## **MEMO**

**TO:** CBRM Council

**DATE:** July 12, 2023

**FROM:** Director, Planning & Development

**RE:** APPOINTMENT OF CBRM BUILDING OFFICIAL

---

### **BACKGROUND**

With the retirement of one of CBRM's Building Officials, the Planning & Development Department recently hired an Assistant Building Official to administer and enforce various CBRM Bylaws and the Dangerous and Unsightly provisions of the *Municipal Government Act*.

### **DISCUSSION**

Section 46 of the *Nova Scotia Building Code Regulations* provides Council the ability to appoint qualified individuals as a Municipal Building Official to administer and enforce the provisions of the *Building Code Act, Nova Scotia Building Code Regulations*, and the National Building Code of Canada.

I am pleased to note that Colin McRae has now completed the Professional Studies Program as part of the steps to become a Level 1 Building Official.

### **RECOMMENDATION**

That Council appoint Colin McRae as a Building Official, responsible for the administration and enforcement of the Provincial Building Code, CBRM Building Bylaw, in addition to his current duties.

Respectfully submitted by:

Michael Ruus  
Director, Planning & Development

