

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JUNE 21ST, 2016

10:00 A.M.

**Note time change*

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

Cape Breton Regional Municipal Council

Tuesday, June 21st, 2016

10:00 a.m.

AGENDA ITEMS

- **ROLL CALL**
- **O' Canada**
- **Moment of Silent Reflection – Moment of Silence for Victims of the Orlando Tragedy**
- **Notice of Meeting – July 19, 2016**

1. APPROVAL OF MINUTES: (Previously Distributed)

- Special Council (Budget Sessions) - May 12th, 2016
- Council – May 17th, 2016

2. RESOLUTIONS & PROCLAMATIONS:

- a) **Rights and Freedom for all People 2016:**
Councillor Darrell Flynn (See page 9)
- b) **Recognition – Logan Shaw – NHL Professional Ice Hockey Forward:**
Councillor Darrell Flynn (See page 10)
- c) **National Drowning Prevention Week – 2016:**
Councillor Mae Rowe (See page 11)
- d) **Bike Week – June 18th – 26th, 2016:**
Deputy Mayor George MacDonald (See page 12)
- e) **Canadian Multiculturalism Day:**
Councillor Jim MacLeod (See page 13)

3. PRESENTATIONS:

- 3.1 **Dr. Robert Baillie Award:** Councillor Mae Rowe (See page 14)

Continued...

PRESENTATIONS (Cont'd):

- 3.2 **Cape Breton Community Housing – Development of an Affordable Housing and Homelessness Strategy for CBRM:** Spokesperson, Mr. Fred Deveau (See page 17)
- 3.3 **Cape Breton Poverty Reduction Strategy:** Spokesperson, Ms. Lynne McCarron, Executive Director of United Way Cape Breton (See page 20)
- 3.4 **Recreation Master Plan - Council Brief Report:** Spokesperson, Mr. Jim Scott, Trace Planning & Design (See page 23)
(*Council Update Report attached separately)
- 3.5 **Fire Services Organizational Review – Final Report:** Spokesperson, Dr. Charles Jennings, Manitou Incorporated (See page 28)
- 4. **Public Hearing - Request to Purchase CBRM Land PIDs 15126667 and 15548407, Welton Street, Sydney (Sydney Southend Community Development Association):** Karen Neville, Planner (See page 33)

5. **PLANNING ISSUES:**

5.1 **Final Approval – Public Hearings:**

- a) **Zone Amendment Application #1018 – Gratten (Duke) Fraser, 762 King Street, New Waterford (PID 15466840):**

Public Hearing to consider amending the Land Use By-Law to allow for a coffee shop at 762 King Street, New Waterford, Case #1018. Karen Neville, Planner (See page 46)

- b) **Municipal Planning Strategy and Land Use By-law Amendment Application #1023 – Winter Review 2016:**

Public Hearing to consider the proposed Municipal Planning Strategy and Land Use By-Law amendments as outlined in the Winter Review report of May 10, 2016. Karen Neville, Planner (See page 65)

Continued...

PLANNING ISSUES – Final Approval – Public Hearings (Cont'd):

- c) **Zoning Amendment Application #1025 - Bruce Marsh, 17 Point Aconi Road, Bras d'Or (PID 15299936):**

Public Hearing to consider amending the Land Use Bylaw to permit storage of recreational vehicles on PID 15299936, 17 Point Aconi Road, Bras d'Or, Case #1025. Karen Neville, Planner (See page 100)

5.2 Approval to Advertise:

- a) **Necessary Municipal Planning Strategy Amendment – New Waterford Home Hardware to Former Frank Angot School Case #1026:**

Report on Public Participation Program to consider amending the Planning Strategy policy and the Land Use Bylaw provisions to consider the conversion of public school buildings and buildings associated with religious institutions, into retail stores. Malcolm Gillis, Director of Planning (See page 107)

- b) **Zoning Amendment Application #1028 – Rose MacKinnon Keltic Drive, Point Edward (PID 15223092):**

Committee recommends approval to advertise notice of a Public Hearing to be held as a future Council meeting to consider amending the Land Use By-law to permit a heavy equipment depot on PID 15223092, Keltic Drive, Point Edward. Karen Neville, Planner (See page 111)

6. HERITAGE ISSUE – Final Approval:

- 6.1 **Request by Thomas Ashford for Municipal Heritage Registration for House Located at 439 Johnson Road, George's River:**

Request to register 439 Johnson Road, George's River, as a Municipal Heritage Property Rick McCready, Senior Planner / Heritage Officer (See page 117)

7. BUSINESS ARISING:

- 7.1 **General Committee – June 8th, 2016:**

- i. **Pre-Approval of Debt Issuance – MFC Fall Debenture:**

Committee recommends pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$5,044,000. Marie Walsh, Chief Financial Officer (See page 120)

Continued...

BUSINESS ARISING - General Committee – June 8th, 2016 (Cont'd):

ii. Loaves and Fishes – Inner City Churches of Sydney Society Property at 139 Charlotte St., Sydney (PID 15009319):

Committee recommends that Council accept the property located at 139 Charlotte Street, Sydney from PWGSC based on the condition that CBRM immediately re-convey the land to Loaves and Fishes at no cost to CBRM; and that the Mayor and Clerk be authorized to sign a Quit Claim Deed for the property. Demetri Kachafanas, Regional Solicitor (See page 122)

iii. Public Transportation – CBRM Transit:

Committee recommends that Council approve a pilot project whereby CBRM provides an opportunity to potential transit users by granting a two-month period of free rides that will include a promotional campaign to encourage the use of public transit. Mike MacKeigan, Manager of Utilities Administration (See page 127)

iv. Permission to Vend in Central Port Morien – Request to Revise Schedule A of the Vendors By-Law:

Committee recommends that Council consider amending Schedule A of the Vendors Bylaw to identify PID# 15371685 as a site eligible for a Vendors License. Malcolm Gillis, Director of Planning (See page 131)

v. Election Issues - Date for Amended List of Electors; Withdrawal from Reserve Fund:

Committee recommends Council:

- Designate August 31, 2016 as the date to complete the amended list of electors as per Section 38(1) of the *Municipal Elections Act*; and
- Authorize the withdrawal of the accumulated funds in the election reserve account in the amount of \$268,328.16 and transfer same to the 2016-17 election account (GL8110, Cost Centre ELECTIONS) to be used to conduct the 2016 Municipal and School Board Elections.

Deborah Campbell, Municipal Clerk/Returning Officer (See page 134)

8. CORPORATE SERVICES ISSUES:

8.1 Request for Quit Claim Deed – 5 Mello Street, Glace Bay by Kenneth Butler – Personal Representative for the Estate of Cecil Eric George Butler:

Staff recommends the issuance of a Quit Claim Deed to Kenneth Butler, Personal Representative of the Estate of Cecil Eric Butler, for the area occupied by Cecil Eric Butler, deceased and his predecessors, and authorization for the Mayor and Clerk to execute such a Quit Claim Deed provided CBRM does not absorb any fees or costs associated with transfer. Demetri Kachafanas, Reginal Solicitor (See page 136)

8.2 Possible Tax Exemption Policy affecting community museums that are registered as Municipal Heritage properties:

Staff recommends that Council direct staff to develop a policy that would provide a property tax exemption from municipally-registered heritage properties that are:

- 1) Owned by a registered non-profit society
- 2) Operated as a community museum that is open to the public on a regular basis at least part of the year.

Rick McCready, Senior Planner (See page 152)

8.3 Request to Declare Parcel Surplus:

Staff recommends that Council declare a parcel of CBRM land (3,092 sq. ft.) fronting Purves Street, North Sydney, as outlined in the staff report as **surplus** to the needs of the Municipality. Malcolm Gillis, Director of Planning (See page 154)

8.4 New Public Street Intersecting the Esplanade:

Staff recommends that Council approve the creation of “Cutilar Street” as illustrated in the plan survey, included with the staff report. Malcolm Gillis, Director of Planning (See page 157)

9. PUBLIC SERVICES ISSUES:

**9.1 Call for Applications – Clean Water and Wastewater:
Wayne MacDonald, Director of Engineering and Public Works (See page 160)**

Continued...

PUBLIC SERVICES ISSUES (Cont'd):

9.2 Call for Applications – Public Transit Infrastructure Fund:

Wayne MacDonald, Director of Engineering and Public Works (See page **168**)

10. BY-LAWS & MOTIONS:

10.1 By-Laws:

a) Second / Final Reading - (Public Hearing):

i) Proposed amendments to the Alternative Voting By-Law:

Proposed amendments to the Alternative Voting By-law as outlined in the staff report dated May 12, 2016. Deborah Campbell, Municipal Clerk (See page **173**)

b) First Reading: N/A

10.2 Motions: N/A

ADJOURNMENT

Resolution

“Rights & Freedom for all People 2016”

- Whereas:** All human beings are born free and equal in dignity and in rights;
- And Whereas:** Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;
- And Whereas:** The attacks in Orlando on Saturday, June 11th were utterly evil and at least 49 people were murdered and a further 53 people were injured seriously. These people were enjoying a night out when the attack took place and this is the deadliest mass shooting in US history and was an outrage committed to spread fear and born out of hatred;
- And Whereas:** It is clear that this attack has its roots in an ideology, which counts homophobia as a cornerstone of its warped worldview and not just an act of terror but an act of homophobic hatred;
- And Whereas:** This act of extreme hatred is a stark reminder of the prejudice and discrimination that the LGBTQ people continue to face and of how much remains to be done to secure full equality;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and CBRM Council go on record in pledging support that we stand shoulder to shoulder with our global friends and allies against fear and against hatred. As pride season is celebrated in the CBRM and around the world, LGBTQ people will not be cowed back into the closet as a result of this attack. Instead they will stand defiantly and proudly for equality and in memory of those who have suffered and continue to suffer as a result of prejudice.

Councillor Darrell Flynn– District #10 - CBRM

June 21st, 2016

Resolution

“Recognition – Logan Shaw – NHL Professional Ice Hockey Forward”

2016

- Whereas:** Glace Bay native Logan Shaw has worked his way back into the world’s top professional hockey league;
- And Whereas:** The six-foot-three-inch, 200 pound right winger played 53 games this season with the NHL’s Florida Panthers after being signed in 2013;
- And Whereas:** Logan was sent down at the end of March to the AHL farm team, the Portland Pirates and has earned his way back to the parent club for the Stanley Cup playoff series against the New York Islanders;
- And Whereas:** Prior to his pro-career, Shaw, 23, played three full seasons with the Cape Breton Screaming Eagles of the Quebec Major Junior Hockey League before being traded to the Quebec Remparts in his fourth year, significantly increasing his scoring production each season;
- And Whereas:** This is not the first time the hard-working forward has worked his way up the professional ladder and was once sent down from the AHL’s San Antonio Rampage to the Cincinnati Cyclones of the East Coast Hockey League, but quickly returned to the higher echelons of the sport;
- Be It Therefore Resolved:** That Mayor & Council request staff to write a letter of recognition to Logan Shaw, a Glace Bay native who has worked his way back into the world’s top professional hockey league, the Florida Panthers, recognizing his adaption to the pace and higher skill level of pro hockey and the fact that he has instilled great honor and pride in his fellow Cape Bretoners for his hard work and determination.

Councillor Darrell Flynn – District #10 – CBRM

Proclamation

“National Drowning Prevention Week - 2016”

<u>Whereas:</u>	The Lifesaving Society – Nova Scotia Branch, coordinates the National Drowning Prevention Week annually to raise public awareness about preventable deaths and injuries that take place in aquatic environments;
<u>And Whereas:</u>	This is a reminder to the Canadian public to be water smart this summer and offers communities the opportunity to get involved and provide local activities to promote injury and drowning prevention awareness and education;
<u>And Whereas:</u>	Drowning is the third leading cause of unintentional death for Canadians 60 years of age, surpassed only by motor vehicle collisions and poisoning;
<u>And Whereas:</u>	The Lifesaving Society is a charitable organization working to prevent drowning and water-related injury through its training programs, Water Smart public education and safety management services, and certifies more than 500,000 people in its swim, lifesaving, life guarding and leadership courses annually;
<u>Therefore Be It Resolved:</u>	That the CBRM Mayor and Council proclaim July 17 th to 23 rd 2016 as “National Drowning Prevention Week” in the Cape Breton Regional Municipality, and endorse the efforts of the Lifesaving Society, Nova Scotia Branch, in their efforts to raise public awareness about preventable deaths and injuries that take place in aquatic environments.

Councillor Mae Rowe

June 21st, 2016

CBRM PROCLAMATION

“Bike Week – June 18th – 26th 2016”

- Whereas:** Bike Week is a bicycling event and “all things” transportation event in the CBRM offered in June of each year;
- And Whereas:** CBRM’s Active Transportation Plan recognizes that having the choice to walk or ride a bicycle provides our residents with mobility options and improves the quality of life in our Region;
- And Whereas:** CBRM’s Bike Week includes events hosted by local community groups and activities geared to cycling, promoting bicycle safety and motivates residents to ride their bicycles;
- And Whereas:** Bike Week will be family-friendly with an event that caters to everyone, including children’s bike parades, bike rodeos, bike tours, bike workshops, bike breakfasts, and informational sessions on bike safety and workshops;
- And Whereas:** Bike Week is made possible through partnerships with Velo Cape Breton and other businesses in the CBRM offering bicycle and active transportation services;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and CBRM Council proclaim June 18th to 26th as Bike Week in the Cape Breton Regional Municipality;

Deputy Mayor George MacDonald

June 21st, 2016

Proclamation

“Canadian Multiculturalism Day”

- Whereas:** Whereas multiculturalism is a fundamental characteristic of the Canadian heritage;
- And Whereas:** Canadians of all backgrounds have made and continue to make valuable contributions to Canadian society;
- And Whereas:** It is considered appropriate that there be, in each year, a day to mark and celebrate those contributions and to recognize Canadian diversity;
- And Whereas:** By order in Council P.C. 2002-1869 of October 31st, 2002, the Governor in Council has directed that a proclamation be issued declaring June 27th as “Canadian Multiculturalism Day”, a celebration of the contributions of Canada’s diverse people to Canadian society;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and CBRM Council proclaim June 27, 2016 as “Canadian Multiculturalism Day” in the Cape Breton Regional Municipality, in celebration of the contributions of Canada’s diverse people to Canadian society.

Councillor Jim MacLeod – District #12 - CBRM

June 21st, 2016

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Former CBRM Mayor & Council To Receive Award During Dr. Robert Baillie Lecture

Thursday, June 2, 2016 - 05:28PM

The 2001 mayor and council of the Cape Breton Regional Municipality (CBRM) are this year's recipients of the Dr. Robert Baillie award, which is presented to individuals or groups who advocate healthy living.

The group is being honoured for passing the CBRM's smoking bylaw in 2001.

"This award recognizes the brave step this remarkable group of people took by enacting a smoking bylaw in 2001," says Dr. Paul MacDonald, cardiologist. "It takes courage to bring forth change and a significant contribution to a healthier, safer community and that's what they did."

The award honours former mayor John Morgan and the councillors at time: Ross MacKeigan, Frank Morrison, Ivan Doncaster, Michael Brogan, Darren Bruckschwaiger, Arnie Mombourquette, Clarence Prince, Vince Hall, Doug MacDonald, Gordon MacLeod, Fred Mitchell, Ray Paruch, Mae Rowe, Jim MacLeod and Claire Detheridge.

When the bylaw was passed in April 2001, the CBRM became the first municipality in Nova Scotia to have a smoking bylaw, which banned smoking in public buildings and areas. The bylaw was phased in over a three years and paved the way for the provincial Smoke-free Places Act which was passed in 2002. By 2003, all municipalities on Cape Breton Island had smoking bylaws.

Members of the group will receive the award tonight (Thursday, June 2) at the annual "Dr. Robert Baillie Lecture". Following the award presentation, Dr. Nick Giacomantonio will talk about "Healthy Choices for Healthy Living". Dr. Giacomantonio is a leader in health promotion and cardiac care and is the director of the Hearts in Motion Cardiac Rehab Program in Halifax. He will

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Questions

If you have a general question or concern about Nova Scotia Health Authority, please email us.

wearelistening@nshealth.ca

review challenges and opportunities with healthy eating as well as the importance of exercise and benefits from cardiac rehabilitation for patients with cardiovascular disease. This event is free of charge and open to the public.

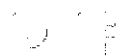
This annual lecture recognizes Dr. Baillie's leadership and excellent care he provided to Cape Bretoners. It also gives people access to national experts in the field of cardiac medicine. The event is free of charge and open to the public.

The Dr. Robert Baillie Lecture takes place tonight, Thursday, June 2 in the Mariner Ballroom at the Holiday Inn, Sydney-Waterfront at 7:00 p.m.

-30-

Media Contact: Dr. Paul MacDonald, 902-567-8007

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a. **By-Law Respecting Smoking:**

Motion:

Moved by Councillor Rowe, seconded by Councillor MacKeigan that the By-Law respecting Smoking be approved for 2nd and final reading.

Primary Amendment:

Moved by Councillor MacDonald, seconded by Councillor Brogan that an employee from the Hospitality Industry and a member of the CBRM By-Law Enforcement Office be added to the Steering Committee.

Secondary Amendment:

Moved by Councillor Jim MacLeod, seconded by Councillor Detheridge that a member of the Royal Canadian Legion be appointed to the Steering Committee – Secondary Amendment Defeated with Councillors Saccary, Jim MacLeod, Detheridge, Gordon MacLeod & Brogan being recorded as voting in favor.

Mayor Morgan called for the question on the Primary Amendment – Amendment Defeated with Councillors Saccary, Jim MacLeod, MacDonald, Paruch, Detheridge, Gordon MacLeod & Brogan being recorded as voting in favor.

Discussion:

On a concern expressed by Councillor MacDonald as to the schedule the Steering Committee would be following, Mr. Fraser said the Committee would be meeting as quickly as possible. The appropriate advertisement would be placed in the local paper within the next few days and the Committee would be developing the policies and procedures in administering the By-Law. Mr. Fraser said that once everything is in place, the Steering Committee would be meeting every six months.

Mayor Morgan called for the vote on the Main Motion – **Motion carried.**



Cape Breton
Community Housing
Association

PO Box 1292, Sydney, NS B1P 6K3
Tel: 902.539.0025/Fax: 902.562.5746
communityhousing@cbcha.ca

Date: June 15th, 2016

Re: Presentation to Mayor and Council about Homelessness in CBRM

Dear Ms. Campbell:

My Name is Fred Deveaux and I am the Executive Director of the Cape Breton Community Housing Association (CBCHA). CBCHA provides community-based residential and support opportunities for individuals living with mental illness. In addition, CBCHA also operates the Community Homeless Shelter and the Housing First program for individuals experiencing homelessness in our community.

Recently, CBCHA and several community partners, including Public Health of the Nova Scotia Health Authority, and Cape Breton University, to name a few, conducted three major research studies about homelessness and housing in CBRM. The three research studies included the Point in Time (PIT) Count, the Service-Based Count, and an in-depth study of CBRM's Housing Stock. The latter two pieces of research are still underway and so only preliminary data can be presented at this time. However, the PIT Count data is complete and the results are attached to this request.

A recent document published by the Homeless Hub entitled "***Discerning Functional Zero: Considerations for Defining & Measuring an End to Homelessness in Canada (2016)***" discusses what communities need in order to effectively manage homelessness. It states, "*Functional Zero is achieved when there are enough services, housing and shelter beds for everyone who needs it. In this approach, emergency shelters are meant to be temporary and the goal is permanent housing.*" (Page 5). Our research here in CBRM indicates that some of the services and supports are in place, some are under development, and some, such as affordable housing stock, need attention.

This document also indicates that there are at least 34 municipalities across Canada who have developed a comprehensive affordable housing and homelessness strategy to tackle these complex issues. It is our hope that these issues are given serious consideration by the municipal government here in CBRM. I am asking the Mayor and Councilors to partner with us in developing an Affordable Housing and Homelessness Strategy for CBRM. If we tackle these housing and homelessness issues as a community then an effective end to homelessness will be within our reach.

On behalf of CBCHA and its partners I am requesting the opportunity to present our research findings to the Mayor and Council on June 21st, 2016, at 10:00 AM at the Council Meeting.

Sincerely,
ORIGINAL SIGNED BY
Fred Deveaux

Providing a Pathway to Independent Living

HOMELESSNESS IN CBRM 2016

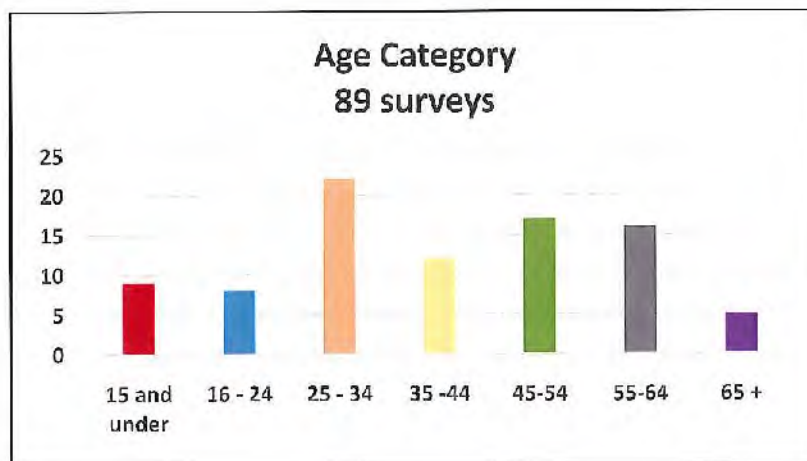
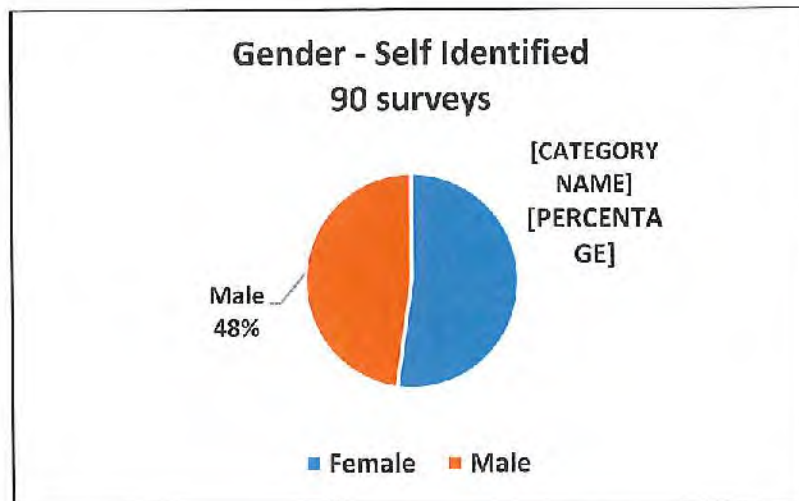
In a 12 hour day, on April 15th, 2016 sixty volunteers collected data from shelters, transitional housing facilities, police lock up, hospital emergency rooms and community drop in centres. Volunteers also walked the streets in Sydney, Glace Bay, New Waterford, North Sydney, Sydney Mines and asked over 500 people they encountered that day about their housing situation. Everyone whose circumstances fit the definition of homelessness were then asked to complete a 16 question interview about themselves and their experiences. This is the first time a comprehensive look at homelessness was ever attempted in CBRM.

THE RESULTS....

APRIL 15th, 2016 THERE WERE AT LEAST 137 PEOPLE EXPERIENCING HOMELESSNESS IN CAPE BRETON REGIONAL MUNICIPALITY

ABSOLUTE HOMELESSNESS – people who are homeless and are either staying outside or in places not fit for human habitation or are using emergency homeless shelters.		PROVISIONALLY ACCOMMODATED - people who are provisionally accommodated are technically homeless and may be temporarily accommodated by an organization or simply staying at someone else's place – couch surfing.		
Unsheltered	Emergency Shelters	Transitional Housing	Transitional Residential Centres and Institutions	Another's Home
24	30	17	36	30
24 individuals were unsheltered, that is, staying in a public space, sleeping in a car or not knowing where they will sleep that night.	30 people were staying in an emergency homeless shelter or a VAW. (Violence Against Women shelter)	17 people were staying in transitional housing as a provisional step out of homelessness.	36 people were provisionally housed in an addiction treatment centre, half-way houses, hospital ER's or police lock up.	30 people did not have their own residence to return to. Instead, reported staying with a friend or family member.

HOMELESSNESS IS EXPERIENCED BY PEOPLE OF ALL AGES AND GENDER



ABSOLUTE HOMELESSNESS People who were staying outside or staying in a shelter

(40 people surveyed who experienced absolute homelessness)

- 1 in 3 people reported being under 19 years old or younger when they first experienced homelessness in their lives.
- 83% have stayed in a shelter in the past year.
- 30% have been homeless for more than 6 months.
- Youth 24 years and under make up about 19% of the homeless population.
- Poverty, family conflict or domestic abuse are the main causes of absolute homelessness.



United Way
Cape Breton

Together *Bright Future* *United Volunteer*
From poverty to possibility *Support* *Better Build*
Change starts here
Teach All that kids can be **Community Impact**
Leadership Improve *Healthy people strong communities* *Way*
Life Inspire *Safe Partner Respect*
Give Local Skills



United Way
Cape Breton

Cape Breton Poverty Reduction Strategy

Public Transit: Subsidized Transit Passes



Change Starts Here.



United Way
Cape Breton

Cape Breton Poverty Reduction Strategy



Transit Pilot Project

Collaboration with Municipal and Provincial Governments

\$40,000 Investment from CBRM

\$40,000 Investment from Province of NS

\$40,000 Investment from UW Cape Breton
(Includes \$17,500 for the Subsidy Purchase of Transit Passes)

Change Starts Here.



United Way
Cape Breton

Cape Breton Poverty Reduction Strategy

EDUCATION & PUBLIC AWARENESS

About the 32.4% of Cape Breton
Children Living in Poverty at C200 with
a Vide



ACKNOWLEDGEMENT

- For all the Non-Profit Programs that are making an impact
- For all the Corporate and Individual Leaders who are making their donations make a difference

Change Starts Here.



Cape Breton Poverty Reduction Strategy



**1/3 children
are living in
Poverty
in
Cape Breton**

WE NEED A PLAN

POVERTY REDUCTION SUMMIT
Cape Breton Regional Municipality
United Way Cape Breton
Vibrant Communities



Change Starts Here.

council note: the following pages represent slides from next week's presentation that are not animated and; therefore, are provided in this package. all slides will be viewed next week.



RECREATION MASTER PLAN

COUNCIL REPORT BRIEF | JUNE 2016 | TRACE PLANNING & DESIGN

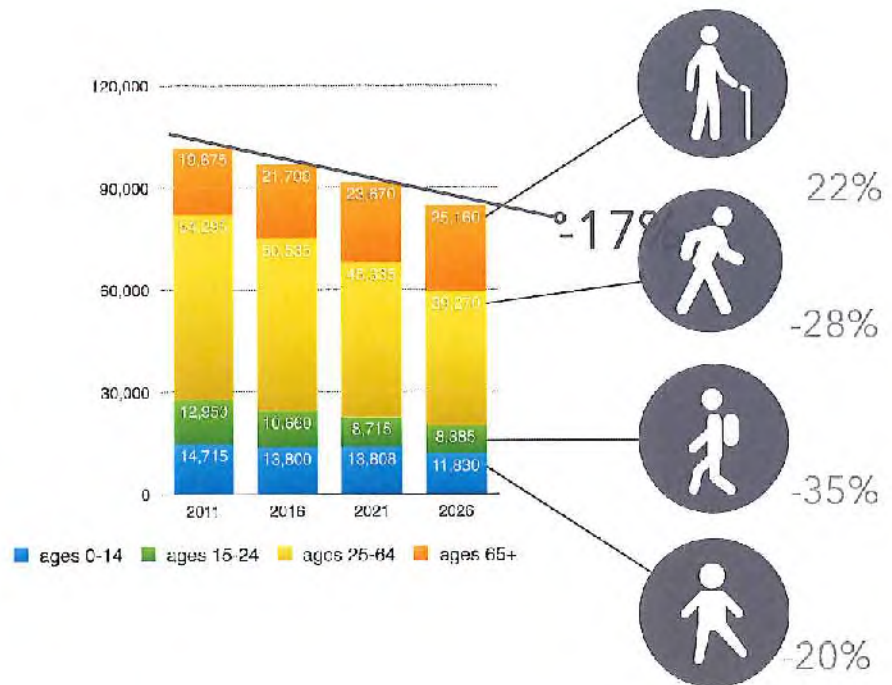


1. deliver a rationalized facility inventory
2. support **market** driven recreation program delivery
3. position both of these to a 15 year window
4. align department organization to this window



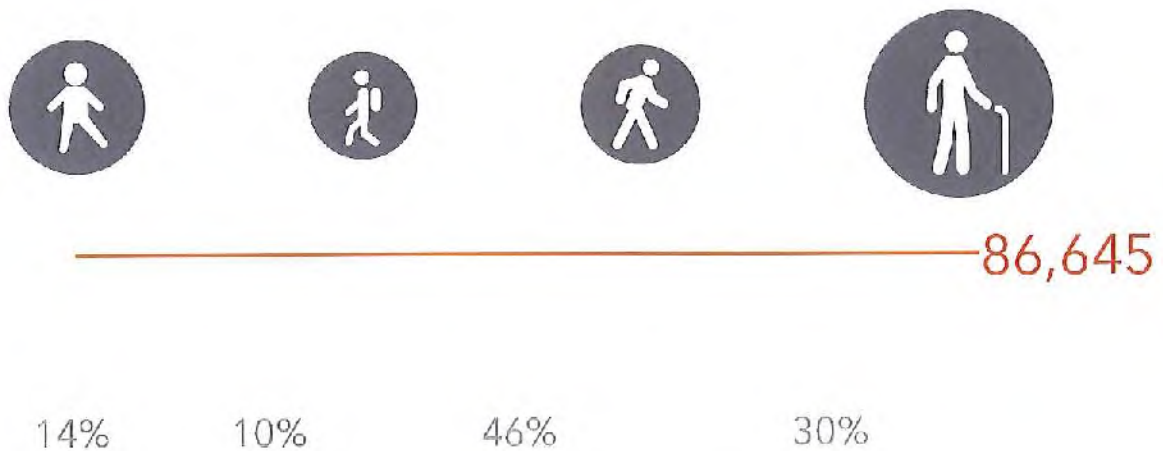
market

Population by Broad Age Groups
2011-2026



CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan

Population by % in 10 years

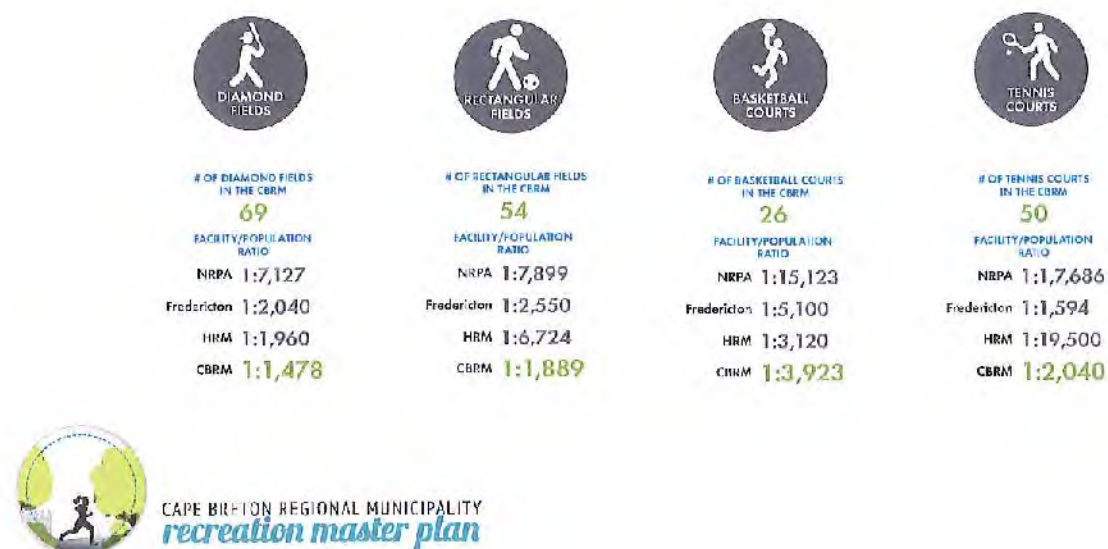


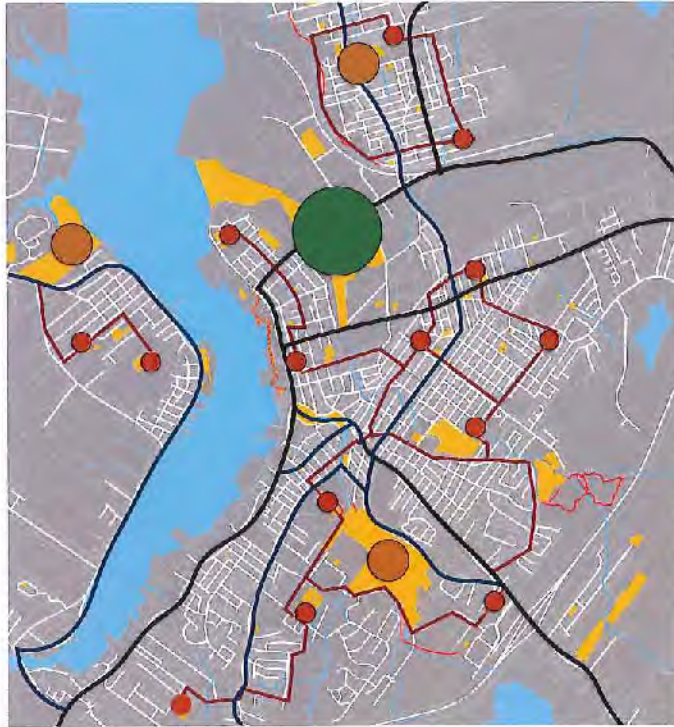
CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan

Facilities per Population Comparison

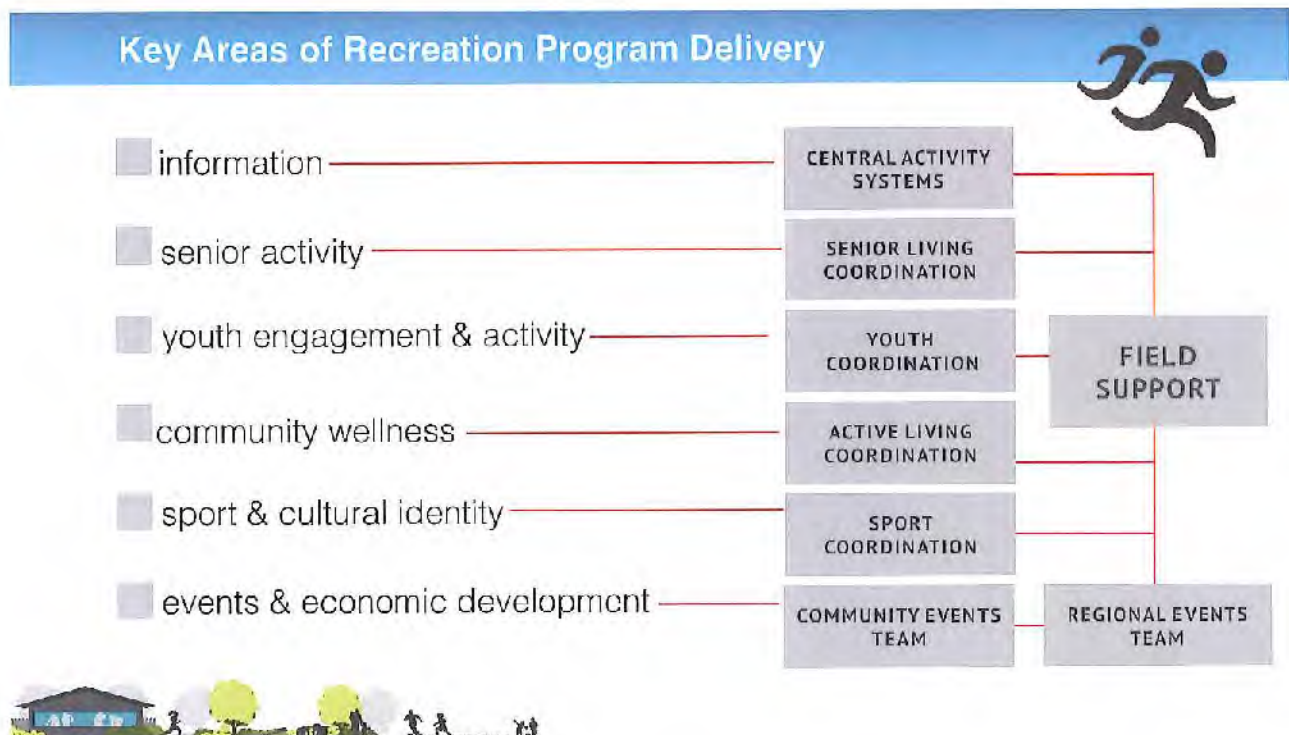


Facilities per Population Comparison

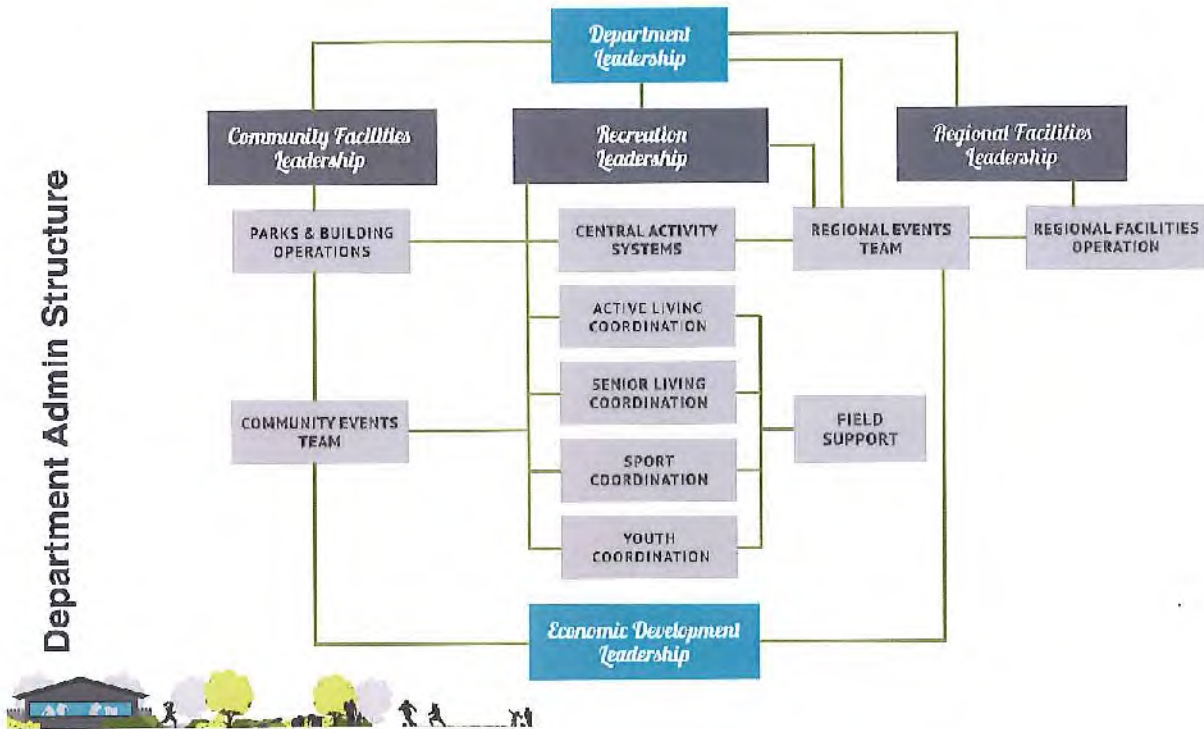




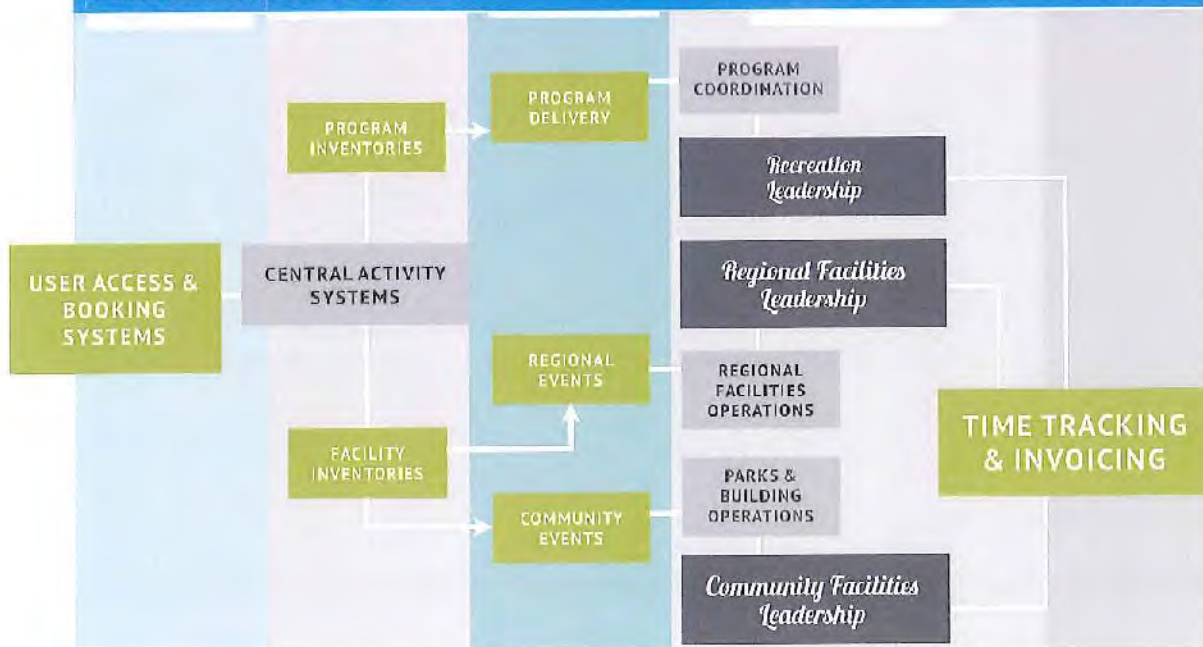
Distribution of Park Assets



Department Admin Structure



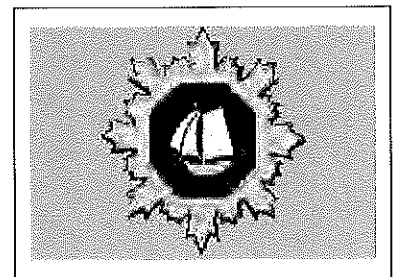
Information Flow Model



FIRE SERVICES ORGANIZATIONAL REVIEW

FINAL REPORT
TO FIRE SERVICES COMMITTEE

March 2016



**Regional
Municipality of
Cape Breton
320 Esplanade
Sydney,
Nova Scotia
B1P 7B9**

Submitted by:



www.manitouinc.com
1245 Park Street
Peekskill, NY 10566

1.0 Executive Summary

Fire services in the Cape Breton Regional Municipality (CBRM) are delivered by 34 separate fire departments operating under the limited control of an administrator. When the CBRM was formed in 1995, fire services were spared the process of amalgamation. Modest reforms in the administration of fire services led to the system as it exists today.

While some meaningful change has occurred over these 20 years, fire services remain a system loosely operating under an administrative structure that is not empowered to exercise control, nor are the services adequately funded to permit the Municipality to dictate the terms of service delivery. While the fire service structure that evolved following the formation of the CBRM established some centralized control over budget and rolling stock, it did not enable the Municipality to take an assertive role in establishing standards of service or even frameworks for reporting service delivery information.

Since the formation of CBRM, the population has declined by over 18 percent and the unemployment rate remains high. Demographic trends show that the younger population, the bedrock of most volunteer fire services, is declining as a share of total population. As an industry, practices and industry norms within the fire services have advanced steadily. As individual departments, Cape Breton's fire services have made improvements, aided in some cases by the Municipality's soft oversight and support.

As a collective, the system remains unintegrated. In reality it does not meet the fundamental requirements to be considered a system, because it is not subject to any overarching direction or capability for unified action. Neither the collective representative system of the Chiefs' Association nor the limited authority assigned to the Chief-Director are strong enough to overcome the individual interests of the fire departments.

The outcome has been, in many ways, stagnation. The system, as currently structured offers inadequate incentives for individual departments to take a regional view of their operations. Indeed, decision making by individual Chiefs remains rooted in "looking out for their people." While this is understandable and even rational, given the system as it is structured, it neglects the need for the leaders of the fire system to look at the needs of the Municipality as a whole.

Managing the delivery of fire services, provided by 34 organizations within the Municipality (and others in adjoining areas) and covering over 2,400 square kilometers, is a complex undertaking demanding management skills, analytic capacity, and regular oversight. Many of the logical benefits of the Municipality's amalgamation are not being realized. Indeed, the challenges of population decline, economic stress, the need for better management of limited resources, realization of economies in

purchasing, and true integration of service delivery, will require a stronger role for the Fire Administration.

In spite of the divergent opinions held by the numerous participants – fire administration, fire chiefs, and elected officials – after widespread consultation, there is agreement on one thing. There is a clear consensus that the current system as it is configured is not realizing its potential. The inability to move forward collectively on decisions is mutually frustrating and encourages individual departments to withdraw from trying to solve problems collectively. It's easier to revert to responding to their department's interests rather than engaging in the give-and-take of moving the system forward as a whole.

Based on our analysis, we believe that the time has come for a significant move forward toward greater cooperation and coordination in an integrated fire services within CBRM. This can be the year that progress is made to advance the existing regulatory or legislative frameworks and we believe that a stronger role for a central administrative body is warranted.

Given the proper authority, a stronger role can and should be played by fire administration. While the limits of this authority are open to debate, the existing system is plagued by a lack of coordination and inconsistency in service delivery. Further, aside from relatively recent efforts, there is little or no standardization of basic firefighting tools and equipment across the municipality.

The reader is cautioned to distinguish between criticism of the system and criticism of the individuals who compose it. The dedication and goodwill of both volunteer and career firefighters, who deliver the service to their communities, is strong. Although the study did not examine the quality of service as delivered, we believe that there is much to be proud of. This report is a forward-looking document. Its intent is not to explore how we arrived at this state, but to assess the current system performance and make recommendations for improvement.

While a complete list of recommendations is included in the body of the report, we will review major recommendations here. We believe that a steady process for managing change should be implemented, with the Municipality setting objectives and resources, and the Fire Chiefs playing a role in deciding on a path of implementation. The parties involved need to begin a process for managing change, with a combination of:

- 1) A Municipal Bylaw or regulation to empower Fire Administration to fulfill their duties;

- 2) A setting of standards for service delivery to include training requirements, staffing, and response time objectives; and

- 3) A path toward greater integration of services, to include reducing the number of departments and fire halls in accordance with a set of transparent and agreed-upon criteria.

Amalgamation – While amalgamation of fire services into a single organizational entity is a rational way to manage the necessary transition of service delivery, we do not believe that the system as a whole is ready for this step. Indeed, the rancor and uncertainty from a decision to amalgamate is likely to be unproductive, and the effect on costs and service quality are uncertain. The basic management information to oversee the system must first be collected and analyzed, and a better grasp of the system's performance should be attained.

Regionalization – The CBRM fire services need to begin the process of creating Municipality-wide standards for service levels, equipment standardizations, procedures, and personnel qualifications. These are all critical steps that must be taken in consultation with the Chief's Association. Once agreed upon, such policies must be binding on all Departments, whether using their own funds or the Municipality's.

Fire Hall consolidations/closure – There are too many small fire departments within CBRM. The administrative burden of maintaining these entities is becoming unbearable. It is time for organizations to consider mergers with neighboring departments for purposes of easing the administrative burden and to improve responses. We believe that further analysis should be undertaken to reduce the number of fire halls, and identify several candidates.

Data Systems – One of the fundamental responsibilities of Fire Administration would be to monitor performance of the system. Such basic information as the numbers of volunteers attending calls, utilization of fire apparatus, and inventories of life safety equipment are neither centrally maintained nor reported. Fundamental dispatch information, to include response times of individual pieces of fire apparatus, is not tracked. Movements of departments under mutual aid, which is becoming increasingly important to maintaining the quality of service, should be tracked.

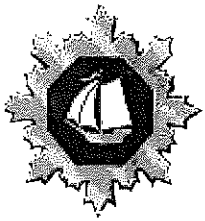
Administrative Support – The role of Fire Administration is an important one and will assume added importance in managing the many necessary changes in the organization and operations of the fire services. The role and mission of Fire Administration needs to be better defined. While they have clear administrative responsibilities across the Municipality, their operations role is presently very limited. As a resource being paid for by revenues raised within the Municipality, the capacity of the career firefighters should be more fully utilized.

The most important duty of Fire Administration is, arguably, facilitating change and supporting the volunteer fire services within the Municipality. Given the growing workload placed on this role and the other duties that must be fulfilled, the current staffing of this function is inadequate. Merely adding another chief officer is not a wise use of funds, given the limited operational role currently played by central administrative staff. We recommend that two civilian staff be added to support the Administration. These duties would include additional support for the volunteer liaison function, including training, and management of performance reporting and procurement, beginning with apparatus specifications.

Rolling Stock – The recent program for rotating apparatus throughout the system has been regarded positively. However, the existing capital funding for rolling stock places too large a burden on the individual departments for purchase of apparatus. The allotment for new apparatus purchases should be increased and there should be an effort to “right-size” the number and types of rolling stock within the system. Given the numbers of fire holls, trends in membership, and geographic coverage, there is room to sensibly reduce the amount of rolling stock within the system and examine alternate vehicles to serve the dominant missions in some departments – especially those with small numbers of members.

Volunteer Remuneration (Departmental Grants) – The existing system of funding fire departments, while largely rooted in historical practice and Provincial norms, is inconsistent with modern fire service practice. Protective equipment, training requirements, and operating costs have continued to escalate. The burden of fund-raising placed on a shrinking volunteer base is an unwise use of the community resource, and should be more efficiently addressed by taxes levied by the CBRM. The grants should be completely re-evaluated in the context of a discussion between CBRM and the Fire Chiefs about some basic services and capabilities being provided by the Municipality, and balance between departmental and Municipal responsibilities.

The changes to be made in the system will require sacrifice and good faith on the part of all participants – the Chiefs, Fire Administration, and the Council. The changes recommended in this report, while an added expense in the short term, will put the Fire Services on a road to sensible management and provide an orderly transition to a leaner, more accountable, and sustainable fire service for the citizens of Cape Breton Regional Municipality.



Cape Breton Regional Municipality

“A Community of Communities”

NOTICE – PUBLIC HEARING

Pursuant to Section 51(3) of the Municipal Government Act, the Council of the Cape Breton Regional Municipality has directed that a Public Hearing be held to deal with the proposed sale of CBRM property to the Southend Community Development Association for a senior housing development. The property in question (PIDs 15126667 and 15548407) is the site of the Sydney Minor Baseball League baseball fields fronting on Welton Street, Sydney.

The particulars of the public hearing are as follows:

DATE: **June 21st, 2016**

TIME: **10:00 am**

LOCATION: **Council Chambers – 2nd Floor, City Hall**
320 Esplanade, Sydney, NS

The properties have a 2016 assessed value of \$603,200.

Signed: Deborah Campbell
Municipal Clerk



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: Request to Purchase CBRM Land
PIDs 15126667 and 15548407, Welton
Street, Sydney**

DATE: June 14th, 2016

Introduction

The Southend Community Development Association is interested in acquiring CBRM property for the sum of \$1.00 (Attachment A). The property in question (PIDs 15126667 and 15548407) is the site of the Sydney Minor Baseball League baseball fields fronting on Welton Street, Sydney (Attachment B). The applicant is proposing to utilize the site for a seniors housing development consisting of nine single storey four unit buildings, a community recreation buildings, and a three storey apartment building with commercial sites on the main floor (Attachment C).

Property

PIDs 15126667 and 15548407 are approximately 6.2 acres (2.5 hectares) in total and contains three baseball fields and a playground. The Sydney Minor Baseball League had a twenty year lease with the CBRM to use this site as a recreational site and ballfield, which expired on June 1, 2016. On February 4, 2016, the Sydney Minor Baseball League made a motion to transfers all of the lands presently under lease from the CBRM to the Southend Community Development Association for the utilization, development and construction of seniors housing (Attachment D).

Statutory Authority

Section 51(1) of the *Municipal Government Act* (MGA) gives a municipality the authority to sell or lease property at a price less than the market value to a non-profit organization that Council considers to be carrying out an activity that is beneficial to the municipality. According to the Registry of Joint Stock Companies, the Southend Community Development Association is a non-profit organization.

The MGA requires Council to hold a Public Hearing prior to selling a property valued at more than ten thousand dollars at less than market value to a non-profit organization [SS1(3) MGA]. Property Valuation Services has assessed these properties at \$603,200; therefore, Council is required to hold a Public Hearing.

Staff Referrals

As part of the application to purchase CBRM property, Ken Smith, Property Management Services, circulated the Southend Community Development Association's request to Bill Murphy, Director of Recreation, Parks and Grounds/Building and Facilities, Malcolm Gillis, Director Planning and Development, and Ray Boudreau, Manager, Engineering and Public Works, Central for their review. In their opinion, the requested area is considered surplus to the Municipalities needs (Attachment E, F, and G).

It has been suggested by staff that the CBRM retain a three metre wide strip of land on PID 1S126667 parallel to Welton Street to facilitate a potential future extension of the sidewalk to Willow Street (Attachment H). Retaining a strip of land will allow CBRM to build the sidewalk at some future date. Retention of this land is in compliance with the long term objective of the CBRM Active Transportation Plan to establish a sidewalk along this very busy corridor if the space to do so can be acquired (see Exhibit 6.17 in the CBRM Active Transportation Plan – Network Implementation Strategy).

At this time, due to the fact no application for a building development permit has been submitted, the proposed development has not been evaluated to determine compliance with the Land Use By-law.

Recommendation

Staff recommends that Council declare PID 1S126667, excluding a three metre wide strip running parallel to Welton Street, and PID 1S548407 as surplus to the needs of the Municipality and sold to the Southend Community Development Association for the sum of \$1.00.

Submitted by:

originally signed by

Karen Neville
Planning and Development Department



Southend Community Center

28 Hillview St. Sydney, N.S. B1P 2H4, Ph. 562-8192, Fax 562-2960

November 20, 2015

Mrs. Debora Campbell
Municipal Clerk
CBRM
320 Esplanade
Sydney, NS
B1P 7B9

Re: Request for Council Agenda December 11, 2015

Dear Mrs. Campbell;

The Southend Community Development Association, would hereby make request to be placed on the agenda for the sitting of the combined council and committee of the whole meeting scheduled for December 11, 2015.

The Southend Community Development Association, a not-for-profit organization, are requesting that council declare the lands presently owned by CBRM off Welton Street in Sydney and identified as parcel PID # 15126667, (see attached executive summary parcel map) be deemed surplus and that staff be directed to convey such property to the Southend Community Development Association to be used for a proposed seniors affordable housing community development. The Southend Community Development Association further request that these said lands be conveyed to the Southend Community Development Association for the sum of \$1.00

We have attached an executive summary outlining our request for council's consideration. Should you feel that additional information such as perspectives of the proposed buildings etc. may be beneficial for members of council, we will be able to provide such in paper or electronic format at your suggestion. I may be reached at the address below for any information you may have concerning this project.

Thank You

Rick Fraser

Rick Fraser CRBO, CFI
Executive Director
Southend Community Development Association
902-577-8548
itcassociates@eastlink.ca

B





PROPOSED SITE PLAN
2016-04-11
A1

Southend Community Development Association
Seniors Housing Proposal
Sydney, NS



Sydney Minor Baseball League

28 Hillview Street, Sydney, N.S., B1P 2H4, Ph. 902-562-8192

Mr. Ken Smith
Planner
CBRM Property Management Services
320 Esplanade St.
Sydney N.S.

Re: Letter of Acknowledgement

Dear Mr. Smith

As recording Secretary I certify that the following is a true motion of the Sydney Minor Baseball League called for at a duly called meeting of the Sydney Minor Baseball League Board of Directors held on February 4th, 2016,

The following motion was put forward:

Motion: That the Sydney Minor Baseball League turn over all authority of the league and its operation to the Southend Community Development Association and further Sydney Minor Baseball League will transfer all of the lands presently under lease from the Cape Breton Regional Municipality used by the league and commonly known as the Sydney Minor Baseball League ball fields on Welton Street in Sydney to the Southend Community Development Association for the utilization, development and construction of Seniors Housing.

Motion: Approved Unanimously

Sincerely;

ORIGINAL SIGNED BY

Lou Chisling
Secretary
Sydney Minor Baseball League

Cape Breton Regional Municipality

E

2nd Floor, Civic Centre
320 Esplanade
Sydney, Nova Scotia
B1P 7B9

Telephone/Voice Mail : 563-5093
Facsimile : 564-0481
E-mail klsmith@region.cape-breton.ns.ca



Office of : Kenneth L. Smith M.C.I.P.
Planner

Property Management Services

SURPLUS PROPERTY CONFIRMATION

April 21, 2016

ATTENTION: Mr. Bill Murphy, Director of Recreation, Parks and Buildings

PROPERTY

LOCATION: Sydney, PID # 15126667 (see attached maps)

REGARDING: Request by the Southend Community Development Association to acquire the Sydney Minor Baseball League ball field site for the sum of \$1.00 to establish a Seniors Housing Development proposal. The tentative proposal; see attached, would include 9 single story four-plex buildings, a community recreation building, and a 3 story apartment building with commercial suites on the main ground floor.

ADDITIONAL

INFORMATION: Additional material attached: Letter of Request, Letter from the Sydney Minor Baseball League Board of Directors relinquishing interest in the ball fields, and recent profiles of the Associations' from the Registry of Joint Stocks.

The noted property:

(☒) IS considered to be surplus property by my Department. (additional comments?y/n _____)
(☐) IS NOT considered to be surplus property by my Department because:

signed by Bill Murphy
ORIGINAL SIGNED BY

Director of Recreation, Parks and Buildings

Cape Breton Regional Municipality

F

2nd Floor, Civic Centre
320 Esplanade
Sydney, Nova Scotia
B1P 7B9

Telephone/Voice Mail : 563-5093
Facsimile : 564-0481
E-mail klsmith@region.cape-breton.ns.ca



Office of: Kenneth L. Smith M.C.I.P.
Planner

Property Management Services

SURPLUS PROPERTY CONFIRMATION

April 21, 2016

ATTENTION: Malcolm Gillis, Director of Planning

PROPERTY

LOCATION: Sydney, PID # 15126667 (see attached maps)

REGARDING: Request by the Southend Community Development Association to acquire the Sydney Minor Baseball League ball field site for the sum of \$1.00 to establish a Seniors Housing Development proposal. The tentative proposal; see attached, would include 9 single story four-plex buildings, a community recreation building, and a 3 story apartment building with commercial suites on the main ground floor.

ADDITIONAL

INFORMATION: Additional material attached: Letter of Request, Letter from the Sydney Minor Baseball League Board of Directors relinquishing interest in the ball fields, and recent profiles of the Associations' from the Registry of Joint Stocks.

The noted property:

(☒) IS considered to be surplus property by my Department. (additional comments?y/n_____)

() IS NOT considered to be surplus property by my Department because:

The dept. has no vested interest in the property and zoning permits the proposed use.

ORIGINAL SIGNED BY _____

signed by: _____

Malcolm Gillis

Director of Planning

Cape Breton Regional Municipality

G

2nd Floor, Civic Centre
320 Esplanade
Sydney, Nova Scotia
B1P 7B9

Telephone/Voice Mail : 563-5093
Facsimile : 564-0481
E-mail klsmith@region.cape-breton.ns.ca



Office of: Kenneth L. Smith M.C.I.P.
Planner

Property Management Services

SURPLUS PROPERTY CONFIRMATION

April 21, 2016

ATTENTION: Mr. Ray Boudreau, Manager of Public Works, Central

PROPERTY

LOCATION: Sydney, PID # I5126667 (see attached maps)

REGARDING: Request by the Southend Community Development Association to acquire the Sydney Minor Baseball League ball field site for the sum of \$1.00 to establish a Seniors Housing Development proposal. The tentative proposal; see attached, would include 9 single story four-plex buildings, a community recreation building, and a 3 story apartment building with commercial suites on the main ground floor.

Also, please indicate if the site has adequate municipal sewer and water services to handle the proposed development.

ADDITIONAL

INFORMATION: Additional material attached: Letter of Request, Letter from the Sydney Minor Baseball League Board of Directors relinquishing interest in the ball fields, and recent profiles of the Associations' from the Registry of Joint Stocks.

The noted property:

(☒) IS considered to be surplus property by my Department. (additional comments?y/n Y)
(☐) IS NOT considered to be surplus property by my Department because:

See Attached.

ORIGINAL SIGNED BY

signed by: _____

Ray Boudreau

Manager of Public Works, Central



CBRM

A Community of Communities

Cape Breton Regional Municipality

*Office of Raymond Boudreau, P.Eng.
Manager of Public Works Central
rjboudreau@cbrm.ns.ca
www.cbrm.ns.ca*

**15 Massey Drive
Sydney, Nova Scotia
B1P 1A7
(902) 563 5257**

MEMORANDUM

TO: KEN SMITH, PLANNER CBRM
FROM: RAY BOUDREAU, MANAGER - PUBLIC WORKS CENTRAL
SUBJECT: PID 15126667 – SURPLUS PROPERTY CONFIRMATION
DATE: APRIL 26, 2016

Additional comments regarding the surplus property request:

- According to 'Parcel Finder', there appears to be an additional parcel (PID 15548407) adjacent to Gorman Street that would need to be crossed over to access 6 of the 9 proposed four-unit buildings
- The parcel is serviceable by both water and sewer.
- There is no history of capacity issues with the Sanitary Sewer or supply issues with the water infrastructure in the area. As a result, both water and sewer infrastructure 'appears' to be adequate to supply the needs of the proposed development.
- It is recommended to review the most current information on the available capacity of the existing sewer and water mains with Engineering Services and the Water Utility respectively.
- According to existing drawings there appears to be a portion of a Sewer Main within the boundaries of PID 15548407. (See attached sketch) This will have to be verified by video inspection.



-  CBRM Property
-  3 Metre Strip

Excerpt - DRAFT CBRM Council Minutes – May 17, 2016

Zone Amendment Application #1018 – Gratten (Duke) Fraser, 762 King Street, New Waterford (PID 15466840):

Motion:

Moved by Councillor Cormier, seconded by Councillor MacLeod, approval to advertise notice of a Public Hearing to be held at the June 2016 meeting of Council to consider proposed amendments to the Municipal Planning Strategy and Land Use By-Law to allow for a coffee shop to be located at 762 King Street, New Waterford, Case #1018.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONE AMENDMENT APPLICATION – 1018
Gratten (Duke) Fraser
762 King Street, New Waterford
(PID 15466840)**

DATE: June 14th, 2016

Introduction

Gratten (Duke) Fraser has made a request to amend the CBRM Land Use By-law (LUB) to allow a former medical clinic to be converted into a drive thru coffee shop. When Mr. Fraser purchased the property next to the New Waterford Consolidated Hospital, which is outlined in red on Attachment A, he was lead to believe that the property was zoned for commercial development. The building was once a medical office and it was Mr. Fraser's intention to construct a Robin's Donuts on the property; however, the property is zoned Residential Urban C (RUC) which does not permit this type of land use. Part 2, Policy 20 permits a variety of sales and service business development on abandoned or vacant properties in urban and suburban residential neighbourhoods by zoning amendment at a site with a history of business development and assessed commercial. The site is the location of a former medical clinic and is assessed commercial taxable therefore is in keeping with Plan policy.

Evaluation

When considering a zone amendment the MPS states that a site specific/use specific zone should be created that ensures the site itself, the site plan, and management of the business development will mitigate any adverse effects on low density residential development in the vicinity. There are four criteria from the MPS that must be considered:

1. Visual Compatibility

While the majority of the immediate area is zoned RUC, which permits one and two-unit residential development, there are a number of large complexes in the area. In addition to the New Waterford Consolidated Hospital, the larger developments in the area include a 50 unit nursing home, a 24 unit seniors complex, two 15 unit seniors complexes, and two 12 unit apartment buildings, all of which are closer to the subject site than the low density residential developments that dominate the streetscape of the greater neighbourhood. In the vicinity of Mr. Fraser's property there is also a medical office and a three unit apartment building. The proposed building will be one storey and have an area of

approximately 1020ft² which is smaller than the building currently on the site; therefore would be considered to be visually compatible with the surrounding land uses.

2. Dust or Fumes Emanating from the Site

The driveway and parking area will be hard surface therefore dust emanating from the site is not likely going to be an issue. There is no reason to believe that fumes emanating from the site would be a problem.

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

As a part of this request, CBRM Staff has raised concerns about the driveway sightline and traffic emanating to and from the site. A Traffic Impact Analysis would need to be completed and approved prior to the issuance of a Development Permit; however, CBRM has requested that a Traffic Impact Analysis be undertaken as a part of the applicant's request to amend zoning. Planning Staff circulated the traffic study to the Traffic Authority and Engineering and Public Works for their consideration. Based on the traffic study, Engineering and Public works indicated that they did not have any concerns with a drive thru coffee shop being established at this site. At the time this report was prepared no comments were received from the Traffic Authority.

4. Noise emanating from the development

The noise associated with the coffee shop is not believed to be a problem.

Public Participation Program

A public meeting was held on May 10th at the New Waterford Fire Hall to discuss the proposed development. Notice of the public meeting was mailed to 180 surrounding residents and also appeared in the Cape Breton Post and the Community Press. The purpose of the public meeting was to provide residents an opportunity to ask questions and provide their opinion on the proposed development. There were approximately 70 residents in attendance at the meeting.

Many of those in attendance expressed concerns about traffic travelling on King Street and how traffic will be managed on the site itself. Greg O'Brien, Traffic Engineering and Transportation Planning WSP, presented the findings of the Mr. Fraser's traffic study (Attachment B). Mr. O'Brien stated that the site has enough space to hold 1S drive thru que spaces along with 1S parking spaces. Mr. O'Brien also provide an explanation of traffic counts, peak hours of traffic, pass by traffic, and primary traffic.

The following is a summary of some of the questions from the meeting and responses from Greg O'Brien:

Restricting parking on King Street

On-street parking is not permitted on the east side of King Street.

Pedestrian traffic

Pedestrian traffic was not the focus of the traffic study, the traffic study focused on driveway sightlines and managing traffic on the site. That being said, there are sidewalks along King Street and there is a crosswalk close to the site. The design of a crosswalk is based on traffic volume. Given the traffic volumes for King Street, the current crosswalk design is appropriate; however, if traffic volumes increase a lighted crosswalk could be installed.

Were School Zones Considered

All traffic, including school buses, were included in the results of the traffic study.

Hours of Operation

The coffee shop would be opened from 6am to 10pm. The coffee shop will seat 14 in addition to the drive thru.

Left Hand Turning

Given the current and projected traffic volumes a left hand turn lane is not necessary.

Snow Removal Plan

The site plan included in the traffic study is preliminary. The traffic study focused on driveway sightlines and managing traffic on the site and did not address snow removal. That being said, there is adequate space on the site to address snow removal.

Many in attendance expressed support for the development and stated they were pleased to see this development coming to New Waterford. Having a coffee shop in this location would be beneficial to individuals working and visiting the hospital, the seniors living nearby, and those individuals in neighbouring long term care. Upon the conclusion of the meeting Councillor Cormier asked if those in attendance felt their questions had been adequately addressed and ask for a show of hands of those who were in support of this request. The majority of those in attendance indicated that they were supportive.

Notice of the Public Hearing

Notice of this application was placed in the June 4th and June 11th editions of the Cape Breton Post. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

Given the collection of large residential and institutional complexes in the vicinity, the results of the public meeting, and the content of the traffic study it is reasonable for Council to amend the LUB to allow for a coffee shop at this location.

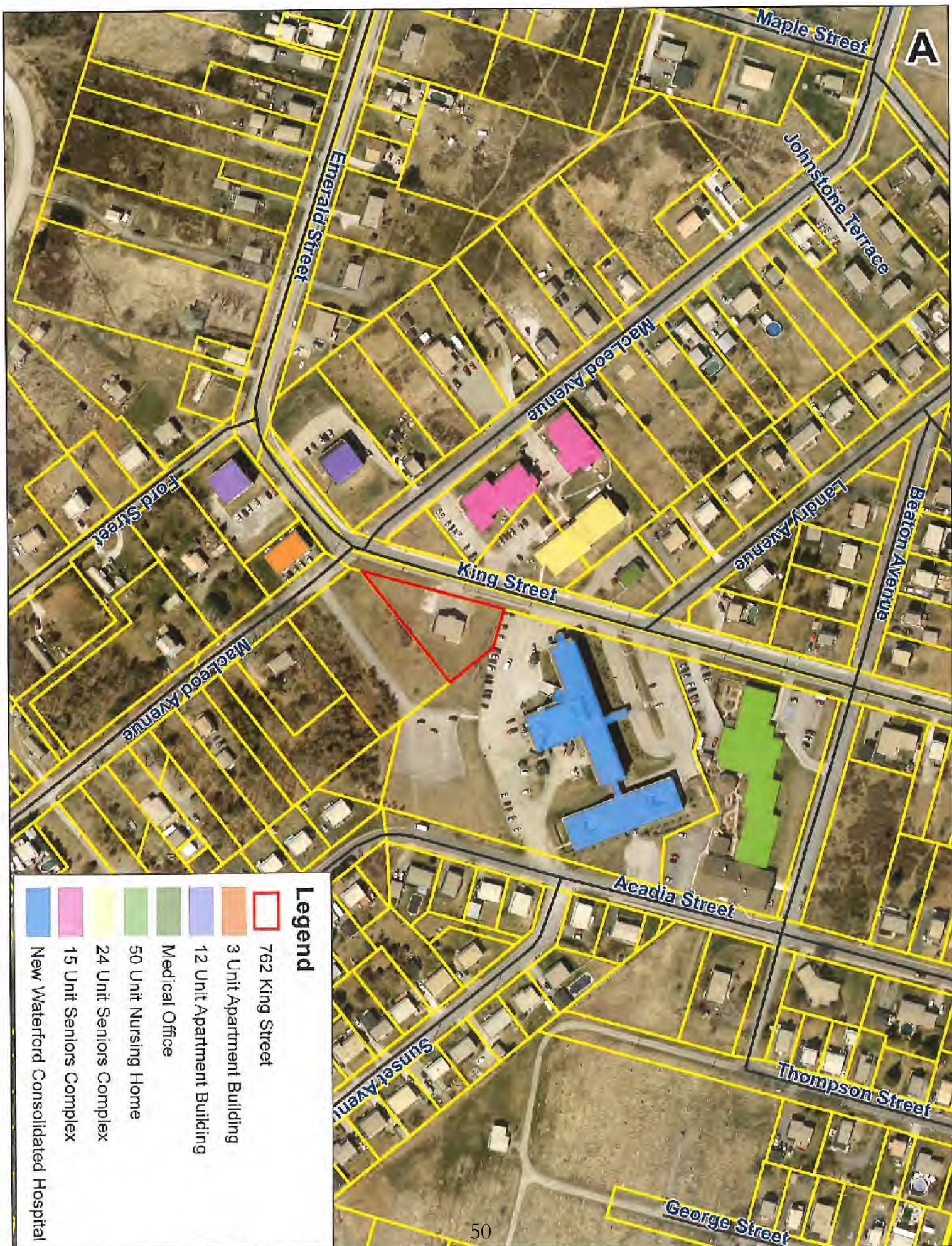
I recommend that Council approve the By-law amending the zoning for PID 1S466840 from Residential Urban C (RUC) to 762 King Street (762K) Zone.

The Amending By-law can be found in Attachment C.

Submitted by:

originally signed by

Karen Neville
Planning and Development Department



A

Legend

- 762 King Street
- 3 Unit Apartment Building
- 12 Unit Apartment Building
- Medical Office
- 50 Unit Nursing Home
- 24 Unit Seniors Complex
- 15 Unit Seniors Complex
- New Waterford Consolidated Hospital

Ref. No. 161-04845

May 3, 2016

Duke Fraser
Millennium Contracting Services

[Via Email: mcsk@eastlink.ca]

**RE: Traffic Impact Analysis, Proposed Commercial Development
762 King Street, New Waterford, Nova Scotia**

Dear Mr. Fraser,

Plans are being prepared to construct a Robin's Donuts shop with a Drive-Through Lane at 762 King Street in New Waterford, Nova Scotia (PID # 15466840, See Figure 1). Completion of the development is anticipated by 2017. This is the Traffic Impact Analysis (TIA) required to accompany the development application.

Description of Site Access- Access to the site is proposed from King Street via a single full access driveway at the north of the site. There is a crest that peaks near Macleod Avenue and the street slopes downward from south to north at approximately 3%. Stopping sight distance (SSD), measured from a driver eye height of 1.05 m to a 150 mm object height was observed at the proposed driveway and is summarized below (See Photos 1 and 2):

- SSD measurements recorded for the southbound approach to the site driveway indicate over 200 m of available SSD, which exceeds the 60 m required for an approach speed of 50 km/h on a +3% (uphill) grade; and,
- SSD measurements recorded for the northbound approach to the site driveway indicate over 80 m of available SSD which exceeds 65 m required for an approach speed of 50 km/h on a -3% (downhill) grade.



**Photo 1: Looking south on King Street
from the Proposed Site Access.**
The site's existing driveway is visible on the left.



**Photo 2: Looking north on King Street from the
Proposed Site Access**

Description of the Site and Proposed Development- The site is located on the east side of King Street between Macleod Avenue and the New Waterford Consolidated Hospital. The site, which is currently occupied by a small vacant building that formerly operated as a medical office, has one existing driveway located approximately 50m north of Macleod Avenue.

The proposed 1,020 square foot Robin's Donuts and Coffee Shop will include approximately 15 parking spaces, and a drive-through window with approximately 15 passenger vehicle queuing positions. Completion of the development is anticipated by 2017.

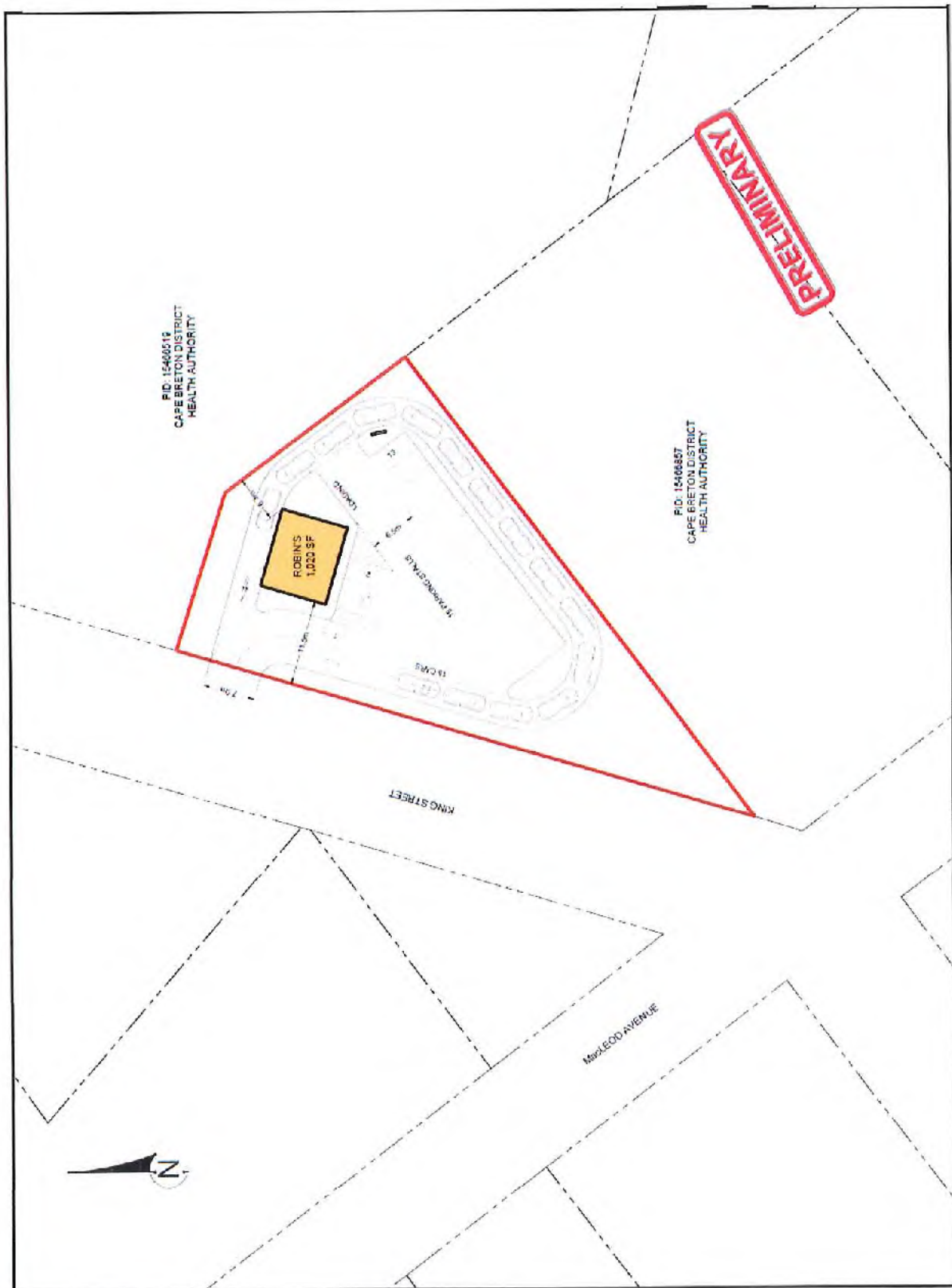


Figure 1: Site Plan

Street and Intersection Descriptions- King Street (See Photos 1 and 2) is a 2-lane collector street that runs north-south approximately 1.8km between Emerald Street and Atlantic Avenue. In the vicinity of the proposed development site, it has a posted speed limit of 50km/h. There is a crest that peaks approximately 50m south of the site near Macleod Avenue and the street slopes downward from south to north at approximately 3%.

Manual Traffic Count- A manual turning movement count was completed during the AM and PM peak periods at the intersection of King Street with the primary site driveway for the New Waterford Consolidated Hospital on Thursday, April 28, 2016. Count data are summarized in Table A-1, Appendix A, with peak hours indicated by shaded areas, and are illustrated diagrammatically in Figure A-1, Boxes A and B, Appendix A.

Traffic Volume Data- King Street 24-hour traffic volume data from 2007 were obtained from Cape Breton Regional Municipality. The AM and PM peak hour traffic volume data from this 2007 count and the counted volumes from 2016 are summarized in Table 1. These data indicate that peak period traffic volumes have been largely unchanged since 2007.

Table 1 – King Street AM and PM Peak Hour Traffic Volumes for 2007 and 2016

Count Year	AM Peak Hour			PM Peak Hour		
	Northbound	Southbound	Two-Way	Northbound	Southbound	Two-Way
2007 ¹	187	175	362	193	205	398
2016 ²	160	185	345	188	186	374
Volume Increase	-27	10	-17	-5	-19	-24
1. 24 hour count data from 2007 were provided by Cape Breton Regional Municipality						
2. 2016 peak hour turning movement count was obtained by WSP Canada Inc.						

Estimation of 2022 Volumes – Counted 2016 peak hour volumes have been increased by an annual traffic volume growth rate of 0.5%, which is considered appropriate for this area, to provide projected 2022 AM and PM background peak hour King Street through volumes. Projected 2022 peak hour background traffic volumes are illustrated diagrammatically in Figure A-1, Boxes C and D, Appendix A.

Volumes at Robin's Donuts Enfield, NS- A count and queuing study for a Robin's Donuts in Enfield, Nova Scotia, provided the following AM peak hour information which is considered typical for this type of coffee shop:

- Peak Hour Drive-Through Volume 54 vehicles (7:00 AM to 8:00 AM)
- Average Queue Length 1.2 vehicles
- 50th Percentile Queue 1 vehicle
- 95th Percentile Queue 4 vehicles
- Maximum Observed Queue 5 vehicles

Trip Generation- Two types of trips are included in the external trips that will be generated by the proposed development - *Pass-by* and *Primary Trips*.

Pass-by trips are those which are made as 'intervening opportunity' stops to commercial and retail land uses by vehicle trips already passing by the site. Although these trips will be included in the driveway volumes to the site, they will not increase the overall traffic volumes on King Street. *Trip Generation Handbook, 2nd Edition* (Institute of Transportation Engineers, Washington, 2012) indicates an average pass-by rate of 50% for the similar land use of Fast-Food Restaurant with Drive-Through Window (Land Use 934, Table 5.24, Page 69). Since a

significant number of trips generated by a coffee shop are from pass-by vehicles on the adjacent street, it is assumed that 50% of the trips are already passing by the site.

Primary trips for this Study include all external site generated trips that are not considered pass-by trips.

Site Generated Trips- The proposed development is a 1,020 square foot Robin's Donut and Coffee Shop with drive-through window. Trip generation estimates (see Table 2), prepared using published rates from *Trip Generation, 9th Edition* (Institute of Transportation Engineers, Washington, 2012), include 50 two-way primary vehicle trips (26 entering and 24 exiting) during the AM peak hour and 22 two-way primary vehicle trips (11 entering and 11 exiting) during the PM peak hour. There are also an estimated 52 two-way pass-by trips (26 entering and 26 exiting) in the AM peak hour and 22 two-way pass-by trips (11 entering and 11 exiting) in the PM peak hour.

Table 2 - Trip Generation Estimates

Land Use ¹	Units ²	Trip Generation Rates ³				Trip Generation Estimates ³			
		AM Peak		PM Peak		AM Peak		PM Peak	
		In	Out	In	Out	In	Out	In	Out
Coffee / Donut Shop with Drive-Through Window (ITE Land Use 937)	1.02 KGFA	51.3	49.3	21.4	21.4	52	50	22	22
50% Pass-By Trips for the Site ⁴						26	26	11	11
Primary Trip Generation Estimates for the Site						26	24	11	11
NOTES: 1. <i>Trip Generation, 9th Edition</i> (Institute of Transportation Engineers, Washington, 2012) Land Use Code 937, Coffee / Donut Shop with Drive-Through Window have been used. 2. KGFA is "1000 sq. ft. of Gross Floor Area". 3. Rates are 'vehicles per hour per unit'; trips generated are 'vehicles per hour for peak hours'. 4. The average pass-by rate of 50% for the similar land use 'Fast-Food Restaurant with Drive-Through Window' was used.									

Trip Distribution and Assignment – The primary site generated trips were distributed based on review of existing volumes and local knowledge of the area. Site generated trips were distributed 60% from / to the north and 40% from / to the south.

Pass-by site generated trips were assigned to the roadway network based on directional distribution of counted volumes on King Street. AM pass-by trips were distributed with 55% of the trips originating from the north and 45% originating from the south, while PM pass-by trips were distributed with 50% originating from the north and 50% originating from the south.

Site generated trips (shown diagrammatically in Figure A-2, Boxes A and B, Appendix A) have been added to 2022 background volumes (Figure A-1, Boxes C and D) to provide projected 2022 traffic volumes that include site generated trips (Figure A-2, Boxes C and D, Appendix A).

Left Turn Lane Warrant Analysis - Left turn movements on a two lane street may cause both operational and safety problems. Operational problems result as a vehicle stopped waiting for an opportunity to turn across 'heavy' opposing traffic causes a queue of stopped vehicles to form. Safety problems result from rear end collisions when a stopped left turning vehicle is struck by an advancing vehicle, or from head-on or right angle collisions when a left turning vehicle is struck by an opposing vehicle.

The *Geometric Design Standards for Ontario Highways Manual* contains nomographs for left turn lane analysis for two lane streets. The analysis method, which is normally used by WSP Atlantic to evaluate the need for left turn lanes, uses a series of nomographs that consider speed, advancing volumes, left turns as a percentage of advancing volumes, and opposing volumes. A point, based on 'opposing' and 'advancing' volumes, plotted to the right of the

'warrant line' of the appropriate '% left turns' and 'approach speed' nomograph, indicates that a left turn lane is warranted for the conditions used in the analysis. Similarly, a point that is plotted to the left of the warrant line indicates that a left turn lane is not warranted.

Evaluation of left turn lane warrants for the southbound approach on King Street at the site driveway (Figure A-3) indicates that a left turn lane on King Street at the site driveway is not warranted based on estimated 2022 traffic volumes with the addition of site generated trips.

Intersection Level of Service Analysis – The level or quality of performance of an intersection in terms of traffic movement is determined by a level of service (LOS) analysis. LOS for intersections is defined in terms of delay, which is a measure of driver discomfort and frustration, fuel consumption, and increased travel time. LOS criteria (Table 3) are stated in terms of average control delay per vehicle which includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay.

Table 3 - Level of Service (LOS) Criteria for Stop-Controlled Intersections

LOS	LOS Description	Two Way Stop Controlled (TWSC) Intersections Control Delay (Seconds per Vehicle)
A	Very low delay; most vehicles do not stop (Excellent)	Less than 10.0
B	Higher delay; most vehicles stop (Very Good)	Between 10.0 and 15.0
C	Higher level of congestion; number of vehicles stopping is significant, although many still pass through intersection without stopping (Good)	Between 15.0 and 25.0
D	Congestion becomes noticeable; vehicles must sometimes wait through more than one red light; many vehicles stop (Satisfactory)	Between 25.0 and 35.0
E	Vehicles must often wait through more than one red light; considered by many agencies to be the limit of acceptable delay	Between 35.0 and 50.0
F	This level is considered to be unacceptable to most drivers; occurs when arrival flow rates exceed the capacity of the intersection (Unacceptable)	Greater than 50.0

A **volume to capacity (v/c)** ratio is a measure of how the peak hour volume on an approach to an intersection compares to the capacity of that intersection approach. The capacity of a STOP controlled approach is determined by the volumes on the through street and approaches. Volumes at 50% of capacity (v/c ratio of 0.50) or less usually show low or no congestion.

The **95th% queue** is the estimated length in meters of a line of vehicles stopped on an intersection approach that is only exceeded 5% of the time. Since a stopped vehicle occupies about six meters of queue length, a 95th% queue of 12 meters indicates that less than 5 times out of 100 the queue may exceed two vehicles on the approach.

Synchro 9.0 software has been used for level of service (LOS) evaluation of King Street at the site driveway with projected 2022 AM and PM peak hour volumes that include site generated trips. Analysis results are included on Pages A-5 and A-6 (Appendix A) and results are summarized in Table 3.

Summary: Intersection Level of Service Analysis- Overall intersection LOS at the site driveway intersection is expected to be satisfactory with the addition of site generated trips.

Table 4 – 2022 Level of Service for King Street at the Site Driveway

LOS Criteria	Control Delay (sec/veh), LOS, v/c Ratio, and 95 th % Queue (m) by Intersection Movement			Overall Intersection	
	WB-LR	NB-TR	SB-LT	Delay	LOS
Weekday AM Peak Hour with Site Development (Page A-5)					
Delay	10.7	0.0	1.3	1.9	A
LOS	B	A	A		
v/c	0.08	0.11	0.18		
Queue	1.9	0.0	0.6		
Weekday PM Peak Hour with Site Development (Page A-6)					
Delay	10.4	0.0	0.6	0.8	A
LOS	B	A	A		
v/c	0.03	0.13	0.16		
Queue	0.8	0.0	0.2		

Summary-

- Plans are being prepared for a commercial development at 762 King Street in New Waterford, Nova Scotia. The proposed development will be a Robin's Donuts and will include approximately 15 parking spaces and a drive-through lane with approximately 15 passenger vehicle queuing positions.
- A full movement site driveway is proposed on the east side of King Street at the northern limits of the site. The available Stopping Sight Distance is adequate for both King Street approaches to the driveway for the posted 50 km/h speed limit.
- It is estimated that the proposed commercial development will generate a total of 102 two-way vehicle trips (52 entering and 50 exiting) during the AM peak hour and 44 two-way vehicle trips (22 entering and 22 exiting) during the PM peak hour.
- When the high volume of pass-by trips of vehicles already passing by the site on King Street are considered, primary site trips are estimated to include 50 two-way trips (26 entering and 24 exiting) in the AM peak hour and 22 two-way trips (11 entering and 11 exiting) in the PM peak hour.
- Left turn lane warrant analysis indicates that a southbound left turn lane on King Street at the site driveway is not warranted based on analysis of estimated volumes for the 2022 horizon year with the addition of site generated trips.
- The intersection level of service at the proposed driveway intersection with King Street is expected to be satisfactory with the addition of site generated trips.

Conclusion-

- Site generated trips are not expected to have any significant impact to levels of performance on adjacent streets and intersections or to the regional street system.
- The 15 drive-through queue spaces provided are expected to be adequate for this location.

If you have any questions or comments, please contact me by email at patrick.hatton@wspgroup.com or by telephone at 902-835-9955.

Sincerely:

Patrick Hatton

Patrick Hatton, P. Eng.
Traffic Engineer
WSP Canada Inc.



May 3, 2016

Appendix A

**Intersection Turning Movement
Counts**

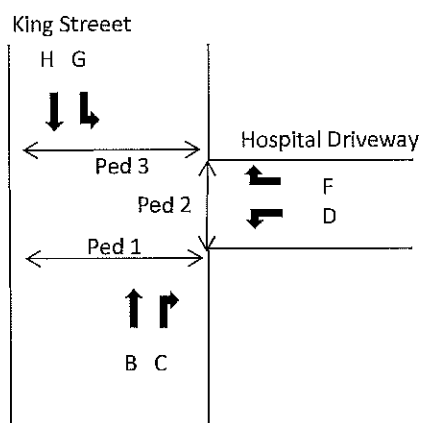
Traffic Volume Diagrams

Left Turn Lane Warrant

**Intersection Performance
Analysis**

Table A-1
King Street
@
New Waterford Hospital Driveway

New Waterford, NS
Thursday, April 28, 2016

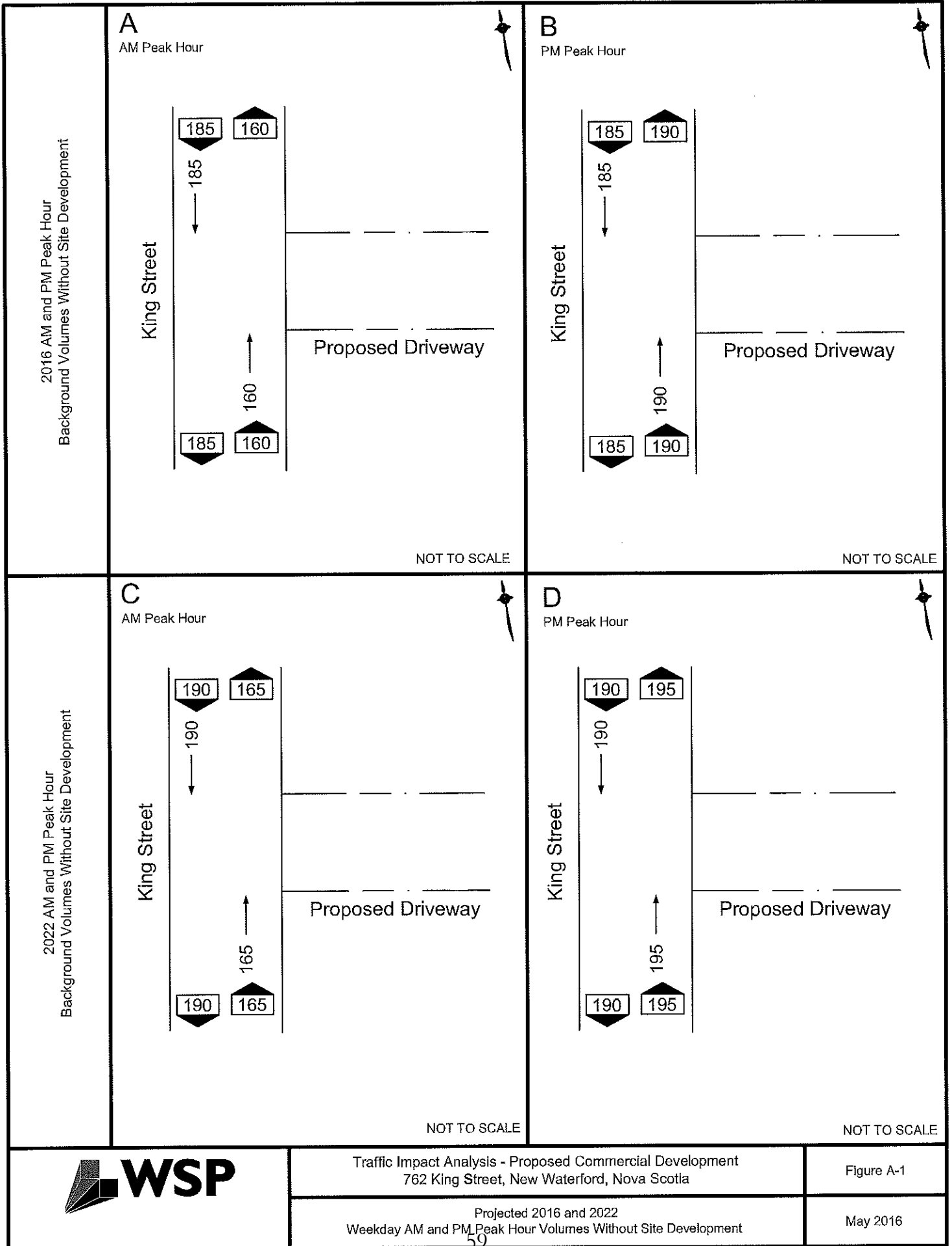


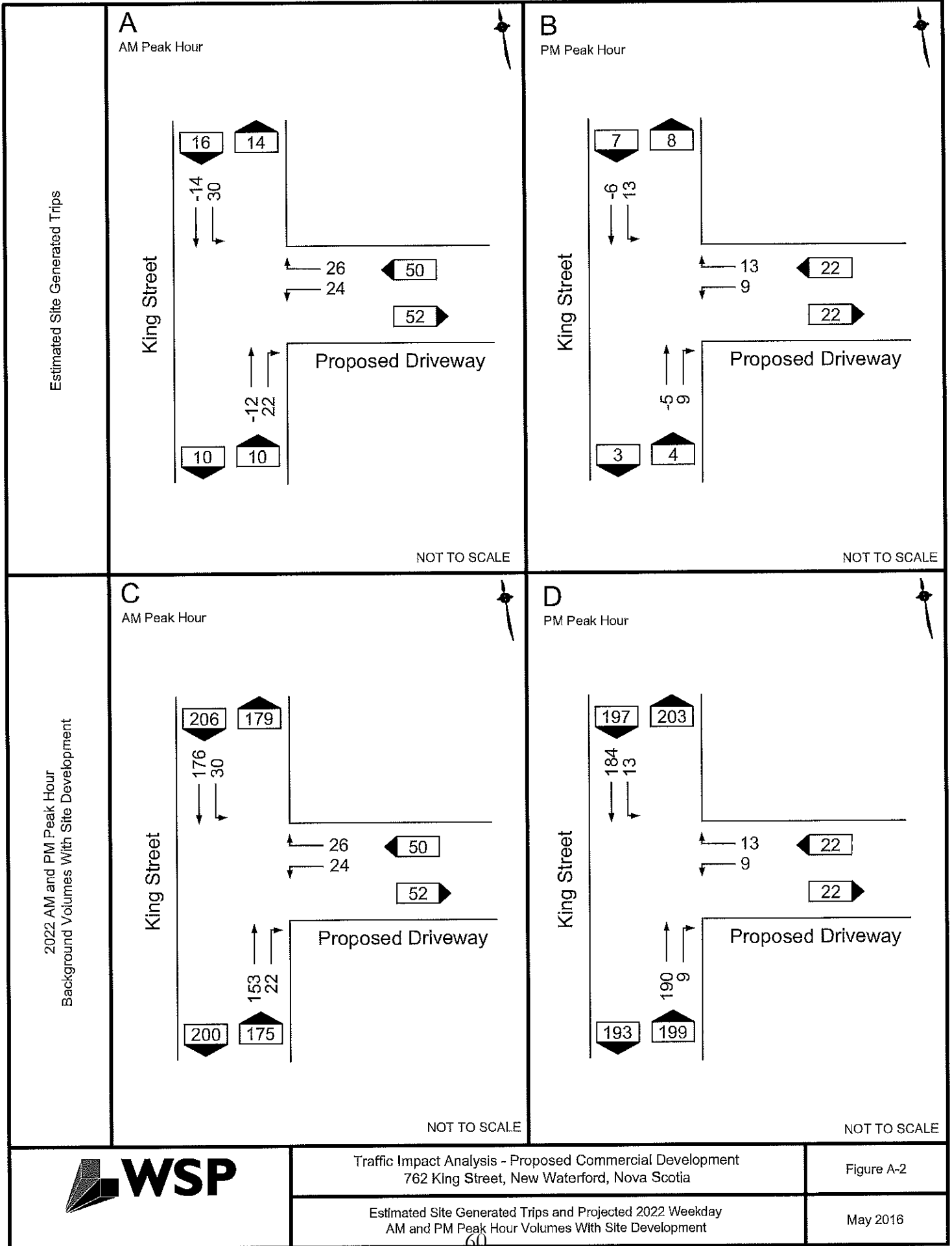
AM Peak Period Volume Data

Time	King Street Northbound Approach		New Waterford Hospital Driveway Westbound Approach		King Street Southbound Approach		Total Vehicles
	B	C	D	F	G	H	
07:00 07:15	10	4	3	3	1	22	43
07:15 07:30	8	3	0	2	2	21	36
07:30 07:45	18	3	0	1	0	27	49
07:45 08:00	19	4	1	2	1	28	55
08:00 08:15	24	3	2	3	2	32	66
08:15 08:30	39	5	5	1	4	55	109
08:30 08:45	47	4	0	5	4	43	103
08:45 09:00	35	3	2	1	4	46	91
AM Peak Hour	145	15	9	10	14	176	369
07:00 08:00	55	14	4	8	4	98	183
08:00 09:00	145	15	9	10	14	176	369
	Ped 1		Ped 2		Ped 3		Total Peds
07:00 08:00	2		1		0		3
08:00 09:00	2		0		0		2

PM Peak Period Volume Data

Time	King Street Northbound Approach		New Waterford Hospital Driveway Westbound Approach		King Street Southbound Approach		Total Vehicles
	B	C	D	F	G	H	
16:00 16:15	48	0	1	0	1	42	92
16:15 16:30	52	1	2	1	1	49	106
16:30 16:45	49	2	2	1	0	53	107
16:45 17:00	35	1	1	0	0	36	73
17:00 17:15	39	0	2	0	0	42	83
17:15 17:30	45	1	0	0	0	47	93
17:30 17:45	28	0	0	0	1	24	53
17:45 18:00	42	1	0	1	1	36	81
PM Peak Hour	184	4	6	2	2	180	378
16:00 17:00	184	4	6	2	2	180	378
17:00 18:00	154	2	2	1	2	149	310
	Ped 1		Ped 2		Ped 3		Total Peds
16:00 17:00	1		0		0		1
17:00 18:00	1		0		0		1



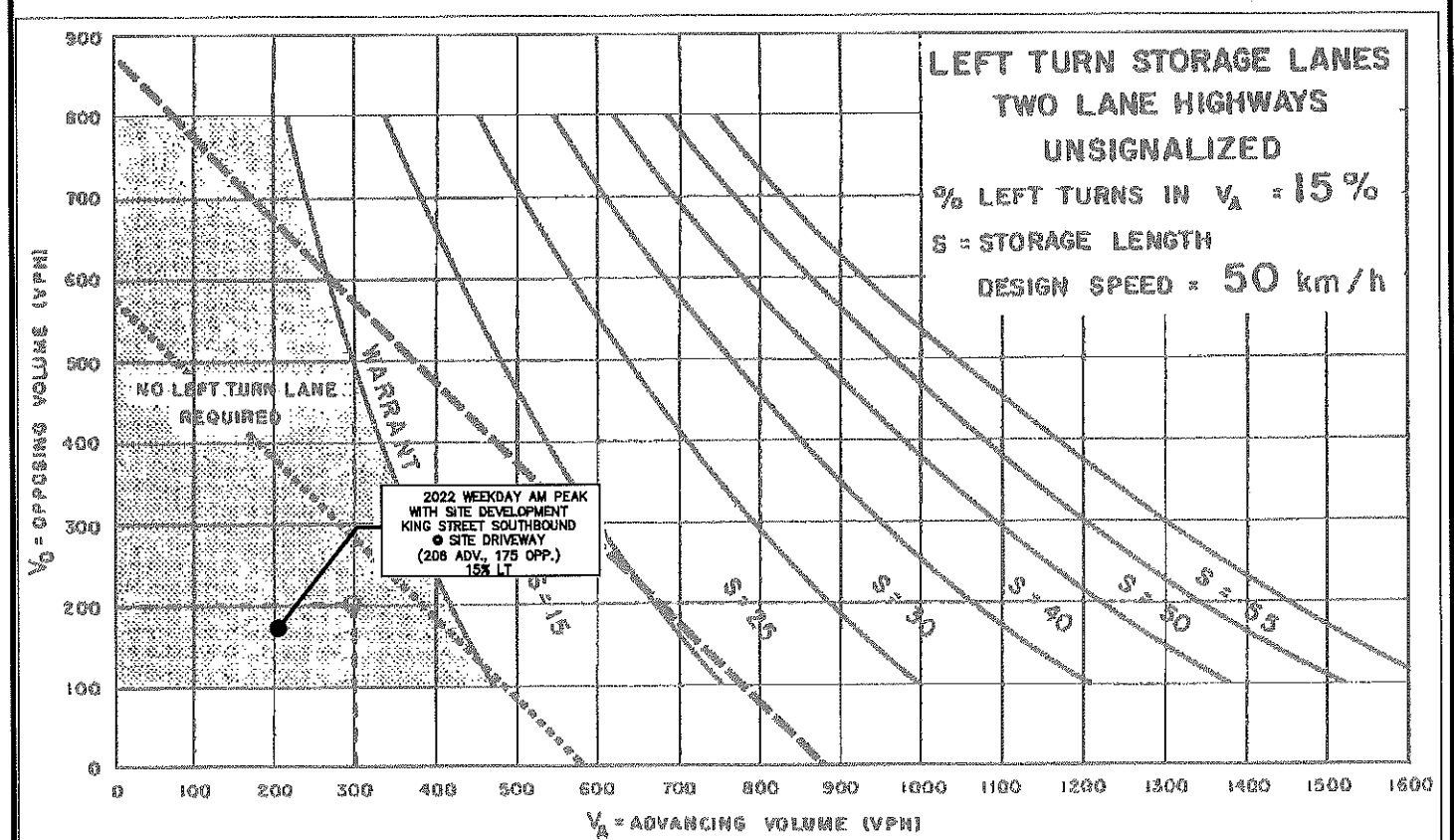
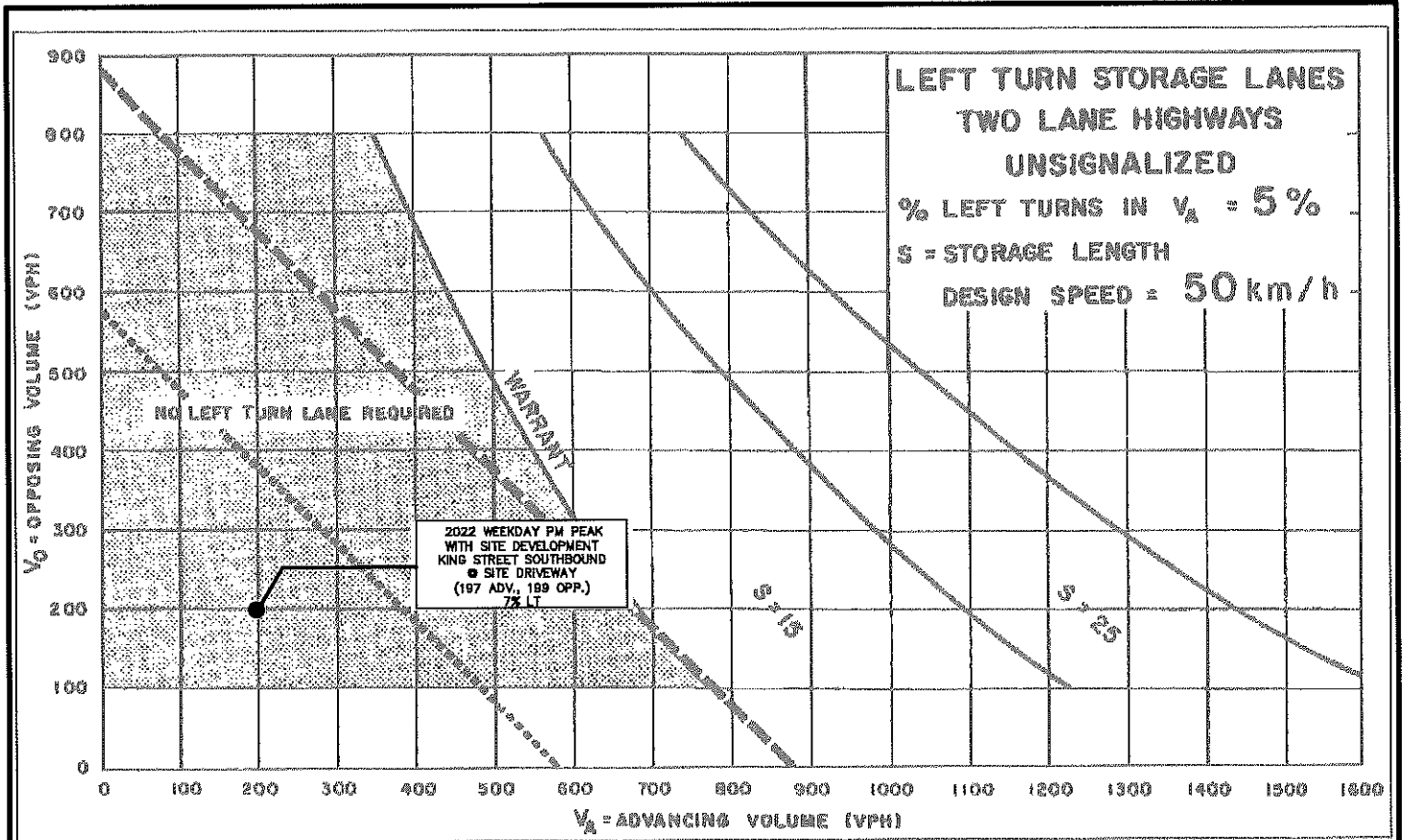


Traffic Impact Analysis - Proposed Commercial Development
762 King Street, New Waterford, Nova Scotia

Figure A-2

Estimated Site Generated Trips and Projected 2022 Weekday
AM and PM Peak Hour Volumes With Site Development

May 2016



Traffic Impact Analysis - Proposed Commercial Development
762 King Street, New Waterford, Nova Scotia

Figure A-3

Left Turn Lane Warrants: King Street at Proposed Site Driveway, New Waterford, NS

May 2016

Robin's Traffic Impact Analysis, New Waterford
1: King Street & Site Driveway

Page A-5
2022 AM Peak with Site Generated Trips

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	24	26	153	22	30	176
Future Volume (Veh/h)	24	26	153	22	30	176
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	26	28	166	24	33	191
Pedestrians						
Lane Width (m)						
Walking Speed (m/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (m)						
pX, platoon unblocked						
vC, conflicting volume	435	178			190	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	435	178			190	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	95	97			98	
cM capacity (veh/h)	564	865			1384	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	54	190	224			
Volume Left	26	0	33			
Volume Right	28	24	0			
cSH	689	1700	1384			
Volume to Capacity	0.08	0.11	0.02			
Queue Length 95th (m)	1.9	0.0	0.6			
Control Delay (s)	10.7	0.0	1.3			
Lane LOS	B		A			
Approach Delay (s)	10.7	0.0	1.3			
Approach LOS	B					
Intersection Summary						
Average Delay			1.9			
Intersection Capacity Utilization			33.6%	ICU Level of Service	A	
Analysis Period (min)			15			

Robin's Traffic Impact Analysis, New Waterford
1: King Street & Site Driveway

Page A-6
2022 PM Peak with Site Generated Trips

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (veh/h)	9	13	190	9	13	184
Future Volume (Veh/h)	9	13	190	9	13	184
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	10	14	207	10	14	200
Pedestrians						
Lane Width (m)						
Walking Speed (m/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage veh						
Upstream signal (m)						
pX, platoon unblocked						
vC, conflicting volume	440	212			217	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	440	212			217	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	98	98			98	
cM capacity (veh/h)	569	828			1353	
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total	24	217	214			
Volume Left	10	0	14			
Volume Right	14	10	0			
cSH	696	1700	1353			
Volume to Capacity	0.03	0.13	0.01			
Queue Length 95th (m)	0.8	0.0	0.2			
Control Delay (s)	10.4	0.0	0.6			
Lane LOS	B		A			
Approach Delay (s)	10.4	0.0	0.6			
Approach LOS	B					
Intersection Summary						
Average Delay			0.8			
Intersection Capacity Utilization			30.4%	ICU Level of Service	A	
Analysis Period (min)			15			

By-law
of the Cape Breton Regional Municipality

amending the

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

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

THAT: Council Renumbers Part 90 Definitions to Part 91

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

PART 90 762 KING STREET (762K) ZONE

Section 1 762K Uses Permitted

Development Permits shall only be issued in the 762K Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- **sales - only the following**
 - bakery sales
 - boutiques
 - convenience stores
 - pharmacy and convenience sales
- **services - only the following**
 - artist/artisan establishment
 - business offices
 - medical clinics
 - personal service business
 - restaurants
- **All uses permitted in the RUC Zone**

THAT: Council amends the Land Use Bylaw map by deleting the Residential Urban C (RUC) Zone in effect for PID 15466840 by replacing it with the 762 King Street (762K) Zone.

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

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK

Excerpt - DRAFT CBRM Council Minutes – May 17, 2016

Municipal Planning Strategy and Land Use By-law Amendment Application #1023 – Winter Review 2016):

Motion:

Moved by Deputy Mayor George MacDonald, seconded by Councillor Saccary, approval to advertise notice of a Public Hearing to be held at the June 2016 meeting of Council to consider proposed amendments to the Municipal Planning Strategy and Land Use By-Law outlined in the Winter Review report of May 10, 2016.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville and Malcolm Gillis

**SUBJECT: Municipal Planning Strategy and Land Use By-law
Amendment Application – 1023
Winter Review 2016**

DATE: June 14th, 2016

Introduction

The CBRM's first Municipal Planning Strategy (MP5) and Land Use By-law (LUB) were adopted in the summer of 2004, since that time it has been the practise of the Planning and Development Department to undertake a winter review of each document. Due to staffing issues, a winter review has not taken place for a number of years. The purpose of these winter reviews was to put forth amendments initiated by staff at the end of each building season to improve the implementation of planning documents for the next building season beginning in the spring.

Planning documents are not static documents, but rather are meant to evolve as a community grows and changes. Because of this it is important that these documents are reviewed periodically to ensure they are still achieving the goals of the community. To achieve this staff would like to put forward a series of proposed amendments to the MP5 and LUB that should be considered. These amendments are not meant to change the substance or direction of the LUB, but rather make the LUB easier to read for those who administer and those who must comply with its provisions.

Proposed Amendments to the Municipal Planning Strategy and Land Use Bylaw**Part 2, Policy 5.a**

Part 2 of the Planning Strategy is focused on sales and service business developments. The objective of Policy 5 of this Part is to recognize the legitimacy of established business developments along major transportation corridors where commercial zoning would not be appropriate to be in effect throughout the corridor e.g. Alexandra Street Sydney , Halfway Road Sydney Mines. However, the Policy 5.a doesn't make it clear additional business developments could co-exist at any of these sites and that a change in land use or an additional land use would be appropriate if regulated by Site Plan Approval. Staff does not believe it was intended to read that way and it should be revised to give clear direction to the Land Use Bylaw regarding the range of development options.

Policy 5 of Part 2 is implemented in Part 51 of the Land Use Bylaw. The above referenced clarification in policy direction should be reflected with appropriately re-worded provisions in the Land Use Bylaw.

It is recommended that Part 2, Policy S.a be revised to make it clear the Land Use Bylaw should permit additional business developments and conversions of existing business developments by Site Plan Approval at sites subject to this Policy and that Part S1 of the Land Use Bylaw also be amended accordingly.

Part 2, Policy S.b.3

This Policy is focused on the corridor of Grand Lake Road/Sydney Road where the speed limit is 80 kilometers. It was the subject of a traffic study approximately 10 years ago commissioned by CBRM and the Nova Scotia Department of Transportation and Infrastructure Renewal. The study's recommendation was that the primary function of this corridor was to be an efficient commuter route between Sydney and Glace Bay.

The objective of the study was included as policy in the CBRM Planning Strategy and its recommendations were implemented as provisions in the CBRM Land Use Bylaw including the following.

- While expansion of existing developments, or a change in business use of these existing sites within a range of similar uses will be permitted,
- No new business developments on previously undeveloped sites, or sites unoccupied with business development, are permitted, unless the site can be accessed via a signalized intersection.
- No residential developments large enough to generate more than a minimum use generation of motor vehicle traffic, unless the site can be accessed via a signalized intersection.
- All building lots must have a minimum of 150 ft. of Road frontage and flag shaped lot development is banned.

One minor change is proposed to Planning Strategy policy that will provide more flexibility allowing other business developments along with the current business provided there is no significant increase in the volume of traffic generated.

While the study advocated existing business developments should not be legally classified as non-conforming, the current range of optional permitted uses for each existing business development site in the Land Use Bylaw is too broad to comply with the traffic management objectives. In other words the Land Use Bylaw is contradicting the direction of the Planning Strategy it is supposed to be implementing.

It is recommended that Part S1 of the Land Use Bylaw be amended to bring the range of permitted optional uses for each current business development along the corridor of Grand Lake Road where the speed limit is 80 kilometer in compliance with the objectives of the study, the Planning Strategy and the Province's Traffic Authority.

Part 3 Policy 19 Novaporte

Almost 40 years ago the Agricultural Division of DEVCO assembled approximately 1,300 acres of land in the Point Edward Peninsula and started an experimental farm. Only a very small percentage of it was ever utilized for agricultural production and the buildings now have a different purpose. It is the larger undeveloped part of this land assembly which has recently been conveyed by Public Works Canada to the CBRM and First Nations to be held in reserve for future port development associated with the Sydport and Novaporte sites (a.k.a. the Greenfield site in Edwardsville). Planning Strategy policy deliberately remained neutral as to the appropriate designation for this large landholding until "... discussions with ECBC ..." were to take place to determine its highest and best use. That's been answered with the willingness of the Federal Government to convey it to the CBRM to be used in conjunction with Novaporte. Now that this conveyance has taken place Planning Strategy policy should be updated to reflect this.

Since its adoption in 2004, Planning Strategy policy designated Sydport and the Greenfield site for port related development, but policy should be updated to reflect the clear connection amongst the three above referenced sites.

It is recommended that Part 3, Policy 19 of the Planning Strategy be revised to articulate the interrelationship among Sydport, the Greenfield site, and the lands assembled by DEVCO in support of port development.

Proposed Amendments to just the Land Use By-law

Part 2 General Provisions for All Zones

Section 1 Accessory Buildings

The provisions associated with accessory buildings are some of the most implemented in the LUB, as a result, staff have several recommendations to improve their implementation. When it comes to a maximum size for accessory buildings there needs to be a clear distinction of between detached and attached accessory buildings. An attached accessory building is considered to be part of the main building and as a result should comply with the development standards of a main building and not the development standards for a detached accessory building. Because of this Section 1 should be amended to distinguish between the development standards that apply to a detached accessory building vs an attached accessory building.

It is recommended that Sections 1 be amended to identify the development standards for detached and attached accessory buildings.

Detached accessory buildings with a floor area of 100ft² or less do not require a Development Permit; however, detached accessory buildings with a floor area of 100ft² or less are still used when calculating the total lot coverage.

It is recommended that a statement be added to Subsection a. 4. and Subsection d. which references the fact that detached accessory building with a floor area of 100ft² or less will be used in the calculation of the total lot coverage for accessory buildings.

Currently Subsection c. identifies the minimum setbacks for detached or attached accessory buildings when in fact an attached accessory building must comply with the setbacks for a main building.

It is recommended that 'attached' be removed from Subsection c.

To aid in its implementation, Section 1 should be reformatted to clearly identify the provisions that apply to all accessory buildings and those that apply specifically to residential accessory buildings.

It is recommended that Section 1 be reformatted to clearly identify which provisions apply to residential accessory buildings and those provisions that apply to all accessory buildings.

Section 6 Conversion of former community or educational service building

As the result of changing economic, demographic, and social conditions many community and educational service buildings are no longer being used for the purposes for which they were originally intended. To prevent these buildings from remaining empty, the LUB allows this buildings to be converted to a range of optional uses.

The range of optional uses includes apartment buildings and dwelling units within a mixed use building, but townhouse is not listed as one these optional uses. Apartment buildings and townhouses are both residential buildings with three or more dwelling units, so it is reasonable that a townhouse be included in the list of optional uses permitted in the conversion of former community or educational service buildings.

It is recommended that townhouse be added to list of optional uses for former community or educational service buildings.

In addition, nursing home are considered to be permitted in former community or educational service buildings; however nursing homes are permitted in all zones, except the Public Water Supply zone, in accordance with the provisions of Section 2S of the LUB. Because of this it is not necessary for nursing home to be listed in Section 6.

It is recommended that nursing home be deleted from Section 6 Conversion of former community or educational service building.

There are a number of large municipally owned buildings, in particular buildings with recreational uses, which are located within residential neighbourhoods. Similar to community or educational service buildings these building should have the opportunity to be converted to the list of optional uses in Section 6.

It is recommended that Section 6 should be amended to include municipally owned buildings.

Section 9 Existing Buildings and Non-compliance with Lot parcel development Requirements – Repair, Reconstruction and Additions

The LUB recognizes the legitimacy of buildings that were established prior to the adoption of the LUB that are unable to meet lot parcel development requirements. The third bullet of Section 9 includes the phrase 'having less the minimum', however it is not necessary due to the fact this phrase is also included in the introductory text. Because of this 'having less the minimum' should be deleted from the third bullet.

It is recommended that the phrase 'having the minimum' be removed from Section 9.

Section 16 Frontage on a Public street/road

According to the LUB, Development Permits shall not be issued unless the lot parcel has frontage on a public street. That being said, the LUB does identify a number of exceptions to that rule. One such exception enables a Development Permit to be issued for a lot parcel serviced by a Municipal sewer main which has frontage along a private road (S16 b.4.). The use of the term private road in this provision is incorrect, the term used should be unlisted road. There are other provisions with found in Subsection b. which apply to lot parcels fronting on a private road.

It is recommended that private road be removed from Subsection 16 b. 4. and replaced with unlisted road.

Section 17 Home Business

The LUB recognizes a range of service businesses permitted to be operated from a residential property. Home businesses are becoming more common; as a result staff have several recommendations to improve the implementation of the home business provisions.

The LUB permits a home business to be operated within the residential dwelling or within a residential accessory building. There are specific provisions that limit the floor area within a dwelling unit devoted to a home business, but there is no such provision for an accessory building.

It is recommended that a provision be added to Section 17 to regulate the floor area devoted to a home business within a residential accessory building.

Due to the increase in popularity of home businesses, we are experiencing an increase in business vehicles associated with a home business being stored on residential property. There is a provision within the LUB which restricts the storage of motor vehicles associated with a business development to one on properties where the type of business use is not permitted (Section 31). This provision does not apply to motor vehicles related with a home business, because the use is permitted on the property. Because of this, it would be beneficial to add provisions regulating business vehicles connected with a home business in both Section 17 and Section 31 of the LUB. To aid in the implementation of these provisions a definition for business vehicle should also be added to the LUB.

It is recommended that Section 17 Home Business and Section 31 Parking of Motor Vehicles Owned by a Business Development be amended by adding provisions limiting the number of business vehicles associated with a home business to be kept on a property to two. In addition, a provision should be added to Section 17 identifying signage that is acceptable on a business vehicle.

Animal (domestic) grooming is considered to be an acceptable home business, but animal sitting is not. Because of a provision should be added to Section 17 that states that animal (domestic) grooming does not include animal sitting. For further clarification a definition for animal (domestic) grooming and animal sitting should be added to the LUB.

It is recommended that a provision be added to Section 17 Home Business that states animal (domestic) grooming does not include animal sitting.

Section 18 Irregular, or Flag-Shaped Lot Parcel

The LUB allows for lot parcels with a minimum lot parcel frontage of 20 feet, however there are zones within the LUB that have specific lot parcel frontage requirements that are larger than 20 feet.

It is recommended that Section 18 Irregular, or Flag-Shaped Lot Parcel be amended to include the statement 'unless there is a specific provision for a land use in the text of a particular zone'.

Section 19 Lot Parcel Development Requirements

The LUB has a provision that waives the side yard setback requirement for a select number of building types. This provision is most often used for semi-detached dwellings. The so-called company homes, which are so prevalent in the coal colliery towns and in neighbourhoods of Sydney in proximity to the former steel plant site, are the best and most common examples of this type of residential construction. This provision also applies to any sales or service establishment, but it does not apply to recreational buildings. The exception to lot boundary setback does not except compliance with all other applicable provisions of the LUB as well as the CBRM Subdivision and Building By-laws and the Provincial Building Code.

It is recommended that recreational buildings be added to the list of uses that are eligible to waive yard setbacks found in Section 19 Lot Parcel Development Requirements.

Section 29 Parking Area Standards

When the LUB was drafted it was envisioned that the By-law would come into effect as of July 1st, 2004; however, its effective date was not until August of 2004. Part 2, Section 29, Subsection c.9 includes a provision which references buildings that existed as of July 1, 2004, which is actually prior to the By-law coming into effect.

It is recommended that the date July 1st, 2004 be removed from Subsection c. 9 of Section 29 Parking Area Standards and replaced with the phrase 'meet the definition of existing in this By-law'.

The provisions for parking area standards are separated into standards for more than three parking spaces and three or fewer parking spaces. The provisions for parking areas of three or fewer parking spaces requires that driveways be setback 3ft from a lot parcel boundary; however, this is not meant to apply to residential development.

It is recommended that Subsection 29 d.3 of Part 29 Parking Area Standards be amended by adding a sentence stating that the requirement for a driveway to be setback 3ft from a lot parcel boundary does not apply to residential development.

Section 30 Parking Requirements According to Land Use Type

The intention of the introductory text for Section 30 Parking Requirements According to Land Use Type is to identify that the off-street parking area for a building is required to be on the same lot and within a zone that permits the building or use; however the wording of this Section could be modified to clarify this intent.

It is recommended that Section 30 Parking Requirements According to Land Use Type be amended to clarify that the parking areas for every building must be located on the same lot and within a zone that permits the use.

Section 42 Utility Scale Wind Turbines

While the municipality has the authority to regulate utility scale wind turbines, the CBRM is also obligated to inform the Department of National Defense when it is in receipt of an application for a utility scale wind turbine. To aid in this notification process a mailing address was included in Section 42, Part 2 of the LUB; however, there is a possibility that this address could change overtime. Therefore, it should be removed from the LUB.

It is recommended that the address for the Department of National Defense be removed from Section 42 Utility Scale Wind Turbines.

Part 3 Downtown Central Business District (CBD) Zone

The Downtown Central Business District (CBD) Zone permits a wide range of business uses with little or no development restrictions. In the CBD a building can occupy 100% of the lot area, which results in densely development downtowns; however, this can become problematic when the CBD zone abuts a residential zone. Because of this, a provision should be added to the CBD zone that requires a business to be screened from a property in an abutting residential zone.

It is recommended that screening provisions from an adjacent residential zone be added to the Downtown Central Business District (CBD) Zone.

Part 4 Downtown Sydney Waterfront (DWZ) ZONE

Restaurants serving alcohol beverages is listed as permitted use within the Part 4 Downtown Sydney Waterfront (DWZ) ZONE. The phrase 'serving alcohol beverages' should be removed because the serving of alcohol beverage is considered to be an accessory use to a restaurant and alcohol beverage service establishment is also listed as a permitted use within this zone.

It is recommended that restaurants serving alcohol beverages be replaced with restaurants in Section 1 of Part 4 Downtown Sydney Waterfront (DWZ) ZONE.

Part 5 Arterial Business Corridor (ABC) Zone

The ABC zones permits a range of manufacturing, recreational, residential, sales, service, and transportation uses. The ABC zone identifies that animal shelter and animal sitting establishment are only permitted in areas without municipal water and sewer. It is proposed that a definition of animal sitting establishment be added to the LUB which limits animal sitting to a period less than 24 hours. This definition is in contrast to an animal shelter which permits animals to be kept on site for a period longer than 24 hours. Due to the limited timeframe for an animal sitting establishment and the range of uses within the ABC zone, it would be appropriate for animal sitting establishments to be permitted throughout the ABC zone regardless of municipal servicing.

It is recommended that animal sitting establishment be considered a permitted uses in Part 5 Arterial Business Corridor (ABC) Zone.

Lot parcel development standards within the ABC zone requires a minimum public street frontage of 150ft. While this 150ft public street frontage is not intended to apply to a single unit dwelling or a two unit dwelling within the ABC zone, this intention is not clear; because of this Subsection 2 b. 1 should be amended.

It is recommended that Subsection 2 b.1 of the Arterial Business Corridor zone be amended to state that the minimum 150ft public street frontage does not apply to a single unit dwelling or a two unit dwelling.

Part 6 Boularderie Island Business Corridor (BBC) ZONE

Currently kennels, animal shelter, and animal sitting establishments are not permitted in areas serviced with both municipal water and sewer in the Boularderie Island Business Corridor (BBC) zone. However, there are no areas within the BBC zone that are serviced by both municipal water and sewer.

It is recommended that Part 6 Boularderie Island Business Corridor (BBC) ZONE be amended by deleting 'kennels are not permitted in areas serviced with both Municipal water and sewer' and 'animal shelters, and animal sitting establishments are not permitted in areas serviced with both Municipal water and sewer' from the list of permitted uses.

Part 18 Residential Urban C (RUC) Zone and Part 42 Rural CBRM (RCB-NM) Zone

Both the Residential Urban C (RUC) and the Rural CBRM (RCB-NM) Zones have special provisions for Grand Lake Road/Sydney Road. These provisions recognize existing businesses and properties along the 80km speed limit of Grand Lake Road and Sydney Road. The inclusion of these provisions takes direction from Policy 5.b.3 of Part 2 of the Municipal Planning Strategy as well as Part 51 of the LUB. The special provisions for Grand Lake Road and Sydney Road state that no Development Permit shall be issued for a list of uses on lot parcels that are not identified in Part 51 of the LUB. One of those uses is private recreational; however, there is no definition for private recreational use. That being said, the LUB does define recreational business establishment.

It is recommended that private recreational be replaced by recreational business establishment in the Special Provision for Grand Lake Road/Sydney Road Sections of the Residential Urban C (RUC) and Rural CBRM (RCB-NM) Zones of the LUB

Part 18 Residential Urban C (RUC) Zone and Part 19 Residential Urban D (RUD) Zone

The MP5 recognizes agricultural livestock operations as an inappropriate type of development in business development zones and higher density residential zones, that being said some of the urban residential zones contain large lot parcels in areas of low density. Because of this, Part 18 Residential Urban C and Part

19 Residential Urban D have provisions regulating agricultural uses. These provisions include setback requirements for new agricultural buildings; however it is not clear if this setback applies to all agricultural buildings or only those buildings housing livestock.

It is recommended that Subsection 4.c. of Part 18 Residential Urban C and Part 19 Residential Urban D be amended to identify a setback for new agricultural buildings used for the purposes of rearing and caring for animals.

Part 24 Apartment Building A (ABA), Part 25 Apartment Building (ABB) Zone, and Part 26 Apartment Building X (ABX) Zone

All of the Urban Residential Zones, with the exception of the Apartment Building A (ABA), Apartment Building B (ABB), and Apartment Building X (ABX) Zone, includes day cares as a permitted use.

It is recommended that day care be added to the list of permitted uses in the ABA, ABB, and ABX zones.

Part 29 Northside Business Park (NBP) Zone

Animal care is listed as a permitted use within the Northside Business Park (NBP) Zone, yet the LUB does not define animal care.

It is recommended that animal care be removed from the permitted uses in NBP zone and replaced with animal (domestic) care facilities.

Part 34 Regional Industrial Utility (IUR) Zone

Part 34 Regional Industrial Utility (IUR) Zone identifies coal retail distribution facilities as a sales use; however, coal retail distribution facilities is a transportation use.

It is recommended that coal retail distribution facilities be deleted from Section 1 of Part 34 Regional Industrial Utility (IUR) Zone.

Part 35 Lingan Corridor Comprehensive Development District (LCD) Zone

Part 35 Lingan Corridor Comprehensive Development District (LCD) Zone identifies amusement park as a service use; however, an amusement park is a recreational use.

It is recommended that amusement park be deleted from Section 2 of Part 35 Lingan Corridor Comprehensive Development District (LCD) Zone.

Part 41 Rural CBRM (RCB) Zone, Part 42 Rural CBRM-NM (RCB-NM) Zone, and Part 43 Rural Gavel Deposit (GDR) Zone

Part 41 Rural CBRM (RCB) Zone, Part 42 Rural CBRM-NM (RCB-NM) Zone, and Part 43 Rural Gavel Deposit (GRD) Zone identify fitness centres as a service use; however, fitness centres are a recreational use.

It is recommended that fitness centre be deleted from Section 1 of Part 41 Rural CBRM (RCB) Zone, Part 42 Rural CBRM-NM (RCB-NM) Zone, and Part 43 Rural Gavel Deposit (GDR) Zone.

Part 46 Louisbourg Highway Parkway 1 (LP1) Zone and Part 47 Louisbourg Highway Parkway 2 (LP2) Zone

Beginning in the very early 1960's, the largest historical reconstruction in Canada began at the site of former French fortress Town of Louisbourg. As part of this investment, the Federal Government partnered with the Province of Nova Scotia to reconstruct the Sydney-Louisbourg Highway into an efficient conveyor of

vehicular traffic linking the Fortress directly with the primary regional transportation artery in Cape Breton County.

To ensure this investment in an efficient highway infrastructure would not be squandered by ribbon development, the Province of Nova Scotia proclaimed significant sectors of this Highway as a Parkway. The purpose was to severely limit development, especially business development. The objective was to ensure the efficient and safe movement of traffic to and from the Fortress of Louisbourg National Historic Park for the future. Regulations were put into effect establishing a corridor from the Highway's intersection with the Morrison Road several kilometers north of Albert Bridge all the way to the boundary of the former Town of Louisbourg. The Louisbourg Highway Parkway 1 (LP1) and Louisbourg Highway Parkway 2 (LP2) Zones are intended to mirror these Regulations.

It is recommended that provisions be added to both the Part 46 Louisbourg Highway Parkway 1 (LP1) Zone and Part 47 Louisbourg Highway Parkway 2 (LP2) Zone to reference the fact that there is nothing in the LUB that exempts an applicant from complying with the Provincial Parkway Development Standards Regulations under the *Public Highway Act*.

The minimum building setback from the Louisbourg Highway in the LP1 and LP2 do not match those found in the Parkway Regulation.

It is recommended that Section 2 of Part 46 Louisbourg Highway Parkway 1 (LP1) Zone and Part 47 Louisbourg Highway Parkway 2 (LP2) Zone be amended to match the minimum building setback from the Louisbourg Highway found in the Parkway Regulation.

Part 54 Existing Developments

The LUB acknowledges the legitimacy of a range of sale/service businesses that were in existence prior to its adoption. Part 54 Existing Developments states that any existing development is deemed to be permitted if that development:

- is not included in the Uses Permitted Section of the Zone within which it is located; or
- if it is permitted, only as an optional use;
- or any land use not permitted throughout all Zones as a General Provision (refer to the Sections of Part 2)

This proposed amendment is intended to clarify the second bullet listed above. The intention of this proposed amendment is to ensure that if a use is deemed to be existing as defined by the LUB and it is listed in a zone as an optional use (subject to specific standards), it is still considered to be permitted even if it does not meet those specific standards.

It is recommended that the second bullet of Part 54 Existing Development, Section 1 Land Uses Deemed Permitted be amended to read 'if it is permitted, only as an optional use, and it does not meet the specific conditions referenced in that Zone'.

Part 54 applies to existing buildings; however, the LUB defines existing as from the date of the adoption of the LUB. This definition becomes increasingly problematic as the time since the LUB was adopted continues to increase. Therefore, how existing is defined and applies in Section 1 of Part 54 should be amended. The timeframe to determine existing should be five years less a day for a development. Meaning that at the time an applicant submits a Development Permit Application the development would have had to have been in operation within the past 5 years. When it comes to determining existing buildings a six month timeframe

is appropriate. This would mean that if a building is demolished it would still be deemed to be existing if the demolition took place less than six months ago. It is the applicant's responsibility to provide evidence or documentation to substantiate the existence of the development or building based on the timeframe listed above. For further clarification the definition for existing in the LUB should be revised.

It is recommended that Part 54 Existing Development, Section 1 Land Uses Deemed Permitted be amended to update the use of the term existing.

Part 89 Definitions

For the purposes of clarification several definitions are proposed to be added or revised to the LUB. It is proposed that definitions for Animal (Domestic) Grooming, Animal Sitting Establishment, Business Vehicle, and Reconstruction be added to the LUB. It is proposed that the following definitions found in the LUB be revised:

Boutique	Existing	Self-storage facility
Boathouse	Derelict motor vehicle	Townhouse
Crop farming	Parking lot	
Entertainment service	Parking space	

To review the definitions in their entirety please see the LUB Amending By-law found in Attachment B.

LUB Zone Map

Arterial Business Corridor (ABC) Zone – Rose Street and Rose Court, Sydney River

Arterial Business Corridor (ABC) Zone north of the railway tracks running parallel to Kings Road, Sydney River, in the vicinity of Rose Street and Rose Court should be replaced with the Residential Urban C (RUC) Zone. The ABC zone permits a range of manufacturing, recreational, residential, sales, service and transportation uses. Manufacturing, recreational, sales, service and transportation uses should not be accessed via unlisted roads. Rose Street and Rose Court are unlisted roads.

It is recommended that the Arterial Business Corridor (ABC) Zone in effect for the area north of the railway track running parallel to Kings Road, Sydney River, in the vicinity of Rose Street and Rose Court should be removed and replaced with the adjacent Residential Urban C (RUC) Zone.

Rural Zones with Municipal Water and Sewer

Overtime, Municipal sewer mains have been extended in areas that have Rural zoning. Areas with Municipal sewer should not be located in a rural zone, but rather an urban residential zone.

It is recommended that area that are Zoned Rural CBRM (RCB), Rural CBRM-NM (RCB-NM), and Rural Gavel Deposit (GRD) that have Municipal sewer mains be replaced with the adjacent Urban Residential Zone.

It is recommended that the lot parcels fronting on Rendell Drive, Little Bras D'Or be rezoned from Rural Residential Subdivision (RRS) to Residential Urban C (RUC).

Phased Residential Subdivisions

As residential subdivisions expand overtime into rural areas the zoning is not always updated.

It is recommended that PIDs 15831688, 15831696, 15831712, and 15831720 found on Patnic Avenue, Mira Road be rezoned from Rural CBRM (RCB) to Residential Urban C (RUC).

It is recommended that PIDs 15867617, 15867625, 15867682, 15867674, 15867666, 15867633, 15867641, 15867658, 15867716, and 15867708 found on Hampton Drive and Hawthorne Court, Sydney River be rezoned from Rural CBRM (RCB) to Rural Residential Subdivision (RRS).

Green Link Trail System Recreation (GLT) Zone

The Green Link Trail was a signature project of the CBRM's Active Transportation Plan which was adopted by Council in 2008. The Green Link Trail System Recreation (GLT) Zone was established to recognize this project. There is a lot parcel east of the dammed part Wentworth Creek in Rotary Pak that should have been included in the GLT zone.

It is recommended that PID 15869308 be rezoned from Residential Urban C (RUC) to Green Link Trail System Recreation (GLT).

Boularderie Island Business Corridor (BBC) Zone

The Boularderie Island Business Corridor (BBC) Zone applies to TransCanada Highway on Boularderie Island from the bridge across the Little Bras D'Or Channel west to its easternmost intersection with Russell Drive. The boundary of the BBC zone has been amendment to comply with lot parcel development requirements.

Public Participation Program

A public participation program was held during the General Committee of Council meeting on May 2nd, 2016. In addition to there being no comments during the public participation program, no written comments were received by the Planning and Development Department.

Notice of the Public Hearing

Notice of this application was placed in the June 4th and June 11th editions of the Cape Breton Post. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

I recommend Council approved the By-laws amending the Municipal Planning Strategy and Land Use By-law found in Attachments A and B.

Submitted by:

Originally Signed By

**Karen Neville and Malcolm Gillis
Planning and Development Department**

By-law

of the Cape Breton Regional Municipality
amending the

Cape Breton Regional Municipality's Municipal Planning Strategy

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

THAT: the Section of Part 3, titled "Sydport" is replaced with the following:
Part 3, Policy 19 and its preamble are amended to read as follows:

Novaport/Sydport/Logistics Park

Three large sites in the communities of Point Edward and Edwardsville on the peninsula which separates the Northwest Arm of Sydney Harbour from its Southeast Arm are designated for business development associated with the Port of Sydney's objective to develop a transshipment and intermodal port facility.

- (1) **Sydport** is located in the community of Edwardsville situated along the western shore of the South Arm of Sydney Harbour directly across the Arm from the Harbourside Commercial Park at the site of the former SYSCO steel plant. It is comprised of approximately 235 acres.
- (2) **Novaport** is the land assembled by CBRM immediately north of Sydport to be the site of a marine transportation terminal. It is comprised of approximately 325 acres plus a 130 acre water lot currently partially filled with the material from the Harbour dredging project.
- (3) The approximately 1,150 acres assembled for **Logistics Park** were originally acquired by the Agricultural Division of the Cape Breton Development Corporation (a.k.a. DEVCO) for use at their experimental farm. The aspirations of DEVCO'S Agricultural Division never materialized in the way they had hoped. The experimental farm has long since been closed. The assembled lands are currently vested with Public Works Canada about to be conveyed to the Mi'kmaq First Nations (250 acres) and the CBRM (the remainder).

All three sites are designated for Sydney Harbour port related business developments along with general manufacturing, regional services such as warehousing, wholesale distribution, and any utility facilities.

POLICIES

7. It shall be a policy of Council to designate the Sydport, Novaport, Logistics Park sites for:
 - marine/road/rail related transportation terminus uses;
 - marine industrial uses and any industrial use providing service and fabrication support to offshore business;
 - general manufacturing businesses;
 - regional tertiary service industry facilities (*e.g. wholesale, warehousing, general transport/contracting, fuel oil bulk storage and transmission*); and
 - regional utility service facilities.

- The zone in effect in the Land Use By-law implementing this policy directive shall be titled the Sydney Harbour Port (SHP) Zone.

THAT: Part 2, Policy S.b is amended by revising and dividing the first bulleted statement under the heading that reads "The following recommendations of that study are to be implemented as provisions in the CBRM Land Use Bylaw" into two bulleted statements to read as follows:

- "Minor expansions, or an additional use, and/or a change in use, may be permitted at the sites of existing business developments provided there is no significant increase in traffic volumes generated;
- no new business developments on previously undeveloped sites, or sites unoccupied with business development, shall be permitted, unless the site can be accessed via a signalized intersection;"

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 CBRM's Municipal Planning Strategy.

Deborah Campbell, CLERK

By-law
of the Cape Breton Regional Municipality
amending the

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

Pursuant to Section 219 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Land Use Bylaw in the following manner:

THAT: Part 30, titled the "Sydport/SYSCO Industrial Parks (SIP) Zone" is amended by replacing the title with a new title called the "Sydney Harbour Port (SHP) Zone" and any reference to its SIP acronym in the text of the Zone and in Part S2, Section 1.4 shall be replaced with the acronym SHP.

THAT: the Land Use Bylaw map is amended by:

- Replacing the Sydport/SYSCO Industrial Parks (SIP) Zone with the Sydney Harbour Port (SHP) Zone; and
- Replacing the Rural Cape Breton (RCB-NM) Zone with the SHP Zone in the area colored red on the map with this amending Bylaw;

THAT: Part 51 is amended by replacing the list of land uses by civic address and PID# and the range of permitted optional uses for each of these sites with the following preamble and list.

Grand Lake Road/Sydney Road 80 kilometer per hour corridor

The business development sites along this corridor are subject to specific policy direction in Policy 5.b.3 of Part 2 of the Municipal Planning Strategy. Consequently, any additions or expansion to existing business developments which either increases the size of main buildings or the area occupied by a land use by more than 25%, or any additional business developments other than seasonal (e.g. agricultural products retail, campground) shall require a Traffic Impact Analysis as well as the Site Plan Approval procedure referenced at the beginning of this Part. The purpose of the Traffic Impact Analysis shall be to ensure the proposed expansion or addition is in compliance with the objective and recommendations of the study referenced in Policy 5.b.3 of Part 2 of the Municipal Planning Strategy.

1. motor vehicle repair/sales	914 Grand Lake Road	PID# 15515885
- accommodations businesses		
- animal (domestic) care facilities		
- artist/artisan		
- arts entertainment studio		
- business office		
- clothes cleaning business		
- heavy equipment depot		
- funeral home		

- fitness center
- motor vehicle related - all other as defined by this Bylaw
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 20,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

2. Drive-in Theatre 1016 Grand Lake Road PID# 15226913

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- convenience store
- heavy equipment depot
- funeral home
- fitness center
- personal service
- private service club
- repair service
- restaurant
- self-storage facility
- warehousing
- wholesale

3. motor vehicle sales 1098 Grand Lake Road PID# 15568496

- same range of permitted uses for 914 Grand Lake Road

4. heavy equipment depot 1136 Grand Lake Road PID# 15227184

- animal (domestic) care facilities
- artist/artisan
- repair service
- self-storage facility
- warehousing
- wholesale

5. medical supply dealership 1158 Grand Lake Road PID# 15227168

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- convenience store
- funeral home

- fitness center
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 10,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

6. tire sales and motor vehicle repair 1161 Grand Lake Road PID# 15574213

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- convenience store
- funeral home
- fitness center
- motor vehicle related as defined by this Bylaw
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 10,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

7. racetrack for motor vehicles 1162 Grand Lake Road PID# 15227192

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- convenience store
- heavy equipment depot
- funeral home
- fitness center
- motor vehicle related as defined by this Bylaw
- personal service
- private service club
- repair service
- restaurant
- self-storage facility
- warehousing
- wholesale

8. warehousing/courier service (PID # 15050370 & 15228349) 1147 – 1157 Grand Lake Road

- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- heavy equipment depot
- manufacturing assembly
- self-storage facility
- transportation
- warehousing
- wholesale

9. motor vehicle fuel service 1172 Grand Lake Road PID# 15227218

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- heavy equipment depot
- funeral home
- fitness center
- motor vehicle related - all other as defined by this Bylaw
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 10,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

10. motor vehicle sales 1180 Grand Lake Road PID# 15227242

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- heavy equipment depot
- funeral home
- fitness center
- motor vehicle related - all other as defined by this Bylaw
- personal service
- private service club
- repair service
- restaurant

- retail other than motor vehicle under 10,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

11. bookstore 1200 Grand Lake Road PID# 15560501

- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- boutiques
- business office
- convenience stores

12. farm produce sales PID # 15227259 (no civic address)

- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- funeral home
- fitness center
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 10,000 sq. ft. in total floor area
- self-storage facility

13. restaurant/alcohol beverage service establishment/inn 1224 Grand Lake Road PID # 15227275

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- funeral home
- fitness center
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 20,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

14. golf course 1229 Grand Lake Road PID# 15228232

- all recreation outdoor uses except racetracks for motor vehicles

15. cable TV station 1318 Grand Lake Road PID# 15227333

- accommodations businesses
- arts/entertainment studio
- business offices
- medical clinics
- personal service businesses
- restaurants
- scientific establishment

16. garden supply sales 1372 Grand Lake Road PID# 15227408

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- funeral home
- fitness center
- personal service
- private service club
- repair service
- restaurant
- retail sales other than motor vehicle under 20,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

17. motel 1392 Grand Lake Road PID# 15227424

- accommodations businesses
- arts/entertainment studio
- business offices
- medical clinics
- personal service businesses
- restaurants
- scientific establishment

18. metal fabricator 1615 Grand Lake Road PID# 15227804

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- funeral home
- fitness center

- manufacturing assembly
- personal service
- private service club
- repair service
- self-storage facility
- warehousing
- wholesale

19. Self-storage facility and site of former drive-in theatre 1596/1624 Sydney Road PID #
15688310, 15688302, and 15688294

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- heavy equipment depot
- funeral home
- fitness center
- manufacturing assembly
- personal service
- private service club
- repair service
- restaurant
- self-storage facility
- warehousing
- wholesale

19. motor vehicle sales 1691 Grand Lake Road PID# 15579626

- accommodations businesses
- animal (domestic) care facilities
- artist/artisan
- arts entertainment studio
- business office
- clothes cleaning business
- heavy equipment depot
- funeral home
- fitness center
- motor vehicle related - all other as defined by this Bylaw
- personal service
- private service club
- repair service
- restaurant
- retail other than motor vehicle under 10,000 sq. ft. in total floor area
- self-storage facility
- warehousing
- wholesale

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

MAYOR

CLERK

THIS IS TO CERTIFY that the above text amendments and Land Use Bylaw map amendments on the next page referencing this amending Bylaw are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK

By-law
of the Cape Breton Regional Municipality
amending the
**Cape Breton Regional Municipality's
Land Use Bylaw**

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

THAT: Part 2 General Provisions For All Zones, Section 1 Accessory Building of the Land Use Bylaw is hereby deleted and replaced with the following:

All Accessory Buildings

- a. Accessory uses and buildings shall be permitted in any Zone within the jurisdiction of this Bylaw. Subject to:
 1. More than one accessory building shall be permitted per lot parcel;
 2. An accessory building shall not also meet the definition of dwelling unit; and
 3. An accessory building shall be in compliance with the minimum required main building setback from a public street/road;
- b. For the purposes of this section, a service lane shall not be considered a public street/road.
- c. The minimum setback a detached accessory building shall maintain from any lot parcel boundary, other than a boundary shared with a public street/road, is 2 feet, except if the floor area of the accessory building exceeds 1,000 sq. ft., or its height exceeds 12 feet, in which case it shall be in compliance with the setbacks for the main building. For the purposes of this Section, an accessory building attached to a main building must comply with the setbacks for a main building.
- d. Notwithstanding anything else in this Bylaw, detached accessory buildings with a floor area of 100 sq. ft. or less, drop awnings, clothes poles, flag poles, garden trellises, signs, fences and retaining walls shall be exempted from any requirements of this Section and the requirement for a Development Permit; however, accessory building less than 100 sq. ft will be used to calculate the total floor area referenced in Subsection f.2.
- e. Notwithstanding subsection c., where an accessory building is constructed on a common boundary, the applicable yard setback will be zero along the common lot line provided that:
 1. there is a main use or structure on each lot parcel;
 2. the provisions of the CBRM Building Bylaw and the Provincial and National Building Codes are met; and
 3. all other applicable provisions of this Bylaw are met.

Residential

- f. In addition to those provisions listed above, an accessory building to a residential use:
1. shall not be originally a motor vehicle, a mobile home, a construction trailer, bulk shipping containers, a trailer from a semi-trailer (a.k.a. 18-wheeler), or similar prefabricated structure converted for such purposes, unless the conversion incorporates more than one of these structures as construction materials in the design of the residential accessory building prepared by an architect;
 2. the total floor area of a detached accessory building to a residential use shall not exceed the greater of 576 sq. ft. in total area or 10% of the lot parcel area, except for a swimming pool, or a residential accessory building in a Zone with the word "Industrial" in its title. The dimensions of all detached accessory buildings, even those 100 sq. ft or less, will be used to calculate the total floor area;
 3. an accessory building attached to a dwelling shall be considered part of the dwelling for purposes of this Section and shall be used to calculate maximum lot parcel coverage; and.
 4. shall not exceed 300ft² when it is accessory to a traveler trailer.

THAT: Part 2 General Provisions For All Zones, Section 6 Conversion of former community or educational service building of the Land Use Bylaw is hereby deleted and replaced with the following:

Section 6 Conversion of former community, educational service or municipal building

a. The conversion of a former community, educational service or municipal building into any combination of the uses listed below by site plan approval (pursuant to Sections 231 and 232 of the Municipal Government Act) shall be permitted in any zone where the uses themselves are not included in the list of uses permitted.

- apartment buildings
- artist/artisan establishment
- arts/entertainment studio
- business hall
- business office
- clothes cleaning business
- day care facility
- dwelling units within a mixed use building
- funeral home
- hotel
- indoor recreational business establishment
- medical clinic
- personal service business
- repair service
- scientific establishment
- townhouse
- tourist information center

b. The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the

criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
- All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
- Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape.

c. To facilitate the inclusion of additions demanded by other regulations or by-laws, and/or design improvements volunteered by the conversion proponent, for purposes of interpreting this Section, the construction work involved in the conversion may include an addition no greater than 5% of the floor area of the building.

THAT: Part 2 General Provisions For All Zones, Section 9 Existing Buildings and Non-compliance with Lot Parcel Development Requirements – *Repair, Reconstruction and Additions* is hereby amended by deleting the third bullets and replacing it with the following:

- lot parcel area;

THAT: Part 2 General Provisions For All Zones, Section 16 Frontage on a Public street/road Subsection b. 4. Is hereby deleted and replaced with the following:

a development permit may also be issued on a lot parcel to be serviced by a Municipal sewer main, which only fronts along an unlisted road maintained by the Municipality for which confirmation is received from the Engineering Department of the Municipality; or

THAT: Part 2 General Provisions For All Zones, Section 17 Home Business Subsection b.4 of the Land Use Bylaw is hereby deleted and replaced with the following:

Unless the business is a bed & breakfast accommodation or boarding home,

- i. the floor area devoted to a home business in a dwelling unit shall not exceed the lesser of 25% of the floor area of the dwelling unit or 50m² (538ft²); or
- ii. the floor area devoted to a home business in an accessory building shall not exceed the lesser of 50% of the floor area of the accessory building or 50m² (538ft²).

THAT: Part 2 General Provisions For All Zones, Section 17 Home Business Subsection b. of the Land Use Bylaw is hereby amended by adding the following:

12. No more than two business vehicles associated with the home business shall be kept on, or be dispatched from the residential lot where the home business is located.
13. The business vehicles permitted under 12 may display the name, address, telephone number and occupation, profession or trade of the proprietor of the home business, but this information shall not be illuminated;
14. An animal (domestic) grooming business operated as a home business does not include animal sitting.

THAT: Part 2 General Provisions For All Zones, Section 18 Irregular, or Flag-Shaped Lot Parcel of the Land Use Bylaw is hereby deleted and replaced with the following:

Unless there is a specific provision for a land use in the text of a particular zone, in the case of irregular, or flag, shaped lot parcels, the minimum lot parcel public street/road frontages set out in this By-law shall apply at the exterior wall of the main building closest to the public street/road boundary, provided that:

- a. all lot parcels shall have a minimum of width and a minimum length of at least 20 feet (6.1 metres);
- b. Any additional lot parcel boundaries other than the public street/road boundary and the rear lot parcel boundary shall be deemed a side lot line and the setbacks required from side lot lines shall prevail; and
- c. all other applicable provisions in this By-law are satisfied.

THAT: Part 2 General Provisions, Section 19 Lot Parcel Development Requirements of the Land Use Bylaw is hereby amended by replacing the text following the * with the following:

For a semi-detached dwelling, townhouse, apartments, recreational building, accessory building, or any service or sales establishment, the yard setback is waived where there is either:

- a common wall connecting the same type of land use; or
- a pedway connecting two buildings;

if the property boundary is either along the common wall or through the pedway, provided all other provisions of this Bylaw and the provisions of the CBRM Bylaw, Provincial and National Building Code are met.

THAT: Part 2 General Provisions For All Zones, Section 29 Parking Area Standards of the Land Use Bylaw is hereby amended by deleting the second bullet of Subsection c.9 and replacing it with the following:

* excepting buildings which meet the definition of existing in this By-law,

THAT: Part 2 General Provisions For All Zones, Section 29 Parking Area Standards, Subsection d.3 of the Land Use Bylaw is hereby amended by adding the following:

The requirement for a driveway to be setback 3ft from a lot parcel boundary does not apply to residential development.

THAT: Part 2 General Provisions For All Zones, Section 30 Parking Requirements According to Land Use Type of the Land Use Bylaw is hereby amended by deleting the introductory text and replacing it with the following:

For every building or structure to be erected or enlarged or change of use, the off-public street/road parking area shall be located on the same lot parcel and within a zone permitting the use and having unobstructed independent access to a public street/road shall be provided and maintained in conformity with the following schedule excepting:

- where specific parking requirements are established in the text of the zone in effect;
- where parking is not required for the use in the zone in effect;
- where on public street/road curbside parking is permitted by the Traffic Authority, in which case the number of parking spaces available directly in front of the lot parcel on which the development is taking place may be included in the calculation;
- where there is incontrovertible evidence an existing development was originally established when on-site parking requirements were not in effect, and an expansion is proposed, compliance with the parking standards below shall only be imposed on the expansion; or
- where the lot parcel is on an island that is not serviced by a public street/road and access can only be attained by means of a navigable waterway.

THAT: Part 2 General Provisions For All Zones, Section 31 Parking of Motor Vehicles Owned by a Business Development of the Land Use Bylaw is hereby deleted and replaced with the following:

- a. Unless the type of business is a permitted use within the zone, no motor vehicle associated with a business development shall be kept in a zone except for one vehicle with a total of no more than two axles, one of which is the front axle (e.g. this excludes the trailer from a semi-trailer truck colloquially known as an 18-wheeler), which is used by the owner or occupant of the lot parcel and does not include a refrigeration unit or other noise producing equipment.
- b. No more than two business vehicles associated with the home business shall be kept on, or be dispatched from the residential lot where the home business is located.

THAT: Part 2 General Provisions For All Zones, Section 42 Utility Scale Wind Turbines of the Land Use Bylaw is hereby amended by deleting the following:

The address is:

Real Property Officer – S90
CFB Halifax
P.O. Box 99000, Stn. Forces
Halifax, N.S. B3K 5X5

THAT: Part 3 Downtown Central Business District (CBD) ZONE of the Land Use By-law is hereby amended by adding the following:

Section 14 Screening Provision adjacent Residential Zones

Any:

- new construction of a business development or its accessory parking area; or
- expansion of an existing business development including buildings and/or parking area on a parcel of land:
 - a. abutting a parcel of land occupied by a residential development; or

b. on the directly opposite side of a Level S public street/road from a lot parcel with a residential development ;
where scenario “a” or “b” is within a zone with the word “Residential” in it, shall be screened (as defined in the Definitions Part of this By-law) from the residential property unless all aspects of the business development are more than 100 feet from the boundary of either the abutting residential lot parcel, or the residential lot parcel directly across the public street/road.

THAT: Part 4 Downtown Sydney Waterfront (DWZ) ZONE, Section 1 DWZ Uses Permitted of the Land Use By-law is hereby amended by deleting the restaurants serving alcohol beverages and replacing it with restaurants.

THAT: Part 5 Arterial Business Corridor (ABC) ZONE, Section 1 ABC Uses Permitted of the Land Use By-law is hereby amended by deleting Animal sitting.

THAT: Part 5 Arterial Business Corridor (ABC) ZONE, Section 2 ABC Lot Parcel Development Requirements, Subsection b. Conversions and New Construction of the Land Use By-law is hereby amended by deleting Subsection b.1 and replacing it with the following:

1. The 150 foot minimum public street/road frontage provision is in effect for the following types of development if any driveway access is to be provided to the public streets/roads listed at the end of this Section:

- the conversion* of existing residential buildings into an apartment building or any other non-residential use; or
- the construction of any new main buildings, with the exception of a one single unit dwelling and one two-unit dwelling, unless it is the reconstruction of an existing building in compliance with the relevant general provision; or
- the establishment of any new business development land use (e.g. car sales lot, paid parking lot); and
- the expansion of any other non-residential use, except very minor extensions to comply with Building Code, Fire Code and building accessibility improvements.

* For purposes of this Section, when used to describe a change in the scale of a non-residential use within a multi-use building where the main use is residential, the word “conversion” shall mean when a non-residential use will exceed the floor area devoted to the residential use.

THAT: Part 6 Boularderie Island Business Corridor (BBC) ZONE, Section 1 BBC Uses Permitted of the Land Use By-law is hereby amended by deleting the following:

kennels are not permitted in areas serviced with both Municipal water and sewer

THAT: Part 6 Boularderie Island Business Corridor (BBC) ZONE, Section 1 BBC Uses Permitted of the Land Use By-law is hereby amended by deleting the following:

animal shelters, and animal sitting establishments are not permitted in areas serviced with both Municipal water and sewer

THAT: Part 18 Residential Urban C (RUC) Zone, Section 7 Special Provisions for Grand Lake Road/Sydney Road of the Land Use By-law is hereby amended by deleting private recreational and replacing it with recreational business establishment.

THAT: Part 18 Residential Urban C (RUC) Zone, Section 4 Agriculture of the Land Use By-law is hereby amended by deleting Subsection c. and replacing it with the following:

New agricultural buildings for the purposes of rearing and caring for animals as agriculture is defined in this By-law located within 200 feet from any dwelling other than a dwelling occupied by the owner of the agricultural building shall be setback a minimum of 50 feet from any lot parcel boundary.

THAT: Part 19 Residential Urban D (RUD) Zone, Section 4 Agriculture of the Land Use By-law is hereby amended by deleting Subsection c. and replacing it with the following:

New agricultural buildings for the purposes of rearing and caring for animals as agriculture is defined in this By-law located within 200 feet from any dwelling other than a dwelling occupied by the owner of the agricultural building shall be setback a minimum of 50 feet from any lot parcel boundary.

THAT: Part 24 Apartment Building A (ABA) Zone, Section 1 ABA Uses Permitted of the Land Use By-law is hereby amended by adding the following:

- **service - only the following**
 - day care

THAT: Part 2S Apartment Building B (ABB) Zone, Section 1 ABB Uses Permitted of the Land Use By-law is hereby amended by adding the following:

- **service - only the following**
 - day care

THAT: Part 26 Apartment Building X (ABX) Zone, Section 1 ABX Uses Permitted of the Land Use By-law is hereby amended by adding the following:

- **service - only the following**
 - day care

THAT: Part 29 Northside Business Park (NBP) Zone, Section 1 NBP Uses Permitted of the Land Use By-law is hereby amended by deleting animal care and replacing it with animal (domestic) care facilities.

THAT: Part 34 Regional Industrial Utility (IUR) Zone, Section 1 IUR Uses Permitted of the Land Use By-law is hereby amended by deleting coal retail distribution facilities.

THAT: Part 3S Langan Corridor Comprehensive Development District (LCD) Zone, Section 2 LCD Uses Permitted by Development Agreement of the Land Use By-law is hereby amended by deleting amusement park.

THAT: Part 41 Rural CBRM (RCB) Zone, Section 1 RCB Uses Permitted of the Land Use By-law is hereby amended by deleting fitness centers.

THAT: Part 42 Rural CBRM (RCB-NM) Zone, Section 1 RCB-NM Uses Permitted of the Land Use By-law is hereby amended by deleting fitness centers.

THAT: Part 42 Rural CBRM (RCB-NM) Zone, Section 10 Special Provisions for Grand Lake Road/Sydney Road of the Land Use By-law is hereby amended by deleting private recreational and replacing it with recreational business establishment.

THAT: Part 43 Rural Gravel Deposit (GDR) Zone, Section 1 GDR Uses Permitted of the Land Use By-law is hereby amended by deleting fitness centers.

THAT: Part 46 Louisbourg Highway Parkway 1 (LP1) Zone, Section 2 LP1 Lot Parcel Development Requirements of the Land Use By-law is hereby deleted and replaced with the following:

The lot parcel development requirements for all permitted uses in the LP1 Zone are as follows:

MINIMUM LOT PARCEL AREA	2 ACRES
MINIMUM PUBLIC STREET/ROAD FRONTAGE	275 feet
Minimum building setback from Louisbourg Highway	125 feet
Minimum building setback from all other lot parcel boundaries	Campgrounds = 50 feet All other developments = 6 feet

THAT: Part 46 Louisbourg Highway Parkway 1 (LP1) Zone of the Land Use By-law is hereby amended by adding the following:

Section S Provincial Parkway Development Standards Regulations

Nothing in this Part shall exempt any person from complying with the Provincial Parkway Development Standards Regulations under the *Public Highway Act*.

THAT: Part 47 Louisbourg Highway Parkway 2 (LP2) Zone, Section 2 LP2 Lot Parcel Development Requirements of the Land Use By-law is hereby deleted and replaced with the following:

The lot parcel development requirements for all permitted uses in the LP2 Zone are as follows:

MINIMUM LOT PARCEL AREA	2 ACRES
MINIMUM PUBLIC STREET/ROAD FRONTAGE	400 feet
Minimum building setback from Louisbourg Highway	125 feet
Minimum building setback from all other lot parcel boundaries	20 feet 100 feet from a waterbody

THAT: Part 47 Louisbourg Highway Parkway 2 (LP2) Zone of the Land Use By-law is hereby amended by adding the following:

Section S Provincial Parkway Development Standards Regulations

Nothing in this Part shall exempt any person from complying the Provincial Parkway Development Standards Regulations under the *Public Highway Act*.

THAT: Part S4 Existing Development, Section 1 Land Uses Deemed Permitted of the Land Use By-law is hereby deleted and replaced with the following:

Section 1 Land Uses Deemed Permitted

Pursuant to Policy 14 of Part 2 in the Municipal Planning Strategy, any existing development that:

- is not included in the Uses Permitted Section of the Zone within which it is located; or
- if it is permitted, only as an optional use, and it does not meet the specific conditions referenced in that Zone;
- or any land use not permitted throughout all Zones as a General Provision (refer to the Sections of Part 2)

is deemed to be a permitted use subject to:

- the provisions of any relevant section of the General Provisions Part; and
- any other relevant section of the Zone in effect;

provided it meets the test of legitimacy based on the following criteria:

- the assessment category is consistent with the development alleged;
- it is meets the test of existing as defined by this By-law and used in this Part*; and
- it is not included in the list in Section 2 of this Part identifying developments that are not to be deemed permitted uses.

* Existing as it is used in this Part means as defined in the By-law. It is the applicant's responsibility to provide evidence or documentation to substantiate the existence of the development or building based on the timeframe listed above.

Any existing development deemed to be a permitted use subject to the criteria above may also be:

- expanded;
- changed to a similar use; or
- changed to a comparatively innocuous use.

Any expansion to the existing use, or a change in use that also includes an expansion, shall be subject to the Site Plan Approval provisions below, unless the expansion proposed will equal less than a 10% increase in the floor area. Any change to a similar use, or to a comparatively innocuous use shall not be subject to the Site Plan Approval provisions below if no expansion is proposed. However, any existing development deemed not to be a permitted use according to the Table in the following Section may only be changed to a relatively innocuous use subject to the Site Plan Approval provisions below. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development to be changed or the scale of an expansion. In other words, the larger the development proposed to be changed, and/or the greater the scale of the expansion, the more stringent the criteria should be interpreted.

As well, the Zone on the Land Use By-law Map for each of these sites subject to this Part is also in effect.

Site Plan Approval provisions

- a. Any new or expanded parking area and utility structures shall be screened from any dwellings on adjacent lot parcels or lot parcels directly across the public street/road to soften their starkness by a combination of vegetation types (e.g. groundcover, bushes, shrubs, hedges or trees) and/or vegetation and fencing. If fencing is used, it must be a type of fence that would complement the streetscape and not be a stark and imposing structure.
- b. All existing significant vegetation shall be retained except where its removal is necessary for the construction, or expansion of the development.
- c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
- d. Any new or expanded buildings shall be so located on the lot parcel to lessen the impact on dwellings on an adjacent lot parcel.
- e. Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape.
- f. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
- g. Landscaping measures shall be incorporated to blend the site plan into the immediately surrounding streetscape.

In determining if any change in use is similar, the Definitions Part of this By-law should be referred to.

In determining if any change in use is relatively innocuous in comparison to the use to be replaced, the following criteria should be used.

A change in use is not relatively innocuous if the following describe what is proposed:

- an increase in the scale
- an increase in traffic generated
- introducing outdoor storage or display or an increase in the area used as outdoor storage or display
- introducing noise generating equipment or an increase in the use of noise generating equipment.

Measures that could be taken to make a change in use relatively innocuous in comparison to the former business development:

- Improvements to the façade of any main buildings
- improvements to the front yard of the lot parcel affected
- a reduction in the scale
- a reduction in traffic generated
- introducing landscaping into the site plan or expansion of the landscaped area of the lot parcel affected

- eliminating outdoor storage or display, or a reduction in the area used as outdoor storage or display
- introducing or improving screening provisions to mollify the effect of potentially obnoxious aspects of the development that previously existed
- eliminating noise generating equipment or a reduction in the use of noise generating equipment.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by adding the following:

Animal (Domestic) Grooming means an indoor establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but does not include overnight accommodations, animal sitting, the breeding of animals, a veterinary clinic, or a kennel.

Animal Sitting Establishment means an indoor facility designed for the care of domestic animals for less than 24 hours, and includes such services as obedience classes, training and grooming but does not include overnight accommodations.

Business Vehicle means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles or any vehicle designed, maintained, or used primarily for the transportation of property and persons associated with a business, and includes but is not limited to a truck, a bus, delivery van or wagon, tractor, truck tractor and/or trailer, heavy equipment, construction equipment, but does not include a private passenger vehicle.

Reconstruction means the replacement of a former building with a building with the exact floor area or less.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting crop farming from the definition of Agriculture and replacing it with the following:

crop farming means an agricultural operation in which the primary function is the growing and harvesting of vegetables, fruits, berries, nuts, sods, or other similar products.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Boutique and replacing it with the following:

Boutique means a retail store specializing in the sale of a limited variety of dry goods, crafts, clothing and other small scale items, but does not include items associated with motor vehicles, with a floor area less than 200 sq. meters.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Boathouse and replacing it with the following:

Boathouse means a personal private recreational building erected on, or very near to, the shore of a navigable body of water used which does not contain a toilet, shower room or kitchen facilities and which is used for the shelter or storage of boats, watercraft and associated marine accessories and equipment, but not for the accommodation of persons or animals, or for commercial purposes and does not include a garage.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Entertainment service and replacing it with the following:

Entertainment service means a business facility providing amusements and diversions such as movie theatres and arcades.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Existing and replacing it with the following:

Existing means a development that was in operation five years less a day and/or a building that was present six months less a day prior to the date an application for a Development Permit was submitted, unless:

- a specific statement in the By-law defines it in another manner for purposes of interpreting that statement ; or
- the Land Use By-law map is referenced in which case the present date is applicable.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Derelict motor vehicle and replacing it with the following:

Derelict motor vehicle means a motor vehicle that is not on display on the business property of a licenced car dealership without:

- a valid Province of Nova Scotia Vehicle Permit; and
- a valid safety inspection sticker.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Parking lot and replacing it with the following:

Parking lot means a vehicular parking area or parking structure which is a principal or main service use of a lot parcel. If the use of a motor vehicle parking area meets the test of a heavy equipment depot as defined by the By-law it is not a parking lot.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Parking Space and replacing it with the following:

Parking space means an area of not less than 180 sq.ft. measuring 9 feet by 20 feet, exclusive of driveways, aisles, or ramps, provided for the purpose of storing or parking one vehicle for purposes other than for the display or offering for sale of such vehicle, and which has adequate access to permit ingress and egress of a motor vehicle to and from a public street/road by means of driveways, aisles or maneuvering areas.

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Self-storage facility and replacing it with the following:

Self-storage facility means a service offering space to store personal goods and materials and shall include both commercial and personal self-storage facilities.

- Commercial self-storage facility means an establishment renting individual storage units for the storage of personal goods and materials
- Personal self-storage facility means a building to store personal items in which no business, occupation, or service may be allowed to operate

THAT: Part 89 Definitions of the Land Use Bylaw is hereby amended by deleting Townhouse and replacing it with the following:

Townhouse means a residential building which is divided vertically by a common wall into three or more side by side dwelling units, each of which has a dedicated exterior entrance.

THAT: The Land Use Bylaw Map is hereby amended as shown on the attached series of Schedule A maps.

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 Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK

Excerpt - DRAFT CBRM Council Minutes – May 17, 2016

Zoning Amendment Application #1025 - Bruce Marsh, 17 Point Aconi Road, Bras d'Or (PID 15299936):

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor MacLeod, approval to advertise notice of a Public Hearing to be held at the June 2016 meeting of Council to consider an application to amend the Land Use Bylaw to permit the storage of recreational vehicles on PID 15299936, 17 Point Aconi Road, Bras d'Or, Case #1025.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1025
Bruce Marsh
17 Point Aconi Road, Bras d’Or
(PID 15299936)**

DATE: June 14th, 2016

Introduction

The Planning and Development Department has received a zone amendment application from Bruce Marsh for 17 Point Aconi Road, Bras d’Or (PID 15299936) [Attachment A]. Mr. Marsh operates Cape Breton Trailer Sales located at 1663 Highway 105 (i.e. the Trans-Canada Highway) and he would like approval to store some of his recreational vehicle inventory associated with Cape Breton Trailer Sales on PID 15299936. The proposed development would not require the construction of a building and no sales, repair, or servicing of the recreational vehicles will take place on the property. The proposed storage area would be located approximately 100ft southwest of the brook on the property and would run the width of the property (Attachment A).

Why a zoning amendment is necessary for this development

The property is zoned Rural CBRM (RCB). The RCB does permit outdoor storage, but outdoor storage must be associated with a main use. In this case, the main use on the property is a single unit dwelling, and the outdoor storage of recreational vehicle would not be considered accessory to a single unit dwelling; as a result, Mr. Marsh is requesting the zoning on the property be amended.

The Authority to consider this application

Part 2, Policy 17e. of the Municipal Planning Strategy (MPS) indicates Council may consider a zone amendment to permit business developments throughout rural CBRM. In this case, the property is located in a rural zone, and therefore the request is in keeping with the MPS. When considering a zone amendment the MPS states that a site specific/use specific zone should be created that ensures the site itself, the site plan, and management of the business development will mitigate any adverse effects on low density residential development in the vicinity. There are four criteria from the MPS that must be considered:

1. Visual Compatibility

The property in question has a single unit dwelling, garage, and storage building and the rear portion of the property is cultivated to grow hay which is harvested annually. The proposed storage area will be located in an open field approximately 100 ft. southwest of the brook on the property and would run the width of the property (Attachment A).

While there is a range of sales and service uses along Highway 105, the properties only Point Aconi Road are predominantly low density rural residential development. There are eight single unit dwellings in close proximity to the proposed storage area (Attachment A). Despite the fact the property does have a tree line along some of its boundaries, the proposed storage area will be visual from some of the neighbouring residential dwellings. Given the size of the recreational vehicles and the storage area itself, it would be difficult to screen the proposed storage area. Therefore it could be argued the storage of recreational vehicles on this site is not visually compatible with the surrounding landscape.

2. Dust or Fumes Emanating from the Site

The driveway leading to the proposed storage area will be a combination of dirt and gravel. The proposed storage area will remain grass covered. Depending on how frequently the recreational vehicles are coming and going from the site dust could be an issue. If the driveway was surfaced with a hard surface, this problem would be eliminated, but that is an expensive capital investment. There is no reason to believe that fumes emanating from the site would be a problem.

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

The proposed storage area will not be accessed by customers, the frequency of traffic to and from this site will be associated with transporting the recreational vehicles. The Department Transportation and Infrastructure Renewal has no objections to utilizing the existing access.

4. Noise emanating from the development

The noise associated delivery and removal of recreational vehicles on the site is not believed to a problem.

The lack of visual compatibility of the proposed development is a justifiable reason according MPS policy to reject this zoning amendment application. However, if there is no one from the neighbourhood expressing concerns, approving it could also be defended. A site specific, use specific zone has been created to regulate this development if Council approves this zone amendment (Attachment B).

Notice of the Public Hearing

Notice of this application was placed in the June 4th and June 11th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the property in question (PID 15299936). At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

Staff is not convinced that granting a zoning amendment to permit the outdoor storage of recreational vehicles on PID 15299936 is in the best interest of this neighbourhood primarily because of above referenced criteria 1. That being said, if there is no one from the neighbourhood expressing concerns, approving it could also be defended.

If Council wishes to entertain this request, Council should approve the By-law amending the Land Use By-law accompanying this report.

The Amending By-law can be found in Attachment B.

Submitted by:

Originally Signed by

Karen Neville

Planning and Development Department



By-law
of the Cape Breton Regional Municipality
amending the

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

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

THAT: Council Renumbers Part 91 Definitions to Part 92

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

PART 91 RURAL CBRM – RECREATIONAL VEHICLE STORAGE (RCB-RV) ZONE

Section 1 RCB-RV Uses Permitted

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

- Outdoor storage of recreational vehicles *in compliance with the provisions of Section 2*
- All uses permitted in the RCB Zone

Section 2 Outdoor Display and Storage of Recreational Vehicles

- Outdoor display is prohibited
- Outdoor storage of recreational vehicles does not include retail sales
- Recreational vehicle repair services shall be a minimum of 300 feet from a dwelling, other than a dwelling found on the same lot parcel
- Outdoor storage of recreational vehicles shall be a minimum of 10 feet from all lot parcel boundaries

THAT: Council amends the Land Use Bylaw map by deleting the Rural CBRM (RCB) Zone in effect for the portion PID 15299936 Identified on Schedule A and by replacing it with the Rural CBRM – Recreational Vehicle Storage (RCB-RV) Zone.

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

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK

Schedule A



Portion of PID 15299936 to be rezoned Rural CBRM - Recreational Vehicle Storage (RCB-RV)

This is written to confirm this map illustrates the effect of the June 21st, 2016 decision of CBRM Council adopting an amendment to the CBRM Land Use By-law map deleting the Rural CBRM (RCB) Zone and replacing it with the Rural CBRM - Recreational Vehicle Storage (RCB-RV) Zone

Deborah Campbell, Clerk

Excerpt - DRAFT CBRM Council Minutes – May 17, 2016

**Public Participation Program Request - Necessary Municipal Planning Strategy Amendment –
New Waterford Home Hardware to Former Frank Angot School Case #1026:**

Motion:

Moved by Councillor Cormier, seconded by Councillor Flynn, to adopt, by Resolution, a Public Participation Program to consist of a Public Meeting in the neighbourhood of New Waterford where the Home Hardware store and school are located, to put forward this development proposal to the neighbourhood, and to explain how Planning Strategy policy and the Land Use Bylaw provisions could be revised to regulate the conversion of public school buildings and buildings associated with religious institutions, into retail stores.

Motion Carried.



TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: LAND USE BYLAW AMENDMENT NEW
WATERFORD HOME HARDWARE – case 1026**

DATE: June 15th, 2016

During the May 17th Council meeting a Motion was passed declaring the Frank Angot building of the St. Agnes school complex in New Waterford as surplus to the needs of the CBRM. During that same meeting Council passed another Motion instructing staff and local Councillor Lowell Cormier to conduct a public meeting in New Waterford to present the proposal to re-locate the New Waterford Home Hardware store at 3610 Ellsworth Avenue into the former Frank Angot public school building recently declared surplus by the School Board. The Motion was supported by our staff report dated April 25th. There was overwhelming support for this proposed re-purposing of the school building and site from the nearly 100 people in attendance at a public meeting held in the New Waterford fire hall on June 7th.

The only concerns expressed were related to motor vehicle traffic. People expressed concerns delivery trucks may not have enough room to maneuver from Ellsworth Avenue onto the two streets which will provide access to the property (i.e. Convent and James streets) and people expressed concerns about the way Home Hardware representatives suggested traffic would be managed entering and exiting their site and maneuvering within it.

Staff drafted the necessary amendments to the CBRM Land Use Bylaw. These amendments create a Zone specifically for this site that will ensure the landscaped yard facing Ellsworth Avenue will remain (the Home Hardware representatives indicated it was their intention to preserve it before being asked) and that a traffic study be conducted by a professional engineering firm to provide solutions to resolve the concerns expressed at the public meeting. The idea of the traffic study is supported by staff of Public Works East.

Recommendation:

I recommend Council pass a Motion to schedule a Public Hearing to take place at the next meeting of CBRM Council. During that Public Hearing I will be asking Council to adopt the amendments to the Land Use Bylaw which will permit the re-purposing of the former Frank

Angot school and the re-location of the New Waterford Home Hardware into that former school building.

Submitted by:

ORIGINAL SIGNED BY

**Malcolm Gillis
Planning Department**

PLANNING STRATEGY AND LAND USE BYLAW AMENDMENT 1026



**Zoning Amendment Application #1028 – Rose MacKinnon Keltic Drive, Point Edward
(PID 15223092):**

Motion:

Moved by Councillor Rowe, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to be held at a future Council Meeting to consider amending the Land Use By-law to permit a heavy equipment depot on PID 15223092, Keltic Drive, Point Edward, Case #1028

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1028
Rose MacKinnon
Keltic Drive, Point Edward
(PID 15223092)**

DATE: June 14th, 2016

Introduction

The Planning and Development Department has received a zone amendment application from Rose MacKinnon for PID 15223092 located on Keltic Drive, Point Edward (Attachment A). Ms. MacKinnon would like to operate a heavy equipment depot consisting of a 60ftX100ft building and parking area on a six acre portion of the property.

Why a zoning amendment is necessary for this development?

The property is zoned Rural CBRM (RCB). The RCB does permit heavy equipment depot, but a heavy equipment depot must be a home business and the maximum number of pieces of heavy equipment is three. The proposed heavy equipment depot is not associated with a home business and will consist of more than three vehicles; as a result, Ms. MacKinnon is requesting the zoning on six acre portion of the property be amended (Attachment A).

The Authority to consider this application

Part 2, Policy 17e. of the Municipal Planning Strategy (MPS) indicates Council may consider a zone amendment to permit business developments throughout rural CBRM. In this case, the property is located in a rural zone, and therefore the request is in keeping with the MPS.

What Council has to Consider

Part 2, Policy 17e. of the MPS states that a site specific/use specific zone should be created that ensures the site itself, the site plan, and management of the business development will mitigate any adverse effects on low density residential development in the vicinity. There are four criteria from the MPS that must be considered:

1. Visual Compatibility

The property in question is currently tree covered. It is the applicant's intention to remove trees for the building footprint and parking area leaving a stand of trees along Keltic Drive. The site specific zone for the heavy equipment depot includes screening provisions for Keltic Drive (Attachment B).

2. Dust or Fumes Emanating from the Site

Due to the size of the proposed building and the number of bays, the parking area will be required to have a hard service. In addition to the hard surface parking area, the boundaries of the property will be buffered by trees which reduce any dust that may be generated from impacting adjacent properties. There is no reason to believe that fumes emanating from the site would be a problem.

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

It is the applicant intention to have six to eight pieces of heavy equipment which travel to and from the site. Keltic Drive is a high traffic volume street which contains a range of sales and service development. In fact, there is a heavy equipment depot immediately south of the property in question (Attachment A). Traffic attracted to and from the site is not anticipated to negatively impact the flow of traffic along Keltic Drive.

4. Noise emanating from the development

Due to the proposed setback of the building and the retention of vegetation along Keltic Drive, noise associated heavy equipment depot is not believed to a problem.

Evaluation

According to the criteria outlined in Part 2, Policy 17e. of the MPS, the proposed development is able to mitigate adverse effects on low density residential development. Keltic Drive and its surrounding area consists of a range of sales and service developments interspersed with low density residential development. The property located at 1044 Keltic Drive, which is immediately south of the property in question, is the site of a heavy equipment depot which was established prior to the adoption of the CBRM Land Use By-law in 2004. There are several single unit dwellings to the south of the property along Keltic Drive. The surrounding residential development is closer to the existing heavy equipment depot than the proposed heavy equipment depot.

Recommendation

Given the content of Part 2, Policy 17e. of the MPS it is reasonable for Council to consider the request to permit a heavy equipment depot on PID 15223092. I recommend that Council schedule a Public Hearing to consider this amendment at the next scheduled meeting of Council.

Submitted by:

Originally signed by

**Karen Neville
Planning and Development Department**

A

Portion of PID 15223092 Subject
to the Zone Amendment

Existing Heavy Equipment Depot

Highway 125 WB

Kellic Drive

Vacant Mobile Home

By-law
of the Cape Breton Regional Municipality
amending the

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

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

THAT: Council Renumbers Part 92 Definitions to Part 93

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

PART 92 RURAL CBRM – HEAVY EQUIPMENT DEPOT (RCB-HE) ZONE

Section 1 RCB-HE Uses Permitted

Development Permits shall only be issued in the RCB-HE Zone for the following use in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- heavy equipment depots
- All uses permitted in the RCB Zone

Section 2 Heavy Equipment Depots

Development Permits shall only be issued for a heavy equipment depot after the following conditions are met.

- The depot compound where motor vehicles are parked and stored and where all buildings associated with the business are located is screened from a public street/road by a 10 feet wide buffer/screen. This 10 ft. buffer/screen shall consist of opaque vegetative or a combination topographic screen and vegetation.
- The depot compound where motor vehicles are parked and stored and all buildings associated with the business are setback 10 feet from all other lot parcel boundaries.

THAT: Council amends the Land Use Bylaw map by deleting the Rural CBRM (RCB) Zone in effect for the portion of PID 15223092 identified in Schedule A and replacing it with the Rural CBRM – Heavy Equipment Depot (RCB-HE) Zone.

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

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell, CLERK

Schedule A



Portion of PID 15223092 to be rezoned Rural CBRM – Heavy Equipment Depot (RCB-HE) Zone.

This is written to confirm this map illustrates the effect of the _____ decision of CBRM Council adopting an amendment to the CBRM Land Use Bylaw map deleting the Rural CBRM (RCB) Zone and replacing it with the Rural CBRM-HE (RCB-HE) Zone.

Deborah Campbell, Clerk

Request by Thomas Ashford for Municipal Heritage Registration for House Located at 439 Johnson Road, George's River:

Motion:

Moved by Councillor Rowe, seconded by Councillor Prince, that the process of registering 439 Johnson Road, George's River, as a Municipal Heritage Property be initiated.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

February 18, 2016

MEMO TO: Chairman and members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Request By Thomas Ashford for municipal heritage registration for house located at 439 Johnson Road, George's River

Background

A request has been received from Thomas Ashford who owns a home located at 439 Johnson Road in George's River (see attached letter) and would like to have it registered as a municipal heritage property.

Although I have not had an opportunity to carry out research on this property the home's architectural features alone are sufficient to warrant registration.

Recommendation

I would recommend that the HAC begin the process of registering 439 Johnson Road as a municipal heritage property.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer

Mr. Thomas J. Ashford

tashford@outlook.com

Tel (902) 574-1289

439 Johnson Road,
Georges River, Cape Breton
Nova Scotia
B1Y 3B3

R.E. 439 Johnson Road, Georges River

Dear Mr. Rick McCready,

I am the proud owner of the above property. The property is a beautiful and distinct 1894 Victorian house in a Queen Anne architectural style.

The property has been in the Johnstone family since it was built over 120 years ago and today it still holds its character and original features.

Considering the age of the property, its architectural style and the fact that the property still has many of its original features, I was wondering whether it would be possible to get it registered as a Heritage property through the municipality.

These are a few current photos of the house,



Please feel free to contact myself with any questions,

Yours Sincerely,

ORIGINAL SIGNED BY

Mr. Thomas J. Ashford

Pre-Approval of Debt Issuance – MFC Fall Debenture:

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Cormier, that a recommendation be made to Council for pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$5,044,000.

Motion Carried.

**CBRM***A Community of Communities*

Cape Breton Regional Municipality

M-E-M-O

Date: June 08, 2016
To: Mayor and Council
From: Marie Walsh, Chief Financial Officer
Re: Pre-Approval of Debt Issuance

Due to the fact that longer than 12 months have elapsed since original approval for borrowing related to capital work completed in 2014-2015, a motion of council is required for the Pre-approval of Debenture Issuance for the MFC Fall Debenture. The amount of borrowing is \$5,044,000.

Sincerely,

ORIGINAL SIGNED BY

Marie Walsh, CPA, CGA
Chief Financial Officer

Loaves and Fishes – Inner City Churches of Sydney Society - Property at 139 Charlotte Street, Sydney (PID 15009319):

Motion:

Moved by Deputy Mayor George MacDonald, seconded by Councillor Prince, that a recommendation be made to Council to accept the property located at 139 Charlotte Street, Sydney from PWGSC based on the condition that CBRM immediately re-conveys the land to Loaves and Fishes at no cost to CBRM; and that the Mayor and Clerk be authorized to sign a Quit Claim Deed for the property.

Discussion:

In response to a question, the Chief Financial Officer advised that once the land is conveyed to Loaves and Fishes, as a not-for-profit organization, they can apply for property tax exemption.

Motion Carried.

**CBRM***A Community of Communities*

Demetri Kachafanas
Regional Solicitor
563-5047

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Loaves and Fishes – Inner City Churches of Sydney Society
Property at 139 Charlotte St., Sydney
(PID 15009319)
My File No. 07210

DATE: May 17th, 2016

The legal department received a request from Public Works Government Services Canada ("PWGSC") –Accommodation and Portfolio Management Services regarding the transfer of property located at 139 Charlotte Street, Sydney, N.S. to Loaves and Fishes. Presently, Loaves and Fishes have a License Agreement with PWGSC to use and occupy the property.

PWGSC has advised the land is legally owned by PWGSC, however, the buildings are owned by Loaves and Fishes. PWGSC has contacted CBRM to ask if we could help facilitate the transfer so that Loaves and Fishes can remain on the property. It appears PWGSC presently has no process or structure implemented to sell or transfer the land directly to the group. They are asking CBRM to act as conduit in relation to the transfer. Basically, PWGSC would convey title to the land to CBRM and on the same date, CBRM would convey it to Loaves and Fishes for nominal consideration. CBRM would in no way incur any liability or costs associated with the transfer of the subject property. CBRM would merely facilitate the transfer to Loaves and Fishes.

Upon review of all relevant information presented to me, it is the recommendation of the legal department to accept the property located at 139 Charlotte Street, Sydney from PWGSC based on the condition CBRM immediately re-conveys the land to Loaves and Fishes at no cost to CBRM. I would ask for a Motion to have Mayor and Clerk sign a Quit Claim Deed for the property in question provided CBRM does not absorb any fees or cost associated with this matter.

Thank you.

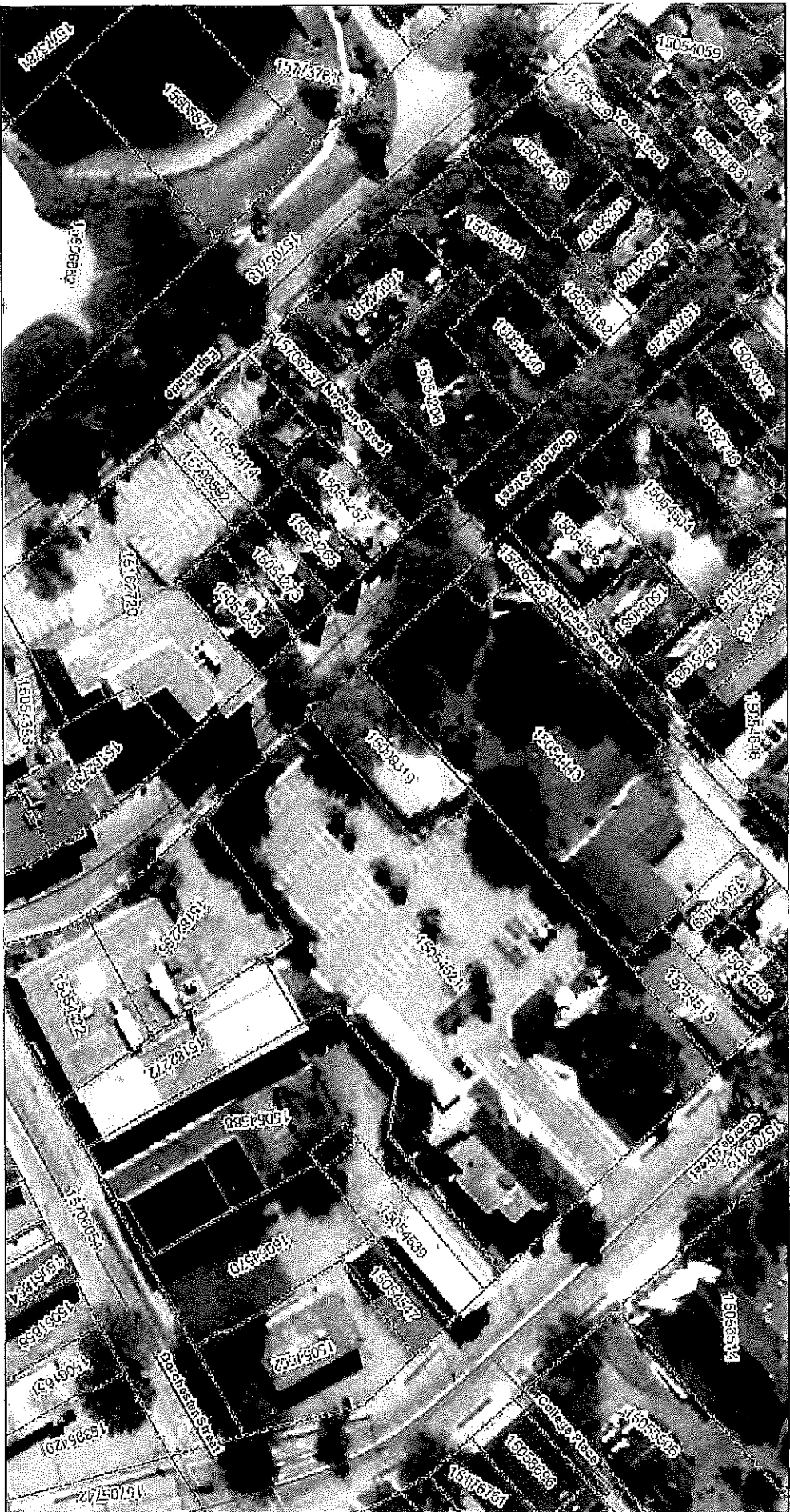
Sincerely,

Original Signed By

Demetri Kachafanas
Regional Solicitor

DK/spk

Cape Breton Regional Municipality



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- ☐ Monument Select
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- ☐ Center Selection

Map Layers

- ☒ Properties
- ☒ LR Parcel Shading
- ☒ Topo
- ☒ Monuments
- ☒ Place Names

Refresh Map

Map Controls

- ☒ NS Overview
- ☒ Locator Map
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Powered by **CARIS Spatial Fusion**

Location:

1 Property found

PID: 15009319 Details

AAN: 07248881

Value: \$99,400 (2015 COMMERCIAL TAXABLE)

Address: 139 CHARLOTTE STREET SYDNEY

County: CAPE BRETON COUNTY

Owner: HHR MAJESTY THE QUEEN CANADA PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

LR: NOT LAND REGISTRATION

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

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Public Transportation – CBRM Transit:

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Flynn, that a recommendation be made to Council to approve a pilot project whereby CBRM provides an opportunity to potential transit users by granting a two-month period of free rides that will include a promotional campaign to encourage the use of public transit.

Discussion:

During discussion, the following issues were raised:

- Revisit the 2011 Transit System Review Report;
- Tracking project progress and feedback;
- “Where’s My Bus” mobile application;
- Bus routes and schedules;
- Bus passes;
- Recent Transit Upgrades;
- Transit scheduling for CBRM summer events.

Motion Carried.



A Community of Communities

Issue Paper

TO: Mayor and Council

June 2016

RE: PUBLIC TRANSPORTATION – CBRM TRANSIT

Issue

There have been numerous requests throughout the last several years to increase public transportation service within CBRM. Many of these requests have come without significant background to support the “ask” while addressing the question of covering operating costs. The proposed project is intended to promote use of the CBRM public transit service while attempting to secure data for future decision making.

Background

In January 2011 a CBRM Transit System Review Report was completed and provided to CBRM Council. The long and short of this report was a recommendation to double the size of our transit operation over a five (5) year period, alter the taxation structure to increase operating subsidy and increase capital funding for transit expansion. These recommendations were rejected by CBRM Council and no significant operational changes occurred.

CBRM staff was requested to undertake an organizational review in 2012/13 and part of that process included review of all operational expenditures with a clear mandate to reduce expenditures where possible without negatively impacting service delivery. Recommendations coming from this review were broad and far reaching, one such recommendation was a reduction of 200 hours in the transit operating system. This recommendation was debated by CBRM Council, however, approval of the municipal

budget for fiscal 2014/15 did not contain any reduction in transit service, it did include an increase in Handi-Trans service by 40 additional hours.

Throughout 2015/16 and during the CBRM budget consultation process the issue of transit service has been raised many times. There have been specific presentations to Council from both the United Way and a Transportation Community Group seeking to make improvements to better provide transportation opportunity to residents who do not have the financial resources to own or operate a personal vehicle. A survey conducted by CBRM has indicated public transportation was an area that needs improvement (54.5% of 1890 respondents).

The 2016/17 CBRM budget process concluded without any significant change to requested budget for transit operations. The budget amount sought, reflected continuation of the existing service availability and the fiscal situation facing CBRM, it did not attempt to address the requests received, the results of the survey nor the need to increase ridership.

One of the factors used to encourage ridership is developing an awareness of the service available and how this service can address the transportation needs of the citizens of CBRM. Promotional efforts alone cannot create the desired results, however, coupled with considerable opportunity may at least begin to turn the tide that is necessary to develop a different mind-set resulting in growth of riders.

Proposal

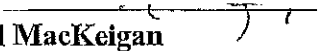
CBRM provide an expanded opportunity to potential transit users by granting two month period of free rides along with a concentrated promotional campaign to encourage use of public transit. This proposal is somewhat risky as there are financial implications, lost revenue during the two month period could be in the \$90, 000 range as well there will be increase expense for promotional effort. This proposal is outside of the approved 2016/17

CBRM budget and as such must have endorsement of Council. Most of the promotional work will be performed with in house staff and resources. CBRM Transit is currently in the process of rolling out an app for mobile devices "Where's My Bus" which will provide users real time access to transit information. This is one of the many tools to be utilized in promoting public transportation use.

The proposal would see the two months of July and August free for all users and this would be followed by introduction of a transit pass in September; for users \$75.00 for regular/ adult and \$60.00 for seniors and students. The pass system would be available through our CSC operation at the Civic Centre and would involve an application, photo pass and issuance of a receipt for CRA purpose. The potential increase in ridership could help offset some of the lost revenue from the two free months. The proposal will also allow CBRM the opportunity to gauge the uptake and public reaction which could be used to determine future development of our transit system.

Respectfully Submitted

ORIGINAL SIGNED BY


Michael MacKeigan
Utilities Administration Manager

Permission to Vend in Central Port Morien – Request by Lionel MacDonald to amend Schedule A of the Vendors By-Law:

Motion:

Moved by Councillor Saccary, seconded by Deputy Mayor George MacDonald, that a recommendation be made to Council to consider amending Schedule A of the Vendors Bylaw to identify PID# 15371685 as a site eligible for a Vendors License.

Discussion:

Councillor Saccary advised that the property in question is zoned commercial and the property owner did not believe there would be an issue when he purchased the food truck to operate on the subject property. Councillor Saccary noted that there has not been any public opinion on the issue.

Motion Carried.



TO: CBRM Council

FROM: Malcolm Gillis

SUBJECT: PERMISSION TO VEND IN CENTRAL PORT MORIEN

DATE: June 2nd, 2016

Lionel MacDonald has purchased a vending vehicle and lot parcel PID# 15371685. This lot parcel is at the northwest corner of the intersection of the Morien Highway and Breakwater Street in the center of Port Morien. He wants a Vendors Licence to cook and sell food (e.g. French fries, hotdogs, hamburgers etc.) However, it is not a site included in Schedule A of the Vendors Bylaw to be eligible for a Vendors Licence.

The last known use of this property was commercial. However, the last building on the site was demolished by Demolition Order back in 2002 i.e. 14 years ago. The Bylaw has a so-called grandfather clause, but it only pre-dates back 10 years. Mr. MacDonald can either accept that we can't issue him a Vendors Licence or he can ask that Council amend Schedule A of the Bylaw. He has chosen to seek Council permission. Local Councillor Kevin Saccary supports giving Mr. MacDonald's vending proposal consideration.

According to the Municipal Government Act, a schedule of a Bylaw is not considered the same as the body of the document i.e. an amendment to it does not require two readings as per Section 168 of the Act, but it does require a Motion of Council.

Recommendation:

Knowing the history of development at this site and knowing the local councillor supports giving this consideration, staff advocates that the General Committee recommend Council consider amending Schedule A of the Vendors Bylaw during its June 21st meeting. The amendment would identify PID# 15371685 as a site eligible for a Vendors Licence. Of course, all other provisions of the Bylaw shall be complied with e.g. the vending vehicle must be inspected and licenced by the Province's Department of Agriculture. In the interim, staff will send a notice to all assessed property owners within a radius of 200 ft. of the subject lot parcel.

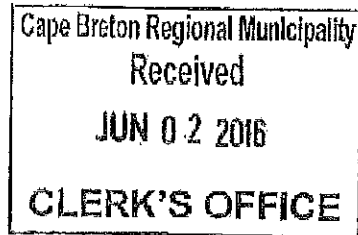
Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Planning and Development Department

A Letter of Request

Attention, Deborah Campbell



We, Mary and Lionel MacDonald are requesting permission to set up our mobile food truck on our piece of property on the corner of Breakwater and Main Street in the village of Port Morien. Our piece of property is already commercially zoned, PDI number is 15371685.

We think this is a great opportunity for us to start a small business in our community which would not only be beneficial to us but also for the community, as there is no other businesses existing in the community any more. We feel that this would be a great step forward for Port Morien residents as well as tourists. To our knowledge the people in this community are all for this and are looking forward to having a business in this area again. Through conversations with our Councillor Kevin Saccary, he also thinks this is a great idea for the community.

Lionel, his father and grandfather have lived and fished out of Port Morien all their lives. He is well respected in the community. Any further question please don't hesitate to call myself or my husband. Mary MacDonald 902-317-0335
Lionel MacDonald 902-322-7324

Sincerely,

Mary and Lionel MacDonald

Election Issues - Date for Amended List of Electors: Withdrawal from Reserve Fund:

Motion:

Moved by Councillor Cormier, seconded by Councillor Flynn, that a recommendation be made to Council:

- To designate August 31, 2016 as the date to complete the amended list of electors as per Section 38(1) of the *Municipal Elections Act*;
- To authorize the withdrawal of the accumulated funds in the election reserve account in the amount of \$268,328.16 and transfer same to the 2016-17 election account (GL8110, Cost Centre ELECTIONS) to be used to conduct the 2016 Municipal and School Board Elections.

Motion Carried.



Clerk's Office

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: CBRM General Committee

From: Deborah Campbell, Municipal Clerk/Returning Officer

Date: May 19, 2016

Subject: Election Issues - Date for Amended List of Electors; Withdrawal from Reserve Fund

Pursuant to Section 38(1) of the NS *Municipal Elections Act*, Council shall identify a date when the amended list of electors is to be completed, on the advice of the returning officer. In reviewing the election calendar, it is my recommendation that Council designate August 31, 2016 as the date to complete the amended list of electors.

Also, we require a motion of Council authorizing the withdrawal of the funds from election reserve account and transfer same to the 2016-17 election budget account (GL 8110, Cost Centre ELECTIONS) to conduct the general elections this October. As of March 31, 2016, the total accumulated election reserve is \$268,328.16.

RECOMMENDATIONS:

That the General Committee make the following recommendations to Council:

1. To designate August 31, 2016 as the date to complete the amended list of electors as per Section 38(1) of the *Municipal Elections Act*.
2. To authorize the withdrawal of the accumulated funds in the election reserve account in the amount of \$268,328.16 and transfer same to the 2016-17 election account (GL 8110, Cost Centre ELECTIONS) to be used to conduct the 2016 Municipal and School Board Elections.

Yours truly,

ORIGINAL SIGNED BY

Deborah Campbell
Municipal Clerk/Returning Officer



CBRM

A Community of Communities

Demetri Kachafanas
Solicitor
563-5047

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Request for Quit Claim Deed - 5 Mello Street, Glace Bay
Kenneth Butler - Personal Representative for the Estate of Cecil Eric
George Butler
PID 15426422
My File No. 07275

DATE: June 21st, 2016

We have received a letter of request dated, April 26th, 2016, received May 4th, 2016 for a Quit Claim Deed regarding property located to the rear of 5 Mello Street, Glace Bay. The letter of request is from Robert Crosby, of Crosby Burke & McRury Law, solicitor for the Estate of Cecil Eric Butler. Cecil E. Butler, deceased and his son, Kenneth are the registered owners of property located at 5 Mello Street, Glace Bay.

We have been advised by Robert Crosby that Kenneth Butler, son of Cecil and June Butler is the executor of the Estate of Cecil Butler. He is in the process of opening the probate estate so that the property can be transferred and migrated pursuant to the *Land Registration Act*.

It has been discovered in a recent survey that a portion of the Butler property is encroaching on CBRM property. The Butler family was always under the impression they owned the area identified as Parcel A on the enclosed plan of survey. The encroachments include, a shed, garage and driveway. Property Online shows 2 lots owned and occupied by the Butler's. The "front lot" located at 5 Mello Street, Glace Bay (PID 15571599) and an adjoining lot commonly referred to as "the rear lot" (PID 15426422).

The search of title did not reveal a deed into the Butler's for the property identified on the plan as Parcel A. Parcel A, which includes the encroachments, is included in a parcel of land (identified as PID 15425358) presently owned by the Cape Breton Regional Municipality. A copy of the survey plan, prepared by Dennis Prendergast, NSLS, dated April 12th, 2016 is attached for your review(attachment #3).

Cape Breton Regional Municipality purchased 3 acres more or less at a Tax Sale held on January 27th, 2000, assessed to D.J.MacIntosh. The Tax Deed is registered in Book 2216 at page 766, on August 24th, 2001 at the Land Registration Office. The legal description reserved all previous lots conveyed out of D.J MacIntosh. Unfortunately, only a portion of the Butler property was reserved out. A deed was never registered for the area identified as Parcel A. CBRM's property is shown on the attached Nova Scotia Property Online Map and identified as PID 15425358. The Butler lots lie adjacent to the CBRM property and is identified as PID 15571599(front lot) and PID 15426422 (rear lot) on the same map attached hereto (attachment #4).

Mr. Crosby has advised his client and predecessors in title have had long term use and occupation of the property identified as Parcel A on the said plan. He has provided a sworn affidavit dated June 3rd, 2016 supporting long term occupation for a period in excess of 70 years. Upon review of the sworn affidavit and the Tax Deed, the occupation occurred prior to the property being acquired by the CBRM at tax sale in 2001.

The Butler family has paid the property taxes for both lots. CBRM records currently confirm all property taxes for the 2 lots are paid in full.

The Legal Department did send a request to Department of Engineering and Public Works; Department of Planning, Department of Fire Services, Department of Recreation P&G/Bldgs. & Facilities to determine if this request would create any potential problems for CBRM. Legal has been advised that the conveyance for the property outlined on a plan of survey prepared by Dennis Prendergast, NSLS, dated, April 16th, 2016 would not have any direct effect on CBRM.

Attached please find the following:

- (1) Letter of request from Robert Crosby of Crosby Burke & McRury, dated April 26th, 2016; received May 4th, 2016;
- (2) Letter with attached Sworn Affidavit from Robert Crosby of Crosby Burke & McRury dated June 6th, 2016; received June 6th, 2016;
- (3) A copy of Dennis Prendergast's survey plan dated April 16th, 2016;
- (4) A copy of Nova Scotia Property Online Map showing the existing properties;
- (5) A copy of Parcel Finder Map.
- (6) A copy of the legal description for the area to be conveyed

Following my review of the facts as presented to me, the issuance of a Quit Claim Deed to Kenneth Butler, Personal Representative of the Estate of Cecil Eric Butler for the area occupied by Cecil Eric Butler, deceased and his predecessors would be in order. Therefore, I would request a Motion authorizing the Mayor and Clerk to execute such a quit claim deed provided CBRM does not absorb any fees or costs associated with transfer.

Thank you.

Sincerely,

Original Signed By

DEMETRI KACHAFANAS
Regional Solicitor

DK/spk
Attachments(6)

CROSBY, BURKE AND MACRURY
BARRISTERS, SOLICITORS, NOTARIES



Robert M. Crosby, Q.C.
William R. Burke, B.Sc., LL.B.
Darlene MacRury, B.A., LL.B.

Glace Bay Professional Centre
38 Union Street
Glace Bay, NS B1A 2P5
T. 902 849 3971
F. 902 849 7009
Email: bobcrosby@bellaliant.com

26 April 2016

Demetri Kachafanas
Office of the Regional Solicitor
320 Esplanade, Suite 401
Sydney, NS
B1P 7B9

RECEIVED

MAY 04 2016

Dear Mr. Kachafanas:

Re: 5 Mello Street, Glace Bay

Our offices represent Kenneth Butler in regard to migrating a property located at 5 Mello Street, Glace Bay. Mr. Butler is the Executor of the Estate of the late Cecil Eric George Butler.

A thorough title search of the property revealed that Cecil Butler has good title to the property designated as PID 15571599 (the "front lot") but there was a problem with the property designated as PID 15426422 (the "back lot").

Property Online has the owners of the back lot as Cecil Eric G Butler and June Louise Butler (deceased), however, a deed was never given to Cecil and June Butler for this property or, if a deed was given at the time of purchase, it was never registered. Cecil Butler was reportedly an organized gentleman but a careful search of all available papers and records did not result in the location of the unrecorded deed.

The Butler family has been occupying the back lot for over 70 years. They constructed the building on the back lot at approximately the same time as the house on the front lot was built. Originally, the building on the back lot was a horse barn.

In 1970, the Butlers used the building as a personal garage until Cecil Eric George Butler established Butler Upholstery in the building in 1979. Butler Upholstery operated until 1998. Since that time the building has been used as a garage.

The last registered owner of the back lot was D. J. MacIntosh. The property was then conveyed by Tax Deed to the Cape Breton Regional Municipality in August 2001 (document 6238, 2216/766).

... /2

26 April 2016

My purpose in writing is to request that the Cape Breton Regional Municipality consider granting a deed to Cecil Eric George Butler and June Louise Butler for the "back lot" to allow Kenneth Butler to probate the estate of Cecil Butler and migrate the property.

We will prepare the deed at no cost to the municipality.

Please find enclosed a copy of the survey plan and description for the back lot. A copy of our abstract can be provided upon request.

Feel free to contact me at anytime if you need further information.

Yours very truly,

CROSBY, BURKE & MACRURY

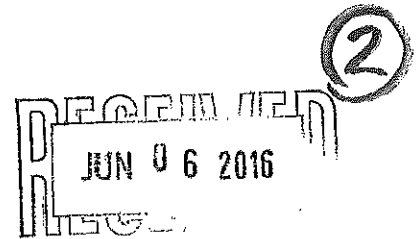
ORIGINAL SIGNED BY

Robert M. Crosby, Q.C.

RMC/

c.c. Kenneth Butler

CROSBY, BURKE AND MACRURY
BARRISTERS, SOLICITORS, NOTARIES



Robert M. Crosby, Q.C.
William R. Burke, B.Sc., LL.B.
Darlene MacRury, B.A., LL.B.

Glace Bay Professional Centre
38 Union Street
Glace Bay, NS B1A 2P5
T. 902 849 3971
F. 902 849 7009
Email:
crosbyburkemacrury@ns.sympatico.ca

June 6, 2016

Hand Delivered

Demetris Kachafanas
Office of the Regional Solicitor
320 Esplanade, Suite 401
Sydney, NS
B1P 7B9

Dear Mr. Kachafanas:

RE: 5 Mello Street, Glace Bay

This is further to my correspondence dated April 26, 2016 and also further to the request made shortly thereafter that my client provide a Statutory Declaration with respect to this property.

Mr. Butler was able to attend my office on Friday, June 3, 2016 and he swore the attached Statutory Declaration. I trust it is satisfactory and that this matter can be placed on the agenda for the June counsel meeting.

Please contact me if you require anything further.

Yours very truly,

CROSBY, BURKE & MACRURY
ORIGINAL SIGNED BY

Robert M. Crosby, Q.C.

RMC\anm
enclosure

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON**

**IN THE MATTER OF THE CANADA EVIDENCE ACT; AND
IN THE MATTER OF THE REGISTRY ACT;**

AND

**IN THE MATTER OF PROPERTY CIVIC NUMBER 5
MELLO STREET, GLACE BAY, IN THE CAPE BRETON
REGIONAL MUNICIPALITY, PROVINCE OF NOVA
SCOTIA (THE "PROPERTY"), PRESENTLY OWNED BY
KENNETH WAYNE BUTLER, BEING PID #15571599**

AND

**IN THE MATTER OF AN ACT RESPECTING THE
MUNICIPAL GOVERNMENT RSNS, 1998, c. 18, s 268A**

STATUTORY DECLARATION

**I, Kenneth Wayne Butler, of 6 Wynward Avenue, Hammonds Plains, ,
Province of Nova Scotia, make oath and say as follows:**

1. All matters hereinafter deposed to are made to the best of my knowledge and belief, unless otherwise stated.
2. I am the son of Cecil Eric Butler and June Louise Butler, both of whom are now deceased.
3. I lived in the home on the front lot (PID#15571599) as shown on the Plan of Survey, dated April 12, 2016, attached and marked Exhibit "1" to this my Statutory Declaration.
4. The back lot (PID#154266422) has been occupied by myself, my father and my grandfather for a period of time in excess of 70 years.
5. I confirm that the survey plan shows the location of the fence line which has covered over three quarters of the property for in excess of 50 years.
6. I am advised and I do verily believe that my family constructed the building shown on the back lot approximately 70 years ago and initially used it as a horse barn.
7. In 1970, my family converted the horse barn for use as a personal garage and, in 1979, our family business, Butler Upholstery was operated from this building until 1998; the building still stands in it's original location.

8. I make this Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under and by virtue of the CANADA EVIDENCE ACT.

Sworn To before me at Glace Bay,
in the Province of Nova Scotia,
on this 3rd day of June, 2016.

ORIGINAL SIGNED BY

A Barrister of the Supreme Court of
Province of Nova Scotia

ROBERT M. CROSBY
A Barrister of the Supreme Court
of Nova Scotia

ORIGINAL SIGNED BY
KENNETH WAYNE BUTLER

This is Exhibit 7 referred to in the
affidavit of Kenneth Wayne Butler
sworn before me, this 3rd
day of June, 2016

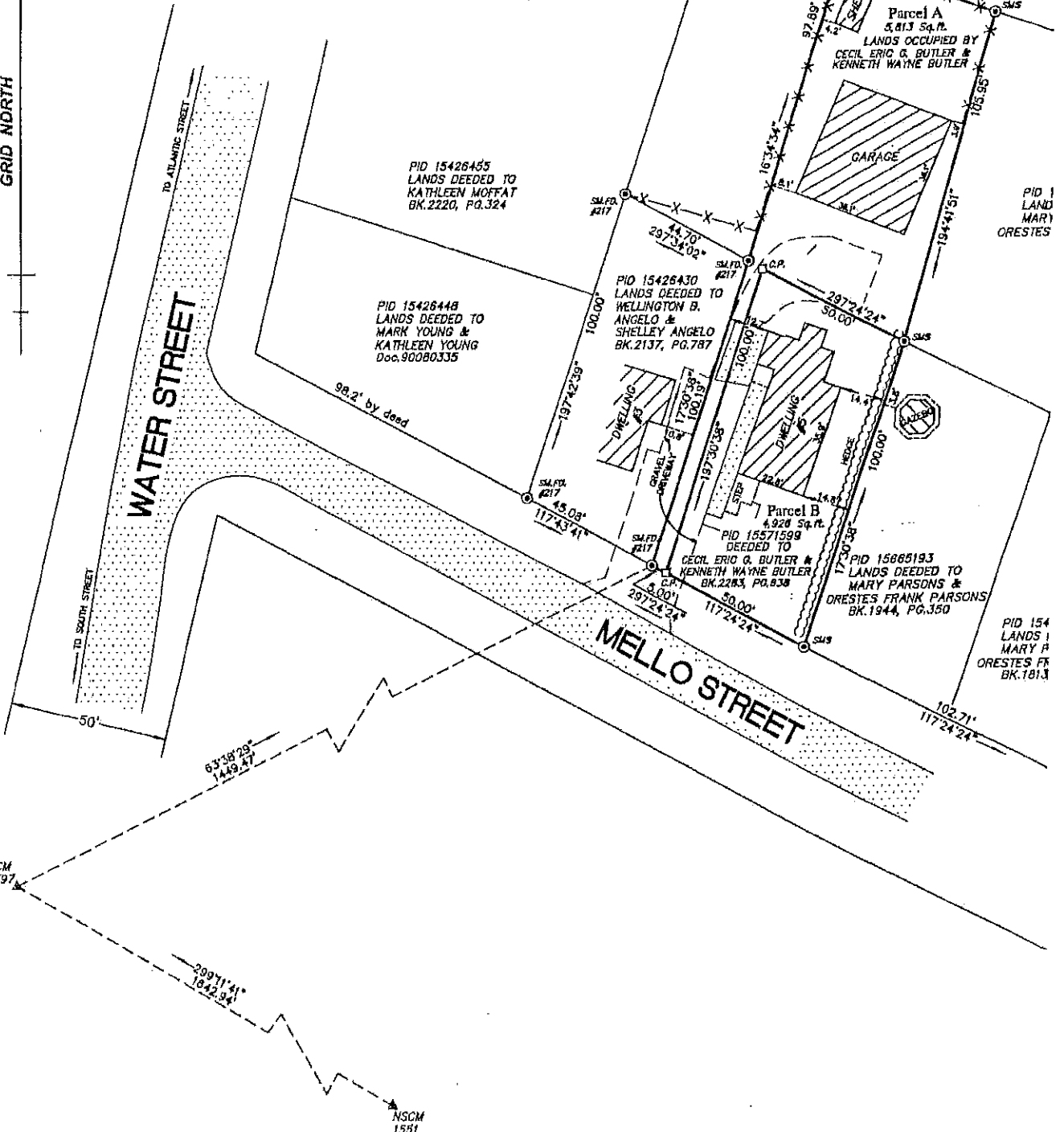
ORIGINAL SIGNED BY

A COMMISSIONER FOR TAKING AFFIDAVITS

R.M. CROSBY

PID 15425358
LANDS DEEDED TO
CAPE BRETON
REGIONAL MUNICIPALITY
BK.2218, PG.766

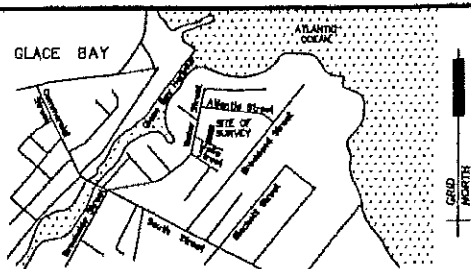
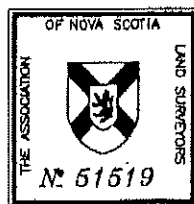
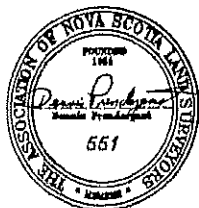
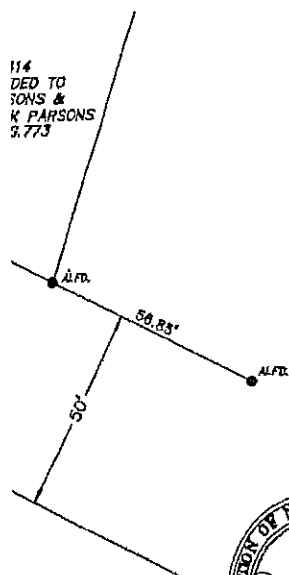
GRID NORTH



Note
1. Parcel A is comprised of PID 15426422
and a portion of PID 15425358.

26408
OCCUPIED BY
PARSONS &
ANK PARSONS

114
DED TO
SONS &
K PARSONS
3,773



KEY PLAN

SCALE: 1:10,000

LEGEND:

NOVA SCOTIA CONTROL MONUMENT	---X---	NSCM
SURVEY MARKER SET	---X---	S.M.S.
SURVEY MARKER FOUND	---X---	S.M.F.
IRON BAR FOUND	---X---	I.B.F.
ANGLE IRON FOUND	---X---	A.I.F.
FENCE	---X---	F
STREAM	---X---	S
BOUNDARIES DEALT WITH BY THIS PLAN	---X---	B
OTHER BOUNDARIES	---X---	O
ORDINARY HIGH WATER MARK	---X---	O.H.W.M.
CALCULATED POINT	---X---	C.P.
DE LINE	---X---	D
TREES	---X---	T
PROPERTY IDENTIFICATION NUMBER	---X---	12345678
WOODEN STAKE SET	---X---	W.S.

AZIMUTHS:

All azimuths shown hereon are grid azimuths and were derived using Global Positioning System (GPS) technology, based on 3° modified transverse mercator projection, zone 4, central meridian 61°30' west longitude 1979 adjustment, N.S.C.M. # 21797 used as base control point.

This survey was executed during the period

April 6-8, 2016.

AZIMUTHS AND DISTANCES ARE UNADJUSTED
DISTANCES HAVE NOT BEEN CORRECTED FOR SCALE FACTOR
TIES SHOWN ARE TO SIDING OF BUILDINGS UNLESS
OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE:

I, Dennis Prendergast, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision, and that the survey and plan were made in accordance with the Land Surveyor's Act, Regulations and Standards made thereunder.

Dated this 17th day of April, 2016.

ORIGINAL SIGNED BY

NOVA SCOTIA LAND SURVEYOR No. 551

PRENDERGAST SURVEYS LIMITED

648 MAIN STREET, GLACE BAY,
CAPE BRETON REGIONAL MUNICIPALITY, N.S.,
PHONE: (902) 840-7226 FAX: (902) 842-1037
WEBSITE: www.nslandsurveyor.com

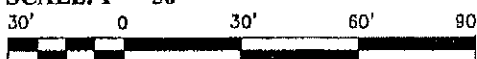
PLAN OF SURVEY SHOWING

PARCELA being lands occupied by and
PARCELB being lands deeded to

**CECIL ERIC G. BUTLER &
KENNETH WAYNE BUTLER**

MELLO STREET, GLACE BAY
CAPE BRETON REGIONAL MUNICIPALITY,
NOVA SCOTIA

SCALE: 1" = 30'



GRAPHIC SCALE - FEET

Drawn by:
HORACE LOVELL

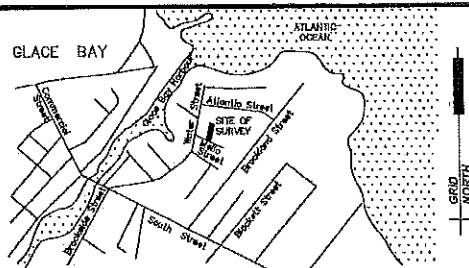
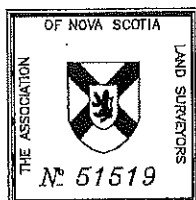
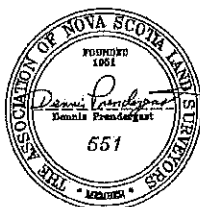
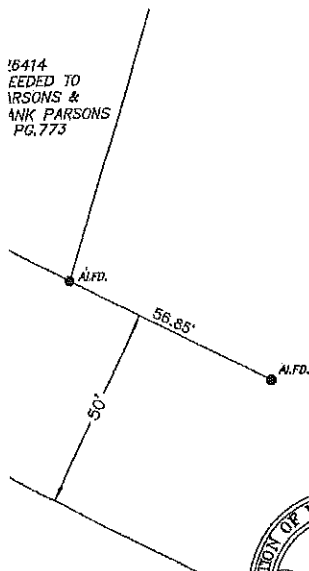
Scale:
1" = 30'

Date:
12 APRIL, 2016

Note
1. Parcel A is comprised of PID 15426422
and a portion of PID 15425358.

426406
OCCUPIED BY
PARSONS &
FRANK PARSONS

15414
DECEDED TO
PARSONS &
FRANK PARSONS
PG. 773



KEY PLAN

SCALE: 1:16,000

LEGEND:

NOVA SCOTIA CONTROL MONUMENT	—	MSCM
SURVEY MARKER SET	—	S.M.S.
SURVEY MARKER FOUND	—	S.M.F.D.
IRON BAR FOUND	—	A.I.F.D.
ANGLE IRON FOUND	—	A.I.F.D.
FENCE	—	X X X
STREAM	—	~~~~~
BOUNDARIES DEALT WITH BY THIS PLAN	—	—
OTHER BOUNDARIES	—	—
ORDINARY HIGH WATER MARK	—	—
CALCULATED POINT	—	□ C.R.
TIE LINE	—	—
TREES	—	○ ○ ○
PROPERTY IDENTIFICATION NUMBER	—	12345678
WOODEN STAKE SET	—	□ SK

AZIMUTHS:

All azimuths shown hereon are grid azimuths and were derived using Global Positioning System (GPS) technology, based on 3° modified transverse mercator projection, zone 4, central meridian 61°30' west longitude 1979 adjustment, N.S.C.M. # 21797 used as base control point.

This survey was executed during the period

April 6-8, 2016.

AZIMUTHS AND DISTANCES ARE UNADJUSTED
DISTANCES HAVE NOT BEEN CORRECTED FOR SCALE FACTOR
TIES SHOWN ARE TO SIDING OF BUILDINGS UNLESS
OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE:

I, Dennis Prendergast, Nova Scotia Land Surveyor,
hereby certify that the survey represented by this plan
was conducted under my supervision, and that the survey
and plan were made in accordance with the
Land Surveyor's Act, Regulations and Standards
made thereunder.

Dated this 12th day of April, 2016.

ORIGINAL SIGNED BY

NOVA SCOTIA LAND SURVEYOR No. 551

PRENDERGAST SURVEYS LIMITED

846 MAIN STREET, GLACE BAY,
CAPE BRETON REGIONAL MUNICIPALITY, N.S.,
PHONE: (902) 849-7228 FAX: (902) 842-1057
WEBSITE: www.nslandsurveyor.com

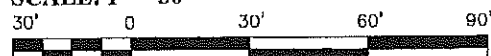
PLAN OF SURVEY SHOWING

PARCELA being lands occupied by and
PARCELA B being lands deeded to

**CECIL ERIC G. BUTLER &
KENNETH WAYNE BUTLER**

MELLO STREET, GLACE BAY
CAPE BRETON REGIONAL MUNICIPALITY,
NOVA SCOTIA

SCALE: 1" = 30'



GRAPHIC SCALE — FEET

Drawn By
HORACE LOVELL

Scale:
1" = 30'

Date:
12 APRIL, 2016

GRID NORTH

WATER STREET

PID 15426448
LANDS DEEDED TO
MARK YOUNG &
KATHLEEN YOUNG
Doc. 90080335

PID 15426430 #2
LANDS DEEDED TO
WELLINGTON B.
ANGELO &
SHEILEY ANGELO
BK.2137, PG.787

PID 15
LANDS
MARY F
DRESTES F
BK.181

PID 15665193
 LANDS DEEDED TO
 MARY PARSONS &
 RESTES FRANK PARSONS
 BK.1944, PG.350

MELLO STREET

NSCM
21797

NSCM
1551

Help

 Print Map

No Selection has been made.

P10# 1557-1599

6/10/2016

5

Butler Property PID 15426422



05/19/2015

6

All that certain lot, piece or parcel of land situate, lying and being at Glace Bay, Province of Nova Scotia and being shown as **Parcel A** on a plan of survey entitled "**CECIL ERIC G. BUTLER & KENNETH WAYNE BUTLER**" prepared by Prendergast Surveys Limited dated April 12, 2016 (and hereinafter referred to as the "PLAN") and being more particularly bounded and described as follows:

BEGINNING at a survey marker found on the northeastern boundary of Mello Street at the southern corner of lands deeded to Wellington B. Angelo & Shelley Angelo (see book 2137 at page 787) as shown on said "PLAN";

THENCE following the southeastern boundary of said lands deeded to Wellington B. Angelo & Shelley Angelo on an azimuth of $17^{\circ}30'38''$ for a distance of (100.19') feet to a survey marker found at the eastern corner of said Angelo lands;

THENCE following an existing fence line on an azimuth of $16^{\circ}34'34''$ for a distance of (97.89') feet to a survey marker set;

THENCE following an existing fence line on an azimuth of $109^{\circ}25'29''$ for a distance of (50.61') feet to a survey marker set;

THENCE following an existing fence line and the prolongation, southwesterly, on an azimuth of $194^{\circ}41'51''$ for a distance of (105.95') feet to a survey marker set at the eastern corner of lands deeded to Cecil Eric G. Butler and Kenneth Wayne Butler (see book 2283 at page 638);

THENCE following the northeastern boundary of said lands deeded to Cecil Eric G. Butler and Kenneth Wayne Butler on an azimuth of $297^{\circ}24'24''$ for a distance of (50.00) feet to a point;

THENCE following the northwestern boundary of said lands deeded to Cecil Eric G. Butler and Kenneth Wayne Butler on an azimuth of $197^{\circ}30'38''$ for a distance of (100.00') feet to a point on the said northeastern boundary of Mello Street;

THENCE following the said northeastern boundary of Mello Street on an azimuth of $297^{\circ}24'24''$ for a distance of (5.00') feet to the **Place of Beginning**.

Said **Parcel A** containing 5,813 square feet by calculation.

Said **Parcel A** being lands occupied by Cecil Eric G. Butler and Kenneth Wayne Butler.

All azimuths herein described are grid azimuths and referenced to the Nova Scotia 3° modified transverse mercator projection, Zone 4, central meridian 61°30' west longitude, of the 1979 adjustment.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

June 1, 2016

MEMO TO: Mayor and Council

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Possible Tax Exemption Policy affecting community museums that are registered municipal heritage properties

The Old Sydney Society has recently acquired ownership of the former Bank of Montreal building on Charlotte Street in Sydney. This building is one of Sydney's finest heritage buildings and it is the Society's intent to operate a community museum in the structure in the future.

As the Society has accepted the responsibility of preserving and maintaining this very special building and ensuring that it remains accessible to the general public, it has requested that CBRM consider providing some assistance in the form of property tax relief. As Council is aware, the Municipal Government Act places restrictions on the ability of municipalities to waive taxes on properties that are assessed as commercial taxable. However, the Heritage Property Act does provide Council with the ability to provide financial assistance to properties that are registered municipal heritage properties. The relevant section reads as follows:

Financial assistance

22 (1) The Minister, subject to the approval of the Governor in Council, may provide financial assistance in respect of provincial heritage property and the council may provide financial assistance in respect of municipal heritage property or property located in a heritage conservation district to any person to assist in the restoration or renovation of such property upon such terms and conditions as the Minister or the council, as the case may be, deems fit.

(2) The Minister of Municipal Affairs may provide financial assistance to a municipality to assist it in exercising its authority pursuant to this Act.

(3) Any money required by the Minister of Municipal Affairs to exercise his authority pursuant to this Act may be paid out of money voted for that purpose by the Legislature or out of the Consolidated Fund upon the recommendation of the Governor in Council.

4) Any money required by a municipality in the exercise of its authority pursuant to this (Act may be raised, levied or collected as part of the general rates or taxes of the municipality. R.S., c. 199, s. 22; 1991, c. 10, s. 8.

The CBRM has used this section in the Act in recent years to implement our Heritage Incentive Program, which provides modest grants to owners of heritage properties undertaking work on the exterior of their properties. Although we have never used this section to provide property tax relief, staff have contacted HRM and we have been advised that HRM has been providing property tax rebates to heritage properties using this section of the Act for several years. As a result, there would appear to be no reason for CBRM not to do the same, if Council so wishes.

If CBRM were to provide property tax relief for heritage properties, staff recommends that relief be restricted to a very limited number of properties. We suggest that eligibility be limited to municipally registered heritage properties that are:

- 1. Owned by a registered non-profit society**
- 2. Operated as a community museum that is open to the public on a regular basis at least part of the year**

If Council decides that it wishes to use Section 22 of the Heritage Property Act to grant tax relief to properties that meet the above criteria, it would appear that only four properties would be eligible for the exemption at the present time. They are:

- 1. Fort Petrie, New Victoria**
- 2. The UNIA Hall Museum, Glace Bay**
- 3. The Glace Bay Heritage Museum, Glace Bay**
- 4. The BMO Building, Sydney (Old Sydney Society)**

Fort Petrie and Glace Bay Heritage Museum are already exempt from taxes under E-200 External Organizations Tax Exemption By-law, as approved by previous Councils. As a result, the financial implications of a decision to grant tax relief as outlined above would only affect the BMO Building (assessed at \$249,300) and the UNIA Hall (assessed at \$54,800).

Recommendation

Staff recommends that Council direct staff to develop a policy that would provide a property tax exemption for municipally registered heritage properties that are:

- 1. Owned by a registered non-profit society**
- 2. Operated as a community museum that is open to the public on a regular basis at least part of the year**

If this recommendation meets with the approval of Council on June 21, staff will draft the wording of the policy for Council approval at a later date.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer



TO: CBRM Council

FROM: Malcolm Gillis

SUBJECT: REQUEST TO DECLARE PARCEL SURPLUS

DATE: June 15th, 2016

Hughena Gracie is the owner of lot parcel PID# 15032048 in North Sydney. It is a 6,500 sq. ft. lot parcel fronting on the east side Purves Street overlooking the Indian Beach public recreational site. Although on paper it would appear to be a more than adequate building lot, the rear 1/3rd cascades down an embankment towards the above referenced public recreational site. This lot parcel is bounded on the southeast and southwest by a lot parcel owned by the CBRM. As the plan of survey included with this report shows, she is asking if the CBRM would subdivide and convey a 3, 092 sq. ft. parcel to the southwest of her property to be consolidated with her property. In return, she will convey to the CBRM the rear 1/3rd of her lot parcel and pay the difference in the appraised value of each along with the legal costs associated with such a real estate transaction.

This CBRM lot parcel from which the above referenced 3,092 sq. ft. parcel would be divided also encompasses the Indian Beach public recreational site. Consequently, it isn't declared surplus according to the CBRM land inventory. But look at the oblique air photo imagery with this report. Ms. Gracie owns the lot parcel outlined in yellow. The parcel she is asking CBRM to convey is outlined in red. The part of her lot parcel to the southeast of the white line within it would be conveyed to the CBRM to be consolidated with the remaining lands encompassing the Indian Beach recreational site. The parcel she is asking to be conveyed is not part of the public recreational facility (in fact just weeds and brush is growing there) it is at a significantly higher elevation than the ballfield, and there are existing homes on either side of this site. The Director of Recreation and Parks has no issue with this, nor does this Department.

Recommendation:

I recommend that Council declare the 3,092 sq. ft. lot parcel shown on the plan of survey and outlined in red on the oblique air photo included with this report as surplus to the needs of the CBRM.

Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Planning and Development Department

Gracie Request







TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: NEW PUBLIC STREET INTERSECTING THE
ESPLANADE**

DATE: June 15th, 2016

The Municipal Government Act states that a new public street may be created in one of two ways. (1) When the Development Officer grants subdivision approval for a plan of subdivision to be serviced by a new public street. (2) By Motion of Council where the public street is not being constructed and conveyed in an application for subdivision approval. When a public street is being created using option 2 a plan of survey must be prepared and accepted by Council and, finally, submitted to the Province's Land Registry.

During its April 19th meeting Council passed a Motion approving the construction of a public street to service both the Harbour Royale development on the Sydney Harbour side of the Esplanade and the remaining lands on that side of the Esplanade owned by the CBRM, which will comprise more than 2/3rds of the total acreage serviced by this new street. We are now in receipt of the plan of survey illustrating the boundary of the proposed public street. A copy of that plan is included with this report. As shown on the plan, the new public street will be comprised of Parcel A and PID# 15058720.

Now that we are in receipt of the boundary survey of the new public street we are in a position to ask Council to pass a Motion declaring it a public street. According to CBRM's Civic Addressing Policy, when there is no private developer choosing to name a new public street in their plan of subdivision, a new street shall be chosen by the CBRM Civic Addressing Coordinator from a list of names of those who have lost their lives serving in the armed forces which currently don't have a street with the same name. While witnessed by the Clerk I chose the name Cutilar from an envelope of cards each with the last name of a soldier from Sydney who died in combat while in the armed forces.

Recommendation:

I recommend that Council approve the creation of Cutlar Street as illustrated on the plan of survey included with this report.

Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis

Civic Addressing Coordinator, Cape Breton Regional Municipality



A Community of Communities

Issue Paper

TO: *Mayor and Council*

June 21, 2016

RE: “Call for Applications – Clean Water and Wastewater”

CBRM has recently received a “Call for Applications” under the recently announced Clean Water and Wastewater Fund (CWWF) from the Department of Municipal Affairs (DMA). Detail associated with the funding requirements from Infrastructure Canada and the letter from Minister Zach Churchill, dated June 9, 2016 is attached.

The CWWF will help accelerate short term municipal investments, to support rehabilitation projects for existing water, sanitary sewer and stormwater infrastructure that can be completed in the short term, with eligible costs incurred until March 31, 2018. The deadline for applications is June 27, 2016.

Funding

- | | |
|---------------------------|--------------------------------------|
| - Federal Funding | - 50% (total of all federal sources) |
| - Province of Nova Scotia | - 25% |
| - CBRM | - 25% |

Projects must be designed, and completed prior to March 31, 2018 which will identify that the projects must be completed during the 2017 Construction Season.

To maximize the CBRM benefits from this program, is currently pulling together all prioritized projects that would be otherwise not funded without this program. The CBRM water utility will anticipate a CBRM Council Approval for \$3,000,000 for 2017/2018.

Discussion

During the past number of years, infrastructure funding has focused on new systems and implementation of infrastructure to react to regulatory requirements. During this time, some of the necessary rehabilitation projects have not been the focus of these funding programs. This type of funding, directed towards existing infrastructure, will allow for

these rehabilitations to be accelerated, providing less of a burden on scarce operating budgets.

Water

For CBRM, the focus on Water infrastructure will allow that the CBRM Water Utility can leverage capital dollars to accelerate important watermain replacement projects. Some of these watermains are in excess of 100 years old, and contribute to water losses and continuous, costly repairs. The water utility has put together a project of water infrastructure replacement across CBRM that will focus on watermain replacements, large water meter replacements, control system and treatment upgrades. The immediate effect will be lowering unaccountable waterlosses in the system, lowering chemical usage and energy consumption, providing improved pressure management, and improving known areas of repeat watermain breaks.

- 1) Watermain Rehabilitation Project – More than 30 components of water infrastructure across CBRM.

Federal Funding	- \$6,000,000
Provincial Funding	- \$3,000,000
<u>CBRM Water Utility</u>	<u>- \$3,000,000</u>
TOTAL	- \$12,000,000

Sanitary Sewer

CBRM operates more than 70 sanitary sewer pumping facilities, a number of which require immediate replacement. New facilities are much more efficient, and allow for less energy consumption, improved flow characteristics, controls, and lower repair costs.

- 2) Sanitary Sewer Pumping Facilities Replacement Project – Replacement of 4 wastewater pumping stations across CBRM.

Federal Funding	- \$500,000
Provincial Funding	- \$250,000
<u>CBRM</u>	<u>- \$250,000</u>
TOTAL	- \$1,000,000

Stormwater

CBRM has placed a focus on lowering stormwater inflow and infiltration (I&I) with the intent on lessening the burden on operating costs. Lower flows provide less power consumption, chemical usage, equipment wear, and overflow costs.

The stormwater infiltration project will utilize a number of techniques including repairs and replacements of manholes, catchbasins, and redirecting of stormwater flows, where applicable.

- 3) Stormwater Inflow and Infiltration – More than 110 components of stormwater infrastructure rehabilitation across CBRM.

Federal Funding	- \$1,500,000
Provincial Funding	- \$750,000
<u>CBRM</u>	<u>- \$750,000</u>
TOTAL	- \$3,000,000

Recommendation:

Council approve the application for the following three projects under the CWWF to be submitted for approval:

- | | |
|--|---------------|
| 1) Watermain Rehabilitation Project | - |
| \$12,000,000 | |
| 2) Sanitary Sewer Pumping Facility Replacement Project | - \$1,000,000 |
| 3) Stormwater Inflow and Infiltration | - \$3,000,000 |

We respectfully request a motion of Council to approve the application of the above mentioned projects for funding under the Clean Water and Wastewater Fund to the Department of Municipal Affairs, as recommended.

Respectfully submitted:

Wayne MacDonald, P.Eng.
Director of Engineering and Public Works

WATER MAIN REHABILITATION PROJECT
--

WATER REHABILITATION - EAST DIVISION		
1	Lower McLean Street (Bruce to Commercial)	
2	Gibbon Street (Wilson to Victoria)	
3	Walsh Avenue (14th. To End)	
4	Waterview Street (Morley to Marine)	
5	Clarke Avenue (Patrick to Hudson)	
6	LeDrew Street (Stanley to Hinchey)	
7	Foundry Street (Glenwood to Reserve)	
8	Tenth Street (Miner to Walsh)	
9	Ling Street (Highland to Hickman)	
10	Currie Street Phase 2 (Argyle to McDonald's)	
11	Wilson Ave (Heelan Ave)	
12	Main St. Phase 4 (Phalen St to Church)	
13	Nicholson Ave (King St. to St. Joseph St.)	
14	Royal Avenue (Commercial to King St.)	
15	Commercial Street (Royal to Mitchell)	
16	Ellsworth Avenue (Gibbon St. to Ling St.)	
SUBTOTAL		\$5,685,000
WATER REHABILITATION - CENTRAL DIVISION		
1	Ankerville Street (Cromarty to Rotary)	
2	Lisgard Street (Birchill to Cabot)	
3	Morrison Street (Townsend to Brookland)	
4	Lingan Road water (Henry St to Church St.	
5	Inglis St (High to Townsend St)	
6	Ashby Rd (Herbert to Acadia Dr)	
7	Brookland St/ Whitney Ave (George St to Ashby Rd)	
8	Memberdou St (Alexandra St to Property Line)	
9	SCADA Ethernet Radio Improvements	
SUBTOTAL		\$3,355,000
WATER REHABILITATION - NORTH DIVISION		Water
1	Archibald Avenue (Stanley to Pierce)	
2	Ocean Street (Howell to End)	
3	Hare Avenue (Peppett to Brook)	
4	Summer Street (King to Caledonia)	
5	Pottle Lake filter upgrade	
6	High Street (King St. to Brook St.)	
7	Tobin Road (Hartigan Drive to Main Street)	
8	Large Meter Replacement	
SUBTOTAL		\$2,960,000
TOTAL		\$12,000,000

SANITARY SEWER PUMPING FACILITIES REPLACEMENT PROJECT

1	Lake Road, Glace Bay	
2	Phalen's Road, Glace Bay	
3	Mapleview Drive - North Sydney (2 stations)	
4	Styles Lane - Sydney	
SUBTOTAL		\$1,000,000

STORMWATER INFLOW AND INFILTRATION

1	100 Manhole Rehabilitations (CBRM Wide)	
2	Stormwater Separation Central	
SUBTOTAL		\$3,000,000



**Municipal Affairs
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5550 Fax 902 424 0581 • novascotia.ca

June 9, 2016

Dear Mayor/Warden:

Re: Call for Applications

The Department of Municipal Affairs, on behalf of the Province of Nova Scotia, is currently negotiating a funding agreement with the Federal government for the recently announced Clean Water and Wastewater Fund (CWWF).

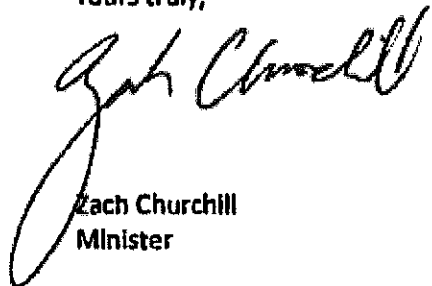
In anticipation of Canada and Nova Scotia signing the CWWF Agreement, I am pleased to announce that Municipal Affairs will be accepting applications for CWWF. Applications will be accepted online from Friday June 10 until Monday June 27, 2016 midnight.

Please note no projects will be approved prior to the signing of the Canada –Nova Scotia Agreement.

The Clean Water and Wastewater Fund is intended to support rehabilitation of existing municipal infrastructure that can be completed in the short term. Further information on CWWF funding categories, eligible projects costs, and a general program overview can be found at <http://www.infrastructure.gc.ca/plan/cwwf/cwwf-program-programme-eng.html>

Further details regarding the application process and eligible project categories will be sent directly to your CAO/Clerk very shortly. Should you have any questions, please feel free to contact Aileen Waller – Hebb, Director Grants and Programs at (902)-424-7414

Yours truly,



**Zach Churchill
Minister**



Infrastructure Canada

Home > Investing in Canada > 2014 New Building Canada Fund

> Clean Water and Wastewater Fund > Program Overview

Clean Water and Wastewater Fund Program Overview

▼ Purpose

The Clean Water and Wastewater Fund (CWWF) will provide short-term funding of \$2 billion. The program targets projects that will contribute to the rehabilitation of both water treatment and distribution infrastructure and existing wastewater and storm water treatment systems; collection and conveyance infrastructure; and initiatives that improve asset management, system optimization, and planning for future upgrades to water and wastewater systems.

▼ Program Overview

Governance

- Canada will enter into Bilateral Agreements (BA) with provinces and territories to deliver the CWWF. The provinces and territories in turn, will enter into agreements with eligible ultimate recipients to manage projects.
- Canada will retain the flexibility to enter into agreements with other types of recipients, if deemed necessary to allow funds to flow into the economy quickly.
- An Oversight Committee (OC) co-chaired by federal and provincial/territorial officials will be established to report on project progress and program outcomes, monitor and mitigate risks, and audit and evaluation for each province and territory.

Project Identification and Approval

- Provinces and territories will be responsible for identifying projects, in collaboration with municipalities, to be funded through the CWWF.
- Provinces and territories will be required to submit a project list to Infrastructure Canada (INFC) for approval.
- All proposed project must provide basic information, including the name of the municipality, title and description of the public infrastructure project, eligible investment category, financial information, planned start and end dates as well as identification of outcome the project will support. **Please refer to Annex A - for a full list of eligible investment categories and related subcategories.**

Eligible Recipient(s)

- Eligible recipients include: provinces and territories; municipalities and other entities that provide water or wastewater services as designated by the provinces and territories or municipalities. **Please refer to Annex B for complete list of eligible recipients.**

▼ Cost-Sharing, Stacking and Limits to Federal Participation

CWWF total federal funding from all sources can be up to 50% in provinces and up to 75% in territories of total eligible costs per project (see Annex C for details of eligible and ineligible costs). Funding recipients will continue to be bound by the stacking rules of other federal programs.

With regard to financial support that the First Nation receives from Indigenous and Northern Affairs Canada (INAC), only funding received from the First Nations Infrastructure Fund or the First Nations Water and Wastewater Program would be counted towards the federal stacking limits for the CWWF.

Ineligible Costs

Ineligible costs for the CWWF include the following:

- a. Costs incurred prior to April 1, 2016;
- b. Costs incurred after March 31, 2018 and March 31, 2019 for projects in the Territories. The Minister of Infrastructure and Communities may provide some flexibility regarding the deadline for incurring eligible costs should there be a demonstrated need;
- c. Costs incurred for cancelled projects;
- d. Land acquisition; leasing land, buildings and other facilities; leasing equipment other than equipment directly related to the construction of the project; real estate fees and related costs;
- e. Financing charges, legal fees, and loan interest payments (including those related to easements (e.g. surveys);
- f. Any goods and services costs which are received through donations or in kind;
- g. Provincial sales tax and Goods and Services tax/HST, for which the ultimate recipient is eligible for a rebate, and any other costs eligible for rebates; and
- h. Costs associated with operating expenses and regularly scheduled maintenance work.

Date modified: 2016-05-16



A Community of Communities

Issue Paper

TO: *Mayor and Council*

June 21, 2016

RE: “Call for Applications – Public Transit Infrastructure Fund”

CBRM has recently received a “Call for Applications” under the recently announced Public Transit Infrastructure Fund (PTIF) from the Department of Municipal Affairs (DMA). Detail associated with the funding requirements from Infrastructure Canada and the letter from Minister Zach Churchill, dated June 15, 2016 is attached.

The PTIF is intended to accelerate short term municipal investments while supporting the rehabilitation of transit systems and funding studies to support longer term transit expansion plans. The federal allocation to Nova Scotia is \$32.2 million. Eligible costs must be incurred by March 31, 2018. The deadline for applications is July 4, 2016.

Funding

- | | |
|---------------------------|--|
| - Federal Funding | - 50% (total of all federal sources) |
| - CBRM | - 50% |
| - Province of Nova Scotia | - It is anticipated that the Province continues with Provincial Transportation Application Process (PTAP) to be spent on additional transit needs. |

Projects must be completed prior to March 31, 2018.

The allocation of funds are based on Transit Ridership, which based on initial estimates by the Province of Nova Scotia, CBRM will receive \$630,000 in federal funding.

Discussion

The available levels of funding, and the restrictions associated with the timeframe will allow that fleet modernization of “rolling stock” would be most appropriate utilization of these funds. This approach will allow CBRM to upgrade its fleet by three (3) vehicles to modern fully accessible vehicles. We would anticipate immediately placing orders for at

least three (3) vehicles through the public tendering process, once approved. These vehicles would be fully accessible and would range from 25 to 40 passenger capacity.

Transit Fleet Replacement – upgrade its fleet by three (3) vehicles to modern fully accessible vehicles.

Federal Funding	- \$630,000
<u>CBRM</u>	<u>- \$630,000</u>
TOTAL	- \$1,260,000

Recommendation:

Council approve the application for the following project under the PTIF to be submitted for approval:

- | | |
|------------------------------|---------------|
| 1) Transit Fleet Replacement | - \$1,260,000 |
|------------------------------|---------------|

We respectfully request a motion of Council to approve the application of the above mentioned projects for funding under the Public Transit Infrastructure Fund to the Department of Municipal Affairs, as recommended.

Respectfully submitted:

Wayne MacDonald, P.Eng.
Director of Engineering and Public Works



**Municipal Affairs
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424 5550 Fax 902 424-0581 • novascotia.ca

June 15, 2016

**Mayor Cecil Clarke
Cape Breton Regional Municipality
320 Esplanade
Sydney, NS B1P 7B9**

Dear Mayor Clarke:

Re: Public Transit Infrastructure Fund

The Department of Municipal Affairs (DMA), on behalf of Canada and the Province of Nova Scotia, is currently negotiating a funding agreement with the Federal government for the recently announced Public Transit Infrastructure Fund (PTIF).

In anticipation of Canada and Nova Scotia signing the PTIF Agreement, I am pleased to announce that Municipal Affairs is inviting CBRM to submit projects under PTIF. Your project list must be submitted to DMA by July 4, 2016.

Please note no projects will be approved prior to the signing of the Canada – Nova Scotia Agreement.

The Public Transit Infrastructure Fund is intended to accelerate short term municipal investments while supporting the rehabilitation of transit systems and funding studies to support longer term transit expansion plans. The federal allocation to Nova Scotia is \$32.2 million. Information on the PTIF can be found at <http://www.infrastructure.gc.ca/plan/ptif-eng.html>

Further details regarding the submission of your project list will be sent directly to your CAO. Should you have any questions, please feel free to contact Alleen-Waller-Hebb, Director, Grants and Programs at (902) 424-7414.

Yours truly,

A handwritten signature in black ink that reads "Zach Churchill".

**Zach Churchill
Minister**

Government
of CanadaGouvernement
du Canada

Canada

Infrastructure Canada

Home > Investing in Canada

Public Transit Infrastructure Fund

Building Strong Cities Through Investments in Public Transit

Canadian cities have been growing at a rapid rate, but investment in public transit has not kept pace. This has led to more traffic congestion, and long commutes that make it harder for people to get to work and for families to spend time together.

The gridlock that results has a serious financial impact—costing Canada's economy billions of dollars in lost productivity each year—and is damaging to the environment.

To improve and expand public transit systems across Canada, Budget 2016 proposes to invest up to \$3.4 billion in public transit over three years, starting in 2016–17. Funding will be provided through a new Public Transit Infrastructure Fund.



These investments will help to shorten commute times, cut air pollution, strengthen communities and grow Canada's economy.

Canadians need immediate investments in their communities' public transit systems, so that they can get to work on time, and back home at the end of a long day. The Public Transit Infrastructure Fund will make these long overdue investments. Funding will be provided to support projects that will deliver increased capacity, enhanced service or improved environmental outcomes. Projects could include:

- Upgrades to subway tracks, bridges, signals and switches for the Montreal Metro;
- Fleet replacement, including the purchase of new subway cars, low-floor buses, and street cars by the Toronto Transit Commission; and
- Accelerated design, implementation and construction work for new large-scale projects, such as new light rail transit lines in Greater Vancouver and Ottawa.

To get projects moving quickly, the Government will fund up to 50 per cent of eligible costs for projects. Funding under the program will be allocated to municipalities based on ridership, as per the table below.

Jurisdiction	Share of National Public Transit Ridership	Funding Under the Public Transit Infrastructure Fund
British Columbia	13.63%	\$460,490,000
Alberta	10.28%	\$347,190,000
Saskatchewan	0.86%	\$29,000,000
Manitoba	2.45%	\$82,840,000
Ontario	44.01%	\$1,486,680,000

Jurisdiction	Share of National Public Transit Ridership	Funding Under the Public Transit Infrastructure Fund
Quebec	27.35%	\$923,710,000
New Brunswick	0.26%	\$8,740,000
Nova Scotia	0.95%	\$32,200,000
Prince Edward Island	0.02%	\$660,000
Newfoundland and Labrador	0.15%	\$4,940,000
Yukon	0.03%	\$890,000
Northwest Territories	0.01%	\$320,000
Total	100.00%	\$3,377,660,000

Notes: Ridership based on calculations done by the Canadian Urban Transit Association in the 2014 Canadian Transit Fact Book. There are no public transit systems in Nunavut.

Read more in Budget 2016: **Investing in infrastructure to Create Jobs and Prosperity for the Middle Class**

Date modified: 2016-04-01

Amendments to the Alternative Voting By-Law:

Motion:

Moved by Councillor Flynn, seconded by Councillor Doncaster, that the proposed amendments to the Alternative Voting By-law as outlined in the staff report dated May 12, 2016 be approved for first reading.

Motion Carried.



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: CBRM Council

From: Deborah Campbell, Municipal Clerk/Returning Officer

Date: May 12, 2016

Subject: CBRM Alternative Voting By-law – Proposed Amendments

There are several changes required to the CBRM Alternative Voting By-Law; a number are housekeeping issues to align our By-law with the provincial standard; and changes to reflect the recent amendments to the Nova Scotia *Municipal Election Act* (MEA). The Alternative Voting By-Law with the proposed amendments is attached.

Changes re: Provincial Standard:

- Section 2(r): Add Subsection (ii) to reference the PINs issued to the auditor. Any votes cast by the Auditor (Systems Election Officer) are not counted by the system in the tally of votes in any contest.
- Section 2(v): amend the definition of “rejected ballot” [i.e. refusal to accept a ballot].
- Section 2(w): Delete reference to “Assistant Returning Officer” in the definition.
- Section 2(aa): insert definition of “spoiled” ballot. [i.e. is not marked for any candidate in a race; or is marked by an elector indicating a refusal to cast a vote for any candidate in a race] and renumber the remainder of the section.
- Section 7(b)(i): add the words “Returning Officer or” to that section.
- Section 10: insert subsection (1) for first sentence, plus add subsection (2) “The system shall put spoiled ballots in the ballot box.”
- Section 15(2): insert the words “shall count spoiled ballots and”.
- Section 16: replace the word “rejected” with “spoiled”.
- Forms 31, 31A & 31B: add the words “Returning Officer or” under the signature line at the bottom of each Form.

Continued...

Changes re: Amendments to NS *Municipal Elections Act*:

- Section 2(m): delete definition of “final list of electors” and renumber the remainder of Section 2.
- Section 2(x): amend section to add definition of “revised list of electors” and reorder remainder of Section 2.
- Section 2(cc): added subsection (iii) regarding appointment of auditor.
- Section 7(a) and (b): change reference to “revised list of electors”.
- Section 24: new section regarding Appointment of Auditor.
- Forms 31,31A, 31B: change clause 2 to reflect the new residency requirements and clause 4 regarding date that an elector must be at least eighteen years of age.

Recommendation:

I recommend that Council approve the proposed amendments to the CBRM Alternative Voting By-Law as outlined above and contained in the attached amended By-law, noting that these amendments require two readings by Council.

Yours truly,

ORIGINAL SIGNED BY

**Deborah Campbell
Municipal Clerk/Returning Officer**

Attachments

**CAPE BRETON REGIONAL MUNICIPALITY
BY-LAW NUMBER A- 100
RESPECTING ALTERNATIVE VOTING**

BE IT ENACTED by the Council of the Cape Breton Regional Municipality, under the authority of Section 146A of the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended, as follows:

Short Title

1. This By-law shall be known as By-law Number A – 100 and may be cited as the “Alternative Voting By-law”.

Definitions

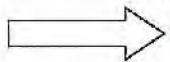
2. In this by-law:
 - (a) “Act” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
 - (b) “Advance poll” means the Tuesday immediately preceding ordinary polling day; and either
 - (i) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day; or
 - (ii) if Council has delegated its authority to fix a day to the Returning Officer, one other day fixed by the Returning Officer that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day;
 - (c) “alternative polling days” means any hours and dates fixed by a resolution of Council for alternative voting;
 - (d) “alternative voting” means voting by telephone or via the internet and includes a combination of telephone and internet voting;
 - (e) “ballot box” means a computer database in the system where cast internet ballots and telephone ballots are put;
 - (f) “candidate” means a person who has been nominated as a candidate pursuant to the *Act*;
 - (g) “Council” means the Council of the municipality;
 - (h) “Deputy Returning Officer” means a person appointed under the Act to preside over a polling station;

- (i) “Education Act” means the *Education Act*, 1995-1996 S.N.S. c. 1, as amended;
- (j) “election” means an election held pursuant to the *Act*, including a school board election, a special election and a plebiscite;
- (k) “Election Officer” means an “election official” under the *Act*;
- (l) “elector” means a person:
 - (i) qualified to vote pursuant to the *Act* and the *Education Act*; and
 - (ii) entitled to vote for an election pursuant to section 7 of this by-law;



~~(m) “final list of electors” means the final list of electors completed pursuant to Section 40 of the *Act*;~~

- (m) “friend voter” means a friend who votes for an elector pursuant to section 9 of this by-law;
- (n) “internet ballot” means an image of a ballot on a computer screen including all the choices available to an elector and the spaces in which an elector marks a vote;
- (o) “municipality” means the Cape Breton Regional Municipality;
- (p) “normal business hours” means the time between 8:30 a.m. and 4:30 p.m. Monday through to and including Friday;
- (q) “ordinary polling day” means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;

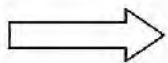


- (r) “PIN” means a Personal Identification Number issued to:
 - (i) an elector for alternative voting on alternative voting polling days; or
 - (ii) to a System Elections Officer;

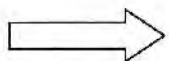
(s) “plebiscite” means a plebiscite directed to be held by the Council pursuant to section 56 of the *Act*;

(t) “proxy voter” means an elector who votes by a proxy pursuant to the *Act*;

(u) “regular election year” means 2012 and every fourth year thereafter;



(v) “rejected ballot” means refusal by an electoral officer to accept a ballot in a race;



(w) “Returning Officer” means a Returning Officer ~~and an assistant returning officer~~ who ~~are~~ **is** appointed pursuant to the *Act*;

→ (x) “revised list of electors” means the revised list of electors completed pursuant to Section 50A of the Act;

(y) “seal” means to secure the ballot box and prevent internet and telephone ballots from being cast;

(z) “special election” means a special election held pursuant to the *Act*, including a special election for a vacancy on a school board;

→ (aa) “spoiled ballot” means an internet ballot or telephone ballot that is accepted by the elector that:

(i) is not marked for any candidate in a race;

(ii) is marked by an elector indicating a refusal to cast a vote for any candidate in a race;

(bb) “system” means the technology, including software, that:

(i) records and counts votes; and

(ii) processes and stores the results of alternative voting during alternative polling days;

(cc) “System Elections Officer” means:

(i) a person who maintains, monitors, or audits the system, and

(ii) a person who has access to the system beyond the access necessary to vote by alternative voting.

→ (iii) a person who, pursuant to section 146A(3)(cd) of the *Act*, is appointed as auditor to audit and monitor the performance of the system of voting.

(dd) “telephone ballot” means:

(i) an audio set of instructions which describes the voting choices available to an elector; and

(ii) the marking of a selection by an elector by depressing the number on a touch tone keypad.

Alternative Voting Permitted

3. Subject to this by-law, alternative voting shall be permitted on alternative polling days.

Notification of Electors

4. (1) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality.
- (2) The notice of alternative polling days shall:
 - (a) identify the alternative polling days for alternative voting; and
 - (b) inform the elector that telephone voting and internet voting is permitted during alternative polling days.
- (3) The notice may include any other information the Returning Officer deems necessary.

Form of Telephone and Internet Ballots

5. (1) A telephone ballot and internet ballot shall:
 - (a) identify by the title “Election for Mayor” or “Election for Councillor” or “Election for School Board Member”, as the case may be;
 - (b) identify the names or names by which they are commonly known of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and
 - (c) warn the elector to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates”, as the case may be.
- (2) No title, honour, decoration or degree shall be included with a candidate’s name on an internet ballot or telephone ballot.

Oath

6. Any oath that is authorized or required shall be made:
 - (i) in the form specified by this by-law, or
 - (ii) if the form is not specified by this by-law, in the form required by the Act.

Electors

7. No person shall vote by alternative voting unless:

→ (a) the person's name appears on the revised list of electors pursuant to Section 50A of the Act; or

(b) the person's name does not appear on the revised list of electors and:

→ (i) the person appears before the Returning Officer or the Deputy Returning Officer during normal business hours during alternative polling days; and

(ii) the person swears an oath in the prescribed form to this by-law.

Proxy Voting

8. A proxy voter shall not vote for an elector by alternative voting.

Friend Voting

9. (1) A friend voter shall only vote for an elector by alternative voting if:

(a) an elector is unable to vote because:

(i) the elector is blind

(ii) the elector cannot read; or

(iii) the elector has a physical disability that prevents him or her from voting by alternative voting.

(b) the elector and the friend appear, in person, before the Returning Officer and take the prescribed oaths.

(2) A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.

(3) The elector shall take an oath in the prescribed form to this by-law providing that he or she is incapable of voting without assistance.

(4) The friend of the elector shall take an oath in the prescribed form to this by-law that:

(a) the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector.

(b) the friend will mark the ballot as requested by the elector; and

- (c) the friend will keep secret the choice of the elector.
- (5) The Returning Officer shall enter in the poll book:
 - (a) the reason why the elector is unable to vote;
 - (b) the name of the friend; and
 - (c) the fact that the oaths were taken.

Voting

10. (1) The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.



- (2) The system shall put spoiled ballots in the ballot box.

Seal

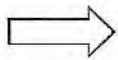
11. (1) Where alternative voting closes before the close of the polls on ordinary polling day, the system shall seal the ballot box until after the close of the poll on ordinary polling day.
- (2) The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

List of persons who voted

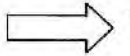
12. Where alternative voting closes before the close of the polls on ordinary polling day, the system shall:
- (a) generate a list of all electors who voted by alternative voting; and
 - (b) on the revised list of electors cause a line to be drawn through the name of all the electors who voted during alternative polling days.
13. A printed and electronic copy of the lists under Section 12 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.
14. Where alternative voting closes at the close of the polls on ordinary polling day, the system shall generate a list of all electors who voted by alternative voting.

Counting

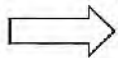
15. (1) At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during the alternative polling days.



- (2) In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots and shall not count rejected ballots.



Tallying of Rejected Spoiled Ballots



16. At the close of ordinary polling day, the system shall tally the number of rejected spoiled ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

Recount by System

17. In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.
18. If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.
19. (1) If the regenerated count and the initial count do not match, the Returning Officer shall:
- (a) direct one final count be regenerated by the system of the votes cast by alternative voting, and
 - (b) attend while the final count is being regenerated.
- (2) The regenerated final count pursuant to Subsection (1) shall be the final count of the votes cast by alternative voting.

Recount by Court

20. (1) For a recount, the judge shall only consider the final count by the system, as determined by Section 18 or 19 of the total number of votes that were cast by alternative voting for each candidate.
- (2) The final count by the system, as determined by Section 18 or 19, of the total number of votes that were cast by alternative voting for each candidate shall be added to the judge's count of the number of votes for each candidate cast by non-alternative voting.

Secrecy

21. An election officer and system election officer shall maintain and aid in maintaining the secrecy of the voting.
22. Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

Other Methods of Voting

23. If voting via the Internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.

Appointment of Auditor

24. (1) The Returning Officer may appoint a System Elections Officer for the purpose of auditing and monitoring the performance of the system of voting.
- ➡ (2) A System Elections Officer so appointed shall carry out the duties of auditor as outlined in the procedures and forms for the conduct of voting pursuant to Section 146A(4) of the Act.
- (3) Before carrying out the duties described in subsection (2), the System Elections Officer shall swear an oath in the form prescribed by the regulations.

Severability

25. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

Prohibitions

26. No person shall:
 - (a) use another person's PIN to vote or access the system unless the person is a friend voter;
 - (b) take, seize, or deprive an elector of his or her PIN: or
 - (c) sell, gift, transfer, assign or purchase a PIN.

27. No person shall:
- (a) interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
 - (b) interfere or attempt to interfere with alternative voting; or
 - (c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.
28. No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

Offences and Penalty

29. (1) A person who:
- (a) violates any provision of this by-law; or
 - (b) permits anything to be done in violation of any provision of this by-law;
- is guilty of an offence.
- (2) A person who contravenes subsection (1) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of two years less a day, or both.
- (3) In determining a penalty under subsection (2), a judge shall take into account:
- (a) the number of votes attempted to be interfered with;
 - (b) the number of votes interfered with; and
 - (c) any potential interference with the outcome of an election.
- (4) Pursuant to Section 146A of the *Act*:
- (a) the limitation period for the prosecution of an offence under this by-law is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and

- (b) *The Remission of Penalties Act*, 1989 SNS c. 397, as amended, does not apply to a pecuniary penalty imposed by this by-law.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on the 15th day of May , 2012, and amended by Council on the ____ day of _____, 2016.

Mayor Cecil P. Clarke

Municipal Clerk – Deborah Campbell

I, Deborah Campbell, Municipal Clerk of the Cape Breton Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Cape Breton Regional Municipal Council on May 15th , 2012, and amended on the ____ day of _____, 2016.

Municipal Clerk – Deborah Campbell

Publication Date: _____

CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A-100

**FORM 26
BY-LAW SECTION 9**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING ASSISTANCE
FOR ALTERNATIVE VOTING**

(For use by a person who is not a candidate and who is not related to the elector)

You swear (or solemnly affirm) that:

- (a) you have not previously acted as a friend for any other elector in the election who is not a child, grandchild, brother, sister, parent, grandparent, or spouse;
- (b) you will carry out the wishes of the elector on whose behalf you act; and
- (c) you will keep secret the name of the candidate or candidates for whom you mark the internet ballot or telephone ballot.

NOTE: A candidate shall not act as a friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate. A person who is not a candidate may act as a friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend.

CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A- 100

**FORM 26A
BY-LAW SECTION 9**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING ASSISTANCE
FOR ALTERNATIVE VOTING
(CANDIDATE/RELATIVE)**

(For use by a person, including a candidate, who is related to the elector)

You swear (or solemnly affirm) that:

- (a) the elector on whose behalf you acted is a child, grandchild, brother, sister, parent, grandparent, or spouse,
- (b) you will carry out the wishes of the elector on whose behalf you act; and
- (c) you will keep secret the name of the candidate or candidates for whom you mark the internet ballot or telephone ballot.

NOTE: A candidate shall not act as a friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate. A person who is not a candidate may act as a friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend.

CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A- 100

**FORM 31
BY-LAW SECTION 7**

**OATH OR AFFIRMATION OF ELECTOR
NOT ON LIST OF ELECTORS**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number _____ of the Cape Breton Regional Municipality.
- ➡ 2. I have been ordinarily resident in the Province of Nova Scotia for a period of six months immediately preceding the first advance polling day, and have been ordinarily resident in the Cape Breton Regional Municipality since immediately before the first advance polling day.
3. I have not voted before in this election.
- ➡ 4. I am a Canadian citizen and of the full age of eighteen years, or will be on the first advance polling day.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.

Address of Elector	Elector's Date of Birth	Signature of Elector	Consents to Name Being added to Voters List*
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(*write "yes" or "no")

Sworn (or affirmed) at _____
in the Cape Breton Regional Municipality,
this ____ day of _____, _____ before me

➡ **Returning Officer or
Deputy Returning Officer**

**The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors).**

CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A- 100

**FORM 31A
BY-LAW SECTION 7**

**OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS
FOR USE WHEN ELECTOR CAN VOTE ONLY FOR
REGIONAL/DISTRICT SCHOOL BOARD**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number _____ of the Cape Breton Regional Municipality.
- ➡ 2. I have been ordinarily resident in the Province of Nova Scotia for a period of six months immediately preceding the first advance polling day in this election, and have been ordinarily resident in the school region/district in which my polling division is located since immediately before the first advance polling day.
3. I have not voted before in this election.
- ➡ 4. I am a Canadian citizen and of the full age of eighteen years, or will be on the first advance polling day.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.

Address of Elector	Elector's Date of Birth	Signature of Elector	Consents to Name Being added to Voters List*
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(*write "yes" or "no")

Sworn (or affirmed) at _____
in the Cape Breton Regional Municipality,
this ____ day of _____, _____ before me

➡ _____
Returning Officer or
Deputy Returning Officer

The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors).

CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A- 100

**FORM 31B
BY-LAW SECTION 7**

**OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS
FOR USE WHEN ELECTOR CAN VOTE ONLY FOR
CONSEIL SCOLAIRE ACADIEN PROVINCIAL**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number _____ of the Cape Breton Regional Municipality.
- ➡ 2. I have been ordinarily resident in the Province of Nova Scotia for a period of six months immediately preceding the first advance polling day in this election.
3. I have not voted before in this election.
- ➡ 4. I am a Canadian citizen and of the full age of eighteen years, or will be on the first advance polling day.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.

Address of Elector	Elector's Date of Birth	Signature of Elector	Consents to Name Being added to Voters List*
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(*write "yes" or "no")

Sworn (or affirmed) at _____
in the Cape Breton Regional Municipality,
this ____ day of _____, _____ before me

➡ _____
Returning Officer or
Deputy Returning Officer

(Le present formulaire est également disponible en français)

The Voters List may be used in future municipal, provincial or federal elections.

(Date of Birth will be removed from final list of electors).

FORMULAIRE 31B
ARTICLE 7

Je jure (ou j'affirme solennellement) que:

1. A ce jour, je réside dans la section de vote numéro _____ de la municipalité régionale du Cap Breton.
2. J'ai habituellement résidé dans la province de la Nouvelle-Écosse pendant la période de **trois six** mois précédant immédiatement le jour ordinaire du scrutin de cette élection.
3. Je n'ai pas voté lors de cette élection.
4. Je suis un citoyen(ne) canadien(ne) et de l'âge j'ai de dix-huit ans ou plus les aurai sera le premier jour de scrutin spécial.
5. Je ne suis pas le(la) directeur(trice) du scrutin, une personne purgeant une peine dans un établissement pénitentiaire ou un centre d'éducation surveillée ou une personne condamnée pour corruption au cours des six années précédant le jour du scrutin selon la Loi sur les élections municipales.

Adresse de l'électeur(trice)	Date de naissance de l'électeur(trice)	Signature de l'électeur l'électeur(trice)	Consent à ce que son nom soit ajouté la liste des électeurs
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[illegible]

(Indiquer oui ou non)

Juré (ou déclaré solennellement) à _____
dans le comté de la Municipalité Régionale du Cap Breton,
de le _____ jour du mois de _____ de l'an en ma présence

Adjoint Directeur ou
Adjoint Directrice de scrutin

(A translation of this form is available in English)

La liste des électeurs électorale pourrait être utilisée server lors dans les d² futures élections municipales, provinciales ou fédérales ultérieures.

