

Cape Breton Regional Municipality

General Committee Meeting

AGENDA

MONDAY, MAY 8TH, 2017

1:30 P.M.

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

Cape Breton Regional Municipality

General Committee Meeting

Monday, May 8th, 2017

1:30 p.m.

AGENDA ITEMS

Roll Call

1. **Business Arising - General Committee – May 2nd, 2017**
 - 1.1 **Review of Municipal Planning Strategy Policies:** Rick McCready, Senior Planner and Karen Neville, Planner
 - a) **First Meeting to Discuss Economic Development Objectives and a Review of the Regional Planning Strategy:** (See page 3)
 - b) **Excerpt and Staff Issue Paper from May 2, 2017 General Committee Meeting** (See page 7)
2. **Economic Development Committee:** John Phalen, Manager of Economic Development & Major Projects (See page 10)

ADJOURNMENT



MEMO TO: GENERAL COMMITTEE

FROM: Malcolm Gillis

**SUBJECT: 1st MEETING TO DISCUSS ECONOMIC DEVELOPMENT
OBJECTIVES AND A REVIEW OF THE REGIONAL
PLANNING STRATEGY**

DATE: May 5th, 2017

Unfortunately I will be on vacation and away from the CBRM when this first meeting will take place on the 8th. However, Senior Planner Rick McCready and Planner Karen Neville will be in attendance to participate in the discussion. And, as I explained in my issue paper presented during the May 2nd General Committee meeting, if the policies of the CBRM Planning Strategy are to be reviewed to ensure they are not in contravention of the direction economically the Regional Municipality wants to take, it is logical to first discuss and formulate economic development objectives and then revise (if need be) the current land use policies of the Planning Strategy.

CBRM's current Planning Strategy covers a wide range of development topics and includes policy directives on major economic drivers like our downtowns, our business development corridors, our business parks, the port of Sydney and other harbours, while at the other end of the spectrum it includes policies about home businesses and business developments permitted in urban residential neighbourhoods and our rural communities. It includes policies on the primary industries of agriculture, the fishery, and mining and service industries like recreation and tourism. Each chapter is devoted to specific topics (e.g. Part 4 is devoted exclusively to residential development) and each chapter includes a lengthy preamble before the policy is read to explain to the reader the context that leads to the policy.

Planning and Development Department staff will provide you with either (or both) paper copies of the Planning Strategy and its implementing Land Use Bylaw, or with digital copies. Both documents are also available on the CBRM website. But to give you a sense of how these legal

documents read, included at the end of this memo I show how the topic of home businesses is addressed from the preamble to the policy, and then ending with the pertinent provisions of the Land Use Bylaw that the Development Officer would actually administer when in receipt of an application for a Development Permit.

ORIGINAL SIGNED BY

Malcolm Gillis
Director of Planning
Cape Breton Regional Municipality

From the Planning Strategy ...

Home Businesses

are one of the fastest growing segments of the Canadian economy. Traditionally, businesses such as beauty parlors, business offices for people in finance, real estate, and other professional endeavors have often been operated from a place of residence. With greater technological innovation, more women in the work force, a more educated work force and more value placed on family obligations, this is only becoming more widespread. Primarily because of the small scale at which these businesses are operated, they are generally considered unobtrusive provided they do not generate significant volumes of vehicular traffic, and are not garish or unsightly. For these reasons, the following business endeavours are not encouraged in urban/suburban neighbourhoods, or rural subdivisions of uniformly low density residential development:

- sales businesses as a main use;
 - service businesses that provide a service to groups rather than individuals;
 - service businesses that have high volume customer/client/patient turnover or
 - service repair businesses specializing in large equipment and vehicles.
 - In rural communities, provisions regulating, rather than prohibiting, the above mentioned potentially more obnoxious uses shall be the practice.
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Home business Policy

It shall be a policy of Council to permit certain types of service businesses to be operated from a residential property (i.e. home businesses) in:

- urban/suburban locations outside the business districts/corridors where they are generally permitted; and
- rural subdivisions of uniformly low density residential development and any rural neighbourhood subject to Policy 18.

The specific types of service businesses shall only be identified in the Land Use By-law in compliance with the following two pre-requisites.

They must be chosen from the following broad inventory of land uses:

- accommodations
- business office
- cleaning and repair
- personal and animal care
- educational

They also must be in compliance with the following criteria.

- The primary occupation at the site must be the residence and not the business.
- The appearance of the site must primarily remain residential.
- If retailing takes place, it must be an insignificant ancillary use to the main business endeavour.
- Service businesses which are high volume traffic generators or provide a service to groups of individuals rather than personal service are not to be included
- Businesses servicing large scale equipment, materials and vehicles are not to be included.

From the Land Use Bylaw

Section 17 Home Businesses

The service uses listed in sub-section "a" below are permitted as home businesses accessory to a dwelling unit on a lot parcel in all zones where the type of business is not a permitted main use. The use of a dwelling unit, or a building accessory to a dwelling unit, for the purpose of conducting one or more of the service uses listed in sub-section "a" below, shall be permitted in compliance with the criteria listed in sub-section "b".

a. List of Permitted Home Businesses (each of these land uses has a definition at the back of the Bylaw)

- animal (domestic) grooming
- artist/artisan establishment
- bed & breakfast accommodations
- boarding homes
- business offices
- catering business
- food processing cottage industry
- personal service business
- repair service

b. List of Criteria

1. The dwelling unit is occupied as a residence by the owner of the business and the external appearance of the dwelling unit is not changed by the home business.
2. Where the home business is to be operated from a dwelling, the owner of the home business must be a resident in the same dwelling unit. Where the home business is to be operated from a residential accessory building, the owner of the home business must reside in a dwelling unit on the same lot parcel as the residential accessory building.

3. Other than the owner of the business, there shall not be more than 1 assistant employed in the business.
 4. 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 (538ft); 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).
 5. Unless parking requirements are listed specifically for the type of use in the Section of this Part titled "Parking Requirements" one on-site parking space, other than that required for the dwelling unit, is provided for every 200 sq. ft. of floor space occupied by the business.
 6. There shall be no advertising other than a business identification plate or sign which has a maximum sign area of 5 sq. ft.
 7. No mechanical equipment is used except that reasonably consistent with the business use.
 8. No open storage, outdoor display, or outdoor activity associated with the business shall be permitted.
 9. The following retail sales are permitted:
 - merchandize used in the business as an accessory use;
 - goods fabricated in an artist/artisan establishment;
 - goods repaired in a repair service.
 10. The home business may be operated from within an accessory building, but the general provisions for accessory buildings found elsewhere in this Part shall apply.
 11. A catering business operated as a home business will require a license from the Province of Nova Scotia in compliance with its Eating Establishments Regulations.
 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.
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Review of Municipal Planning Strategy Policies:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Prince, to proceed with a comprehensive review of the Municipal Planning Strategy under the structure of separate special meetings of the General Committee, with a framework as outlined in the staff Issue Paper dated April 27, 2017.

Discussion:

Councillor Paruch suggested that at the initial meeting, parameters for future meetings be addressed, including itemizing our economic development objectives and how the Planning Department will be contributing to same.

Mayor Clarke noted that Provincial officials at the Department of Municipal Affairs will also be engaged in this process as required.

Motion Carried.



ISSUE PAPER

TO: General Committee of Council

FROM: Malcolm Gillis

SUBJECT: REVIEW OF MUNICIPAL PLANNING STRATEGY POLICIES

DATE: April 27th, 2017

Other than the North End Sydney neighbourhood Planning Strategy and its implementing Land Use Bylaw, the rest of CBRM is under the jurisdiction of the Regional Municipality's Planning Strategy and its implementing Bylaw. The regional Planning Strategy was adopted by Council more than 13 years ago in 2004. Both the Mayor and the Planning and Development Department believe a comprehensive review of this significant land use policy document is due. The Province's previous municipal enabling legislation obliged municipalities to conduct a comprehensive review of its Planning Strategy every five years. While this specific time limit is no longer imposed by the current Municipal Government Act (MGA), 13 years is a long time for such a legal policy document to be in effect.

According to the MGA, the purpose of a municipal planning strategy is "to provide statements of policy to guide the development and management of the municipality and, to ... establish policies which address problems and opportunities concerning the development of land and the effects of the development ... and to provide a framework for the environmental, social and economic development within a municipality." That's a tall order. It's important such a document be current, and in a regional municipality with a struggling economy, even more so.

The purpose of this issue paper is to advocate for this review, and if Council chooses to do so, to provide a framework for how the review should be undertaken.

1. The fundamental foundation of CBRM's Planning Strategy should be that it is the document which translates the current economic development objective of this Municipality into land use policy.

2. With a clear understanding of our economic development objectives, a review of the CBRM Planning Strategy chapter by chapter should be undertaken. The range of topics in the current Planning Strategy includes chapters devoted to:
 - business development, port facilities, and our business parks;
 - residential development;
 - recreation;
 - the primary industries of agriculture, the fishery, and mining;
 - the region's transportation infrastructure;
 - the public works infrastructure; and
 - environmental issues.
3. I encourage all Councillors and the Mayor to bring expressed constituent concerns to the table for discussion in the context of this review. Staff too will be asked to bring their concerns for policy change for an open and frank discussion.
4. The Mayor's 100 positive changes should be considered for incorporation into Planning Strategy policy.
5. I believe a candid conversation about service delivery and the bureaucratic procedures which the public is obliged to follow should be part of the discussion.

Finally, if this review is to take place staff needs the focused attention of either a sub-committee of Council or special meetings of the General Committee devoted exclusively to planning policy review.

Respectfully submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Director of the Planning and Development Department



"A Community of Communities"

**Administration
Economic Development**

4th Floor – City Hall
Phone: 902-563-5594

MEMO

To: Deborah Campbell, Municipal Clerk
From: John Phalen
Date: April 28, 2017
Subject: Economic Development Committee

The CBRM is working on many fronts in economic development. Almost all aspects of our operations have the overlying theme of working to the betterment of our economy and the well-being of our citizens, and the progression of our business community.

We recognize our challenges and want to work collectively for a better life and growth of our community.

We have to work and continue to foster growth in many areas and some of the challenges we face:

- The way CBRM provides economic development through our agency – Business Cape Breton. We have to look at its role and how we go forward
- We have to look at our funding partners and attain a sustained funding arrangement that we can work with in the long term.
- Work with the Federal and Provincial economic development agencies to develop a CBRM go forward plan.
- Develop a CBRM tourism strategy
- Work with our Recreation Master Plan to identify economic benefits
- How do we meet the needs of small business and provide the services they need

- Develop long term planning for business
- Work on the larger economic development opportunities like the container port and the cruise industry
- Further and future development of our harbor
- The ongoing development and growth potential of our downtowns
- The growth of our Creative Economy in Arts and Culture
- Continuing contact and work with local business
- Dealing with tax issues
- Development of our CBRM charter for economic growth
- Dealing with public perception

It is the intent of staff to work with Council in an Economic Development General Committee format that will focus along with our planning issues to provide a policy as we proceed.

Further to this, once our priorities are focused and formulated, go to our stakeholders and the public and get their feedback in the development of our go forward plan.

With a well formulated and developed plan we can produce a workshop with appropriate business and community leaders and lead a discussion around economic development and how to move our communities forward.

ORIGINAL SIGNED BY

John Phalen, P.Eng.
Manager of Economic Development & Major Projects

