

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MARCH 21ST, 2017

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, March 21st, 2017

6:00 p.m.

AGENDA ITEMS

➤ **ROLL CALL**

➤ **O' Canada**

➤ **Moment of Silent Reflection**

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

- Stakeholder Budget Consultation Session – January 20th, 2017
- Council – January 24th, 2017
- Council – February 21st, 2017

2. **RESOLUTIONS & PROCLAMATIONS:**

a) **Velo Cape Breton's Proposal to Designate Seaview Drive In North Sydney "A Blue Route":**

Councillor Earlene MacMullin (See page__6__)

b) **International Day for the Elimination of Racial Discrimination:**

Councillor Kendra Coombes (See page__7__)

c) **Transgender Day of Visibility:**

Councillor Kendra Coombes (See page__8__)

d) **House of Assembly Resolution – CBRM Thanksgiving Day Storm: For Information Only** (See page__9__)

3. **REPORTS:**

3.1 **CBRM Assessment Profile:**

Marie Walsh, Chief Financial Officer (See page__11__)

PVSC: Spokespersons: Ms. Diane Beaton, Area Manager and Mr. Lloyd MacLeod Sr. Manager, Commercial Valuation

Reports Cont'd:

- 3.2 **Approval of Recreation Masterplan and Implementation Strategy:**
Bill Murphy, Director of Recreation, Parks & Grounds, Buildings and
Facilities (See page 23)

4. **PLANNING ISSUES:**

- 4.1 **Final Approval – Public Hearings:** N/A

4.2 **Approval to Advertise:**

- a) **Annual Review of Land Use By-Law – Recommended
Amendments Part One: Application - 1033:**

Committee recommends approval to advertise notice of a Public Hearing to be held at the April meeting of Council to consider Part 1 of the Annual Review of the Land use By-law as outlined in the staff report dated March 1st, 2017. Karen Neville, Planner (See page 33)

5. **BUSINESS ARISING:**

5.1 **General Committee – March 7th, 2017:**

i. **DRAFT Municipal Grants Program Policy:**

Committee recommends approval of the proposed CBRM *Municipal Grants Program Policy* to replace the current *Community Facilities Grants and Contributions Policy*. Marie Walsh, Chief Financial Officer (See page 51)

ii. **Heavy Garbage Collection:**

Committee recommends that the heavy garbage program be reinstated, if at year end there is financial capacity through a surplus. Marie Walsh, Chief Financial Officer (See page 63)

Continued...

Business Arising Cont'd:

5.2 In-Camera Council – March 7th, 2017:

a) Citizen Appointments to the CBRM Committees:

Committee recommends approval of the nomination of the four Citizen Appointments to the CBRM Heritage Advisory Committee; two Citizen Appointments to the Cape Breton Regional Library Board and; one Citizen Appointment to the CBRM Board of Police Commissioners to fill the balance of the remainder of the term of the East Division representative; and that the names of the successful candidates be released to the public following notification and acceptance of the positions. Mayor Cecil P. Clarke (See page 71)

b) Citizen Appointments to the Port of Sydney Development Corporation (POSDC) Board:

Committee recommends approval of the nomination of seven Citizen Appointments to the Port of Sydney Development Corporation for a two year term; and further, that the names of the successful candidates be released to the public following notification and acceptance of the positions. Mayor Cecil P. Clarke (See page 74)

6. FINANCIAL STATEMENTS – to January 31, 2017: For information only.
Marie Walsh, Chief Financial Officer (See page 75)

7. Port of Sydney Development Corporation (POSDC) Budget 2017-2018:
Marlene Usher, CEO of Port of Sydney Development Corporation (See page 77)

ADJOURNMENT



RESOLUTION

“VELO CAPE BRETON’S PROPOSAL TO DESIGNATE SEAVIEW DRIVE IN NORTH SYDNEY “A BLUE ROUTE”

- Whereas:** All municipalities in Nova Scotia are accessible by safe bikeways and bicycle infrastructure and planning becomes integrated into transportation planning at the Municipal & Federal level;
- And Whereas:** Velo Cape Breton is a volunteer organization with no paid staff and the members are open to welcoming new people to become involved;
- And Whereas:** Riding with Velo Cape Breton is riding with the safety net of a friendly caring group of likeminded bicyclists, enjoying great fellowship and meeting new and interesting people who often share similar passions beyond cycling;
- And Whereas:** Velo Cape Breton promotes cycling, i.e. Tours of the Cabot Trail, Bras d’Or Lake, Isle Madam, Bike Route Maps, Getting around CBRM and encouraging the construction of cycling infrastructure at the local and provincial levels – i.e. paved shoulders, the “Blue Route”, CBRM AT Plan Implementation, Share the Road signage and the Grand Lake Road Bike Path;
- And Whereas:** The Blue Route Provincial Cycling Network will connect Nova Scotia’s communities through designated cycling routes on secondary highways with paved shoulders, low traffic volume roads, hard surfaced trails and city streets;
- And Whereas:** The concept of the Blue Route is based on the award winning Route Verte in Quebec which brings in upwards of \$200 million in tourism revenue each year and is seen as one of the best active transportation networks in the world;
- And Whereas:** The Seaview Drive Route in North Sydney was identified in the CBRM Active Transportation Plan;
- Be it Therefore Resolved:** That CBRM Mayor and Council instruct staff to write a letter to the Honourable Minister of Infrastructure & Renewal, Geoff MacLellan asking for his support for the members of Velo Cape Breton’s proposal to designate Seaview Drive in North Sydney a “Blue Route”.

Councillor Earlene MacMullin – District #2 – CBRM

March 21st, 2017

Cape Breton Regional Municipality

Proclamation

International Day for the Elimination of Racial Discrimination

Whereas: In 1966, the United Nations declared March 21 as International Day for the Elimination of Racial Discrimination. Today, we commemorate the 69 anti-apartheid protestors killed and those wounded by police in Sharpeville, South Africa in 1960 during a peaceful protest against a system that segregated the black population;

And Whereas: Racism and discrimination continue to exist within our community and is a universal problem that divides communities, destroys lives and undermines the struggle for equity, equality, inclusiveness and social justice. Racial discrimination threatens human rights, equal access to jobs, healthcare, housing, education, and other essential and community services. Individual and institutionalized racism continues to oppress and exclude people while creating barriers to opportunities, equal participation, and democracy;

And Whereas: Today, we must renew our commitment to ending racial discrimination and acknowledge the struggles and challenges First Nation Peoples and racial minorities face due to racial discrimination and prejudice. To quote James Baldwin "Not everything that is faced can be changed, but nothing can be changed until it is faced."

**Be It Therefore
Resolved:** That the CBRM Council proclaim Tuesday March 21st, 2017 as "International Day for the Elimination of Racial Discrimination" in the Cape Breton Regional Municipality.

Councillor Kendra Coombes

District # 11 - CBRM

March 21st, 2017

Cape Breton Regional Municipality

Proclamation

Transgender Day of Visibility

Whereas: The Cape Breton Regional Municipality recognizes all citizens have equal rights and oppose discrimination against gender identity minorities;

And Whereas: Gender identity minorities are an important part of our community. In Cape Breton there is not one high school that does not have at least one youth identifying as transgender and there are over 150 people taking part in the ALLY Centre's transgender support group.

And Whereas: Transgender Day of Visibility celebrates the accomplishments of gender identity minorities while fighting transphobia, acts of verbal and physical violence, prejudice and discrimination.

Be It Therefore That the CBRM Mayor and Council proclaim Friday, March 31st, 2017 as Transgender Day of Visibility in the CBRM.

Resolved

Councillor Kendra Coombes

District #11- CBRM

March 21st, 2017



**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

MAR 10 2017

Mayor Cecil Clarke
Cape Breton Regional Municipality
320 Esplanade
Sydney, NS B1P 7B9

Cecil
Dear Mayor Clarke,

Enclosed please find a framed copy of Resolution No. 556 presented in the 3rd session of the 62nd General Assembly of the Nova Scotia Legislature and received unanimous consent on November 10, 2016. It appears in Hansard, which is the verbatim record of the Province of Nova Scotia Legislative Assembly.

Thank you for your support keeping residents in Cape Breton safe in challenging circumstances and continuing to help people recover from the Oct 10th, 2016 storm.

Sincerely,

Original Signed By

Zach
Zach Churchill
Minister of Municipal Affairs
Minister of Communications Nova Scotia

Encl



RESOLUTION NO. 556

Moved By: Honourable Michel Samson, MLA for Cape Breton-Richmond

Mr. Speaker, on behalf of my colleague, the Minister of Municipal Affairs, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Thanksgiving Day storm in Cape Breton forced evacuations, damaged many homes, and washed out roads, creating a very dangerous situation in parts of the city; and

Whereas the same storm system caused injuries and claimed the lives of several people in the United States; and

Whereas residents in Cape Breton avoided serious injuries and debt, largely thanks to the efforts of volunteer and career firefighters, police, paramedics, and CBRM staff;

Therefore Be It Resolved that members of this House thank the first responders, city crews, and emergency management officials who kept people safe in challenging circumstances, and who continue to help people recover from the October 10th storm.

This Resolution was presented in the 3rd session of the 62nd General Assembly of the Nova Scotia Legislature and received unanimous consent on November 10, 2016. It appears in Hansard, the verbatim record of the Province of Nova Scotia Legislative Assembly.

Honourable Zach Churchill

Original Signed By

*MLA Yarmouth
Minister of Municipal Affairs
Minister of Communications Nova Scotia*

Cape Breton Regional Municipality

March 21, 2017

Diane Beaton, Area Manager

Lloyd McLeod, Sr. Manager, Commercial Valuation



Agenda

- About PVSC
- Key Dates
- Municipal Profile, 2017 Assessment Roll
- Mandate
- Valuation Process
 - CAP
- Value-Added Shared Services
- Questions



2017 Assessment by the Numbers

50 The number of municipalities in Nova Scotia

619,798 The number of properties in Nova Scotia

585,684 Residential Properties

335,790 CAP Eligible Residential Properties

34,114 Commercial Properties

\$105B In Assessed Value

Assessed Value By Region

Region	Residential	Residential w/ CAP	Commercial	Total
Central	\$41,766,747,400	\$37,825,634,700	\$13,967,589,100	\$55,734,336,500
South	\$10,635,724,000	\$9,688,918,500	\$2,142,832,400	\$12,778,556,400
North/West	\$15,846,129,700	\$14,260,831,800	\$3,576,951,100	\$19,423,080,800
East	\$13,238,038,500	\$11,390,113,200	\$4,113,581,400	\$17,351,619,900
Provincial Total	\$81,486,639,600	\$73,165,498,200	\$23,800,954,000	\$105,287,593,600

2016 Achievements

1st Assessment Jurisdiction in North America to achieve IPTI Certification for adherence to assessment best practices and standards.

1 of 6 Canadian organizations awarded **GOLD** by *Excellence Canada* for Excellence, Innovation and Wellness.

\$17,391 raised for Habitat for Humanity, Nova Scotia

39,723
Sale Transactions

34,880
Client Inquiries

10,043
Permit Reviews

8,223
2016 Appeals

PVSC Quality Measures

- Ongoing or annual quality measures:
 - Audits and Statistical Testing
 - Publishing Preliminary Assessments
 - Property Owner Satisfaction Surveys
 - Appeal Surveys
 - Municipal Satisfaction Surveys
- 2016 achievements:
 - One of six** Canadian organization to be awarded **Gold** by Excellence Canada for meeting and exceeding criteria in its *Excellence, Innovation and Wellness* standard
 - Transitioned from a two-year to a one-year base date (for 2017 assessments)
 - Certified by the International Property Tax Institute (IPTI) for adherence to assessment best practice, industry quality standards and our legislative mandate. Final report score: 89.5/100
 - Great Place to Work Certified by *Great Place to Work, Canada*

Key Dates

- **Base date:** January 1st of the previous year (example: 2017 assessments have a base date of January 1, 2016 - sales that have occurred on either side of the base date are used to determine market valuations)
- **State date:** December 1st, prior to sending assessment notices—reflects the physical state of a property
- **Preliminary assessments:** October each year
- **Roll transmitted to municipalities:** Last week of December
- **Assessment notices mailed to property owners:** January 13, 2017
- **31 Day Appeal Period:** 31 days from the date on the assessment notice (February 13, 2017)
- **Income and Expense Request for Information:** February 27, 2017

Municipal Profile 2017 Assessment Roll

Properties and Assessment Overview:

	Filed Year: 2017	Filed Year: 2016	Change \$	Change %
All Residential Assessed Value	\$4,938,670,000	\$4,848,108,100	\$90,561,900	1.87%
Total Residential Taxable Assessed Value	\$3,779,955,600	\$3,678,873,800	\$101,091,800	2.75%
Total Residential Taxable Assessed Value not eligible for the CAP	\$945,445,600	\$841,051,800	\$104,394,800	12.41%
Total Residential Taxable Assessed Value eligible for the CAP	\$2,834,519,000	\$2,837,822,000	(\$3,303,000)	0.12%
Total Resource Taxable Assessed Value	\$94,439,700	\$84,613,400	\$9,826,300	11.61%
Total Residential Exempt Assessed Value	\$143,188,600	\$144,474,400	(\$1,285,600)	-0.89%
All Commercial Assessed Value	\$1,534,606,800	\$1,521,621,300	\$12,985,600	0.85%
Total Commercial Taxable Assessed Value	\$626,123,300	\$613,375,000	\$12,747,300	2.08%
Total Commercial Exempt Assessed Value	\$908,483,600	\$908,245,300	\$238,300	0.03%

Assessed Value is based on the market value as of the Base Date.

Taxable Assessed Value is used to calculate property taxes and will include eligible Capped Assessments.

2017 Assessment Roll

Total Number of Properties

Residential	59,952
Commercial	3,416
Apartments	410

Municipal Profile 2017 Assessment Roll

- Review and Analyze Base Date Sale Transactions

Year	Residential	Apartment	Commercial
2017	1,096	11	25

Note: The sales used in this section are base year sales, excluding \$0 , \$1 and unqualified sales. Base year sales occur on either side of Jan. 1st .

- Review and Analyze Permits

Year	Total Permits Issued
2017 (Dec. 1, 2015 – December 1, 2016)	822



Sample 2017 Assessment Notice

Dwelling Unit(s): 1 Municipality: MUNICIPALITY OF PROPERTYVILLE		Property taxes will be based on Taxable Assessed Value (and/or Acres in the case of exempt forest property).		
2017 PROPERTY ASSESSMENT		Carlos Resendes for the Director of Assessment		
Classification	Assessed Value	Capped Assessment	Acres	Taxable Assessed Value
RESIDENTIAL TAXABLE	\$264,800	\$232,300		\$232,300
2017 TOTAL	\$264,800	\$232,300		\$232,300

Assessed Value: is based on market value as of January 1, 2016 and reflects the property's physical state as of December 1, 2016.

Capped Assessment: the capped assessment value of the property, if eligible.

Taxable Assessed Value*: is used to calculate property taxes and is either the Assessed Value or the Capped Assessment, which ever is lower.

*exempt forestry property is based on acreage.

PVSC Mandate

Legislated mandate

- Nova Scotia Assessment Act
- Property Valuation Services Corporation Act

Section 42 Nova Scotia Assessment Act:

"All property shall be assessed at its market value, such value being the amount which in the opinion of the assessor would be paid if it were sold on a date prescribed by the Director in the open market by a willing seller to a willing buyer, but in forming his opinion the assessor shall have regard to the assessment of other properties in the municipality so as to ensure that, subject to Section 45A, taxation falls in a uniform manner upon all residential and resource property and in a uniform manner upon all commercial property in the municipality"



Valuation Process

- PVSC uses **mass appraisal**, analyzing the market factors that would affect the value in any given area. There are three internationally accepted valuation methods:
 1. Cost
 2. Income
 3. Direct Comparison
- PVSC also takes into account individual property characteristics to reflect the uniqueness of each property within the framework of the broader analysis of the local market, such as:
 - Land characteristics (size, topography, zoning, etc.)
 - Building characteristics (depreciation, vacancies, additions, renovations, damage due to flooding, fire, contamination, etc.)

Cost Approach Methodology

- Property types:
 - Owner occupied property (residential)
 - Special purpose properties (commercial)
- Most commonly used valuation method in Nova Scotia
- Based on the assumption that a potential owner would pay no more for a property than what it would cost for them to acquire the land and build themselves



Income Approach

- Property types:
 - Office Buildings
 - Hotels/Motels
 - Apartments
 - Retirement Homes
 - Manufactured Home Parks
 - Retail Complexes
 - Industrial (Warehouses)
- Typical investors buy income producing properties, not for the value of the bricks and mortar, but for the income that they are capable of generating
- The income approach is based on determining the amount of income that a property can earn, after expenses, and converting that net operating income into an estimate of market value
- Income producing property owners are sent a request for income and expense information each February



Direct Comparison Approach

- Property types:
 - Condos
 - Land
- Used to value homogenous properties with a significant number of sales



Property Attributes

- Property attributes that are taken into consideration when determining a property value are:
 - Location
 - Construction quality and method
 - Quality of construction materials
 - Condition, size, age and utility of building
 - Proximity to other value influences (nuisances)
 - Damage from fire, flood, etc.
 - Other factors that could affect sales price, with the exception of landscaping



Capped Assessment Program Overview

- Provincial Legislation - places a "cap" on the amount that residential property assessments can increase year over year
- The capped assessment value increases each year by the Nova Scotia Consumer Price Index (CPI).
 - This means that even if the assessed value of a property did not increase, the capped assessment value (if eligible) will increase in accordance with the CPI
 - 2017 CPI = 1.4%
 - 2016 CPI = 0.3%
 - 2015 CPI = 2.1%
 - 2014 CPI = 0.9%
- When a residential property is purchased, provided it was not an eligible family transaction, the CAP on that property is removed. The CAP, if eligible, is placed back on the property after one year, using the assessed value as its base.

CAP Legislation Timeline



Unintended Consequences

People entering the market

Purchased or newly built homes are not eligible for the CAP causing new homeowners to carry a larger tax burden than their capped neighbours



Seniors looking to downsize

Long-time homeowners face a tax shock when they sell and downsize



Commercial property owners

Taxation short falls created by the CAP may be pushed onto business owners



People improving their homes

Renovations, additions and home improvements are not capped



The CAP Creates Tax Inequalities

Same neighbourhood, same services, similar houses, **DIFFERENT** tax bills.



CAP Reviews

- Nova Scotia and PEI are the only jurisdiction in Canada with a CAP
 - New Brunswick phased out the CAP in 2012
- Reports and review have been conducted
 - An exit strategy was proposed in a report by Shingai Nyajeka (2013)
 - Phase out of the CAP was a recommendation in the *Municipal Property Tax in Nova Scotia* report (2014)
 - Analysis and proposed CAP review and phase-out strategy was conducted in 2016 by PVSC, UNSM and the AMA



CBRM Residential with CAP Figures

2017 Residential Dwellings*

Eligible for CAP	32,487	85.12%
Not Eligible for CAP	5,677	14.88%

*Accounts with a predominant value class that is not taxable or exempt commercial and is not an apartment or a condo, and have a residential dwelling.

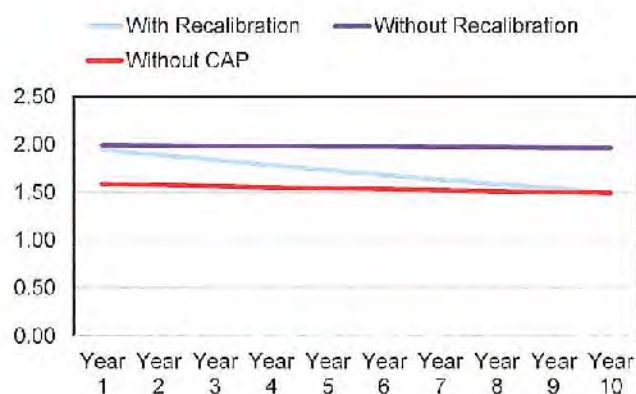
	2017	2016	\$ Change	% Change
Total Assessed Residential Value (Market Value)	\$3,779,965,600	\$3,678,873,800	\$101,091,800	2.75%
Total Residential Taxable Assessed Value not eligible for the CAP	\$945,446,600	\$841,051,800	\$104,394,800	12.41%
Total Residential Taxable Assessed Value eligible for the CAP	\$2,834,519,000	\$2,834,519,000	(\$3,303,000)	-0.12%

CBRM: Proposed CAP Phase Out Over 10 Years (tax rate change)

	Projected Tax Rate	Projected Tax Rate without Adjustment	Projected Tax Rate without CAP
Year 1	1.74	1.76	1.62
Year 2	1.72	1.75	1.61
Year 3	1.70	1.74	1.60
Year 4	1.68	1.74	1.59
Year 5	1.65	1.73	1.58
Year 6	1.63	1.73	1.57
Year 7	1.60	1.72	1.56
Year 8	1.58	1.72	1.55
Year 9	1.55	1.71	1.54
Year 10	1.53	1.70	1.53

Assumptions:

- Market value increases by 1.0% annually
- Tax rate receives increase at CPI 0.3% annually
- Year 1 = 2016
- Revenue Neutral tax rate for example purposes only



CAP Eligibility

- **Eligible**
 - At least 50% owned by a Nova Scotia resident
 - Residential property with less than four dwelling units or vacant resource
 - Annual increase in market value greater than the Nova Scotia Consumer Price Index
 - Ownership remained within the family
 - Owner occupied condominium
 - Manufactured home
 - Manufactured home park, co-operative housing, residential or resource portions of commercial farm
- **Not Eligible**
 - Majority owned by an out of province resident
 - Commercial property
 - New construction
 - Transfer in ownership during the year unless to a close family member
 - Non-owner occupied condominium

Value-Added Municipal Services

- Integrated Property Services Council (IPSC)
 - Responsible for overseeing the operation of *existing* value-added municipal shared services and supporting the development of *new* services
 - Authorizing authority is the UNSM, AMA and PVSC
- Current Initiatives:
 - **Open Data:** A single source Open Data Portal for municipal government and assessment data, www.thedatazone.ca
 - **Permit Data eXchange (PDX):** An online repository where municipalities and PVSC can share permits and inspection data, including documents and photos
 - **eDelivery:** eDelivery allows municipalities, utilities and PVSC to provide their customers with the option to receive assessment notices, tax bills and utility bills online through Canada Post's epost™ service
 - **Single Address Initiative (SAI):** The Single Address Initiative (SAI) was established to improve the management and sharing of civic and mailing address data for property services

Questions?

PVSC Service Centre

1-800-380-7775

Mailing Address

15 Arlington Place Suite #6
Truro, NS
B2N 0G9

Website

www.pvsc.ca





A Community of Communities

Issue Paper

TO: CBRM Council

March 2017

RE: Approval of Recreation Masterplan and Implementation Strategy

Introduction

Since January 2016 the municipality has engaged the recreation planning firm of Trace Planning and Design to carry out a recreation masterplan for the CBRM. This process included both programs and facilities; and provided consultation and direction for the future provision of recreation programs and services for the municipality.

The plan, facility inventory and implementation strategy have been presented in parts for the Council at various stages. Community consultations have been conducted to gather input and expectations of both support groups providing recreation as well as individual citizens.

As Council is aware, the masterplan document is a living document and is to be shared with the recreation community to test the recommendations and provide guidance to Council on the future provision of the service.

Recommendation

The following recommendation is made for consideration;

That Council approve the Recreation Masterplan and Implementation strategy as presented at the March 7, 2017 General Committee Meeting.

Further, Council direct Recreation staff to make the plan available to the public through our website and create a program of information exchange with our many community partners on the plans' recommendations. This will include a regional recreation expo where groups and citizens hear the details of the plan and provide input and feedback on future policy direction for the recreation service.

ORIGINAL SIGNED BY

Bill Murphy,
Director
Recreation, Parks & Grounds, Building & Facilities



CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan

RECREATION MASTER PLAN

SENIOR MANAGEMENT PRESENT | FEB 2017 | TRACE PLANNING & DESIGN

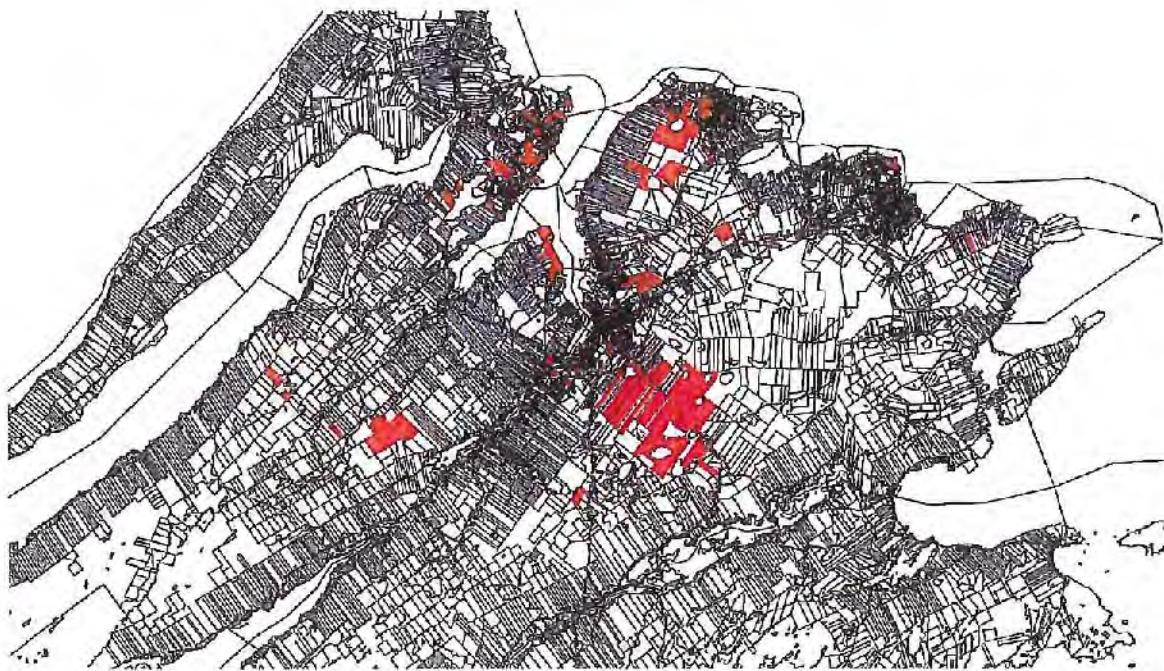


CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan

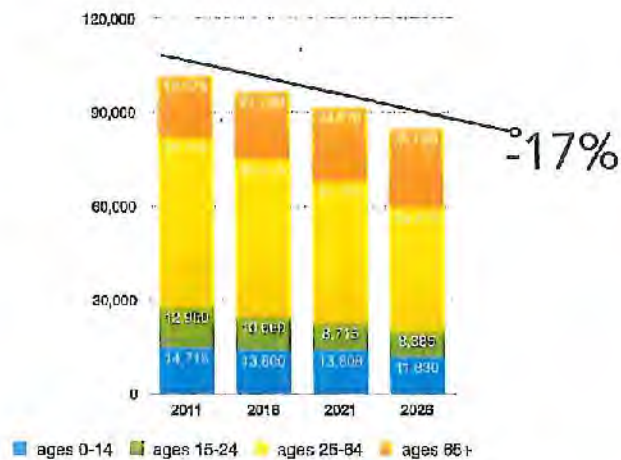
COMPREHENSIVE DATABASE OF EVALUATED FACILITIES
REVIEW OF RECREATION PROGRAM NEEDS
NETWORK OF FACILITIES & MAINTENANCE PROGRAMS
UPDATED ADMINISTRATIVE STRUCTURE
IMPLEMENTATION STRATEGY & PLAN

SENIOR MANAGEMENT PRESENT | FEB 2017 | TRACE PLANNING & DESIGN

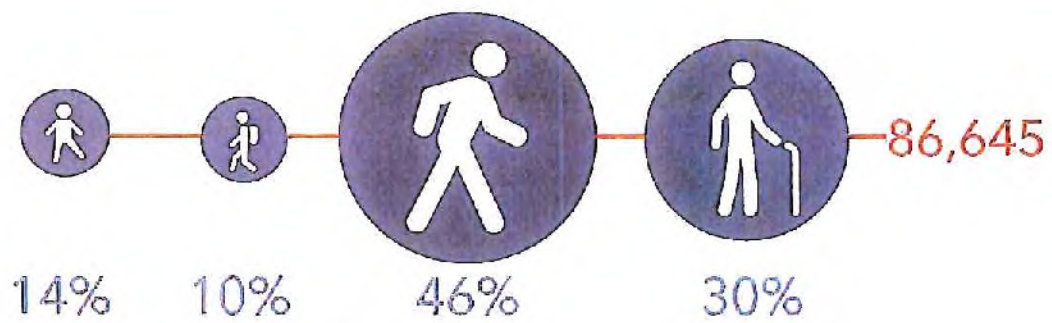




market
Population by Broad Age Groups
2011-2026



CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan



CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan



**ACTIVE LIVING
COORDINATION**



**OUTDOOR LIVING
COORDINATION**

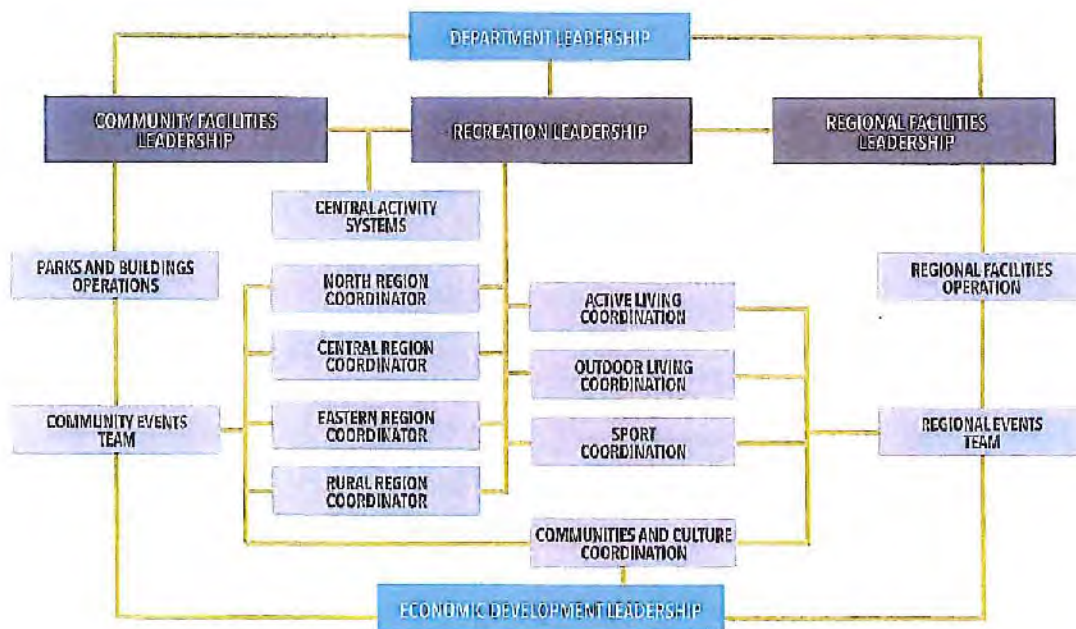


**COMMUNITIES AND
CULTURE COORDINATION**



**SPORT
COORDINATION**

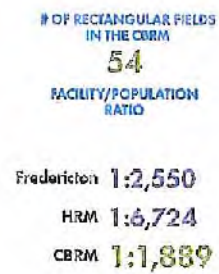
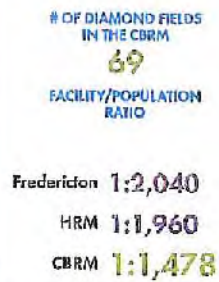
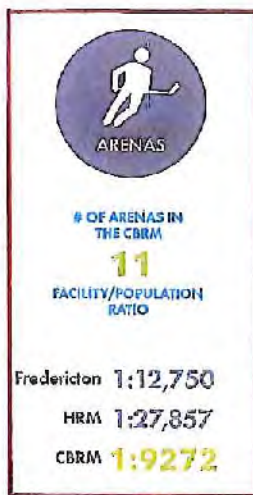
CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan



87% of groups are satisfied with the facilities they use

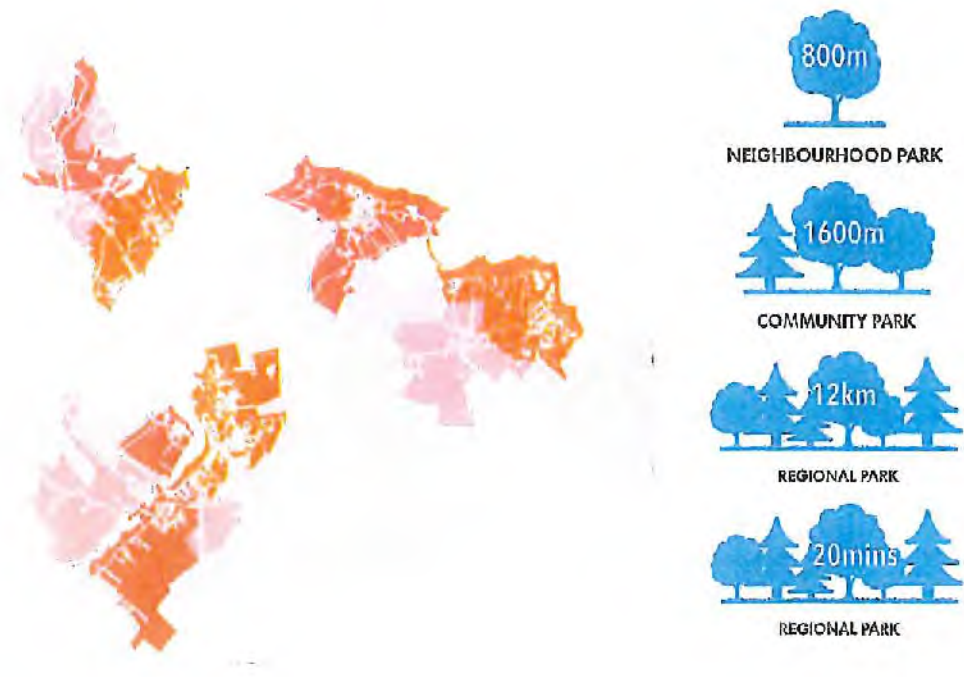
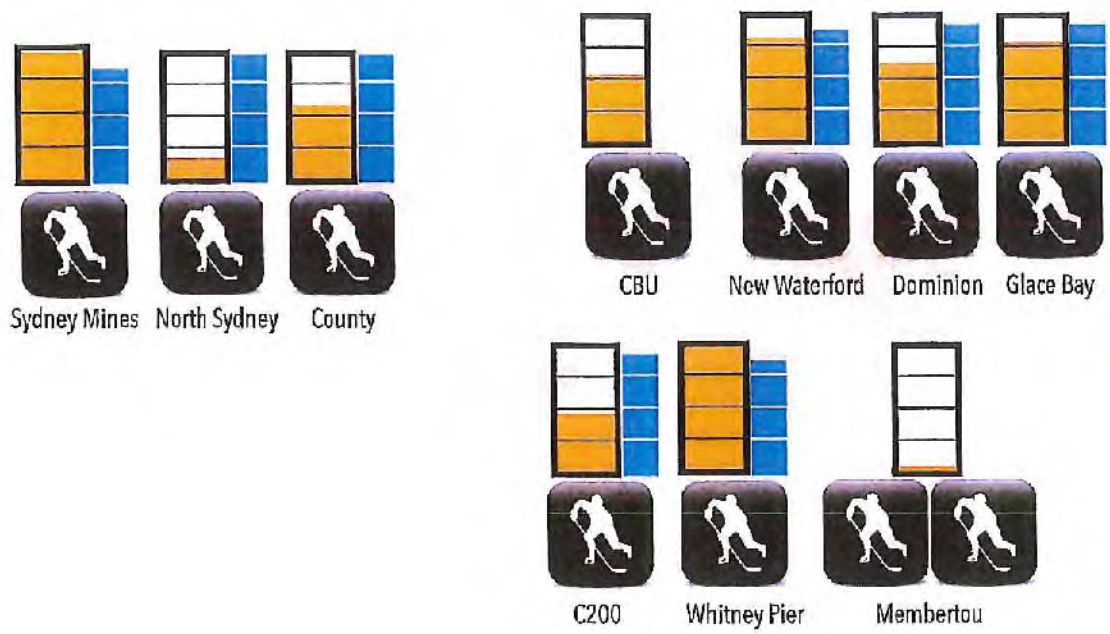


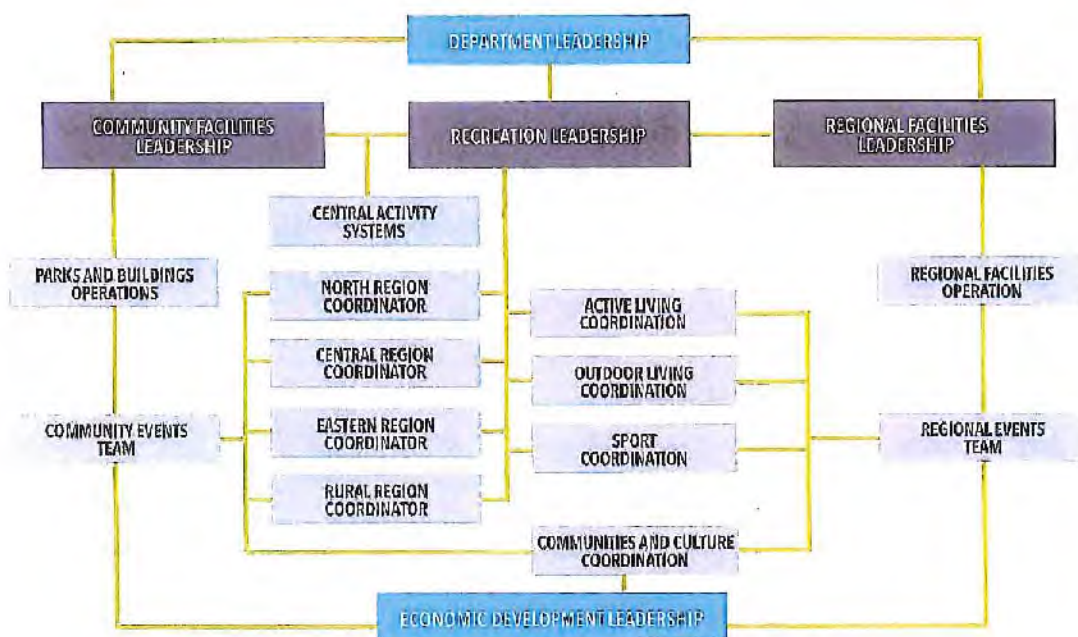
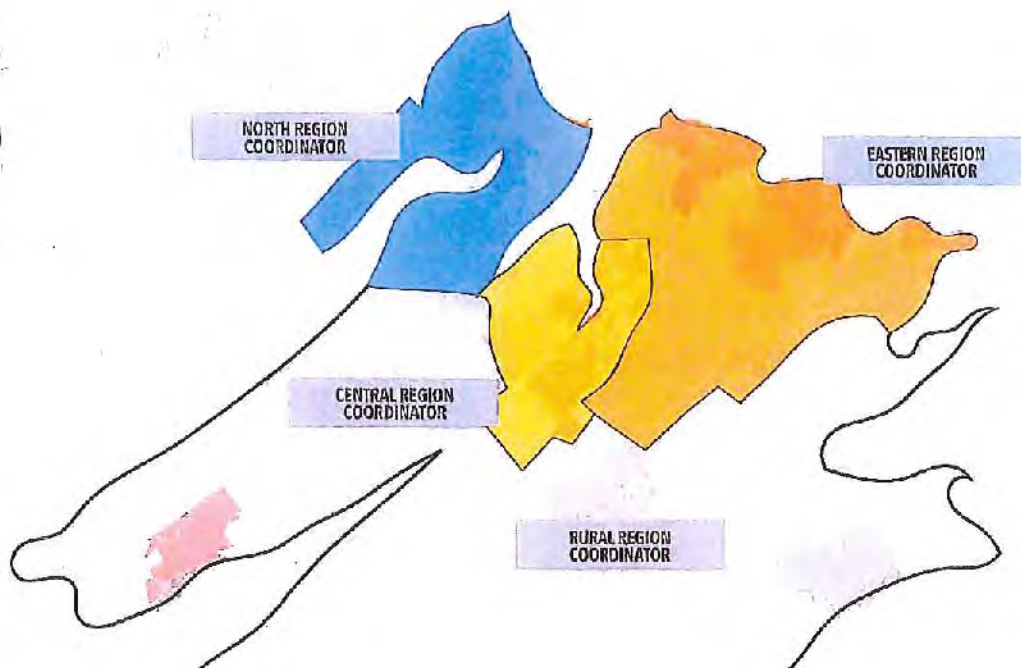
CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan

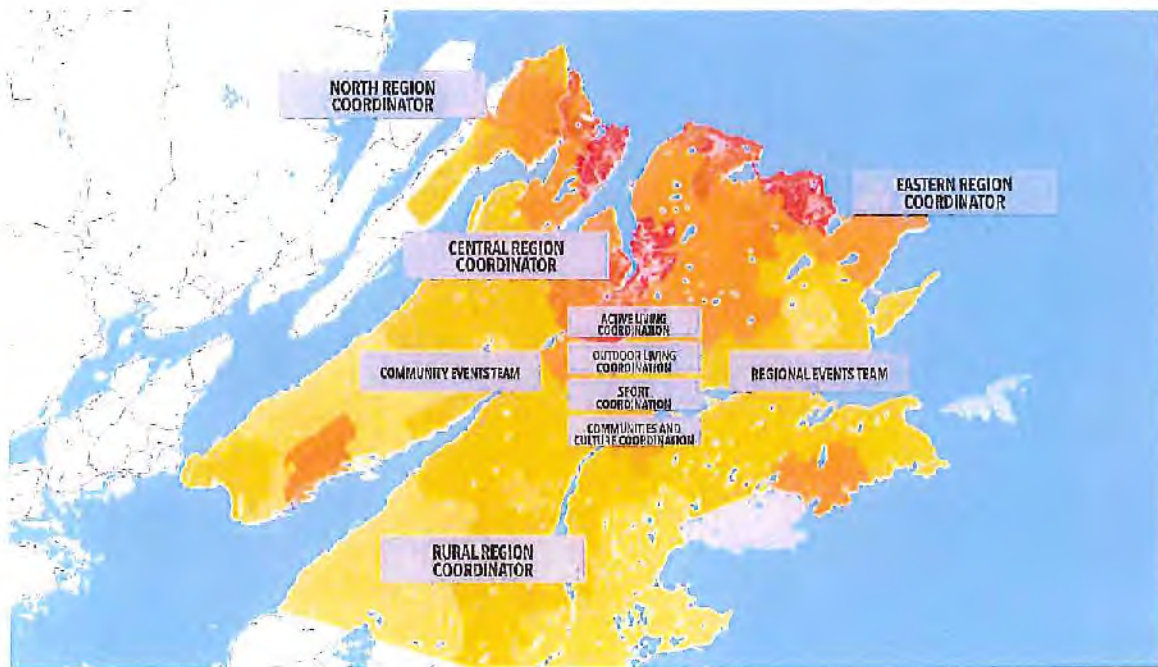


CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan









IMPLEMENTATION

SPREAD THE WORD & SHARE THE MANDATE
 COMMUNICATE THE PLAN TO COMMUNITIES
 DEVELOP DIGITAL PLATFORM
 BEGIN TO REVISE ADMINISTRATIVE STRUCTURE
 SPECIALISTS WORKING WITH SPECIALISTS
 ASSET NETWORK & MAINTENANCE
 REGIONAL ADMINISTRATIVE STRUCTURE





CAPE BRETON REGIONAL MUNICIPALITY
recreation master plan

RECREATION MASTER PLAN

SENIOR MANAGEMENT PRESENT 11 FEB 2017 11 TRACE PLANNING & DESIGN



Annual Review of Land Use By-Law – Recommended Amendments Part One: Application - 1033:

Ms. Karen Neville, Planner provided an overview of the Annual Review (Part 1), concerning the Land Use By-law and recommended amendments, to the following:

- Part 3 Downtown Central Business District (CBD) Zone
- Part 7 Harbourside Kings Road Business Corridor (HBC) Zone
- Part 51 Sales and Services Subject to Part 2, Policy 5 of the Municipal Planning Strategy
- Part 52 Development Agreements
- Part 54 Existing Developments
- Part 2 General Provisions for all Zones: Existing
- Part 88 Louisbourg Mini Home (LMH) Zone
- Campground Development in Sales and Service Zones
- Recreational Vehicles and Travel Trailer
- Density Requirements for Apartments and Townhouses
- Part 96 Definitions

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Prince, that a recommendation be made to Council, to schedule a Public Hearing to be held at the April meeting of Council, to consider Part 1 of the Annual Review of the Land Use By-law as outlined in the staff report dated March 1st, 2017.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville and Malcolm Gillis

**SUBJECT: Annual review of Land Use By-law
recommended amendments: Part One
Application – 1033**

DATE: March 1, 2017

Introduction

The CBRM's first Municipal Planning Strategy (MPS) 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 an annual review of each document. The purpose of these annual 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 MPS 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.

Due to the number of proposed amendments to the MPS and LUB, Staff have decided to present the proposed amendments to Council in two parts. Part One only deals with amendments to the Land Use By-law, while Part 2 of the Annual Review will include amendments to the MPS and LUB as well as necessary amendments to the LUB Zone Map.

Proposed Land Use By-law Amendments**Part 3 Downtown Central Business District (CBD) Zone**

The Downtown Central Business District (CBD) Zone permits a wide range of sales and service uses; however an assembly hall is not one of them. An assembly hall is a reasonable use to be included within the CBD zone and should be added to list of permitted service uses in this zone.

It is recommended that assembly hall be added to the list of service uses in the CBD zone.

An inquiry was made to establish a crematorium for a property zoned CBD. While the a crematorium is considered to be a permitted accessory use to a funeral home, which is a permitted use in the CBD zone, a crematorium is not listed as a permitted main use within the CBD zone. Although a crematorium may not be an appropriate use in the Core Area of a CBD zone, it is reasonable for it to be a permitted use elsewhere in this zone.

It is recommended that the list of service uses within the CBD Zone be amended by adding 'crematorium except within the Core Area as illustrated on the Land Use By-law Map'.

Section 2 CBD Lot Parcel Development Requirements of the CBD Zone outlines the development requirements for the CBD Zone. The Minimum Building Setback for the CBD Zone is NIL with clarifying text of how this setback should be interpreted in the CBD Core Area. In this text there is an extra * which can lead to confusion when interpreting this Section and should be deleted.

It is recommended that the third * be removed from Part 3 Downtown Central Business District (CBD) Zone, Section 2 CBD Lot Parcel Development Requirements.

Part 7 Harbourside Kings Road Business Corridor (HBC) ZONE

Lot parcel development standards within the HBC zone require 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 HBC 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 Harbourside Kings Road Business Corridor (HBC) 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 51 Sales and Services Subject to Part 2, Policy 5 of the Municipal Planning Strategy

The MPS has a policy that permits existing sales/service developments and a variety of similar uses along Level 1 and Level 2 public streets/roads, or the central business districts of small urban communities, where there already is a mix of land use types along the streetscape. These developments and the range of similar uses are found in Part S1 of the LUB. 1370 Victoria Road, Whitney Pier (PID 15151889) is identified in Part 51. However, a site specific zone [1370 Victoria Road (1370VR) Zone] applies to this property; as a result it does not need to be included in Part S1.

It is recommended that 1370 Victoria Road (PID 15151889) be deleted from the list of properties identified in Part 51 Sales and Services Subject to Part 2, Policy 5 of the Municipal Planning Strategy.

Part 52 Development Agreements

The Municipal Planning Strategy contains a policy that states Council shall continue to retain a select list of Development Agreements adopted prior to the Municipal Planning Strategy coming into effect.

On February 21st, 2017 Council discharged the Development Agreement for 1507 Long Island Road, Georges River (PID 15190648); for that reason, reference to this Development Agreement should be removed from Part 52 of the LUB.

On September 15, 2015, Council discharged a portion the Development Agreement associated with 166 Langan Road, Whitney Pier; therefore Part 52 of the LUB should be amended to reflect the partial discharge of this Development Agreement.

It is recommended that Part 52 Development Agreements should be amended to reflect the changes made by Council on September 15, 2015 and February 2017.

Part S4 Existing Developments

The LUB acknowledges the legitimacy of a range of sale/service businesses that existed prior to its adoption in locations either isolated from the established business districts (e.g. downtown Sydney) or business corridors (e.g. Reserve Street, Glace Bay). Unless there is a history of land use controversy, all such businesses are considered permitted uses, regardless of the zoning in effect in their respective neighbourhoods provided the assessment category is consistent with the development.

It is recommended that there be two amendments to this Part to clarify and implement MPS policy.

1. The reference to assessment is to be strengthened to mean the site must have been assessed correctly since the inception of the Bylaw and is currently assessed correctly.
2. The use of the word “existing” shall mean existing as of the date the Bylaw originally came into effect and continues to currently exist.

Part 2 General Provisions for All Zones: Existing

As a result of the proposed changes to Part S4 Existing Developments, it is proposed the Sections of Part 2 General Provisions for All Zones that use the term ‘existing building’ should also be amended.

It is recommended Section 9 Existing Buildings and Non-compliance with Lot parcel development Requirements – Repair, Reconstruction and Additions, and Section 10 Existing Buildings and Non-compliance with Lot Parcel Development Requirements – *Change of Use* of Part 2 General Provisions For All Zones of the LUB be amended include ‘as defined by the By-law’ as it applies to existing buildings.

Part 88 Louisbourg Mini Home (LMH) Zone

Louisbourg Mini Home (LMH) Zone has special provisions for mobile homes. One of these provisions speaks of the front façade of the mobile, but it is not clear what is meant by front façade.

It is recommended that Section 2 Special Provisions for Mobile Homes of LMH zone be amended to clarify the front façade is the longest exterior wall where the main entrance to the dwelling is located.

Campground Developments in Sales and Service Zones

The MPS encourages that campgrounds be located in rural areas of the CBRM. However, many of the sales and service zones throughout the CBRM permit ‘all recreational uses’. Because of this, amendments should be made to the sales and service zones where a campground would not be appropriate. In addition to clarifying which sales and service zones should permit campgrounds, the definition for campground should be amended to reference campgrounds being licenced under the *Tourist Accommodations Act and Regulations*.

It is recommended that the definition for campground be amended to include the requirement of a licence under the *Tourist Accommodations Act and Regulations* and that following sales and service zones exclude campgrounds from the list of permitted recreational uses:

- Downtown Central Business District (CBD) Zone
- Arterial Business Corridor (ABC) Zone
- Boularderie Island Business Corridor
- Keltic Drive Business Corridor (KBC) Zone
- New Dawn Retirement Village (NRV) Zone
- Northside Business Park (NBP) Zone
- Sydney Harbour Port (SHP) Zone,
- Coke Ovens Site Reserve (COR) Zone,
- Lingan Corridor Comprehensive Development District (LCD) Zone
- The Florence – Bras d’Or Business District (FBZ) Zone
- Harbourside Business Park (HBZ) Zone

Recreational Vehicles and Travel Trailer

The terms recreational vehicle and travel trailer are used throughout the LUB interchangeably. For clarity of interpretation the term travel trailer should be replaced throughout the LUB with the term recreational vehicle. In addition the definitions of travel trailer and recreational vehicle should be combined into one definition.

It is recommended that the term 'travel trailer' be replaced with 'recreational vehicle' throughout the LUB and the definition of recreational vehicle should be amended.

A recreational vehicle is considered to a residential dwelling, and there are many zones within the LUB that permit 'all residential uses'. It was not intended that recreational vehicles be a permitted use in many of the zones that permit 'all residential uses' and therefore recreational vehicles should be excluded from the list of permitted residential uses in those zones.

It is recommended that recreational vehicle be excluded from the list of residential uses in the Downtown Central Business District (CBD) Zone, Sydney River Service (SRS) Zone and New Dawn Retirement Village (NRV) Zone.

Density Requirements for Apartments and Townhouses

There are several zones throughout the CBRM that permit both apartment buildings and townhouses. Some of these zones include a density requirement for both apartment buildings and townhouses; however the density requirements are not always the same for an apartment building and a townhouse within a given zone. For example, the Arterial Business Corridor (ABC) Zone permits an apartment building at a density of 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel while townhouses are permitted at a density of 1 dwelling unit per 2,000 sq. ft. of land on the lot parcel. Apartment buildings and townhouses are both residential buildings containing three or more dwelling units and there is no reason for having different density requirements. It is suggested that for zones that permit apartment buildings and townhouses, that the density requirements for each be the same in a given zone.

It is recommended that the density requirement for apartment buildings and townhouse be amended in the following zones:

- | | |
|---|--|
| • Arterial Business Corridor (ABC) Zone | • Trans Canada Highway Intersection (TCH) Zone |
| • Harbourside Kings Road Business Corridor (HBC) Zone | • Service Business/Residential Corridor (SBR) Zone |
| • Sydney River Service (SRS) Zone | • Central Urban Neighbourhood (NCU) Zone |
| • Keltic Drive Business Corridor (KBC) Zone | |
| • Residential Urban A (RUA) Zone | |

Part 96 Definitions

For the purposes of clarification several definitions are proposed to be added or revised to the LUB. In addition to those definitions previously identified in this issue paper, it is proposed that the following definitions found in the LUB be revised:

Floor Area
Landscaped Open Area
Screen

Storey
Tourist Cottage
Tourist Cottage Complex

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

Recommendation

I recommend Council to schedule a Public Hearing for the April meeting of Council to consider Part 1 of the Annual Review of the Land Use By-law. The Draft Amending By-law can be found in Attachment A.

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

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 9 Existing Buildings and Non-compliance with Lot Parcel Development Requirements – *Repair, Reconstruction and Additions* of the Land Use By-law is hereby by deleted and replaced with the following:

Unless there is a specific section in the text of a zone regulating public street/road frontages, where an existing main building on a lot parcel having less than the minimum:

- frontage; and/or
- setback from any lot parcel boundary or waterbody; and/or
- lot parcel area;

required by this Bylaw, the building may be:

- enlarged;
- reconstructed;
- repaired; or
- renovated;

provided that:

- the enlargement, reconstruction, repair or renovation does not further reduce the building setback that does not conform to this Bylaw;
- all other provisions of this Bylaw are met.

THAT: Part 2 General Provisions For All Zones, Section 10 Existing Buildings and Non-compliance with Lot Parcel Development Requirements – *Change of Use* of the Land Use By-law is hereby by deleted and replaced with the following:

Unless there is a specific section in the text of a zone regulating public street/road frontages for conversions and new construction, the *use* of an existing building on a lot parcel having less than the minimum:

- public street/road frontage; and/or
- setback from any lot parcel boundary or waterbody; and/or
- lot parcel area;

required by this Bylaw may be changed to a use listed as permitted in the zone in effect, provided all other requirements of this By-law are satisfied.

THAT: Part 3 Downtown Central Business District (CBD) Zone, Section 1 CBD Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 3 Downtown Central Business District (CBD) Zone, Section 1 CBD Uses Permitted of the Land Use By-law is hereby amended by deleting 'residential – all except mobile homes' and replacing it with 'residential – all except mobile homes and recreational vehicles'.

THAT: Part 3 Downtown Central Business District (CBD) Zone, Section 1 CBD Uses Permitted of the Land Use By-law is hereby amended by adding assembly halls to the list of uses under 'service – only the following'.

THAT: Part 3 Downtown Central Business District (CBD) Zone, Section 1 CBD Uses Permitted of the Land Use By-law is hereby amended by adding the following to the list of uses under 'service – only the following'.

crematorium except within the Core Area as illustrated on the Land Use By-law Map

THAT: Part 3 Downtown Central Business District (CBD) Zone, Section 2 CBD 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 CBD Zone are as follows:

MINIMUM PUBLIC STREET/ROAD FRONTAGE	The lot parcel shall abut and front along a public street/road, but no minimum is established unless the lot parcel abuts and fronts along any public street/road with a width of less than 40 ft., in which case a minimum setback of 5 ft. is required
MINIMUM BUILDING SETBACK	NIL*
PARKING REQUIREMENTS	NIL unless referenced specifically in the list of permitted uses

** Within the CBD Core Area, as illustrated on the Land Use By-law Map, no main building shall be setback from the boundary shared with a public street/road more than 5 feet, except where a plaza is established as an integral part of the site plan. For this zone, building setbacks are measured from an exterior wall. Regardless of compliance with this provision, building encroachments into or over adjacent parcels shall be considered a violation of this Section (e.g. eaves, and/or veranda roofs, footings, etc.)*

THAT: Part 5 Arterial Business Corridor (ABC) Zone, Section 1 ABC Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 5 Arterial Business Corridor (ABC) Zone, Section 4 Apartments and Townhouses of the Land Use By-law is hereby amended by deleting the second bullet and replacing it with the floor:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for a townhouse.

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 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 7 Harbourside Kings Road Business Corridor (HBC) Zone, Section 1 HCB Uses Permitted of the Land Use By-law is hereby amended by deleting 'residential – all except mobile homes' and replacing it with 'residential – all except mobile homes and recreational vehicles'.

THAT: Part 7 Harbourside Kings Road Business Corridor (HBC) Zone, Section 3 Apartments and Townhouses of the Land Use By-law is hereby amended by deleting the second bullet and replacing it with the floor:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for a townhouse.

THAT: Part 7 Harbourside Kings Road Business Corridor (HBC) ZONE, Section 2 HBC 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 9 Sydney River Service (SRS) Zone, Section 1 SRS Uses Permitted of the Land Use By-law is hereby amended by deleting 'residential – all except mobile homes' and replacing it with 'residential – all except mobile homes and recreational vehicles'.

THAT: Part 9 Sydney River Service (SRS) Zone, Section 3 Apartments and Townhouses of the Land Use By-law is hereby amended by deleting the second bullet and replacing it with the floor:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for a townhouse.

THAT: Part 10 Keltic Drive Business Corridor (KBC) Zone, Section 1 KBC Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 10 Keltic Drive Business Corridor (KBC) Zone, Section 5 Apartments and Townhouses of the Land Use By-law is hereby amended by deleting the second bullet and replacing it with the floor:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for a townhouse.

THAT: Part 11 Trans Canada Highway Intersection (TCH) Zone, Section 3 Apartments and Townhouses of the Land Use By-law is hereby amended by deleting the second bullet and replacing it with the floor:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for a townhouse.

THAT: Part 14 Service Business/Residential Corridor (SBR) Zone, Section 1 SBR Permitted Uses of the Land Use By-law hereby amended by deleting the density requirement for townhouse and hereby replacing it with 1 dwelling unit per 1,500 sq ft.

THAT: Part 15 Central Urban Neighbourhood (NCU) Zone, Section 1 NCU Permitted Uses of the Land Use By-law hereby amended by deleting the density requirement for townhouse and hereby replacing it with 1 dwelling unit per 1,000 sq ft.

THAT: Part 16 Residential Urban A (RUA) Zone, Section 1 RUA Permitted Uses of the Land Use By-law hereby amended by deleting the density requirement for townhouse and hereby replacing it with 1 dwelling unit per 1,500 sq ft.

THAT: Part 27 New Dawn Retirement Village (NRV) Zone, Section 1 NRV Uses Permitted of the Land Use By-law is hereby amended by deleting 'residential – all except mobile homes' and replacing it with 'residential – all except recreational vehicles'.

THAT: Part 27 New Dawn Retirement Village (NRV) Zone, Section 1 NRV Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 29 Northside Business Park (NBP) Zone, Section 1 NBP Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 30 Sydney Harbour Port (SHP) Zone, Section 1 SHP Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational – (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 32 Coke Ovens Site Reserve (COR) Zone, Section 1 COR Uses Permitted of the Land Use By-law is hereby amended by deleting 'recreational in compliance with Section 3 - (all) both public and business establishment except racetracks for motor vehicles' and replacing it with the following:

recreational in compliance with Section 3 - (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 3S Lingan 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 'recreational- all except racetracks for motor vehicles' and replacing it with the following:

recreational- all except racetracks for motor vehicles and campgrounds

THAT: Part 39 Service Industrial (SIZ) Zone, Section 4 Motor Vehicle Public street/road Access – New Land Uses of the Land Use By-law is hereby deleted and replaced with the following:

All new land uses, other than expansion of existing uses or those land uses permitted as a General Provision, located on lot parcels within the community of Glace Bay shall be required to provide motor vehicle access to the site directly via Connaught Avenue only.

THAT: Part 49 Public Water Supply Watershed (PWS) Zone, Section 1 PWS Uses Permitted of the Land Use By-law is hereby amended by deleting 'existing agricultural buildings housing or impounding animals highlighted on the Land Use By-law Map' and replacing it with the following:

existing agricultural buildings housing or impounding animals

THAT: Part 51 Sales and Services Subject to Part 2, Policy S of the Municipal Planning Strategy Part 27 is hereby amended by deleting the List of Existing Uses, Addresses, and Permitted Optional Conversion Uses under the title Victoria Road Whitney Pier – outside the CBD Zone with the following:

1. convenience store 1117 Victoria Road PID# 15161698

- animal (domestic) grooming

- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- laundromat
- medical clinics
- pharmacies
- restaurant

2. post office 1191 Victoria Road PID# 15161243

- animal (domestic) grooming
- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- medical clinics
- pharmacies
- restaurant

3. ship chandler 1291 Victoria Road PID# 15160559

- animal (domestic) grooming
- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- general merchandise sales
- medical clinics
- pharmacies
- restaurant

4. take-out restaurant 1301 Victoria Road PID# 15160237

- animal (domestic) grooming
- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- medical clinics
- motor vehicle sales, repair and fuel service
- pharmacies
- restaurant

5. motor vehicle fuel service and repair 1453 Victoria Road PID# 15159981

- animal (domestic) grooming
- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- medical clinics

- motor vehicle sales, repair and fuel service
- pharmacies
- restaurant

6. convenience store 1467 Victoria Road PID# 15156946 and 15156938

- animal (domestic) grooming
- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- laundromat
- medical clinics
- pharmacies
- restaurant

7. business office 1539 Victoria Road PID# 15156102

- animal (domestic) grooming
- artist/artisan establishment
- arts/entertainment studio
- boutiques
- business offices
- laundromat
- medical clinics
- personal service business
- pharmacies
- restaurant

THAT: Part S2 Development Agreements, Section Development Agreements to Remain in Effect of the Land Use By-law is hereby amended by deleting the second G-907.

THAT: Part S2 Development Agreements, Section Development Agreements to Remain in Effect of the Land Use By-law is hereby amended by deleting the second G-UNKNOWN with the following

G-UNKNOWN
PID# 15141658 15141666 and 15141872
166 Langan Road, Sydney
Welding shop and motor vehicle repair etc. There is an original Development Agreement and a supplementary Development Agreement

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 currently consistent with the development alleged and has been since the adoption of this By-law; or
- it meets the test of existing as defined by this By-law and was established prior to the adoption of the By-law*; and
- it is not included in the list in Section 2 of this Part identifying developments that are not to be deemed permitted uses.

* It is the applicant's responsibility to provide incontrovertible evidence or documentation to substantiate the existence of the development or building prior to the adoption of the By-law and in compliance with the timeline identified in the definition.

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

a) Expanded

Subject to the Site Plan Approval provisions below, unless the proposed expansion will equal less than a 10% increase in the floor area of the building and less than a 10% increase in the area occupied by outdoor storage, outdoor display, the parking area, and any other land use.

a) Changed to a Similar or Comparatively Innocuous Use

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. 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 comparatively 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.

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

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 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.

- 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.

THAT: Part 58 The Florence – Bras d’Or Business District (FBZ) Zone, Section 1 FBZ Uses Permitted of the Land Use By-law is hereby amended by deleting ‘recreational – (all) both public and business establishment except racetracks for motor vehicles’ and replacing it with the following:

recreational – (all) both public and business establishment except racetracks for motor vehicles and campgrounds

THAT: Part 82 Harbourside Business Park (HBZ) Zone, Section 1 HBZ Uses Permitted of the Land Use By-law is hereby amended by deleting *'recreational – all public and business recreational establishments, with the exception of racetracks for motor vehicles, are permitted in both the HBZ-1 and HBZ-2 sub-zone. Racetracks for motor vehicles are prohibited throughout the HBZ Zone.'* and replacing it with the following:

'recreational – all public and business recreational establishments, with the exception of racetracks for motor vehicles and campgrounds, are permitted in both the HBZ-1 and HBZ-2 sub-zone. Racetracks for motor vehicles and campgrounds are prohibited throughout the HBZ Zone'

THAT: Part 88 Louisbourg Mini Home (LMH) Zone, Section 2 Special Provisions for Mobile Homes of the Land Use By-law is hereby amended by deleting Subsection a. and replacing it with the following:

The front façade of the mobile home must face Main Street or Wolfe Street at an angle no greater than 20% of being perpendicular to the Street. The front façade is defined as the longest exterior wall and must also be the location of the main entrance to the dwelling.

THAT: Part 92 Ellsworth Ave Retail (EAR) Zone, Section 1 EAR Uses Permitted of the Land Use By-law is hereby amended by deleting *'repair service in compliance'* and replacing it with *'repair service'*.

THAT: The Land Use By-law is hereby amended by deleting all uses of the term *'travel trailer'* and replacing it with *'recreational vehicle'*.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting *Campground* and replacing it with the following:

Campground means a recreational business establishment, which is licenced under the *Tourist Accommodations Act and Regulations*, where designated spaces/plots are provided for tents, and recreational vehicles for overnight accommodation or seasonal accommodations and where the accessory uses could include an administrative office, assembly hall, convenience store, swimming pool, and recreational facilities. A campground provides sanitary and waste disposal facilities, laundry facilities.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting *Existing* and replacing it with the following:

Existing means a building or development that was established prior to the adoption this By-law, or a building or development that was established after the adoption of the By-law for which a Development Permit was issued, 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.

If such a development ceases to operate, it will still be deemed to be existing if the development was in operation five years less a day prior to the date an application for a Development Permit is submitted. However, if the building occupied by the use is demolished, this sunset clause is only in effect for one year after the demolition date.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Floor Area and replacing it with the following:

Floor Area means the enclosed area of the first floor of a building measured to the outside face of exterior walls times the number of storeys (as defined by this Bylaw). For clarification, when determining the floor area for a part of a building, floor area shall mean the enclosed area of the part of a building measured within the finished wall surface.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Landscape Open Area and replacing it with the following:

Landscaped open area means space on the lot parcel generally covered by any combination of grass, trees, shrubs, flowers, other vegetative ground cover, landscaping mulch, decorative stone, or structures used to embellish the overall design but does not include asphalt or compacted gravel. Exposed soil is permitted in shrub beds and gardens only. Landscaped open area shall not include parking area and shall not be used for the parking of motor vehicles.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Recreational Vehicle and replacing it with the following:

Recreational Vehicle means a vehicle designed for travel on public streets/roads for purposes of short term occupancy to be used for travel, recreation and vacation:

- providing kitchen, sanitary and living accommodations;
- capable of either being towed behind a motor vehicle or self-propelled; and/or
- built on a chassis or designed to be mounted on a pick-up truck or chassis;
- with a maximum width of 8.5 feet; and
- which is constructed to a C.S.A. standard.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Screen and replacing it with the following:

Screen means a continuous opaque visual barrier formed by evergreen shrubs, trees, fences, masonry walls or any combination of these or like materials which effectively conceals the property which it encloses or the building, structure, or land use specified in a provision that references this definition.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Storey and replacing it with the following:

Storey means the space of a building between a floor and a ceiling or between the floor and the roof where more than 90% of the space between the floor and the ceiling or roof is at least 2 metres (6.6 feet) in height. Any portion of a building partly below grade level shall not be deemed a Storey unless its ceiling is at least 2 metres (6.6 feet) in height above grade.

- $\frac{1}{2}$ Storey means a storey where the habitable area (i.e. with a height between the floor and the ceiling or roof of at least 2 metres) is equal to at least 50% of the habitable area of the 1st storey. If a storey has at least 90% of the habitable area of the 1st storey, it shall be deemed a full storey.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Tourist Cottage and replacing it with the following:

Tourist cottage means a building, or part of a building within a tourist cottage complex designed to provide temporary accommodations for the travelling public which are built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting Tourist Cottage Complex establishment and replacing it with the following:

Tourist cottage complex means a service accommodations establishment, licenced under the *Tourist Accommodations Act and Regulations*, comprised of two or more tourist cottages used to accommodate the travelling public for gain or profit by supplying them with temporary sleeping accommodations and where the accessory uses could include an administrative office, assembly hall, convenience store, swimming pool, and recreational facilities.

THAT: Part 96 Definitions of the Land Use Bylaw is hereby amended by deleting travel trailer.

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

DRAFT Municipal Grants Policy:

The Chief Financial Officer provided background information on the proposed CBRM Municipal Grants Program which would replace the current *Community Facilities Grants and Contributions Policy*.

Ms. Walsh advised that changes to the current policy would include adding limits to funding provided by CBRM, new eligibility requirements, outlining ineligible programs or events, and new reporting requirements.

It was noted that there are a few organizations that CBRM has funded in the past several years that fall outside the new Policy. Staff recommend that special consideration be provided for funding eligibility this year and that notice be given to these organizations regarding their eligibility for future funding.

After discussion the following motion was put forward.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor MacLeod, that a recommendation be made to Council to approve the proposed CBRM *Municipal Grants Program* to replace the current *Community Facilities Grants and Contributions Policy*.

Motion Carried.

MEMO

Date: March 2, 2017
To: Mayor and Council
From: Marie J Walsh, CPA, CGA | Chief Financial Officer
Re: 2016-17 Sustainability Requests

Attached is a Draft proposal for our Municipal Grants Program. This replaces our current *Community Facilities Grants and Contributions Policy* approved by Council in February, 2010.

The biggest change to the current policy is putting in limits for funding. With increased demands on funding, it has become difficult to address all the requests for support regardless of the merits of the applications.

The limits and eligibility conditions that make up the new policy were developed through a review of other municipal programs across Nova Scotia.

The key changes to the current policy include:

1. limits on funding;
2. new eligibility requirements;
3. additional programs and events that are ineligible
4. the addition of reporting requirements.

I would note that there are currently a few organizations that we have been funding in the past several years that fall outside of the new policy. I recommend they be given special consideration for funding eligibility this year. We will, however, give notice to these organizations in terms of their eligibility for future funding. As with any policy, Council has the authority to approve requests outside of the policy limits or restrictions.

Sincerely,

ORIGINAL SIGNED BY

Marie J Walsh, CPA, CGA | Chief Financial Officer
On Behalf of the Sustainability Committee



MUNICIPAL GRANTS PROGRAM

The Municipal Grants Program is a portfolio of programs which offer project grants, or operating grants to community nonprofit organizations and charities throughout the municipality. The portfolio is managed and administered under a committee designated by Council.

Municipal Grants General Eligibility Criteria

Annual (application deadline April 30)

- The applicant shall be a registered Canadian Charity or non-profit society registered with the Nova Scotia Registry of Joint Stocks. Registration must be current: **defaulted, expired or revoked status is ineligible for further consideration.** Non-profit groups incorporated under an Act of the NS Legislature are also eligible.
- Grants are not awarded to individuals, commerce, business, industry or sole proprietorships.
- The application organization and/or event is located within the geographic boundary of the Cape Breton Regional Municipality.
- The applicant must have been registered for at least one (1) year prior to the date of application to the Community Grants Program. The Grants Committee may, at its discretion, permit the application from a new organization in circumstances where the absence or delay of a program is to the detriment of the general public or a community of interest.
- All applicants to the Community Grants Program are screened for debt to the municipality. Those in debt (e.g. taxes owed, delinquent on final reports for previous grants, fines, etc.) will be deemed ineligible for consideration.
- The applicant shall respect the Canadian Charter of Human Rights and promote equal access and opportunity for all persons.
- The municipality is non-partisan and does not provide financial support to religious or political doctrine.

- Grants are not awarded for the salary/ wages of staff positions, volunteer bursaries or honoraria, or recurring operating costs.
- Grant applicants are not required to match funds; however, they should be able to demonstrate active fundraising efforts to support the continuation of a program, project or service.

Ineligible

Applications will not be accepted from:

- Individuals
- For-profit businesses
- Organizations that are political or religious in nature
- Hospitals, clinics-based services or medical treatment programs;
- School boards

9 Municipal Grants Financial Eligibility Criteria

The following criteria support the principles of self-sufficiency, public accountability for the expenditure of public money, and outcomes of benefit to the general public. The aim is to acknowledge and support good financial practices regardless of the size of an organization or its financial assets. The applicant shall submit a financial statement for the prior year in addition to a budget for the project for which they are seeking a grant. The statement should contain a complete list of all sources of revenue and expenses as well as assets and liabilities if applicable.

The Community Grants Program does not fund fund-raising.

The Community Grants Program does not provide core operating assistance (e.g. Excludes salaries and wages, rent, office supplies, insurance, etc.).

Applicants are expected to demonstrate they have applied to a designated Provincial and/or Federal grant program. Some projects can be phased and may be partially funded. Matching funding is **not required** but applicants are **encouraged to cost share** or seek assistance from other sources (for example: fund-raising, other levels of government, foundations, corporate sponsors, etc.). Operating grants are not intended to replace Provincial or Federal obligations.

Ineligible

- Core operating assistance (rent, insurance, office supplies)
- Private property
- Government Property
- Public and private schools and post-secondary institutions
- Research for academic or commercial purposes

- Annually recurring fees, core operating costs, general administration, or insurance
- Staff salary or wages, volunteer bursaries or honoraria
- Travel
- Uniforms
- Fund-Raising

Application Requirements

Each grant category requires a separate application to be completed through the use of approved forms. Potential applicants are encouraged to review the associated application forms for specific application requirements.

Evaluation Process

The Grants Review Committee, made up of members of staff, will review applications received under this policy. The role of this committee is to determine which applications meet the basic eligibility requirements within this policy, evaluate the application, and report grant awards to Council within the approved Grants to Organizations budget.

Evaluation Criteria

The Municipality may utilize, but is not limited to, the evaluation criteria in *Schedule A*, for the scoring of grant applications.

Approval

The total budget for grants to organizations will be considered as part of the Municipality's annual budget process. Council may allocate funds over and above the amount approved in the budget process when requests for grants of an emergency or pressing nature are received. Council reserves the right to grant partial requests, or grant or reject any application that may or may not qualify in accordance with the guidelines set out in this policy. Applicants are not guaranteed funding. Grants to organizations will be considered public knowledge. Grants may be awarded with certain terms and conditions. Applicants will be notified of the staff committee's approval with a *Letter of Award*, which will state if any particular restrictions apply to the grant.

Appeal Process

All organizations would be notified in writing that they have the right to appeal any funding decision of the staff committee within a thirty (30) day period. All appeals will be directed to the CAO.

Reporting Requirements

All groups receiving a financial and/or an in-kind grant from the Municipality must complete a *Project Evaluation Form* and abide by any conditions listed within the *Letter of Award*. Groups in noncompliance with these obligations may not be considered for future grant opportunities.

I. Operating Grants- Maximum \$10,000

- Operating grants are considered annually for groups with a mandate to deliver an ongoing service or program that is generally delivered by a municipality, or complements a service being offered by CBRM.
- Operating grants may assist a group with its operations through tax relief (see below), the provision of in-kind support, or direct financial support.
- Operating grants are not intended to support permanent full-time staff salaries or wages.

Although an organization may be awarded an operating grant several times, the award does not carry the guarantee of renewal over several years.

II. Tax Relief for Non-Profit Organizations Program

This program offers conversions from commercial to the residential tax rate, to a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization.

III. Capital Grants- Maximum \$25,000

A capital grant provides **one-time** support for the purchase of property; the construction of a facility, remodeling, expansion of a facility; or purchase of equipment.

The award of a capital grant is reserved for special circumstances and thus, may not be awarded on an annual basis. The Municipality may pay capital grants to groups over two or more fiscal years. Applicants must hold the deed/lease to the property/facility or acceptable alternative (if relevant).

Municipal Grant Programs Application Deadline:
Applications must be received, in full, on or before April 30 each year

FESTIVAL & EVENT FUNDING

IV. Special Events Grants Program—Parks and Recreation: Events and Cultural Initiatives- \$1000 to \$40,000

Annual (application deadline March 31)

The municipal Grants Program also provides funds for events to community non-profit organizations and charities throughout the Municipality. The portfolio is managed and administered under a committee designated by Council.

Funding programs:

- **Community Celebrations:** Focuses on local residents and community gatherings, all of which are free admission or low cost activities.
- **Significant Anniversaries:** Event organized to commemorate or celebrate a major quarterly anniversary (25th, 50th, 75th, 100th etc.).
- **Cultural Events and Showcases:** Events with strong cultural content that furthers the disciplines of literary, media, performing and visual arts, accessible to the public with free or low cost activities.
- **Sporting Events:** Events that demonstrate Economic Impact as described in Schedule A and are open to all residents of the Cape Breton Regional Municipality.

Non-Eligible events:

- Consumer shows
- Private events
- Tradeshows
- Awards
- Clinics
- Symposiums
- Individual registration for sports team
- Religious events
- Seminars
- Banquets
- Marketing initiatives
- Uniforms
- Fundraising events
- Political events,
- Travel

Festival & Event Application Deadline:
Festival & Events Applications must be submitted on or before March 31st each year.

SCHEDULE A

Grant Evaluation Criteria

In general, preference will be given to groups that demonstrate community support, efficient use of resources, sound business practices and a commitment to achieving self-reliance.

I. Tax Relief and Operating Grant Evaluation Criteria

a. Relevance of Service

- The extent to which the organization offers a service that is a legislated responsibility of municipal government.
- The extent to which the service complements the Municipality's Strategic Plan and/or a service currently offered by CBRM.
- The extent to which residents of CBRM will directly benefit from the service.
- The extent to which the service or program enhances the quality of life for CBRM residents.
- The extent to which the benefits of the service are broad-based and not specific to a special interest group.

b. Financial Need

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

c. Organizational Effectiveness

- Group has a solid leadership structure.
- Group operates with a clear mandate.
- Budgets are well developed

II. Capital Grant Evaluation Criteria

a. Relevance of Capital Project/Purchase

- The extent to which the capital project/purchase enhances an organization's ability to offer a service that is a legislated responsibility of municipal government.
- The extent to which the capital project/purchase enhances the organization's ability to complement the Municipality's Strategic Plan and/or a service currently offered by CBRM.
- The extent to which residents of CBRM will directly benefit from the capital project/purchase.
- The extent to which the capital project/purchase improves the quality of life for CBRM residents.
- The extent to which the benefits of the capital project/purchase are broad-based and not specific to a special interest group.

b. Financial Need

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

c. Organizational Effectiveness

- Group has a solid leadership structure;
- Group operates with a clear mandate.
- Budgets are well developed

III. Event/Program Grant Evaluation Criteria

a. Merit of the Event

- Organizers have communicated a solid vision and goals for the event/activity/program, which supports the purpose of a development grant.
- The event/activity/program does not duplicate other community events/activities/programs.
- Residents of CBRM will directly benefit from the event/activity/program.

b. Economic Impact

- The applicant has described the expected economic benefits to CBRM (dollars spent in the municipality, staff hired, and number of local volunteers, training offered to staff/volunteers, local performers, and hotel rooms rented).
- The event/activity/program promotes economic activity in CBRM.
- The event/activity/program promotes CBRM as a destination for visitors.

c. Financial Need

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

d. Organizational Effectiveness

- Event organizers have presented an application that indicates a well-planned and organized event/activity/program.
- Group has a solid leadership structure.
- Group operates with a clear mandate.
- Budgets are well developed

*The above policy replaces the former *Community Facilities Grants and Contributions Policy* dated February, 2010.



COMMUNITY FACILITIES GRANTS AND CONTRIBUTIONS POLICY

Objective:

To develop a process of financial assistance for not-for-profit organizations and groups that are providing recreation and general support services to communities within the Cape Breton Regional Municipality (CBRM). The financial assistance is intended to recognize the value of these services and to offset some of the financial burden borne by the community organizations. This funding may be for festivals and events or for sustainability funding.

Statement of Policy:

1) Application Process

All not-for-profit groups and organizations eligible for assistance (those providing recreational facilities and/or programs and services) must apply via an approved CBRM Grants and Contributions Application Form. In all cases, the request must be consistent with CBRM's service mandate.

All organizations seeking funding for festivals and special events would be required to apply for funding annually. All applications would require financial statements. All applications for assistance in excess of \$5000 would also require a statement setting out the estimated economic impact associated with the festival or special event.

All organizations seeking sustainability funding from the CBRM would also apply annually for assistance. Again, all funding requests would require the organization to submit a current financial statement, and all applications seeking assistance in excess of \$5,000 would require a statement of economic impact related to the organization's activities or the specific project being proposed.

Notification of the programs and the associated requirements would be advertised each year following the approval of the CBRM operating budget. Periodic advertisements would continue until such time as the available funding was exhausted. There would be no fixed closing date for applications.

In order to facilitate efficient management of recreation programs and activities, managers in the Recreation Department will have a \$1,000 threshold of financial support to external organizations that would not require prior approval by the CBRM staff committee, although the committee members will be advised of all financial assistance provided to external organizations.

There are no restrictions on organizations receiving funding in successive years.

2) Evaluation Process

In the case of both the festival and events funding requests, and requests for sustainability grants, the evaluation process would be based on estimated regional and community impact. The minimum threshold would be a positive impact that exceeded the requested public funding support, although the higher the impact, the greater the likelihood that the funding request would be approved.

All multi-year funding requests would be evaluated by the staff committee and a recommendation would be made to Council based upon the estimated impact of the initiative, as well as the opportunity cost associated with the funding request.

3) Outstanding Financial Obligations to the CBRM

If groups are evaluated as being unable to meet their financial obligations to the CBRM, these obligations may be forgiven as a first step in stabilizing the organization. No further financial assistance will be provided, however, to any organization unless an agreement is reached with the CBRM regarding all future financial obligations. Any organization breaching such an agreement shall not be eligible to receive further financial assistance.

4) Evaluation Committee

The evaluation process for both the festivals and events fund and the sustainability fund would be conducted by a committee of staff members from the Finance Department the Manager of Economic Development and the Recreation Department. This committee would meet on a monthly basis to evaluate proposals.

5) Appeal Process

All organizations would be notified in writing that they have the right to appeal any funding decision of the staff committee within a thirty-day period. All appeals would be directed to the CAO.

6) Effective Date

The CBRM Community Facilities Grants and Contributions Policy shall take effect on the date that the policy is approved by the CBRM Council. All organizations submitting applications for funding assistance will be evaluated on the basis of this statement of policy from that day forward. There will be no "grandfather" considerations under this policy.

This policy would replace all grants and contributions policies currently being provided to external organizations by any department within the CBRM. It would not include the support provided annually to fire departments, the annual support provided to the Cape Breton County Economic Development Authority, and the existing support provided for scholarships.

The objective of this policy is to treat all organizations fairly and consistently.

Approved by Council: February 16, 2010

Heavy Garbage Collection:

The Manager of Solid Waste made a presentation to General Committee of Council concerning Heavy Garbage Collection which included:

- How did Heavy Garbage Collection evolve
- Tonnes collected
- Heavy garbage discussion
- Outcome of review
- Going forward

During discussion, it was noted that if this program was not reinstated, illegal dumping may become more of an issue in the CBRM.

Motion:

Moved by Councillor McDougall, seconded by Councillor George MacDonald, that a recommendation be made to Council to reinstate the heavy garbage program, if at year end there is financial capacity through a surplus.

Motion Carried.



A Community of Communities

Heavy Garbage Presentation

TO: Clerks Office

March 2017

Attached please find a copy of the presentation I will be presenting at the March 7th meeting of the general committee as requested.

ORIGINAL SIGNED BY

Francis Campbell

Manager Solid Waste



Cape Breton Regional Municipality Solid Waste Management

HEAVY GARBAGE COLLECTION



HOW DID HEAVY GARBAGE COLLECTION EVOLVE

- No heavy garbage collection service in place following amalgamation in 1996.
- Heavy garbage collection was introduced in 2004.
- Collection service has changed and evolved since inception to ensure service remained efficient and cost effective each year.
- Service is reviewed each year following each collection.
- \$250,000 is budgeted to deliver this annual service.



TONNES COLLECTED

YEAR	TONNES COLLECTED
2010	3223
2011	2802
2012	2973
2013	2200
2014	2600
2015	3505
2016	Spring 2400
	Thanksgiving Storm 4700



HEAVY GARBAGE DISCUSSION

- An "Organizational Review" took place in 2013. One of the recommendations in the report was the revamping or removal of heavy garbage collection service as an expenditure reduction.
- Following the Review, staff were requested to examine viable future options for Heavy Garbage Collection.
- A discussion associated with viable future options for the service occurred during the 2014/15 budget deliberations.



HEAVY GARBAGE COLLECTION

- Timing of this discussion did not allow sufficient time for removal of heavy garbage from the 2014-15 budget.
- The program proceeded for the 2014-15 year.
- Council requested that Staff prepare an issue paper on viable options associated with the recommendations of the organizational review.



HEAVY GARBAGE COLLECTION

- Issue paper of October 2014 presented various options for heavy garbage going forward.
- Staff recommendation included cancellation of heavy garbage service;
- Council did not accept this recommendation and requested more information on the "Call to Haul" as an alternative to the current heavy garbage program.



OUTCOME OF REVIEW

Call to Haul Service Option:

- Year round option but more expensive
- Administrative challenges (wait times)
- Additional resources would be required to accommodate demand (added cost)
- Potential to always have materials on the street
- Service is offered by the Commercial Sector



OUTCOME OF REVIEW

Current Heavy Garbage Collection Service

- A one time service provided once a year
- Program is administered and completed within a couple of weeks
- Materials are visible on streets short term
- Additional resources are short term to accommodate demand



OUTCOME OF REVIEW

- Call to Haul offered no savings
- Would not adequately replace the existing program
- Of the two options, the most viable, efficient and fiscally responsible program to implement is the current service.



GOING FORWARD

- The review identified the existing program as the most economical and efficient method for delivering the service.
- The funding for heavy garbage using the existing program was included in the proposed 2015-16 operating budget and was approved
- Service continues to be reviewed each year and a decision whether to continue is made during budget deliberations.



HEAVY GARBAGE COLLECTION

- A special collection to support cleanup efforts from the 2016 Thanksgiving Storm was carried out and continued until February 2017.

Citizen Appointments to the CBRM Committees:

Motion:

Moved by Councillor Paruch, seconded by Councillor MacLeod, that a recommendation be made to Council to approve the nomination of the four Citizen Appointments to the CBRM Heritage Advisory Committee; two Citizen Appointments to the Cape Breton Regional Library Board and; one Citizen Appointment to the CBRM Board of Police Commissioners to fill the balance of the remainder of the term of the East Division representative; and that the names of the successful candidates be released to the public following notification and acceptance of the positions.

Motion Carried.



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

To: Mayor Cecil P. Clarke, Chair – CBRM Nominating Committee

From: Deborah Campbell, Municipal Clerk

Date: March 3, 2017

Subject: Citizen Appointments to the CBRM Committees

As directed by CBRM Council at its January 24, 2017 meeting, expressions of interest for the citizen positions on the Heritage Advisory Committee, Board of Police Commissioners and the Cape Breton Regional Library Board were publicly advertised and closed at 4:00 p.m. on Wednesday, February 15th, 2017.

In response, we received a total of fourteen (14) letters of application, broken down as follows:

- Heritage Advisory Committee – six (6), including two late submissions.
- Board of Police Commissioners – four (4).
- Cape Breton Regional Library – four (4), including one late submission.

As there were no submissions received from the East Division for the Police Commission (and the citizen vacancy is for the East Division position), a decision was made to re-advertise only the Police Commission vacancy with specific mention that Council is seeking expressions of interest from CBRM East Division residents. That posting closed on March 1, 2017 at 4:00 p.m. and we received three (3) applications.

To that end, attached please find a matrix outlining the names and addresses of each applicant per Committee, together with a brief summary of their background. Due to privacy reasons, the full Resumes of the applicants will not be circulated. I am also including the current listing of citizen appointees.

For the Committee's information, also attached is a copy of the roles and responsibilities for the Heritage Advisory Committee and the Board of Police Commissioners, together with Terms of Reference for the Library Board.

In terms of process, the applicants for each Committee will be considered at an In Camera meeting of the Nominating Committee, after which recommendations with the names of the successful candidates for each Committee are referred to an In Camera Council meeting for review and approval. In accordance with policy, the term shall be for a period of two (2) years, with the exception of the East Division position on the Police Commission which will be for the balance of current term (i.e. to 2018).

.../2

Mayor Cecil P. Clarke, Chair – CBRM Nominating Committee
Re: Citizen Appointments to the CBRM Committees
March 3, 2017
Page - 2

At an open session, Council can pass a generic motion regarding the recommendations and the names will be publicly released once the citizens have accepted the positions and any required records checks have been completed.

Yours truly,

ORIGINAL SIGNED BY

Deborah Campbell,
Municipal Clerk

Attachments

Citizen Appointments to the Port of Sydney Development Corporation (POSDC) Board:

Motion:

Moved by Councillor MacLeod, seconded by Councillor Paruch, that a recommendation be made to Council to approve the nomination of seven Citizen Appointments to the Port of Sydney Development Corporation for a two year term; and further, that the names of the successful candidates be released to the public following notification and acceptance of the positions.

Motion Carried.

Summary

Statement of Revenue

January 31, 2017

Revenue	Year To Date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 86,685,141	\$ 86,586,622	\$ 98,519	\$ 103,903,946	\$ 17,218,805
Total Federal Government	2,343,375	2,343,375	-	2,812,050	468,675
Total Federal Government Agencies	643,925	646,323	(2,397)	775,587	131,662
Total Provincial Government	1,591,509	1,591,504	5	1,909,811	318,302
Total Provincial Government Agencies	2,432,403	2,432,403	(0)	2,918,883	486,481
Total Services to Other Local Government	507,096	507,096	(0)	608,515	(405,677)
Total Transit	429,028	518,333	(89,305)	622,000	192,972
Total Environmental Development Services	195,424	243,333	(47,909)	292,000	96,576
Total Licenses & Permits	118,172	129,583	(11,411)	155,500	37,328
Total Fines & Fees	437,186	495,833	(58,647)	595,000	157,814
Total Rentals	569,068	566,732	2,336	680,079	111,011
Total Concessions & Franchises	342,774	333,333	9,440	400,000	57,226
Total Interest on Taxes	1,320,450	1,037,500	282,950	1,245,000	(75,450)
Total Finance Revenue	25,480	25,417	63	30,500	5,020
Total Solid Waste Revenue	2,031,089	1,833,333	197,756	2,200,000	168,911
Total Recreation & Cultural Service Programs	1,273,429	1,329,004	(55,575)	1,685,545	412,116
Total Water Utility Charges	4,126,258	4,126,258	(0)	4,951,510	825,252
Total Unconditional Transfers	13,195,536	13,195,536	(0)	15,834,643	2,639,107
Total Conditional Transfers	3,189,877	3,189,877	0	4,390,852	1,200,975
Year To Date Assigned	121,457,220	121,131,396	325,825	146,011,421	24,047,105

ORIGINAL SIGNED BY

Departmental

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Reviewed

Summary

Statement of Expenditures

January 31, 2017

Expenditures	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,110,266	\$ 1,254,956	\$ 144,690	\$ 1,458,956	\$ 348,690
Administration	794,483	986,124	191,641	1,108,790	314,307
Finance	2,129,671	2,324,294	194,623	2,832,019	702,348
Legal	492,733	482,437	(10,296)	569,072	76,339
Human Resources	1,293,076	1,385,460	92,384	1,638,145	345,069
Technology & Communications	714,963	755,112	40,149	1,165,464	450,501
Municipal Clerk	418,856	444,940	26,084	503,017	84,161
Fiscal Services	32,249,258	32,447,228	197,970	35,490,906	3,241,648
Occupational Health & Safety	167,593	185,424	17,730	219,722	52,029
Police Services	22,048,347	22,321,314	272,968	25,701,620	3,653,273
Fire Services (Incl EMO)	14,200,397	14,753,837	553,440	17,195,105	2,994,708
Engineering & Public Works	33,510,337	35,857,811	2,347,475	43,447,585	9,937,248
Planning	1,951,048	2,177,755	226,707	2,664,528	713,480
Facilities C200 & Arenas	2,954,172	2,563,223	(400,950)	3,042,283	78,111
Parks & Grounds	2,173,450	2,265,783	92,333	2,636,703	463,253
Buildings	2,633,611	2,711,319	77,708	3,324,603	590,992
Recreation	2,963,282	2,759,842	(203,440)	3,012,903	49,621
Total expended to data excluding 2016 Flood Costs	\$ 121,815,643	\$ 125,676,859	\$ 3,861,217	\$ 146,011,421	\$ 24,195,778
2016 Flood Costs	1,119,751	-	(1,119,751)	-	(1,119,751)
Total expended to data including 2016 Flood Costs	\$ 122,935,404	\$ 125,676,859	\$ 2,741,455	\$ 146,011,421	\$ 23,076,017

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Departmental

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Reviewed

Port of Sydney Development Corporation Budget 2017/2018 **Draft**

Acc. #	Account Name	April	May	June	July	August	Sept	October	November	December	January	February	March	Total
Revenues														
4020	Wharfage	22,000	27,000	19,000	32,000	28,000	16,000	20,000	30,000	15,000	22,000	28,000	28,000	287,000.00
4030	Berthage	3,716	10,450	14,619	14,193	26,516	54,895	53,647	1,575	1,575	2,000	1,575	2,000	186,761.55
4031	Yacht Club Revenue	300	550	1,433	1,433	1,433	1,100	1,100	600	600	600	600	600	10,350.00
4035	Line Handling Revenue	100	400	600	600	1,200	2,100	2,200	-	-	-	-	-	7,200.00
4050	Electrical Revenue	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	15,000.00
4060	Event Revenue	4,800	800	1,200	3,300	3,800	2,300	8,550	7,800	6,800	800	800	800	41,750.00
4061	Labor Revenue	1,500	3,500	1,250	1,250	1,250	1,250	2,300	2,500	1,250	1,000	1,000	1,250	19,300.00
4200	Tenant Revenue	4,431	12,324	12,827	12,827	14,334	16,595	16,847	4,770	4,770	4,770	4,770	4,770	114,034.00
4201	Map App Revenue	-	2,000	-	-	-	-	-	-	-	-	-	-	2,000.00
4206	Heavy Equipment Rental	650	2,600	3,900	4,550	6,500	5,200	4,550	-	-	-	-	-	27,950.00
4210	Bar Revenue	500	650	500	1,380	1,380	500	1,500	2,020	4,900	500	500	500	14,830.00
4220	Misc. Revenue	1,100	100	100	100	100	100	100	100	100	100	100	100	2,200.00
4240	Passenger Tax	9,720	37,670	55,901	55,901	116,698	320,371	340,430	-	-	-	-	-	936,691.20
4250	Port Days Revenue	-	55,000	-	-	-	-	-	-	-	-	-	-	55,000.00
4252	Security Revenue	4,961	7,155	9,509	9,809	17,742	31,661	35,145	4,447	8,247	3,247	3,247	3,247	138,416.09
4254	Water Revenue	-	6,000	6,000	6,000	10,500	16,500	13,500	-	-	-	-	-	58,500.00
4668	Craft Market Revenue	1,120	4,480	6,720	7,840	13,440	33,750	34,950	-	-	-	-	-	102,300.00
4676	Business Dev. Harbour	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	204,000.00
Total Revenues		73,149	188,930	151,808	169,433	261,143	520,572	553,069	72,062	61,492	53,267	58,842	59,517	2,223,282.84
Expenses														
5410	Wages & Salaries													823,821.17
5605	Professional Services	2,000	4,000	2,000	2,000	4,000	2,000	2,000	4,000	2,000	2,000	2,000	2,000	30,000.00
5610	Accounting & Legal	13,000	3,333	-	3,333	-	3,333	-	3,333	-	3,334	-	3,334	33,000.00
5615	Advertising & Promotions	2,500	5,664	5,500	-	-	-	-	-	525	-	500	-	14,689.00
5620	Automobile	150	150	150	150	150	150	150	150	150	150	150	150	1,800.00
5625	Bad Debts	-	-	-	-	250	-	-	-	-	250	-	-	500.00
5626	Board of Directors Meetings	2,667	-	667	-	667	-	667	-	667	-	667	-	6,000.00
5630	Business Development	500	500	500	1,300	500	1,400	500	13,350	500	2,500	500	500	22,550.00
5631	Business Dev. Harbour	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	204,000.00
5631	Map App Expense	-	1,500	-	-	-	-	-	-	-	-	-	-	1,500.00
5635	Gifts & Donations	800	200	100	100	360	100	700	1,100	1,900	200	-	-	5,560.00
5650	Cruise activities	3,650	280	5,420	1,460	2,250	3,710	2,600	2,450	4,000	2,725	-	6,400	34,945.00
5670	Dues & Membership Fees	10,760	2,060	1,560	320	9,760	210	3,060	5,060	10,967	460	310	660	45,187.00
5671	Professional Development	500	500	5,500	2,000	500	500	500	500	3,000	500	500	500	15,000.00
5672	Safety training & equipment	7,850	250	1,500	1,500	250	-	250	-	250	-	250	-	12,100.00
5675	Event Expense	-	-	-	-	-	-	500	3,000	-	85	-	-	3,585.00
5676	Charitable Donations	200	200	3,700	200	700	200	200	600	200	200	200	200	6,800.00
Acc. #	Account Name	April	May	June	July	August	Sept	October	November	December	January	February	March	Total
5685	Insurance	3,969	6,969	3,969	3,969	3,969	3,969	3,969	3,969	3,969	3,969	3,969	16,569	63,228.00
5690	Interest & Bank Charges	380	380	380	380	580	380	380	380	380	380	380	380	4,760.00
5700	Office Supplies	970	3,520	970	970	1,215	970	970	970	970	970	970	970	14,435.00
5705	Furniture & Fixtures	5,050	1,600	1,000	-	-	-	-	-	-	-	-	-	7,650.00
5710	Facility Upgrades	1,250	92,000	-	-	-	-	-	-	-	-	-	-	93,250.00
5715	Marina Expense	330	780	50	300	50	30	30	30	30	30	30	30	1,720.00
5721	Ports Day Expense	-	55,000	-	-	-	-	-	-	-	-	-	-	55,000.00
5740	Miscellaneous Expense	500	500	500	500	500	500	500	500	500	500	500	500	6,000.00
5763	Tools & Equipment	3,250	250	250	250	250	250	250	250	250	250	250	250	6,000.00
5765	Repair & Maintenance	38,833	9,106	15,506	7,577	5,468	10,822	8,212	6,483	5,533	13,723	4,483	4,483	130,230.32

5770	IT Services	1,952	752	752	752	752	752	752	752	752	752	752	752	752
5767	Snow Removal	2,000	-	-	-	-	-	-	-	-	-	-	-	-
5794	Telephone, Cable & Cellophone	2,325	2,325	2,325	2,325	2,325	2,325	2,325	2,325	2,325	2,325	2,325	2,325	2,325
5785	Travel	5,000	4,000	8,200	4,000	2,325	6,870	5,900	3,000	4,200	6,200	6,920	-	-
5790	Water Expense	-	-	5,000	-	-	8,400	-	11,600	-	-	-	-	-
5793	Electricity Expense	8,430	8,150	8,350	10,280	11,250	10,230	12,270	8,200	8,400	9,500	8,600	7,600	7,600
5797	Heating Expense	1,800	1,600	-	-	-	1,950	1,850	1,850	6,475	6,600	6,400	6,400	6,400
5799	Leasehold Improvements	50,000	-	-	-	-	-	-	-	-	-	-	-	-
5860	Security Expense	6,446	8,471	10,549	10,794	17,820	30,094	32,951	5,959	9,062	4,972	4,972	4,972	4,972
5862	Security Compliance	6,230	1,800	-	-	-	-	-	-	-	-	-	-	-
5887	Craft Market Expense	800	-	-	-	-	-	-	-	-	-	-	-	-
5890	Welcome Program	570	280	420	420	840	1,470	1,540	-	-	-	-	-	-
Total Expenses		201,662	233,120	101,818	71,880	81,406	107,615	100,426	98,311	89,005	85,575	74,628	83,475	2,152,740.38
Net Income/Loss before amort.		(128,513)	(44,190)	49,991	97,552	179,736	412,958	452,644	(26,249)	(27,513)	(32,308)	(15,786)	(23,958)	70,542.46

