

ATTACHMENT 1 – MPS & LUB Amendment – Site Plan Approvals in CD Zone

Existing Municipal Planning Strategy Wording	Proposed Amendments
Chapter 1 – Site Plan Approval (p.9)	Chapter 1 – Site Plan Approval (p.9)
Site-planning is a development control tool permitted under Section 231(4) of the Municipal Government Act of Nova Scotia that enables a municipality, through its planning process, to negotiate certain site specific items with a developer as a condition of receiving a Development Permit	Site-planning is a development control tool permitted under Section 231(4) of the Municipal Government Act of Nova Scotia that enables a municipality, through its planning process, to negotiate certain site specific items with a developer prior to approval ~~of as a condition of receiving~~ a Development Permit.
Chapter 4 – Programs (p. 29)	Chapter 4 – Programs (p. 29)
For large mixed-use developments, proponents who have assembled a land area in excess of 4.9 acres (2 ha) in areas designated as a Comprehensive Development (CD) Zone on the zoning map will be permitted to proceed by the Site Plan Approval process.	Unless otherwise permitted by the Town , for large mixed-use developments, proponents who have assembled a land area in excess of one (1) hectare/2.47 ac ~~4.9 acres (2 ha)~~ in areas designated as a Comprehensive Development (CD) Zone on the zoning map will be permitted to proceed by the Site Plan Approval process.
Chapter 4 – Comprehensive Development Zone – Policy 18	Chapter 4 – Comprehensive Development Zone – Policy 18
Policy 4.18 It shall be the intention of Council to consider site plan approval in accordance within the Comprehensive Development Zone for sites in excess of two (2) hectares, that shall include a mixture of uses including single detached dwellings; two unit dwellings; local commercial uses; mobile homes; “Tiny Homes”; apartment buildings and group dwellings.	Policy 4.18 It shall be the intention of Council to consider site plan approval in accordance within the Comprehensive Development Zone for sites in excess of one (1) hectare/2.47 ac ~~two (2) hectares~~ , that shall include a mixture of uses including single detached dwellings; two unit dwellings; local commercial uses; mobile homes; “Tiny Homes”; apartment buildings and group dwellings.
Existing Land Use Bylaw Wording	Proposed Amendments
Part 5 - General Provisions for All Zones	Part 5 - General Provisions for All Zones
5.59 Criteria for Site Plan Approvals (1) Conditions of Permit Approval Where the developer chooses to proceed by the site plan approval process, as permitted within this By-law, the conditions in Section 5.59 shall apply. The development shall be subject to the approval of the Development Officer for the Town of Yarmouth.	5.59 ~~Criteria for~~ Site-Plan Approvals - General (1) Pursuant to sections 231 and 232 of the Municipal Government Act and applicable policies of the Municipal Planning Strategy, where the Land Use Bylaw requirements provide so, applications for Site-Plan Approval may be submitted for consideration and approval by the Development Officer subject requirements and evaluation criteria identified in subsections (3) and (4).
(2) Evaluation Criteria for Site Plan Approval The following evaluation criteria shall apply to any development undertaken pursuant to section 5.59 (1): a) that the proposed development is located on the property so as to minimize any adverse impact on the surrounding neighbourhood; b) that the site plan clearly indicates how the proposed development will respond to the area statement of community interest for the zone;	(2) Pursuant to section 232 of the Municipal Government Act and applicable policies of the Municipal Planning Strategy: a) Site-Plan Approval applications do not constitute Development Permit approvals; and b) a Development Permit application applied for within a Site-Plan Approval area (i.e., lands with a duly assessed and approved Site Plan by the Development Officer) shall be approved by the Development Officer where the Development

c) that the site plan clearly shows how users of the proposed development will access existing transportation options, sustainable and car oriented, with consideration to the statement of community interest for the proposed area; d) that the existing vegetation, where possible and deemed practical, be retained so as to lesson or reduce any adverse impact on abutting properties or the surrounding neighbourhood; and, e) that storm and surface water management plans are provided. (3) Site Plan Application – A Site Plan prepared in accordance with 5.59 (1) shall indicate: a) physical characteristics of the proposed site, including lot dimension, elevations, natural drainage, existing watercourses and shorelines and any existing structures and vegetation; b) adjacent public streets and rights-of-way; c) proposed location and use of all buildings or structures to be constructed or utilized; d) proposed storm drainage management and sewer and water requirements, any proposed streets, walkways, active transportation routes; e) proposed buffering, landscaping, screening and access controls to reduce potential incompatibility with adjacent and nearby uses; (4) Site Plan Process The process for granting Site Plan Approval follows the same process as the Variance procedure subject to Section 23 of the Municipal Government Act. (5) Variations through Site Plan Approval A site plan may vary the requirement of this By-law to permit any variance under Section 235(1) of the Municipal Government Act.	Permit application conforms to the approved Site Plan, any applicable Site-Plan Approval conditions, and otherwise complies with the Land Use Bylaw. ~~(1) Conditions of Permit~~ ~~Where the developer chooses to proceed by the site plan approval process, as permitted within this By-law, the conditions in Section 5.59 shall apply. The development shall be subject to the approval of the Development Officer for the Town of Yarmouth.~~ (3) Site Plan Requirements Unless otherwise permitted by the Development Officer, a Site Plan shall include (as applicable): a) physical characteristics of the subject site, including site sizes, dimensions, elevations, natural drainage, and any existing watercourses, structures and vegetation; b) adjacent public streets and rights-of-way; c) the location of any proposed or existing easements; d) proposed site grading consistent with a stormwater management plan required by section 14.4; e) the location and design for building and site servicing (water, sanitary sewer and storm); f) the location of proposed main buildings including setbacks from existing (and/or tentative) lot lines; g) the location and design of proposed access points, streets, and private driveways including grades; h) the location and design of sidewalks and walkways; i) the location and design of proposed parking and loading areas including: - drive isles and parking space dimensions; - wheel stop locations and curbs; and - bike parking; j) the location and design of landscaped areas including: - proposed hard-landscaped areas (sidewalks, walkways, gathering spaces) - proposed soft-landscaped areas (open green spaces, gardens, pathways, raingardens); - plantings, shrubs and trees (proposed and to be retained); - fencing, street furniture, and any mechanical equipment; and - retaining walls; k) the type and location of proposed outdoor lighting;
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	l) the location and design of waste and recycling collection facilities; and (4) Evaluation Criteria for Site-Plan Approval Unless otherwise permitted by the Development Officer, a Site-Plan Approval submission shall include a written statement, prepared by the applicant, to assess the proposed development (Site Plan) against the evaluation criteria identified in Policy 10.7 and Chapter 9 (Infrastructure) of the Municipal Planning Strategy (2016), as amended from time to time. (4) Site-Plan Approval Process The process for granting Site-Plan Approval follows the same process as the Variance procedure subject to Section 234 of the Municipal Government Act. (5) Variations through Site-Plan Approval A site-plan approval may vary the requirements of this By-law subject to ~~permit any variance under~~ Section 235(1) of the Municipal Government Act.
Part 7 – General Provisions for All Residential Zones 7.5 Uses Permitted by Development Agreement Unless otherwise specified in section 7.7, Municipal Planning Strategy Residential Policy 4.16 provides that the following uses may be considered for development in the residential designation by Development Agreement: 7.7 Residential Uses Permitted by Site Plan Approval Municipal Planning Strategy Residential Policy 4.15 provides that the following residential related uses may be considered for development by Site Plan approval: (1) Boarding or rooming houses with more than three (3) rental rooms provided one (1) on-site parking space for each room, suite or rental accommodation is provided at the side or rear of the main building. For senior citizen's boarding or rooming houses with more than three (3) rental rooms, one (1) on-site parking space for every two (2) persons, suites or rental accommodations, or fraction thereof, shall be provided at the side or rear of the main building; (2) Medium density group dwellings, provided they are not located within the Architecturally Sensitive (A-S) area.	Part 7 – General Provisions for All Residential Zones 7.5 Uses Permitted by Development Agreement Unless otherwise specified in section 7.7, Municipal Planning Strategy Residential Policy 4.16 provides that the following uses may be considered for development in the residential designation by Development Agreement: 7.7 Residential Uses Permitted by Site Plan Approval Notwithstanding section 7.5, Municipal Planning Strategy Residential Policy 4.15 provides that the following ~~residential related uses~~ may be considered for development by Site Plan approval: (1) Residential and large mixed-use developments as outlined in the respective residential zones; ...Renumber the remainder of the section accordingly

Part 14 – Comprehensive Development (CD) Zone	Part 14 – Comprehensive Development (CD) Zone
14.1 CD Zone Permitted Uses (1) Subject to meeting the zone requirements for the use, the following uses are permitted: * All R-1 permitted uses subject to the R-1 Zone requirements; * Multiple unit buildings with eight (8) units or less on serviced lots only; and * Agricultural uses except those prohibited by Section 5.37 (2) Where a property or assembled property is two (2) hectares in size or greater in size which can include a property with a total area of two (2) hectares or more that is located on both sides of a public street or right-of-way, the following uses are also permitted by Site Plan Approval to a total maximum of eight (8) units subject to meeting the zone requirements for the use: * Group Dwellings; * Local Commercial (C-4) Zone Uses; * Mobile Homes provided the number of units does not exceed twenty (20%) percent of the total number of units; and * Multiple unit buildings. (3) The following uses are also permitted by Development Agreement: * Tiny Homes; * Any use above where the zone requirements for the use are not met; and * As per policy 10.43 of the Municipal Planning Strategy, Convenience Stores, Personal Service Shops and Restaurants (excluding drive-in and drive thrus) up to a combined 3,000 Square Feet of Gross Commercial Floor Area. 14.4 CD Zone Requirement - For more than Two (2) Units Developments shall conform to the following minimum lot area and minimum lot frontage requirements.	14.1 CD Zone Permitted Uses (1) Subject to meeting the zone requirements for the use, the following uses are permitted: a) All R-1 permitted uses subject to the R-1 Zone requirements; b) Multiple unit buildings with eight (8) units or less on serviced lots only; and c) Agricultural uses except those prohibited by Section 5.39 5.37. (2) In addition to uses listed in subsection (1), where a lot or lot assembly is one (1) hectare ~~two (2) hectares~~ in size or greater ~~in size~~ which can include ~~lands a property with a total area of two (2) hectares or more~~ that ~~may be~~ ~~is~~ located on both sides of a public street or right-of-way, the following uses ~~are also~~ ~~may be~~ permitted by Site-Plan Approval ~~to a total maximum of eight (8) units subject to meeting the zone requirements for the use:~~ a) Group Dwellings; b) Local Commercial (C-4) Zone Uses; c) Mobile Homes provided the number of units does not exceed twenty (20%) per cent of the total number of units; and d) Multiple unit buildings. (3) The following ~~additional~~ uses are also permitted by Development Agreement: a) Tiny Homes; b) Any use above where the zone requirements for the use are not met; and c) As per policy 10.43 of the Municipal Planning Strategy, Convenience Stores, Personal Service Shops and Restaurants (excluding drive-in and drive thrus) up to a combined 3,000 Square Feet of Gross Commercial Floor Area. ~~14.4 CD Zone Requirement – For more than Two (2) Units Developments shall conform to the following minimum lot area and minimum lot frontage requirements.~~ ~~Notwithstanding 14.1 to 14.4, for an assembled property more than two (2) hectares in size, permitted under the Site Plan Approval process, the required dimensions and lot areas as listed may be reduced by ten (10) percent.~~ ~~14.5 One (1) Main Building~~ ~~No person shall erect more than one (1) main building on a lot in the Comprehensive Development (CD) Zone, except for Group Dwellings or Tiny Homes.~~

	First two (2) units	Additional three (3) to eight (8) units
Minimum lot area	232 m ² (2,500 ft ²) per unit	92.9 m ² (1,000 ft ²) per unit

Minimum Lot Frontage	27.4 m (90 ft)
Minimum Front Yard	7.6 m (25 ft)
Minimum Flanking Yard	7.6 m (25 ft)
Minimum Rear Yard	7.6 m (25 ft)
Minimum Side Yard	4.6 m (15 ft) or one-half (½) the height, whichever is greater
Maximum Height of Main Building	13.72 m (45 ft)
Minimum separation distance Between Group Dwellings or Tiny Homes	3.05 m (10 ft)

Notwithstanding 14.1 to 14.4, for an assembled property more than two (2) hectares in size, permitted under the Site Plan Approval process, the required dimensions and lot areas as listed may be reduced by ten (10) percent.

14.5 One (1) Main Building

No person shall erect more than one (1) main building on a lot in the Comprehensive Development (CD) Zone, except for Group Dwellings or Tiny Homes.

14.6 Site Plan Process

The process for granting Site Plan Approval follows the same process as the Variance procedure subject to Section 236 of the Municipal Government Act.

Requirements for Comprehensive Developments

Projects proceeding through Site-Plan Approvals as enabled by section 14.1(2), shall also conform to the following requirements:

Number of Units and Main Buildings

- (1) A maximum density is 75 dwelling units per hectare.
- (2) The total combined maximum of dwelling units per Site-Plan Approval area shall not exceed 75 dwelling units.
- (3) Nothing in this Land Use Bylaw shall prevent more than one main building within a Site-Plan Approval area.

Building Height

- (1) The maximum building height of main buildings shall not exceed six (6) storeys.
- (2) The maximum height of accessory buildings shall be consistent with the applicable requirements of the Land Use Bylaw.
- (3) Projects located in the Yarmouth Airport vicinity protection area shall comply with the Yarmouth Airport Zoning Regulations and NAV Canada recommendations and requirements as applicable.

Building Separation

- (1) The minimum distance between buildings shall be no less than 7.62m (25 ft).

Landscaping

- (1) A minimum of 35 per cent of the Site-Plan Approval area shall be landscaped.
- (2) The landscaped area may consist of a permeable and impervious landscaping.
- (3) Permeable landscaping may consist of any existing natural areas, or existing landscaped areas of the lot to be retained;
- (4) The maximum amount of impervious landscaping shall not exceed 50 per cent of the required landscaped area;
- (5) Any portion of the Site-Plan Approval area not used for motor vehicle access, parking spaces and garbage and recycling facilities shall not be included in the calculation of a landscaped area.
- (6) A minimum of one (1) new deciduous or coniferous tree (native species only) per unit shall be included in the required landscaped area.

	Amenity Space (1) Each dwelling unit shall include amenity space with no less than 5m² (54ft²) in size. (2) Amenity space may be provided as private amenity space or common amenity space or combination of both. (3) Private amenity space shall be in the form of a balcony, deck, patio and have no minimum dimensions of less than 2m (6.5ft). (4) Common amenity space may be provided indoors or outdoors and shall: a) be accessible to all units; and b) have a contiguous area of no less than 50m² (540ft²), with no dimension less than 6.1m (20ft). Lot Frontage (1) The minimum lot frontage shall be no less than 30.5m (100 ft). Site-Plan Approval Area (1) The minimum size of land area included in the Site-Plan Approval area shall be no less than 10,000 m² (1ha/2.47ac) at the time of Site-Plan Approval. Yards (1) The minimum yard between a building and a lot line shared with a street shall be no less than 3.3 m (10 ft). (2) The minimum yard between a building and a lot line shared with another lot (not included in the Site-Plan Approval area) shall be no less than 3.3 m (10 ft). Parking (1) A minimum of 0.5 on-site parking spaces per unit shall be provided. (2) Any parking spaces provided shall not be located between buildings and lot lines shared with public streets. Access (1) Unless otherwise permitted by the Town Engineer and Traffic Authority: a) all lots within the Site-Plan Approval area shall have a frontage along a public street; and b) access from a lot to a street shall be consistent with the requirements of this Land Use Bylaw.
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	(2) Notwithstanding anything else in this Land use Bylaw, vehicular access shall be sited and designed to accommodate emergency vehicles in all seasons of the year to the satisfaction of the Town. Transportation Connections Unless otherwise permitted by the Town Engineer and Traffic Authority, all transportation connections within the Site-Plan Approval area shall be consistent with the applicable requirements of this Land Use Bylaw and the Town of Yarmouth Subdivision Bylaw, as amended from time. Municipal Services (1) All main buildings within the Site-Plan Approval area shall be serviced with Town sanitary sewer and water services to the satisfaction of the Town Engineer. (2) Unless otherwise permitted by the Town Engineer: a) a Site-Plan Approval application shall include a stormwater management plan prepared by a qualified professional; b) Site-Plan Approval areas shall be connected to the Town storm sewer where available; and c) all designs and construction of service systems shall be consistent with the requirements of this Land Use Bylaw and the Town of Yarmouth Subdivision By-law, as amended from to time. 14.514.6 Site Plan Process The process for granting Site Plan Approval follows the same process as the Variance procedure subject to Section 236 of the Municipal Government Act.