

1.0 Recommendation

That the Planning Advisory Committee recommend that Council:

- a) Give first reading to the proposed amendments to the Land Use Bylaw and associated amendments to the Municipal Planning Strategy to encourage comprehensive housing projects by revising requirements for Site-Plan Approvals in CD Zone – **Attachment 1**;
- b) Give first reading to the proposed amendments to the Land Use Bylaw and associated amendments to the Municipal Planning Strategy to update reviews and approvals of boarding homes – **Attachment 2**;
- c) Give first reading to the proposed amendments to the Land Use Bylaw to offer additional flexibility for Agricultural Uses in CD and R-H Zones – **Attachment 3**;
- d) Give first reading to the proposed amendments to Land Use Bylaw - **Attachment 4**; and
- e) Approve the proposed amendments to the Land Use Bylaw and the Municipal Planning Strategy as outlined in **Attachments 1, 2, 3 and 4**.

2.0 Report

Summary

The proposed set of amendments to the Land Use Bylaw (LUB) and associated amendments to the Municipal Planning Strategy (MPS) are being brought forward by staff to update several parts of the Land Use Bylaw to support the local development community in their efforts to introduce additional housing and create new economic development opportunities. The proposed amendments include:

- a) revisions to existing requirements for Site-Plan Approval applications to enable larger residential projects in the Comprehensive Development (CD) Zone;
- b) changes to simplify existing review processes for reviews and approvals of boarding and rooming homes;
- c) adding greater flexibility to support agricultural activities in the Comprehensive Development (CD) Zone and the Residential Holding (R-H) Zone; and
- d) a relatively minor housekeeping item seeking to (re)introduce 'Construction Trades and Contractors' to the commercial General (C-2) Zone.

There are aspects of the proposed LUB amendments (**Attachments 1, 2, 3 and 4**) that; a) are intended to “test” potential land use control measures for the upcoming comprehensive LUB and MPS rewrite; and b) contribute toward implementing key initiatives associated with the Housing Accelerator Fund aimed at increasing housing supply.

Proposed LUB Amendments

Site Plan-Approvals in Comprehensive District (CD) Zone (Attachment 1)

As stated in the Municipal Planning Strategy, a Site-Plan Approval is a development control tool permitted under Section 231(4) of the Municipal Government Act that enables a municipality to negotiate certain site-specific items with developers that would be typically reviewed and approved with the benefit of Development Agreements.

This planning review and approval approach was introduced to remove the generally lengthy and sometimes costly process that often comes with Development Agreements. Unlike Development Agreements, Site-Plan Approvals are not written contracts, though they do require a signature of agreement by the developer. Site-Plan Approvals involve mainly a drawing that may include written notations and conditions.

The negotiated site plans, notations and conditions may deal with the criteria set out in the MPS and LUB but it cannot regulate land-use, building design or hours of operation. Instead, it can regulate items such as buffering, retention of existing vegetation, management of rainwater, access location and design, or building placement, as captured by the MPS and LUB. Site-Plan Approval applications do not require Planning Committee reviews or Council approvals. Decision rendered by staff are subject to appeal to Council.

Council adoption of the 2016 edition of the Land Use Bylaw, introduced the Comprehensive Development (CD) Zone. As shown on Map 1 of the LUB (**Attachment 3**), the CD Zone covers the south-east portion of Yarmouth. In general, the south-east portion of the town consists of large unsubdivided lots. Many such lots are vacant or substantially underdeveloped. This may be partially due to market conditions, varied ownership patterns, and limited infrastructure in the area, including the lack of sound mobility network supported by appropriately scaled water, sewer and rainwater management services.

Originally, the CD Zone was specifically designed to address these issues by trying to “incentivize” land assembly (2-hectare minimum) and comprehensive land development by way of a “simplified” development approval process (i.e., Site-Plan Approvals) and greater residential densities. However, the above noted incentives had been curtailed through several LUB amendments over time. **As a result, projects seeking more than 8 units in total today (even if their lot is 2 hectares or greater), must subdivide their lands or enter into a Development Agreement.**

Historically this approach has delivered less than expected interest in development of new comprehensively planned residential projects in the area. Where landowners did pursue subdivisions of their lands, such subdivisions often lacked the needed comprehensive approach, at times, resulting in unintended consequences impacting the broader area (e.g., rainwater management issues).

The proposed amendments aim to: a) clarify requirements under the Site Plan Approval process in the CD Zone; and b) re-introduce the concept of encouraging comprehensive land development by:

- a) permitting additional residential densities (i.e., a maximum of 75 units per hectare with a total of 75 units per Site-Plan Approval area);
- b) requiring less (assembled) land to qualify for Site-Plan Approval (i.e., down from two (2) to one (1) hectare);
- c) permitting additional building height (i.e., up from 3 to 6 storeys); and
- d) requiring less on-site parking for residential uses (i.e., down from one (1) parking space per unit to 0.5 parking spaces per unit).

To provide landowners and the approving authority (i.e., Development Officer) with additional guidance, several rules and minimum expectations pertaining to the following are also proposed to be included in the CD zone for projects proceeding through Site-Plan Approvals:

- a) Requirements pertaining to municipal servicing, access or rainwater management;
- b) Minimum landscaping requirements;
- c) Maximums on amount of hardscaping; or
- d) Minimum requirements for on-site amenity spaces.

Boarding and Rooming Homes (Attachment 2)

The Land Use Bylaw permits up to 3 rooms (per boarding house) as-of-right. Boarding homes with more than 3 rooms may be only permitted by Development Agreement or Site Plan Approval. In most situations where applicants seek more than 3 rooms, Site-Plan Approvals provide limited, if any, value as no changes to the site are typically proposed.

Additionally, the requirement for a Development Agreement (or Site-Plan Approval) to enable more than 3 rooms on a single lot may often represent a process barrier to some owners/operators preventing the Town from formally recognizing and approving existing or proposed boarding homes. This often results in delays in issuance of required Building Permits (and Occupancy Permits) which is a critical step in the municipal review/approval process to ensure compliance with applicable building & safety codes.

The proposed changes are intended to offer more flexibility to future and existing operators and clarify the required planning review process including:

- a) The maximum of room permitted consistent with the maximum number of dwelling units in any given zone (note: up to six (6) rooms in the Low Density Residential (R-1) Zone and the Residential – Holding (R-H) Zone);
- b) Reduced minimum on-site parking requirements from 1.0 parking space per room to 0.5 spaces per room.

Projects seeking more rooms than permitted by the proposed changes will continue to require Development Agreements or Site-Plan Approvals **where changes to the site are proposed.**

Agricultural Uses (Attachment 3)

Although the Land Use Bylaw permits a narrow range of agricultural uses on lands zoned as Comprehensive Development (CD) and Residential Holding (RH), the existing zone requirements limit the number of main and accessory agricultural buildings such as (greenhouses, barns or equipment sheds) which are often necessary to support agricultural operations.

The proposed amendments are intended to introduce additional flexibility regarding the number of permitted buildings (on-site) associated with food production activities in CD and RH zones. To further support agriculture activities within these zones, the proposed amendments include allowance for the sale of produce grown on-site.

Construction Trades and Contractors Use in C-2 Zone (Attachment 4)

‘Construction trades and contractors’* is currently permitted only in Commercial Industrial Zones. In response to several enquiries about permitting this use along Burton Avenue, which is located within the Commercial -General (C-2) Zone, staff recommend that the above noted use be added back to the C-2 Zone with the condition that the use activities shall be fully contained within buildings.

***Construction trade and contractors** means a building or part of a building housing construction trade related offices related to one or more of the following: general contractors, plumbing, electrical, mechanical, excavating and/or landscaping businesses exclusively devoted to the physical development of land and/or structure(s), including the preparation of land for development, and may include accessory design, drafting and estimating services but does not include a professional office exclusively devoted to the design, drafting or estimating thereof nor does it include any storage of any demolition debris, construction waste or waste of any kind.

3.0 Relevant Policy

To implement the proposed changes to site-plan approvals and boarding homes, a range of “enabling” amendments to the MPS is required (**Attachments 1 & 2**).

4.0 Strategic Relevance

Site-Plan Approvals: Establishing processes and requirements enabling additional housing options not only align with The Town’s strategic direction regarding residential infill as expressed in the MPS, but also advance several Provincial Statements of Interest regarding infrastructure and housing:

- encourage maximum use of existing infrastructure by enabling infill development;
- allow higher densities and encourage a range of housing types.

Boarding and Rooming Homes: According to research conducted by Urban Institute and the Canadian Mortgage and Housing Corporation’s boarding homes offer lower-cost living arrangements compared to renting an entire apartment or home, making them accessible to individuals with limited incomes. They also provide important social, and community supports, as residents often share common spaces, fostering social interactions that can reduce isolation, particularly for elderly or disabled individuals. Boarding homes also provide short-term or long-term housing options, making them useful for people in transitional phases, such as those recovering from homelessness or leaving institutional care.

Agriculture Activities: There is wide range of environmental, social, and economic benefits that come with urban food production. Plants and crops can improve the Earth’s climate by reducing heat during the warm season and retaining stormwater during intense rain events. Urban

gardens provide shelters for birds and beneficial insects, which, among other things, help preserve urban biodiversity.

5.0 Desired Outcome

Approve staff recommendations as outlined in Section 1 of this report.

6.0 Response

- a) recommend to Council to approve the amendments according to staff recommendations
- b) recommend to Council to refuse the amendments; or
- c) send this report back to staff and provide further direction.

7.0 General Implications of Recommendation

- a) The proposed changes to the CD Zone and the suggested allowance for up to 75 units per hectare (or per Site-Plan Approval) without Council's involvement and without conventional land subdivision may appear as a significant shift away from the present policies. To mitigate against potential risks, the proposed set of amendments includes additional rules and expectations with respect to adequate infrastructure, site and development design or potential off-site impacts.

Further, as the Town is in the process of rewriting the LUB and MPS, the suggested approach, if proven successful, can inform future zoning regulations. However, if proven problematic, this approach can be adjusted or replaced altogether.

- b) Proposed changes to the review and approval of boarding and rooming homes are intended to simplify the required use approvals and thereby encourage any existing or new operators of boarding homes to obtain required municipal approvals. This is a critical step in ensuring that the minimum life and safety standards of boarding and rooming homes can be or have been met.
- c) Proposed changes to the C-2 zone and agriculture uses in the CD and R-H zones are deemed relatively minor and do not present significant risks.

8.1 Organizational and Financial Implications

None were identified.

8.0 Follow-Up Actions

Pursuant to section 248 of the Municipal Government Act, the approval or refusal of the proposed amendments outlined in **Attachment 3** and **Attachment 4** by Council must be advertised in the local newspaper and may be appealed to the Nova Scotia Utility Review Board.

The approval or refusal of the proposed amendments outlined in **Attachment 1** and **Attachment 2** by Council shall be also advertised, however, pursuant to the same section of the Municipal Government Act that decision is not appealable.

9.0 Communication

The Planning Advisory Committee hosted a Public Participation meeting regarding the proposed amendments on March 26, 2025. One resident spoke in favor of the amendment calling for

additional relaxation of Land Use Bylaw requirements to further promote and enable development in Yarmouth.

The proposed amendments and this report are available online on GetInvolved. Should the Planning Advisory Committee forward the amendments to Council, a notice of Public Hearing of Council will be advertised in the local newspaper and online (i.e., GetInvolved).

Submitted By:

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Town Planner

Attachments:

Attachment 1 – MPS & LUB Amendments - Site Plan Approvals in CD Zone

Attachment 2 – MPS & LUB Amendments - Boarding Homes

Attachment 3 - LUB Amendments - Agriculture Uses in CD and RH Zones

Attachment 4 - LUB Amendment – ‘Construction Trades and Contractors’ Use in C-2 Zone

Attachment 5 – LUB Map