

4. Residential

Goal

The goals of this Strategy are:

- (1) To ensure that a variety of housing types are available within the Town of Yarmouth to meet the housing needs of its residents.**
- (2) To protect the nature and character of existing residential areas from unrestricted commercial or industrial encroachment;**
- (3) To encourage sensitive infilling within established residential areas on existing lots;**
- (4) To regulate the location of new residential development to ensure efficient use of public infrastructure as a means of maximizing returns while minimizing expenditures;**
- (5) To encourage the development and maintenance of a range of housing types and that meets all levels of affordability and family needs; and,**
- (6) To require all residential development to front on a public street, except when located on Baker's Island.**

Generalized Future Land Use Map

The policies contained in this chapter deal with the identification and establishment of the residential designation on the Generalized Future Land Use Map (GFLUM), which can be found in Map 1 of this document. It is intended that this designation include both existing built up residential areas and vacant lands which are suitable for future residential development.

Areas for future residential development should either be adjacent to existing residential development, or be removed from commercial or industrial uses.

Policy 4.1 It shall be the intention of Council to designate those lands which contain existing residential uses, lands which are suitable for future residential development by reason of either being adjacent to existing residential areas or being removed from existing commercial or industrial areas as well as all lands on Baker's Island as "Residential" on the Generalized Future Land Use Map.

There are Seven Residential Zones

Within the residential designation of the Generalized Future Land Use Map, seven (7) residential zones have been identified:

- Low Density Residential (R-1);
- Medium Density Residential (R-2);
- Medium Density Residential Main (R-2M);
- High Density Residential (R-3);
- Mixed Residential Development Park (MR)
- Residential Holding (R-H); and,
- Comprehensive development (CD).

The Low Density Residential (R-1) Zone will permit the construction of new single- detached, two (2) unit dwellings and semi-detached dwellings characterized by not more than one (1) shared property line with a maximum of one (1) unit per lot. The Medium Density Residential (R-2) Zone will permit the construction of all R-1 permitted uses subject to the R-1 zone requirements; three (3) to six (6) unit dwellings; and semi-detached dwellings characterized by not more than one shared property line with a maximum of two (2) units per lot. The Medium Density Residential Main (R-2M) Zone is mainly situated on Main Street, Cann Street and Gardner Street where a mix of residential and other uses are permitted.

The High Density Residential (R-3) Zone permits residential structures containing seven (7) or more dwelling units. Mobile Homes, sometimes called Mini-homes, are permitted in the Mixed Residential Development (MR) Zone and in the Comprehensive Development (CD) Zone areas as part of the site plan approval process. The Residential Holding Zone (R-H) is confined mainly to an area north of Starrs Road and is intended for residential or other uses that are not expected to occur within the life-span of this Plan.

Policy 4.2 It shall be the intention of Council to permit institutional uses located within the Residential designation on the Generalized Future Land Use Map and , as defined in the Land Use By-law, as-of-right: churches; colleges, universities; schools and other educational facilities; libraries, museums and art galleries; private clubs and fraternal organizations; any institutional use which is incorporated under the *Societies Act* Ch. 435, R.S.N.S. 1989; fire stations; funeral homes; arts and community centers; community markets; golf courses; cemeteries; hospitals; existing utilities such as power, telephone and gas company offices and work yards;

municipal, provincial and federal government and non-profit offices accessory to permitted Institutional uses; public recreational facilities; child or adult nurseries; temporary call centers and governmental institutional facilities It shall be the intention of Council that any zone which lists institutional uses as a permitted use will, by their nature, include any use listed as a permitted use in the Institutional (I-1) Zone.

Low Density Residential (R-1) Zone

Policy 4.3 It shall be the intention of Council to consider proposals for Low Density Residential (R-1) development on lands designated Residential by amendment to the Land Use By-law and subject to the following:

- (1) That the lot is serviced with Town approved road, sewer and water services; and,
- (2) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Medium Density Residential (R-2) Zone

Policy 4.4 It shall be the intention of Council to consider proposals for Medium Density Residential (R-2) development on lands designated residential by amendment to the Land Use By-law and subject to the following:

- (1) That the lot be serviced with Town approved road, sewer and water services;
- (2) That the capacity of existing municipal road, sewer and water services on, adjacent, or leading to the site can accommodate the proposed development;
- (3) That the lot meets the minimum lot area and frontage requirements for the proposed use as identified in the Land Use By-law; and,
- (4) That through the Development Agreement process, the proposed development shall contain no more than six (6) units.
- (5) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Institutional (I-1) Zone

Policy 4.5 It shall be the intention of Council to consider proposals for the development of new institutional uses which do not

exceed 371.8m² (4000 sq. ft.) of gross floor area exclusive of vestibules, washrooms and closets or are otherwise developed on lots exceeding 2322.5m² (25,000 sq. ft.) on lands designated Residential or for the redevelopment of lands designated Residential and zoned Institutional (I-1) for the purposes of Low Density Residential (R-1) uses by amendment to the Land Use By-law and subject to the following:

- (1) That the lot meets the minimum lot area and frontage requirements for the use as identified in the Land Use By-law; and,
- (2) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Policy 4.6 It shall be the intention of Council to strictly regulate the number of dwelling units based on minimum lot frontage and minimum lot area standards.

Main Street Medium Density Residential

Policy 4.6 It is the intention of Council to permit, as-of-right a limited range of non-residential uses in the R-2M Zone on Main Street, Cann Street and Gardner Street to encourage businesses and other uses that serve the local community and are complimentary to the uses and businesses in the downtown area.

General Provisions for Residential Developments

Policy 4.7 It shall be the intention of Council to strictly regulate the number of dwelling units based on minimum lot frontage and minimum lot area standards.

Policy 4.8 Council will enact requirements to encourage compatibility for Site Plan Approval use developments including Infill Housing and Large Mixed-use Developments.

Policy 4.9 Council will encourage housing infill in existing residential areas.

Comprehensive Development Areas

Policy 4.10 Council will designate specifically two (2) areas of the land in the town (shown on Map 1, GFLUM) for large mixed-use comprehensive development areas.

Programs

Infill proposals which use a site plan approval process will have specific requirements to encourage development compatibility. Proposals which do not meet these requirements will require approval by Development Agreement.

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. Other proposals will require approval by Development Agreement.

Residential High Density (R-3) Zone

- **High Density Residential not permitted in Architecturally Sensitive area**

In an effort to maintain the density levels (number of dwelling units per lot) in the Architecturally Sensitive (A-S) area, as identified in the Architecturally Sensitive Areas Map of the Land Use By-law, Council will not entertain applications for High Density Residential (R-3) developments by Development Agreement within this area under Policy 4.18.

Residential Holding (R-H) Zone and unserviced development

Lands included in the Residential designation not serviced by Town sewer or water services will be allowed to develop with on-site services. Such lands shall be zoned Residential Holding (R- H) and will only enable low density residential uses along with certain agricultural uses. The following is Council's **policy** with respect to unserviced residential development:

Policy 4.12 It shall be the intention of Council to allow the expansion of existing Residential Holding (R-H) uses or the development of new Residential Holding (R-H) uses on private on-site sewage disposal systems and/or private wells with the approval of the Department of the Environment and Labour, provided they are located within the Residential Holding (R-H) Zone and provided all other relevant By-laws are satisfied.

Minimum Requirements

In order to minimize conflicts with adjacent uses and to ensure that the physical character of existing residential development in terms of siting is maintained, the Strategy provides for the inclusion in the Land Use By-law of various requirements such as minimum lot frontage and area, yard

setbacks, on-site parking, height regulations and fencing. These requirements differ from zone to zone and according to use, so as to best provide for each type of development.

The following are Council's policies with respect to residential minimums:

Policy 4.13 It shall be the intention of Council to include in the Land Use By-law minimum lot frontage, minimum lot area, minimum front, side and rear yard setbacks, maximum building height, on-site parking requirements, fencing requirements, the number, siting and use of accessory buildings, visibility at street intersections requirements, flanking yard requirements, the parking of commercial vehicles and the number of main buildings on a lot for all residential zones (R-1, R-2, R-3, R-M and R-H) as well as the Institutional (I-1) Zone.

Policy 4.14 Notwithstanding Policy 4.13, side yards may be varied for existing residential lots.

Site Plan Approval Required for Certain Types of Residential Use

Site plan approval will be used to accommodate certain types of uses in the residential designation. Uses which will be permitted by site plan approval are: expansions to mobile home parks; boarding and rooming houses; group homes; nursing homes; adult day centers; medium density group dwellings; hostels and institutional uses that are to be developed on lots less than 2323m² (25,000 ft²) and less than 371.8m² (4000 ft²) in gross floor area exclusive of vestibules, washrooms and closets.

Policy 4.15 It shall be the intention of Council to consider the following uses within the residential designation by site plan approval pursuant to the *Municipal Government Act* provided the lot meets the minimum lot frontage and minimum lot area requirements as identified in the Land Use By-law subject to Implementation Policies 9.8 and 9.9:

- (1) Notwithstanding policy 4.18 (1) (a) developments in the Mixed Residential Development Park (MR) Zone beyond existing developed areas;**
- (2) Boarding and 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 and 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;

- (3) Nursing homes, group homes and adult day centers;
- (4) New Institutional (I-1) uses that are to be developed on lots less than 2323.8m² (25,000 ft²) and less than 371.8m² (4,000 ft²) of gross floor area exclusive of vestibules, washrooms and closets;
- (5) Medium Density group dwellings subject to requirements for minimum lot frontage, minimum lot area, minimum front, side and rear yard set-backs, maximum building height and set-backs between buildings.
- (6) Hostel developments within the residential designation subject to the following performance standards:
 - a) maximum number of bedrooms used for hostel purposes shall be five (5);
 - b) maximum number of beds used for hostel purposes shall be twelve (12). For the purpose of this Part, beds shall be counted as single beds and each level of bunk or stacked bed shall be counted as individual beds;
 - c) minimum lot area for a hostel use shall be 929m² (10,000 ft²);
 - d) dwelling must be occupied as a residence by the operator of the hostel;
 - e) no open storage or outdoor display other than that which is consistent with a residential dwelling shall be permitted;
 - f) no additions or exterior alterations to the hostel shall be undertaken except for modifications necessary to meet fire safety standards; and,
 - g) the lot or parcel of land intended to be used as a hostel abuts either a collector or an arterial classified street.

Policy 4.16 It shall be the intention of Council to consider rezoning any development approved through a site plan approval process to the appropriate zone by amendment to the Land Use By-law.

Development Agreements Required for Certain Residential Uses

Development Agreements may be used to accommodate certain types of uses in the Residential Designation. Uses which will be permitted by Development Agreement are the construction of new multiple unit dwellings (apartments and group dwellings) containing more than six (6) units; expansion to existing residential buildings containing more than six (6) units; hostels and institutional uses that are to be developed on lots over 2323m² (25,000 ft²) and which exceed 371.8m² (4000 ft²) in gross floor area exclusive of vestibules, washrooms and closets. Development Agreements shall also be required for developments which are incompatible with applicable Statements of Community Interest.

The following are Council's **policies** with respect to Development Agreements in residentially designated areas:

Policy 4.17 It shall be the intention of Council to consider the following uses within the Residential designation by Development Agreement pursuant to Section 225 of the *Municipal Government Act* provided the lot meets the minimum lot frontage and minimum lot area requirements as identified in the Land Use By-law subject to Implementation Policies 9.8 and 9.9:

- (1) (a) New multiple unit dwellings (apartments, townhouses, group dwellings) containing more than six (6) units per lot (High Density Residential (R-3) uses), or expansions that would create more than eight (8) units, located within the Residential designation and provided they are not located within the Architecturally Sensitive (A-S) area;
(b) Notwithstanding 1(a) above, new multiple unit dwellings (apartments, townhouses, group dwellings), or expansions that would create eight (8) units or less, located within the Residential Designation and provided they are not located within the Architecturally Sensitive (A-S) area may be required to be approved by Development Agreement.
- (2) (a) Expansions to existing apartment buildings or townhouses containing more than eight (8) units per lot (High Density Residential (R-3) uses) located within the Residential designation provided they are not located within the Architecturally Sensitive (A-S) area;
(b) Notwithstanding 2(a) above, expansions to existing

apartment buildings or townhouses that would create eight (8) units or less per lot located within the Residential Designation provided they are not located within the Architecturally Sensitive (A-S) area may be required to be approved by Development Agreement;

(3) New Institutional (I-1) uses that are to be developed on lots greater than 2323.8m² (25,000 ft²) and exceeding 371.8m² (4,000 ft²) of gross floor area exclusive of vestibules, washrooms and closets;

(4) The parking of commercial vans with a gross vehicle weight greater than 6,804 kg (15,000 lbs) on lots within the Residential Designation provided they are not located within the Architecturally Sensitive (A-S) area.

Clarity Note: Developments should conform, if feasible, with all requirements outlined. However, for Development Agreements some requirements may be waived.

Comprehensive Development (CD) Zone

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. Of note:

(1) An assembly of land with a total area of two (2) hectares or more that is located on both sides or divided by a Town Street or a Town owned right-of-way shall meet these requirements.

Policy 4.19(a) It shall be the intention of Council to consider rezoning any development approved through a Development Agreement process or the site plan approval process by an appropriate amendment to the Land Use By-law.

Policy 4.19(b) It shall be the intention of Council to include in the Land Use By-law minimum lot frontage, minimum lot area, minimum front, side and rear yard set-backs, maximum building height and set-backs between buildings for group dwellings including Tiny Homes and enable them only by Development Agreement in the Comprehensive Development District Zone.

Commercial Uses in Heritage Properties

Coffee and tea shops, doctors' offices and medical clinics, antique shops and art galleries will be permitted in the residential designation provided they are located within a registered heritage property. Inns with function room facilities within municipally registered heritage properties immediately abutting the Central Business District will also be permitted. In this fashion, the use will be concentrated around the Downtown Commercial core, minimizing its potential to adversely affect residential areas and at the same time take advantage of the parking facilities within the Central Business District.

Policy 4.20(a) Notwithstanding anything contained in Residential Policy 4.18, it shall be the intention of Council to permit the development of the following commercial uses within the Heritage Conservation District provided the use is being established within an existing Municipally Registered Heritage Property subject to the residential statement of interest and within registered Municipal Heritage properties outside of the District through Development Agreement subject to Implementation Policies 7.8, 7.9 and 7.10:

- (1) Coffee and Tea Shops;**
- (2) Antique Shops;**
- (3) Art Galleries;**
- (4) Doctors' offices and medical clinics; and,**
- (5) Inns immediately abutting the Central Business District.**

Policy 4.20(b) in addition to policy 4.20(a) other non-residential uses may be considered within the Heritage Conservation District, which support the following goals, through Development Agreement:

- (1) Support the Downtown Commercial Core,**
- (2) Minimize the potential adverse affect on residential areas, and**
- (3) Utilize existing parking facilities within the Central Business District.**

Home Based Businesses

A wide range of non-residential uses are permitted in the Residential Designation including Home Based Offices; Mobile Home Based Businesses; Lobster Trap Storage Facilities; Home Based Aesthetics Practices; Internet Web Site Development. Lobster Trap Storage Facilities are prohibited from locating within the Architecturally Sensitive (A-S) area due to their potential

impact on the heritage value of the district. The Land Use By-law includes non-residential use regulations with respect to maximum floor area, and operator-occupancy amongst other minimum standards. The intent is to enable a person to have some type of home based commercial activity accessory to their residence without negatively affecting the neighbourhood.

The following is Council's policy with respect to non-residential uses in the Residential Designation:

Policy 4.21 It shall be the intention of Council to prohibit the development of any new non-residential use in areas designated Residential, except for the following non-residential uses which shall be permitted as home-based businesses, secondary to the residential use:

- (1) Guest Homes (maximum of six (6) rental bedrooms);**
- (2) Child or Adult Nurseries;**
- (3) Domestic and Household Arts;**
- (4) Home Based Offices;**
- (5) Mobile-Home Based Businesses;**
- (6) Lobster Trap Storage Facilities;**
- (7) Home Based Aesthetic Practices; and,**
- (8) Internet Web Site Development.**

Policy 4.22 Notwithstanding Policy 4.21, it shall be the intention of Council to prohibit the establishment of “lobster trap storage facilities” within the Architecturally Sensitive (A-S) area.

Local Commercial Uses Permitted in Residential Zones

The residential designation will also enable the establishment of a Local Commercial (C-4) Zone, which recognizes existing convenience stores in residential areas. This zone enables the establishment of residential dwellings up to a maximum of two (2) units per lot; convenience stores to a maximum of 46.45m² (500 ft²) of gross commercial floor area; and, personal service shops up to a maximum of 46.45m² (500 ft²) of gross commercial floor area. The concept of a Local Commercial (C-4) Zone is to enable commercial uses to support immediately adjacent and nearby residential needs. Therefore, any commercial use should be limited in size to ensure that such services are maintained for the local area. This is one of the main reasons why convenience stores and personal and commercial service shops are limited to 46.45m² (500 ft²) of gross commercial floor area. However, Council will entertain applications for convenience stores,

personal service shops and restaurant uses (eat-in only) up to a maximum combined area of 278.7m² (3,000 ft²) within any designation by Development Agreement as outlined in the commercial chapter and implementation chapter of this strategy.

There are several existing uses within the Residential designation which, for one reason or another, do not comply with this plan. These uses are identified and listed on Schedule “C” of the Land Use By-law.

The following is Council's policy with respect to local commercial uses in residentially designated areas:

Policy 4.23 Notwithstanding Policy 4.20, it shall be the intention of Council to include in the Land Use By-law a Local Commercial (C-4) Zone within the Residential designation subject to Policies 5.52, 2.53 and 2.54.

Regulation of Non-Residential Uses Permitted Within the Residential Designation

The following is Council's policy with respect of non-residential development in residentially designated areas:

Policy 4.24 It shall be the intention of Council to include in the Land Use By-law provisions for the regulation of non-residential uses permitted within the residential designation with respect to the following: requirement for operator occupancy, maximum commercial floor area, commercial use of accessory buildings, exterior alterations of residence due to non-residential use, maximum number of non-residential uses, maximum number of employees, on-site parking requirements, signage, outdoor storage and display and a special provision prohibiting non-residential uses that create objectionable noise, vibration, glare, fumes, odors, dust, air pollutants, traffic generation, or electrical interference.

Non-Conforming Residential Uses

Those medium and high density residential developments which do not conform to the corresponding zone will be rezoned to reflect to their existing use following the adoption of this Plan.

Grandfathered Uses

Existing uses, or grandfathered uses, are uses which existed prior to the implementation of this Plan and By-law. By recognizing these uses as

"existing", they are given the same development rights as other uses permitted as-of-right within their particular zone. As such, the existing uses listed in Schedule "C" may be expanded, repaired and rebuilt subject to the zone requirements as outlined in various policies and Land Use By-law for the zone in which they are situated.

Prohibited Uses

The following are Council's policies with respect to uses that are explicitly prohibited in residentially designated areas:

Policy 4.25 It shall be the intention of Council to include in the Land Use By-law a provision prohibiting the use of transportation vehicles, transportation containers, shipping containers, cargo containers or other similar types of structure or enclosure as main or accessory buildings within any residential zone.

Illumination

The following is Council's policy with respect to illumination in residentially designated areas:

Policy 4.26 It shall be the intention of Council to include in the Land Use By-law a provision regulating the illumination of an area as to direct it away from any nearby properties located within the residential designation.