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DRAFT AMENDMENT

TO THE

TOWN OF STELLARTON

MUNICIPAL PLANNING STRATEGY

AND

LAND-USE BY-LAW

Amendments are shown as follows: deleted sections of existing text, are shown with a line through and new text to be added, is shown in bold text. Existing text is to remain the same, as shown in italic text.

Municipal Planning Strategy:

Amend section A - Multi-Family Dwellings, p. 18 as shown below

...

Another concern of Council is the potential conflict arising between multi-family buildings which locate near conventional single family development. In many cases, apartment owners do not live in the building and maintenance is often left to people who do not have a vested interest in the property. As a result the degree of maintenance is not always on par with that of most conventional home owners. ~~It is not Council's desire to impose stringent design and maintenance standards on multi-family developers but there is a need for minimum standards dealing with parking areas, access, location of the building on the site, and landscaping. By regulating parking areas, access, location of the building on the site and by requiring landscaping these activities, Council intends to minimize the problems associated with the effect of the external appearance of the multi-family use on surrounding single family development. More stringent enforcement of the Town's Minimum Standards By-law will also encourage the proper maintenance of these buildings.~~

Over the past 13 years, since the adoption of this document, nNew multi buildings have beenwill be permitted to locate in Stellarton only by amendment to the Land Use By-law, more commonly referred to as rezoning. However, recent citizen concern with the height, exterior appearance and impact on adjacent low density residential uses has prompted Council to reconsider this approach. After review of a number of development options, Council has chosen to provide for

future multi-family residential development by development agreement. This will allow Council the opportunity to examine each proposal on it's own merits and give Council the time to ensure that municipal services are capable of meeting any increase in demands, and that potential conflicts with surrounding land uses are minimized by employing architectural standards to manage new developments in terms of height, bulk and scale; and landscaping and open space standards are used to ensure all buildings are harmoniously related to terrain and existing residential buildings and provide usable outdoor amenity space.

Delete Policy 6, page 20 and replace with the following new Policy 6:

Policy 6

Consistent with Council's intent to provide for a variety of housing types to accommodate the different needs or desires of Town residents, new multi-family residential dwellings and expansions to existing multi-family residential dwellings (i.e. buildings containing three or more dwelling units) in areas designated Primary Residential and Downtown Business Area shall be allowed by development agreement.

As the Town of Stellarton does not have specifically designated high density residential development areas, multi-family development will continue to be scattered throughout developed areas of the community. Therefore, development agreements are seen as the best mechanism to ensure that multi-family residential dwellings can be located within existing low density residential neighbourhoods, or within the downtown adjacent to residential neighbourhoods with minimal negative impact.

The following standards are intended to ensure that:

- new multi-family development not negatively impact on the surrounding residential neighbourhood or detract from the character and standards of existing low density residential development, in areas designated Primary Residential, where new multi-family residential developments abut existing residential uses; and**
- new multi-family development not detract from the abutting residential neighbourhood, in areas designated Downtown**

Business Area, where new multi-family residential developments abuts low density residential areas. Although the less restrictive Downtown Business Area yard requirements may be employed, consideration should also be given to the residential nature of the multi-family development proposal with regard to landscaping, parking, open space considerations.

In considering development agreement applications, Council shall have regard to Policies 76, 77 and 78 in addition to the following:

- 1. architectural and buffer standards - to ensure all proposed buildings enhance the residential character of the surrounding neighbourhood with regard to:**
 - the relation of proposed building(s) in appearance and design to building(s) in the area; and**
 - the mitigating measures employed such as building siting and buffer considerations to minimize the impact of the proposed development on the use and development of abutting low density residential development.**

- 2. landscaping standards to ensure:**
 - all buildings are harmoniously related to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;**
 - the landscape is preserved in its natural state insofar as practicable by minimizing tree and soil removal, wherever possible;**
 - retaining structures associated with significant grade change do not detract from the site or neighbouring development;**
 - unpaved areas, excluding walkways, are landscaped, upon completion of final site grading; and**
 - exposed storage areas, exposed machinery installation, utility buildings and other site structures are suitably screened to ensure they blend with the surrounding landscaping or appear to form part of the main building(s) on the lot and are subject to such setbacks and screening methods as employed for other developed elements of the lot.**

- 3. vehicular and pedestrian circulation standards address capacity, safety and the aesthetics needs of the development proposal.**

Defined walkways should be provided from buildings to parking areas to ensure pedestrian safety. Parking areas adequately screened with a buffer strip. Buffer strips should be developed generally as defined in the Land-Use By-law. Parking area perimeters and walkways should be landscaped to minimize any negative impact on the site and surrounding properties

4. open space/recreation area standards to ensure that usable outdoor amenity space is available to tenants and should be so designed as to add to the visual amenities of both the proposed development and the surrounding neighbourhood. Open space/recreation areas may consist of communal passive recreational areas, recreational rooms, roof decks, balconies, swimming pools, tennis courts, etc. Typical standards used to guide site design are set out below. These standards are intended to assist with the determination of the open space/recreation area needs of the development proposals:
 - 200 square feet (18.5 square metres) for each bachelor or one bedroom unit;
 - 575 square feet (53.4 square meters) for each two bedroom unit; and
 - 950 square feet (88.25 square metres) for each three or more bedroom unit.

Any area of the site intended to be used as outside amenity area and not attached to the building should not have a dimension of less than 20 feet (6 metres).

5. site drainage plans, where the Town Engineer deems plans necessary to address the removal of surface waters from all roofs, canopies and paved areas in a safe and efficient manner.

Delete Policy 8, page 21 and amend Policy 7 as follows:

Policy 7

*Existing multi-family dwellings containing three or more dwelling units shall be zoned **RESIDENTIAL MULTI-FAMILY GENERAL (R-3)**. All expansions and redevelopment to existing multi-family dwellings shall be by development agreement subject to Policy 6.*

...
Add to page 89 'DEVELOPMENT AGREEMENTS' the following
new section (f), immediately preceding 'Policy 76' as follows:

- (f) new multi-family residential development and
expansions to existing multi-family residential
development in areas designated Primary Residential
and Downtown Business Area**

Policy 76, p. 89

Where a development pursuant to a development agreement is specifically authorized by the policies of this Strategy it shall be the intention of Council to require the applicant to enter into an agreement with the Town under Section 7467 of the Planning Act specifically setting out conditions under which the development may proceed.

A development Agreement shall not require amendment to the Land-Use By-law but shall be binding upon the property until the agreement or part thereof is discharged by the Town. In considering development agreements under Section 7467 of the Planning Act, R.S.N.S. 19893, in addition to all other criteria as set out in various policies of this plan. Council shall have regard to the following matters:

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- (2) that the proposal is not premature or inappropriate by reason of:**
- (a) the financial capability of the Town to absorb any capital or operating costs related to the development;**
 - ...
 - (e) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas and watercourses;**
 - (f) the adequacy, capacity and proximity of schools, recreation and other community facilities; and**
- (3) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby Land-Uses by reason of:**
- ...
 - (g) signs and lighting;**
 - ...
 - (i) maintenance of the development and;**
 - (j) provisions for pedestrian movement and safety;**

**(k) provision for drainage, both natural and subsurface;
and**

- ***
- (6) that provisions are made for landscaping; development of open space, parks and walkways; and buffers, or other physical separation measures; or any other controls to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated.**
 - (7) that the development does not precipitate or contribute to a pollution problem in the area relating to emissions to the air or discharge to the ground or waterbodies of chemical pollutants**
 - (8) creating a scattered development pattern which requires extensions to trunk facilities and public services; and**
 - (9) the presence of significant natural features or historical buildings and sites.**

Policy 77, p. 90

To assist in the evaluation of applications to enter into a development agreement, Council may request the following:~~Council may require that any or all of the following information be submitted by the Developer with respect to any proposed development which is to be the subject of a Development Agreement under Section 67 of the Planning Act, 1983 namely~~

- (1) an overall concept plan showing the location of all proposed land uses;**
- (2) location, area, shape, landscaping and surface treatment of all public and private open spaces and parking areas;**
- (3) ~~(1)~~ information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands;**
- (4) ~~(2)~~ information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected or expanded on the lands;**
- (5) ~~(3)~~ information as to the type and amount of site clearing required, if any and provisions proposed for servicing with ~~water supply and sewage disposal;~~**
- (6) information as to the proposed provisions for good site drainage and servicing with water supply and sewage disposal**

- (7) ~~(4)~~ — information as to proposed access and egress to and from the lands and estimated traffic flows to be generated;
- (8) ~~(5)~~ — information as to intended hours of operation;
- (9) ~~(6)~~ — information as to the architectural design, including renderings, site plans, profiles, grade elevations and cross sections;
- (10) ~~(7)~~ — information as to the provision and maintenance of a natural buffer strip;
- (11) **the number of dwelling units and the number of bedrooms per dwelling unit;**
- (12) **plan(s) showing all proposed streets, walkways, sidewalks, bus bays, and bike routes;**
- (13) **an indication of how the phasing and scheduling is to proceed. For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, locations and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provision of the Municipal Planning Strategy.**

Policy 77A

An application to the Town for the approval of a development agreement shall be on the form approved by Council. The application form must be completed, dated and signed by the property owner or an agent with the written authorization from the owner; and submitted to the Town Clerk accompanied by:

- (a) **a copy of a property map portion of the Town of sufficient scale to show the location of the subject lot relative to the surrounding neighbourhood;**
- (b) **a copy of the deed description of the subject property together with the Registry of Deeds book and page references;**
- (c) **copies* of a site plan setting out the lot dimensions and area as taken from a property survey or based on a deed description with a property survey to be completed prior to endorsement of the development agreement. The site plan should also contain the location and dimension of the proposed building and any accessory structures, access, parking and walkways, buffering, fencing and all landscaping elements;**
- (d) **copies* of a site drainage plan; and**
- (e) **copies* of elevations setting out the exterior architectural design and general appearance relative to the site, including landscaping, fencing, and grade changes.**

(the number of copies required will depend on plan size/reproducibility for distribution to PAC & Council at various stages in the Development Agreement Approval Process)*

LAND-USE BY-LAW:

Add to Part 1, DEFINITIONS, beginning on page 5 of the Land-Use By-law, the following new definitions:

- 9.1 BUFFER** means an area of land used to visibly separate/screen one use from another or to shield or block noise, lights, or other nuisances. Buffers may be required to include fences or berms, as well evergreen shrubs and trees.
- 40. LANDSCAPING** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects which may detrimentally affect adjacent land.

Add to Part 3 GENERAL PROVISIONS FOR ALL ZONES, page 33, section 38 the following new subsection d.:

- d. *new multi-family residential development and expansions to existing multi-family residential development in the Primary Residential and Downtown Business Area Designations.***

Add to Part 6 RESIDENTIAL MULTI-FAMILY GENERAL (R-3) ZONE, page 39 the following new section 7.:

7. DEVELOPMENT AGREEMENTS

Subject to the provisions of Policy 6 of the Municipal Planning Strategy, Council will consider proposals for new multi-family residential development and expansions to existing multi-family residential development in the

***Primary Residential and Downtown Business Area
Designations by Development Agreement.***

Add to Part 10 DOWNTOWN BUSINESS (C-2) ZONE, page 48 the following new section 8.:

8. DEVELOPMENT AGREEMENTS

Subject to the provisions of Policy 6 of the Municipal Planning Strategy, Council will consider proposals for new multi-family residential development and expansions to existing multi-family residential development in the Primary Residential and Downtown Business Area Designations by Development Agreement.

This is to certify that the foregoing is a true copy of the Amendment to the Town of Stellarton Municipal Planning Strategy and Land-Use By-law passed at a duly called meeting of the Town Council of the Town of Stellarton held on the 8 June 1988.

Given under the hand of the Town Clerk and under the seal of the said Town this ____ day of _____ 19__.

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Adrian Pearson, Town Clerk