Town of Yarmouth
Municipal Planning Strategy

June 2016

I, JEFF GUSHUE, Clerk and Chief Administrative Officer of the Town of Yarmouth, do hereby certify that the foregoing is a true copy of the revised Municipal Planning Strategy of the Town of Yarmouth. GIVEN UNTO the hand of the Town Clerk/Chief Administrative Officer and the Corporate seal of the Town this 9th day of June, AD, 2016.

Jeff Gushue
Town Clerk/Chief Administrative Officer

OFFICE CONSOLIDATION
With Amendments to May 5th, 2026

Town of Yarmouth

New Municipal Planning Strategy

Adopted by Council on June 9, 2016
Effective August 23rd, 2016

I acknowledge receipt of this Municipal Planning Strategy, adopted at a meeting of the Town Council of the Town of Yarmouth, held on June 9, 2016.

Pursuant to Section 208 of the Municipal Government Act, I have reviewed the documents and have determined that the documents do not fall within any of the categories requiring approval listed in Subsection 208(3); therefore, the documents are not subject to the approval of the Minister of Municipal Affairs.

Andrew Paton
Acting Provincial Director of Planning

Dated: August 16, 2016

AMENDMENTS AFTER
THE REVISED MUNICIPAL PLANNING STRATEGY (MPS) AND LAND USE BY-LAW (LUB)
Effective August 23, 2016

Effective Date	Description
January 3rd, 2017	LUB amendment to permit art studios in the Medium Residential Main Street (R-2M) zone with the addition of Woodworking and Handcrafts in the definition of Art Studio Establishment. **(AM2016-006)**
January 3rd, 2017	LUB amendment to allow additional accesses with the recommendation and support of the Town Engineer and Traffic Authority. **(AM2016-007)**
March 7th, 2017	LUB amendment to permit the use of Portable Open Air Cinema (Theatre) in the Commercial Industrial (CI-4) zone and at 5 Hardscratch Road. The use of the equipment and concession stand will require a Special Occasion Permit at the time, but will call for a change in the definition of "Special Occasion" in the LUB in order to allow this. **(AM2016-008)**
May 2nd, 2017	MPS and LUB amendment to permit up to eight (8) units in total where the approval is by the Site Planning process. Where the total number of units exceeds eight (8) or the number of buildings exceeds four (4) the approval process is by Development Agreement. The approval process followed must be by mutual agreement so this does not prevent the Development Officer from requiring that the approval for a proposal that is lower than these limits proceed by Development Agreement. **(AM2016-009)**
May 10th, 2017	LUB amendment to permit the establishment of a Microbrewery at 270 Main Street and the establishment of Microbreweries, Microwineries and Microdistilleries to locate anywhere in the Downtown Commercial (C-1) zone. **(AM2017-001)**
May 10th, 2017	LUB amendment to rezone the Town owned property located at 28 Jarvis Road from Comprehensive Development (CD) to Open Space (O1). **(AM2017-002)**
July 4th, 2017	LUB amendment to rezone 29 Starrs Road from Open Space (O1) to General Commercial (C-2). **(AM2017-003)**
August 9th, 2017	LUB amendment to permit onsite construction of one (1) bedroom two (2) unit buildings (mini homes) in the East Side Village Mobile Home Park on Argyle Street and Ellis Road. **(AM2017-005)**
August 9th, 2017	LUB amendment to remove Section 6.6(1)(a) which only allows one sided signs and replacing it with a new Section 6.6(1)(a) which will allow multisided signs. **(AM2017-006)**
August 9th, 2017	LUB amendment to permit the building for accessory use to be constructed on the vacant lot under conditions. The conditions being that the accessory use be removed if either of the lots changes ownership unless a building for a permitted use is constructed on the lot housing the accessory use. **(AM2017-007)**

August 9th, 2017	LUB amendment to clarify the setback from flanking streets in the General Commercial (C-2) zone. **(AM2017-008)**
August 9th, 2017	LUB amendment to provide clarity with respect to permitting more than one (1) kitchen in a dwelling unit. **(AM2017-009)**
August 9th, 2017	LUB amendment to remove the requirements for Mandatory Bicycle Parking Units but facilitating their construction if users so wish to add them to their dwelling units. **(AM2017-010)**
August 9th, 2017	LUB amendment to the setback for accessory buildings where existing buildings are less than 4.6m (15ft) from the street. **(AM2017-011)**
October 17th, 2017	LUB amendment to rezone vacant properties located at 1 Haskell Street and 2 Pearl Street from Low Density Residential (R-1) to Waterfront Industrial (M-2). **(AM2017-014)**
January 9th, 2018	MPS and LUB amendment to permit cash-in-lieu for residential parking. **(AM2017-012)**
January 9th, 2018	MPS and LUB amendment to permit the use of the building at 2 Herbert Street and the adjacent property at 6 Herbert Street as a Food Bank operation. **(AM2017-013)**
April 4th, 2018:	LUB amendment to the Community Centre definition to permit the private sector to provide an arts & community centre facility in addition to government and non-profit organizations. **(AM2017-016)**
April 4th, 2018:	LUB amendment definition of Seasonal Retail Trade to include recreational activities. **(AM2017-017)**
April 4th, 2018:	LUB amendment to change five hundred square feet (500 ft^2) to one thousand square feet (1,000 ft^2) and that manufacturing be added to the stated uses to the Commercial Industrial (CI-4) and Waterfront Commercial Industrial (WCI-5) zone parking requirements in order to mirror the existing general provisions in all industrial zones policy. **(AM2017-018)**
April 4th, 2018:	LUB amendment to change the use of the word "secondary" in order to provide clarity to the intent of Policy 19.3. **(AM2017-20)**
April 4th, 2018:	LUB amendment to approve the addition of Section 5.59 Criteria for Site Plan Approvals to Part 5 – General Provisions for all zones. **(AM2017-021)**
April 4th, 2018:	LUB amendment to permit commercial flag signs in all zones with the exception of those listed in the Downtown Commercial and the Residential Sign Provision tables. **(AM2018-001)**
June 12th, 2018:	LUB amendment to permit accessory buildings in the front yard within Institutional zones. **(AM2017-019)**
June 12th, 2018:	LUB amendment to rezone 112 Parade Street to Medium Density Residential (R-2). **(AM2018-002)**

June 12th, 2018:	LUB amendment to allow accessory buildings in the front and flanking yard within General Commercial (C-2) and Commercial Industrial (CI-4) zones. **(AM2018-004)**
July 10th, 2018:	LUB amendment to reinstate the Standards for Parking Areas and delete the redundant section for Site Plan Approval in the Comprehensive Development (CD) zone. **(AM2018-005)**
July 24th, 2018:	MPS and LUB amendment for Various Cross-Reference Corrections and Minor Conflicts. **(AM2017-022)**
August 28th, 2018:	MPS and LUB amendment for Permanent Locations for Food Trucks. **(AM2018-003)**
December 11th, 2018:	LUB amendment to allow for more than two (2) accessory buildings on a residential zoned lot used for group dwellings. **(AM2018-008)**
December 25th, 2018	MPS and LUB amendment to create a new zone entitled Mixed Residential Development Park (MR) zone in the Land Use By-law to replace the Mobile Home Park (R-M) zone and apply it to the current Mobile Home Park on Argyle Street and some adjacent properties to permit residential development including apartments and townhouse dwelling with up to eight (8) dwelling units. **(AM2018-006)**
April 3rd, 2019	MPS and LUB amendment to encourage the private sector to assemble at least two (2) parcels of adjacent land in the Comprehensive Development (CD) Zone in order to plan land development projects comprehensively using a larger number of permitted uses with approval by the Site Plan Approval process. Also, to permit development by using the Group Dwelling approach as well as individual apartment building s on separate lots. **(AM2018-009)**
April 11th, 2019	LUB amendment to exempt Fishery and/or marine-related uses from the requirement that "there is at least one (1) building containing sewer & water services on the same lot." **(AM2019-001)**
May 15th, 2019	MPS and LUB amendment to permit Recreational Cannabis Industry as a Cultivation and Processing of Agricultural Products Use in all Industrial Zones (CI-4 & M-1) **(AM2018-007)**
October 9th, 2019	LUB amendment to rezone the Town owned property located at 28 Jarvis Road from Open Space (O-1) to Comprehensive Development (CD). **(AM2019-008)**
January 15th, 2020	MPS and LUB amendment to protect and enhance the working waterfront. **(AM2019-003)**
February 5th, 2020	MPS and LUB amendment to permit the construction of additional residential units at 65 Parade Street and 199 Pleasant Street. **(AM2019-010)**
June 13th, 2020	MPS amendment to add a note to the end of 36.1. in regards to the Canadian Geodetic Vertical Datum. **(AM2019-007)**

July 31st, 2020	LUB amendment to ban the display of signs advertising positions for elections, political parties and plebiscites; excluding signs placed within a residence. **(AM2020-001)**
September 23rd, 2020	MPS and LUB amendment to permit cultivating and processing in the C-2 (General Commercial) Zone. **(AM2019-012)**
October 8th, 2020	Swimming Pool By-law Amendments. **(AM2020-003)**
December 30th, 2020	LUB amendment to rezone 38 Vancouver Street from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone. **(AM2020-004)**
March 10th, 2021	MPS and LUB Housekeeping Amendments. **(AM2020-002)**
April 7th, 2021	LUB amendment to rezone 25 (PID #90217712) and 27 (PID #90217720) Clements Avenue from Low Density Residential (R-1) Zone to High Density Residential (R-3) Zone and enter into a Development Agreement for the development proposal. **(AM2020-001)**
April 12, 2021 (Reg)	DA to amend existing DA for 339 Pleasant Street in order to permit a number of additional accessory structures on the property. Document# 118366948
May 13th, 2021	Discharge of DA, Document #2593, Respecting 3 Main Street (PID #90197286) **(AM2021-003)**
July 7th, 2021	LUB amendment to rezone 8 James Street (PID #90204520) from an Institutional (I-1) Zone to a Medium Density Residential Main Street (R-2M) Zone. **(AM2021-002)**
August 11th, 2021	MPS and LUB amendment to rezone 61 Waverly Street (PID #90217985) from a Commercial Industrial (CI-4) to a Medium Density Residential (R-2) Zone. **(AM2021-001)**
January 12th, 2022	MPS and LUB Housekeeping Amendments. **(AM2021-004)**
June 1st, 2022	MPS and LUB amendment to add "cultivation and processing within wholly enclosed buildings, excluding the cultivation of marijuana" as a permitted use in the C-1, C-2M, and C-3 Zones. **(AM2022-001)**
July 7th, 2022	MPS and LUB amendment to change the permitted uses section listed under the Open Space (O-1) zone to allow existing Institutional Uses, regardless of whether they are contained within an existing building and amend the definition of "Existing" to exempt Institutional Uses which are located within the O-1 Zone. **(AM2022-004)**
July 7th, 2022	MPS and LUB amendment to create enabling policies that would allow Commercial Vans Larger then 6,804 kgs (15,000 lbs) to be permitted on residentially zoned lots by Development Agreement. **(AM2022-003)**
August 10th, 2022	LUB amendment to change permitted accessory buildings in the Institutional Zone (I-1) to allow larger accessory buildings. **(AM2022-005)**

October 5th, 2022	Rezoning of 1 Cosman Lane from Low Density Residential (R-1) to Medium Density Residential (R-2). **(AM2022-007)**
December 14th, 2022	LUB amendments to allow boarding or rooming houses in all zones that allow dwelling units. **(AM2022-010)**
December 14th, 2022	LUB amendments to allow for a 24-unit affordable housing development on Shaw Avenue, with concurrent rezoning from General Commercial Main (C2-M) to High Density Residential (R-3). **(AM2022-011)**
March 8th, 2023	LUB amendment to allow accessory buildings in front yards of residential zones. **(AM2022-014)**
March 8th, 2023	LUB amendment to add outdoor lighting provisions consistent with the recently adopted Dark Sky Policy. **(AM2022-015)**
March 15th, 2023	MPS and LUB Housekeeping amendments related to Development Agreements and Site Plan Approvals. **(AM2022-013)**
March 15th, 2023	MPS amendment to change the boundaries of the Industrial designation and rezone two lots on Water Street (PID 90195280 and 90326125) from Waterfront Industrial (M-2) to Medium Density Residential (R-2). **(AM2022-008)**
March 15th, 2023	MPS and LUB amendments to include provisions related to transitional and supportive housing by Development Agreement. **(AM2022-012)**
July 12th, 2023	LUB amendment to include micro-distillery, micro-brewery, micro-wineries, and similar craft beverage production as permitted uses in the General Commercial (C-2) Zone. **(AM2023-001)**
August 9th, 2023	MPS and LUB amendments to allow short-term rental accommodations within residential dwellings. **(AM2023-002)**
April 17th, 2024	MPS and LUB amendments to allow a Development Agreement with the landowner of 107 Main Street to accommodate the intended storage trailer in the eastern portion of the subject site**. (AM2023-004)**
May 8th, 2024	LUB amendments intended to simplify the approvals and development of accessory buildings in commercial areas. **(AM2023-005)**
July 10th, 2024	LUB amendments designed to introduce and enable sponsorship recognition signs in the Town of Yarmouth. **(AM2023-003)**
November 14th, 2024	LUB amendment intended to align recent Provincial changes that allow primary care at some local pharmacies with the rules of the Land Use Bylaw. **(AM2024-002)**
June 5th, 2025	LUB amendment to rezone two lots (PID# 90334780 and PID# 90334798) from Low Density Residential (R-1) Zone and Residential Holding (R-H) Zone to High Density Residential (R-3) zone. **(DA2025-001)**

July 10th, 2025	MPS and LUB amendments to allow adaptive reuse of a former church into a restaurant with a lounge space. **(AM2024-003)**
July 10th, 2025	MPS and LUB amendments to support the local development community in their efforts to introduce additional housing and create new economic development opportunities. **(AM2024-003)**
October 23rd, 2025	MPS, LUB and Rezoning amendments to introduce a new residential housing accelerator – 1 (HA-1) Zone and to rezone four Town owned lots located at 56 Tooker St, 37 Argyle St, 22 Chester St, and 4 Bond St from Low Density Residential (R-1) Zone to Housing Accelerator – 1 (HA-1) Zone. **(AM2025-003, AM2025-004, AM2025-005, AM2025-008)**
December 11th, 2025	LUB amendment to rezone 3 Commercial Street from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone. **(AM2025-001)**
January 22nd, 2026	Rezoning, LUB and MPS amendments to rezone the property from Medium Density Residential Main Street (R-2M) Zone to Downtown Commercial (C-1) Zone, along with recommended administrative amendments. **(AM2025-002)**
May 5th, 2026	Amendments to the MPS and LUB under the Housing Accelerator Fund (HAF) Initiatives. **(AM2025-009)**
September 21st, 2026	Amendments to the MPS and LUB for the Road Closure – Land adjacent to 1 Forest Street. **(AM2026-001)**

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MAPS

Map 1 - Generalized Future Land Use
Map 2 - Statement of Interest Areas

I, Lindsay MacKinnon, Clerk of the Town of Yarmouth, do hereby certify that the foregoing is a true copy of the revised Municipal Planning Strategy and Land Use By-law of the Town of Yarmouth.
GIVEN UNTO the hand of the Town Clerk and the Corporate seal of the Town this 12 day of March A.D., 2021

_____

Lindsay MacKinnon
Town Clerk

1. Introduction

Preamble

The Municipal Planning Strategy for the Town of Yarmouth, also referred to herein as the Strategy, has been prepared in accordance with provisions of the *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia, 1998. With its adoption by Council and its subsequent approval by the Minister, it is intended that this Strategy and its implementing Land Use By-law will replace the Strategy and Land Use By-law adopted by Council and approved by the Minister on January 10, 2008.

Review Process

Council, by resolution, began a comprehensive review of its 2008 Municipal Planning Strategy and Land Use By-law in March 2015. The Town's Planning Advisory Committee was appointed to review, identify and evaluate planning issues and prepare appropriate revisions to the Strategy and Land Use By-law.

The Planning Advisory Committee initiated the review in October, 2014. Following the appointment of the planning team in February 2015, the Review process included the use of social media, including two on-line surveys and periodic updates on the town’s website, as well as stakeholder meetings and public events, including a two day event in June 2015 called Planners on the Street. A strategy report was completed and submitted to Staff in October 2015, followed by a line-by-line review of the Municipal Planning Strategy and Land Use By-law.

During the year review period the Town Planner actively attended and presented to a number of local community groups on the Municipal Planning Strategy Review.

Purpose

The overall purpose of this Strategy, like its predecessors, is to provide Council and the general public with a framework for making decisions with respect to development and public infrastructure. Unlike its predecessor, this Strategy takes a new approach to development promotion and control mechanisms. The plan reflects Council's desire to have a plan that is more of an enabler, one that gives more latitude to the development community and more discretion to staff in making planning decisions. In order to facilitate this, it sets out Statements of Community Interest, based on community discussions about what people value about Yarmouth, and uses

these values as a foundation for decision making. The goal is to ensure quality development can occur within a clear and transparent decision-making environment. It is hoped that this will enable those wishing to invest in Yarmouth to achieve their development goals more quickly and with less red tape. This is not to say that control has been eliminated. In some ways there will be more control, as the Town now has the tools to demonstrate its vision for how it wants the community to develop. But the plan is based on a spirit of collaboration, and not on confrontation. This is a fundamental change that Council hopes will position the Town of Yarmouth for growth, prosperity and a better place for people to live. It is hoped that in developing the goals, objectives and policies contained in this Strategy, Council has provided a framework not just for an accelerated pace of development but development that is responsive to a broad community vision, that contributes to a more sustainable community and lifestyle, and that the entire community can be proud of.

From the stated purpose of this Strategy, the following goals have been identified and are intended to serve as the basis for the development of more detailed policy objectives and statements.

Goal

To promote orderly development to ensure a high quality working and living environment while enhancing the health and vitality of the community by:

1. **Strengthening Yarmouth's position as a regional commercial, educational, industrial and service center;**
2. **Creating a positive climate for investment;**
3. **Permitting development that is responsive to community values and helps strengthen the community fabric through infill development and environmentally sustainable approaches to community expansion;**
4. **Creating a more resilient community in the face of climate change and economic challenges; and,**
5. **Cooperating with surrounding municipalities in infrastructure development and service deliveries.**

Amendments to the Strategy and By-law

As previously stated, this Strategy is intended to provide a framework for making decisions with respect to development and public infrastructure. Council recognizes that the Town will continue to grow and change which

may require the Strategy to be amended from time to time. Various policies allow the Strategy to be amended, such as changing a particular zoning boundary. The *Municipal Government Act* requires that when Council undertakes such an amendment, it secures public input prior to any amendment decision.

The Land Use By-law is the primary means for implementing land use policy. While the Strategy may talk in general terms, such as a need for separating various types of land uses, the By-law deals with specifics such as the minimum separation distance required. Because the By-law is specific, it is more likely that amendments to it will be necessary. The *Municipal Government Act* provides for a process to amend the Land Use By-law which is somewhat less demanding than amending the Strategy, although it still includes a public input component. Some amendments can be made to the By-law without affecting or changing the overall intent of the Strategy. For example, the Strategy provides for various types of zoning amendments which do not require an amendment to the Strategy. However, when a proposed By-law amendment is inconsistent with the Strategy's intent, the Strategy must be amended concurrently with the By-law to ensure that the By-law provision is consistent with the intent of the Strategy.

Municipal Planning Strategy Review Process

A Municipal Planning Strategy provides Council with a framework for making decisions with respect to development and public infrastructure. Due to changing social, economic and environmental conditions both within and outside the Town's jurisdiction, it is necessary to review and update the Strategy from time to time. Council may initiate a review of the Strategy upon resolution in keeping with the following:

1. **To initiate a review of the Municipal Planning Strategy within five to ten (5 - 10) years of the coming into force of the Municipal Planning Strategy; and,**
2. **To include the Town's Public Participation Program in the Municipal Planning Strategy review process.**

Development Approval Options

It is recognized that in standard rezoning procedures, once a rezoning is complete, the applicant is free to undertake any use permitted in that particular zone. Although a specific use might be identified in the rezoning application, the applicant is not restricted to that particular use. This has

resulted in developments which were different from the original concept. Development Agreements can be used to ensure that the development is in keeping with the original proposal.

A Development Agreement is a legal document which establishes a contract between an applicant and the Town. The agreement outlines a specific type of development according to plans and specifications agreed on by both Council and the applicant. Council's primary intention in the use of Development Agreements is to obtain a definitive commitment from the applicant of his/her intentions. This enables Council to review the proposal in light of the potential for significant land use impacts or conflicts.

A Development Agreement application is processed in a similar manner as a rezoning. During the process of approving a Development Agreement, it is first reviewed by the Planning Advisory Committee and evaluated in light of criteria contained in the Strategy and then forwarded to Council for consideration. A Public Hearing is part of this process as well. As is the case with an amendment to the Land Use By-law, the decision of Council is appealable to the Nova Scotia Utility & Review Board.

Statements of Community Interest

In the past, the Town relied heavily on Development Agreements to the point where it became a burden to do so, both for Staff and Council and for the development community. The current Strategy reflects Council's desire to rely much less on Development Agreements. Instead, it sets forth an innovation called Statement of Community Interest, developed through public consultations and ratified by Council, that planning staff will use as a framework to consider development proposals in certain parts of the Town, under a Site Plan Approval process. The goal is to ensure the broad community interest is considered when development occurs.

There are eight (8) areas that have Statements of Municipal Interest for the following:

1. The Starrs Road Commercial area;
2. Downtown Commercial Area;
3. Waterfront Area (Water Street);
4. Infilling in existing residential areas;
5. Large mixed-use developments;
6. Institutional Buildings and Uses;
7. Seasonal Retail Uses; and,
8. Water Front Mixed Use Area

These are areas where development pressures are occurring or where it is hoped that new development initiatives will be focused.

Site Plan Approval

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 a Development Permit. This new method of approvals was introduced to remove the lengthy and sometimes costly process required for Development Agreements. Unlike Development Agreements, site plans are not written contracts, though they do require a signature of agreement by the developer. Site plans involve mainly a drawing that may include written notations. The negotiated plans and notations may deal with the criteria set out in the Municipal Planning Strategy and Land Use By-law but it cannot regulate land-use, the heights of buildings, and hours of operation or required parking. Instead it can regulate such items as buffering, retention of existing vegetation, management of storm or surface water, and so forth, if provided for in the Municipal Planning Strategy and Land Use By-law. Site plan approval is subject to appeal to Council. If the developer fails to comply with the terms of the approval, the municipality is entitled to undertake any of the items promised by the developer, and this would become a first lien on the land. Site Plan Approval is not applicable in every case, especially where Council wishes to have an even greater measure of control, but this plan sets out a number of areas where the Site Plan Approval process will be applicable. Chapter 3 – Statements of Community Interest presents the criteria by which new applications will be judged.

Structure of the Strategy

The primary content of this Strategy is policy statements relating to different categories of land development. Each chapter contains policies which have been developed from specific goals and objectives. Policy statements are prefaced with text which supports the rationale for policy direction. The text, for the sake of clarity, also provides a more detailed explanation of these policies. When the text and policies are read together, they are intended to provide a clear expression of the Strategy's intent. This is important when interpretation of a policy is necessary. Policy statements which are not subject to possible misinterpretation do not require such detailed textual support. Certain policies refer to and are supported by the Generalized Future Land Use Map (GFLUM), which identifies the overall

general direction of future development. Where it has been deemed helpful, extracts from the GFLUM and other supporting documents including the Land Use By-law are incorporated into the Strategy. With regard to the extracts, they have no legal standing. Readers should refer to the official stand-alone GFLUM, which is the document of record.

The following chapters provide a detailed description of development policies with regards to residential, commercial and industrial developments. The final chapters deal primarily with infrastructure development and the implementation of these policies. It is important to note that sections of the Strategy should not be looked at in isolation but rather in the context of the Strategy as a whole.

2. Geographic & Historic Context

History

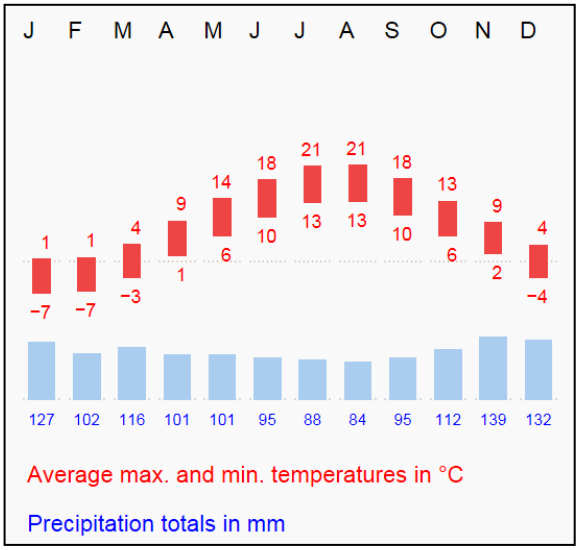
Through the efforts of historians and the Yarmouth County Museum, the history of Yarmouth has been well documented and its artifacts preserved are generally well known to its citizens. Early evidence indicates that the Vikings travelled the Bay of Fundy and were familiar with the local shores. Champlain and Demont were also familiar with the shores and documented early French exploration of the coast. However, it was not until June 9, 1761, that an organized settlement originated with the landing of three families from Sandwich, Massachusetts along the Chebogue River. Yarmouth's prosperity as a seafaring Town peaked in the late 1800's. This period saw a great deal of shipping and trade activity, wooden ship construction as well as the development of a significant commercial fishery. Yarmouth's fate, then as now, was very much tied to the ocean. The Town was incorporated in 1890. Today, Yarmouth's economic base has diversified, relative to earlier times, although the fishing industry is still considered the backbone of both the local and regional economy. Commercial and Industrial businesses serving the region have located within the Town, strengthening its position as a regional business center. The Town also serves as a regional center for government and medical services. These elements combine to provide a strong base for diversified future development.

Figure 2.1 Prosperity in Yarmouth in the late nineteenth century resulted in rapid growth, and the wealth of many seafarers living in the Town led to the building of many fine homes, many of which still remain and which contribute to a superb residential environment within a short distance of the downtown.

Geography, Topography and Climate

The Town of Yarmouth lies in southwestern Nova Scotia, a region characterized by its level topography and frequent lakes, streams and wetlands. Situated on Yarmouth Harbour approximately 300 kilometres southwest of the capital city of Halifax, the Town of Yarmouth encompasses approximately 1,110 hectares in Yarmouth County. Highways 1 and 101 which follow the Bay of Fundy and 3 and 103, which pass along the south shore, provide the primary routes of access.

Figure 2.2 Average monthly climate variations in Yarmouth (1981-2010)

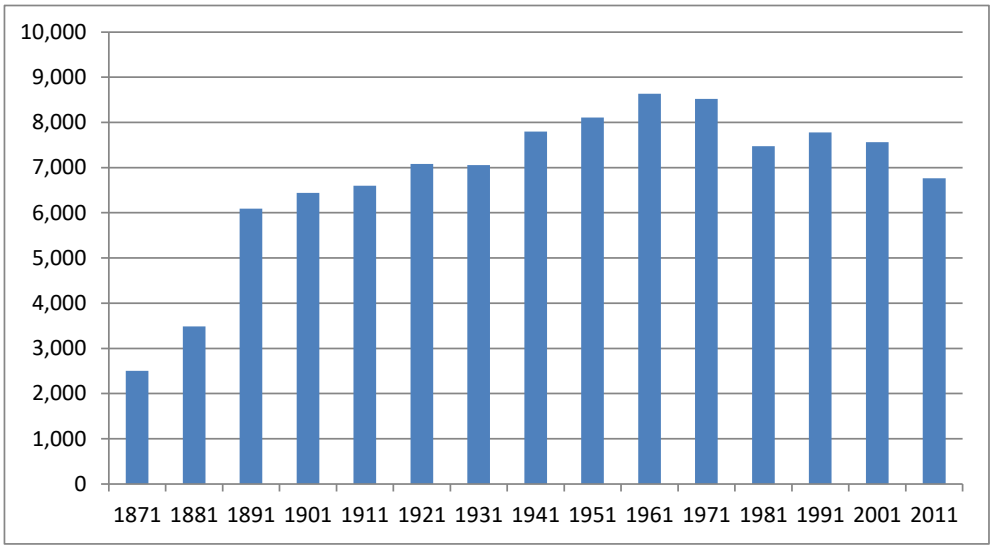


The Yarmouth region is influenced by an oceanic climate which tempers any major hot or cold variations. As shown in the figure, the summer highs average 17 degrees Celsius (August) while winter lows average -3 (January). This is one of the mildest extremes in eastern Canada (compare Halifax with an average range from -4.1 to 19.1 and Saint John with a range from -8.9 to 18.8). During most winters, there is little snow accumulation during the winters because of the mild temperatures. Precipitation, meanwhile, is significant and distributed throughout the year. Fog occurs about every other day on average.

Population

As shown in Figure 3, the population of the Town has risen and fallen since the turn of the twentieth century. The population peaked in 1961 at 8,636 and was generally stable until 1971. Between 1971 and 1981, the population fell by 1,044 (12.3%). The population decline was temporarily reversed in 1986 with a net population increase of 142 persons (+1.9%) between 1981 and 1986 and a further increase of 164 persons (+2.15%) between 1986 and 1991. This is a significant increase in light of the continuing decrease in the average size of households. However, the population began to decline again thereafter with a reduction of 220 persons (3%) by 2001 and a further 800 people (11 %) between 2001 and 2011. Today's population is about the same as it was in 1911.

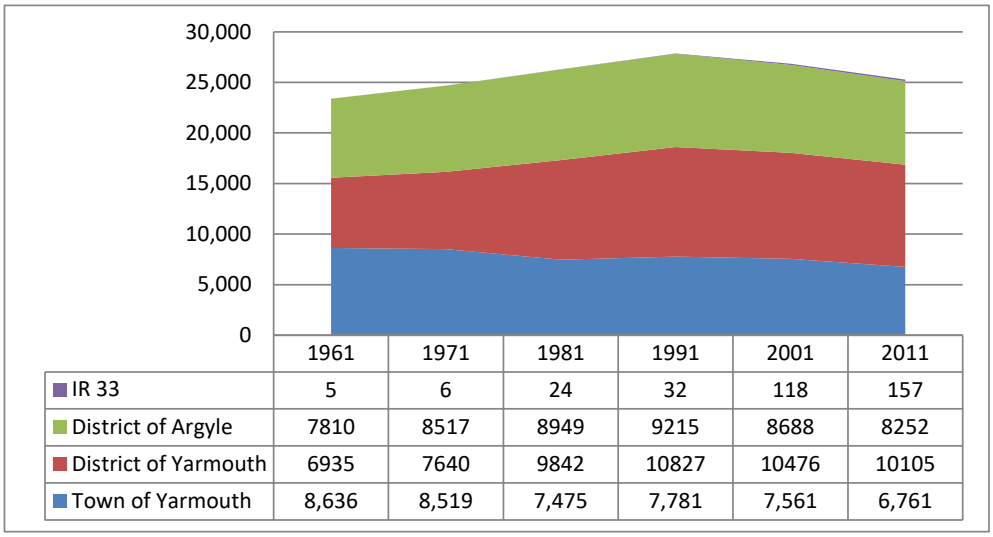
Figure 2.3 Town of Yarmouth: Population (1871-2011)



Source: Statistics Canada, Census of Canada

Meanwhile, in the adjoining Districts of Yarmouth and Argyle, population continued to increase until 1991, after which, it too began to experience declines, though not as severely as in the Town, as shown in Figure 4. The only unit to experience continual growth in the past half century was Acadia First Nation (IR 33) which grew from 5 people in 1961 to 157 in 2011.

Figure 2.4 Population Trends (1961-2011)



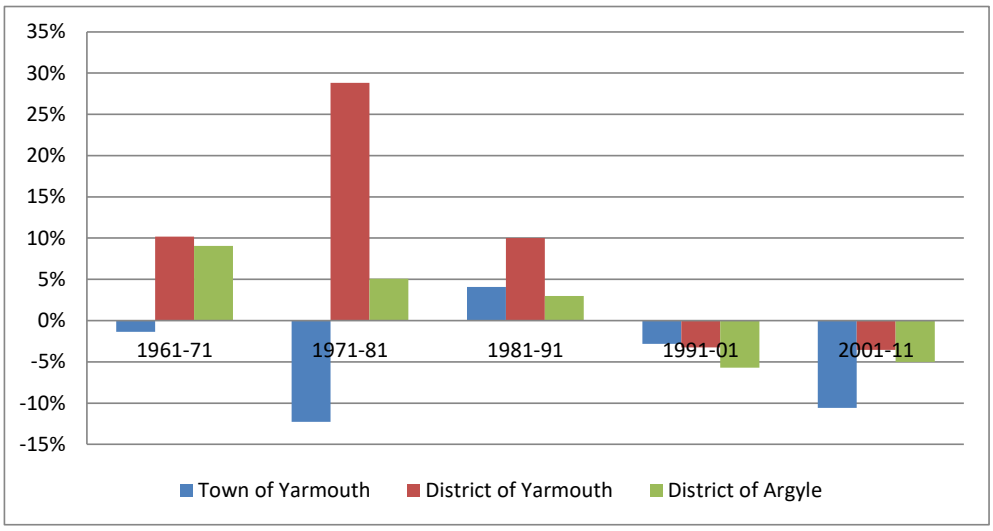
	1961	1971	1981	1991	2001	2011
IR 33	5	6	24	32	118	157
District of Argyle	7810	8517	8949	9215	8688	8252
District of Yarmouth	6935	7640	9842	10827	10476	10105
Town of Yarmouth	8,636	8,519	7,475	7,781	7,561	6,761

Source: Statistics Canada, Census of Canada

The gradual decrease in the Town's population since 1961 may be attributed to out-migration and a reduction in average household size. Statistics Canada Census information indicates that the average household

size in Yarmouth in 1971 was 3.4 persons while in 1981 it was 2.7 persons. The 1986 Census indicated that there was a further reduction in the average number of persons per household to 2.6 and there was a further drop to 2.4 persons in the 1991 Census. From 1991 to 1996 the figure held steady at 2.4 persons, however, by 2011 the figure had dropped to about 2.1 persons per household. Generally, at least until recently, the Municipality of the District of Yarmouth captured the out-migration of Town residents who did not relocate outside the County. Figure 5 shows the percentage change in population for the municipal units in Yarmouth County between 1961 and 2011 and shows how all units began to decline in population between 1991 and 2001. This decline appears to be continuing.

Figure 2.5 Percent Population Change in Yarmouth County (1961-2011)



Source: Statistics Canada, Census of Canada. Yarmouth County is comprised of the Town of Yarmouth, the Municipality of the District of Yarmouth and the Municipality of the District of Argyle. Data shown in this figure do not include IR 33.

Statistics also show that in Yarmouth, as throughout the Province, the percentage of the population over the age of 65 years has grown steadily since 1966. In 1966, 11.9% of the Town's total population was over 65 years old. By 2011 this figure had risen to encompass 22% of the Town's population. An increase in the relative number of older residents as reflected in the average or median age of the overall population. This has been occurring in Yarmouth and the rest of Nova Scotia and Canada; however, the rate of increase has been higher in Yarmouth than elsewhere, as illustrated in the table below:

Table 2.6: Change in Median Age - 2006-2011

	Median Age		Increase	
	2006	2011	Actual	Percent
Canada	39.5	40.6	1.1	3
Nova Scotia	41.8	43.7	1.9	5
Town of Yarmouth	42.3	46.0	3.7	9

Source: Table 7 Canada, Nova Scotia and Yarmouth, T – Median age, 2006 and 2011 censuses

Conclusion

An examination of population statistics indicates that though the population of the Town continues to fall, and as it ages, the Town can expect a moderate continued demand for the upgrading of community services and infrastructure. This is largely the result of the decline in household size which tends to result in continued demand for new housing stock even with a declining population. This trend cannot continue endlessly, of course, and for real growth to occur, new residents need to be attracted to the town. This plan is intended to provide a foundation for new growth by providing policies that make it easier and more attractive for (i.e., enable) new investment in the community. Demand for services will also continue to grow if growth continues to take place within the region surrounding the town. The Town will also experience additional need to support the aging population as the size of the senior population continues to grow.

3. Statements of Community Interest

Under the 2008 Municipal Planning Strategy, many development proposals that came across the Planning Director's desk had to be addressed under Development Agreements, a legally defined process permitted under the *Municipal Government Act* (MGA). The Development Agreement approach takes a significant amount of staff time and places the yea or nay discretion on Council, taking up its time and potentially causing costly delay for the developer. In contrast, an enabling plan facilitates a more timely and simplified approval process that relies more on the discretion of your professional staff.

As noted in Chapter 1, Council intends to adopt the process of Site Plan Approval for a number of development applications that currently require Development Agreements. Some types of developments will be designated for site plan approval while others will still require a Development Agreement. As outlined below, the differentiation is not based so much on the magnitude of the proposal, but on how well it aligns with the wishes of Council in its role of representing the people of Yarmouth.

Site Plan Approvals and Statements of Community Interest

When a development application comes across the Development Officer's desk, the first task is to determine what kind of development is proposed. Developments permitted under Site Plan Approval are stated in the Municipal Planning Strategy. For these projects, staff will test applications against Statements of Community Interest which are stated in the Land Use By-law and written into the Plan. If the proposed development aligns with the relevant statement(s) of community interest, and the developer and Development Officer come to an agreement on the proposed site plan, the proposal can move forward.

Below are eight (8) "Statements of Community Interest" that describe Council's view of how it would like to see development occur, informed by the public and stakeholder input received during the Municipal Plan Review. These form the basis for many of the Municipal Planning Strategy policies that support regulations in the Land Use By-law (LUB). The intent is to encourage members of the development community, business people and private individuals to bring forward development proposals that align themselves with the appropriate "Statements of Community Interest". The

LUB 'rewards' proposals that are in accord with the statement(s) by simplifying the approval process or, in the case of significant mixed use developments, allowing for increased densities as 'bonuses'. Increased densities result in a financial incentive to the developer and they can also make it more efficient for the municipality to service as more dwellings are located nearer one another. Public transit is one of the key beneficiaries of higher density.

1. Starrs Road Commercial Area

Starrs Road is the retail hub for the Region and Town Council salutes the concentration and variety of businesses along the street. It is readily accessible, has extensive available parking, and the retail outlets are all well known. It generates numerous jobs in the Region and tax revenue for the Town.

However, Starrs Road is one of the principal entrances to the Town and it does not present an appealing first impression. Part of this is a function of the previous MPS and LUB which required buildings to be set far back from the street and also to have large amounts of parking. There is a lack of pedestrian infrastructure and broad expanses of asphalt, along with very limited vegetation, which makes the area less than visually appealing. Town Council recognized that some previous planning regulations, particularly its mandatory parking requirements, worked against growth and improvement in the Starrs Road area.

It is therefore in the interest of the community as well as the business owners to initiate a change in this image. Council wishes to encourage business expansion and, in particular, see a number of smaller buildings constructed adjacent to Starrs Road providing an opportunity for local business and start-ups. This concept will be facilitated by removing the mandatory parking and setback requirements and using a site plan approval process to speed up approval. Parking lots should be assessed to identify places for vegetation and beautification. The Town will collaborate with the business community to improve pedestrian circulation as well as add environmentally appropriate vegetation where possible. This will help to create a more urban looking environment, reduce heat island effects, as well as support walking and cycling. Council has already taken steps towards implementing a transit service linking important nodes in the Town such as Starrs Road, the Downtown Commercial area, the hospital, and residential area. Through this partnership with the business community the Starrs Road area will grow and become more attractive as a principal entrance to the community. The image below illustrates the desired general

scale and setback of development next to Starrs Road.

Figure 3.1 Desirable scale and setback of new development on Starrs Road

2. Downtown Commercial Area

The Downtown Commercial area is the heart of the Town of Yarmouth and it is essential that it remain as vibrant as possible. This is the area that supports small business, financial institutions and start-up developments rather than the larger big-box commercial operations. Thus it is essential that as many activities as possible, that attract people to a walkable Downtown, be encouraged to locate within the boundaries of the Downtown Commercial area.

It is in the interest of the community to maintain the policy that office uses be restricted to the Downtown. Careful attention must be paid to good design within the Downtown including building facades and signage. The preservation of historic residential buildings to the east of the Downtown area is important to adding activity and vitality in the Downtown. A strong infilling policy in the surrounding area will cause more people to reside close to Downtown and add to the level of activity. The Downtown must be walkable and appeal to people on bicycles and those who use transit. Downtown is a tourist destination with an opportunity to display and sell local products and handcrafts. Development in the Yarmouth waterfront is an important aspect of growth in the Downtown and Council will continue its efforts to work with the business community in strengthening this part of the Town.

3. Working Waterfront

Council supports the concept of a working waterfront with compatible uses such as tourism attractions, offices, and industrial facilities integrated into the commercial/industrial fabric adjacent to the Downtown Commercial

Area. Council will collaborate with the Waterfront Development Corporation to prepare a detailed development plan for the waterfront area. In the meantime, new residential uses will not be permitted in the waterfront area of Water Street.

Council is also aware of the ongoing and imminent threat of flood damage due to storm surges and recognizes the realities of climate change in particular the long term threat of sea level rise which could, in the foreseeable future, overwhelm Water Street, its industries, businesses and public spaces, without significant effort and investment to protect the waterfront.

It is in the interest of the community that in the longer term Water Street will need to be raised or a breakwater created to prevent chronic inundation of the street. It is therefore in the interest of the community to encourage any new development that occurs in the vicinity of Water Street to take sea level rise into consideration.

4. Infilling in Existing Residential Areas

Encouraging infilling in existing residential areas makes good use of existing infrastructure. It is in the interest of the community that new development respects the architecture of the area and is compatible with adjacent properties. Affordable housing and greater housing choices, such as supportive and transitional housing, mixed income rental housing, and increased densities will be considered.

New building uses undergoing Site Plan Approval will have additional general requirements to have buildings be compatible in scale, setbacks, main floor elevation, roofline, and height. Proposals will support the urban character of the area and allow for side-yard parking and access to the rear yard. Proposals that are unable to meet parking requirements on-site will be given the option of providing cash-in-lieu for the required parking. Proposals will have landscaping elements that are visually appealing and assist in storm water run-off control. Site-grading plans will limit water run-off onto adjacent properties to current (i.e. pre-construction) levels. Walking, cycling, and the use of transit will be encouraged.

5. Large Mixed-Use Developments

Council wishes to encourage a comprehensive approach to development in the South-east quadrant of the Town towards the top of Argyle Street and in undeveloped areas south of Starrs Road to consolidate existing development and optimize the use of public infrastructure and services

such as public transit and *in situ* multi-use (i.e., active transportation) facilities. These areas are identified in Map 1, the Generalized Future Land Use Map (GFLUM)

Developments eligible for Site Plan approval or Development Agreement will be designed to discourage through vehicular traffic and provide for a safe pedestrian environment. Walkways and bikeways will prioritize use of these modes of transportation and provide access to public transit routes. Local businesses (goods and services) will also be encouraged along main arteries at appropriate locations such as intersections.

- **A. South-East Quadrant**

Currently most development in this area is taking place as one-off developments on existing individual properties. It is in the interest of the community that properties in the general area described above be consolidated into larger land holdings that allow for the preparation of a comprehensive development plan that includes some businesses and a mixture of housing types including affordable housing. Consolidation into larger land holdings facilitates infrastructure planning and the design of storm water run-off control elements. Comprehensive planning allows for integration of mixed-uses and an increase in housing density without compromising quality. This will require the creation of a Comprehensive Development Zone.

The general development approach intended for this area is illustrated in the following figure, however in the event of a comprehensive planning effort, this concept would be reviewed and amended to meet the current and future needs and constraints of the community.

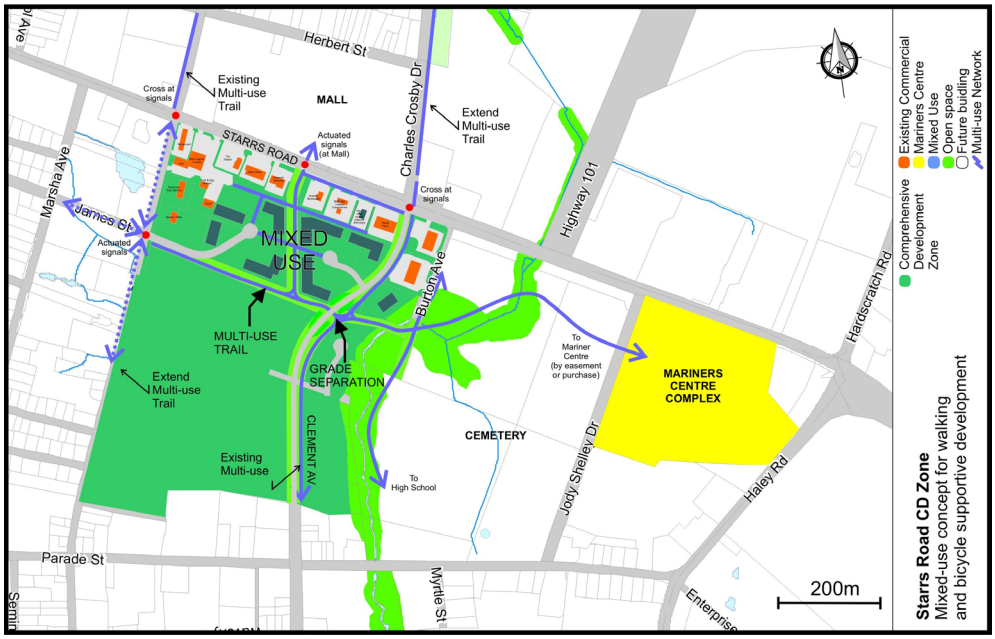
Figure 3.2: Southeast Quadrant development Area (concept)

Council also recognizes the reality of periodic flooding in the Broad Brook area which is encompassed within the southeast quadrant development area, and wishes to see the areas surrounding Broad Brook develop in such a way as to minimize the impact of flooding on private and public buildings. In the Broad Brook area, building is currently not permitted below the 16 metre contour. It is in the interest of the community that the creation of basements in the area between the 16 and 18 metre contour will be either avoided or use slab-on-grade construction.

- **B. South of Starrs Road**

It is in the interest of the community that properties in the commercial holding area south of Starrs Road, and indicated in the map below, be developed as a mixed use development due to the proximity of an established transportation network, regional shopping centres, and recreation. This area should be developed using a comprehensive development planning approach that includes regional businesses such as hotels and retailing, as well as medium to high density housing types including affordable housing. This area may be expanded to encompass other areas adjacent to Starrs Road over time.

Figure 3.3: Starrs Road South Development Area (concept)



6. Institutional Buildings and Uses

Institutional uses include a number of buildings in public and semi-public ownership which are, or have been, used for Institutional purposes. These include schools, churches, the legion, emergency shelters, transitional and supportive housing, and the golf club to mention a few. In many cases these

buildings are located in residential areas although they are shown on the Land Use By-law as Institutional. There are two situations that both present opportunities for the Town. The following are recommended statements of community interest for each of these situations.

Start Up / Shared Institutional Facilities: It is in the interest of the community to support development proposals within existing Institutional Uses which are viable operating entities but which have facilities that are being underutilized and present an opportunity to provide support for a start-up operation or to support a small business, thereby encouraging business development. Most start-up operations and many small businesses are benign in nature and have little or no impact outside of the boundaries of the building in which they operate. In this situation, since the Institutional use is continuing, additional uses can be permitted as of right under certain conditions where there is no impact on the immediate neighbourhood. To be permitted as of right, an application must meet the following criteria:

- Start-up or small business use - commercial or light industrial;
- Existing institutional building where the main use is Institutional;
- Must not be obnoxious; and,
- Must not generate traffic or parking concerns.

Repurposing Institutional Buildings: Where buildings have outgrown their original use or are being replaced it is in the interest of the community, where there is an opportunity to repurpose the building, to consider allowing alternate uses that strengthen the urban fabric and the community. Since this would imply a change in ownership and/or the use of the building, there must be an opportunity for public input to the process. In this case the proposal should proceed by Development Agreement. To be considered, an application for a Development Agreement must meet the following:

The use is consistent with the Strategy;

- The use is compatible with the adjacent and nearby land uses considering the proposed use and issues such as traffic, parking, and storage;
- Adequate screening is provided considering nearby uses exterior lighting is designed to minimize impact on adjacent area;
- The proposal encourages the use of active transportation; and,
- The Town’s infrastructure is sufficient to meet the needs of the use.

7. Seasonal Retail Uses

This statement of community interest should be read together with the statement of community interest for the Downtown Commercial Area which states in part: "The Downtown Commercial area is the heart of the Town and it is essential that it be kept as vibrant as possible. This is the area that supports small business and start-up developments …. Thus it is essential that as many activities as possible that attract people to the Downtown be encouraged." Street vendors and canteens can contribute to a lively downtown. It is in the interest of the Town and the broader regional community to provide an opportunity for local artisans and street food vendors to operate in designated places in the downtown during the tourism season and for special events throughout the year. It is believed that this will encourage entrepreneurship and support the local arts community and food service industry. Besides the downtown, the Town of Yarmouth may approve vendors and canteens in other locations, particularly during special events where they will add colour and vibrancy and supplement existing services. Finally, the Town is mindful that the vending services must be located so as to not create a hazard to the public or create undue competition for established businesses. Therefore, vending services will not be permitted adjacent to existing established year round businesses which sell similar products. Except for special events, they will be limited to the tourist season. Policies with respect to litter, odour, and glare from lighting must be respected and enforced. The products being sold must be restrained within the approved vehicle or stand. Food trucks are especially welcome within the Town of Yarmouth as they offer a service that both residents, as well as Tourists, can enjoy year-round. Council wishes to support these uses to establish within Commercial areas in the hope that they are successful and will continue to grow within the Town, perhaps opening a restaurant in a permanent location. For this reason, Food Trucks that wish to locate twelve (12) months out of the year on a single property in a commercial area shall be permitted to do so but will be required to obtain a Vending Permit.

8. Waterfront Mixed Use Area

The tradition of intense economic and activity development on the Yarmouth Waterfront, mainly related to fisheries and transportation, has continued to thrive for nearly two centuries. It has been and remains a major contributor to the Town’s economy. Principally because of access to deep water, the area adjacent to the Central Business District south to the Town boundary contains virtually all of the Town’s water-tied industries

and activities, and through the efforts of the Yarmouth Waterfront Development Corporation (YWDC), there is room to expand into more shore-based industries there as well. In contrast, areas on both sides of Water Street North of Tower Park to Vancouver Street lack deep water access but they contain, instead, unique features that present interesting and creative development opportunities. For example, this area offers attractive views of the entire harbour, it is easily accessible from the hospital and residential areas at the head of the harbour, and has low truck volumes when contrasted with parts of the street farther south. The Town sees the lands of Water Street North as having powerful development potential for mixed use development, ranging from housing through to compatible light industrial and some community uses. Towards this end Council wishes to work closely with the YWDC and the development community to stimulate investment in the area. The Land Use policies for this area must be flexible and enabling, while they protect existing development in the surrounding area. This area will be referred to as the Waterfront Comprehensive Development Zone. Council recognizes that specific policies must evolve within this broad framework as development proposals are brought forward.

Conclusion

Statements of community interest are intended to simplify the development process and at the same time direct development towards a common community goal. This implies that planning staff will have more autonomy, allowing Council to focus on issues of broader community concern. The development community will also have a much clearer understanding of longer-term intents and wishes of Council with specific regard to direction of the physical development it wishes to encourage.

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 Eight Residential Zones

Within the residential designation of the Generalized Future Land Use Map, eight (8) 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**);
- Comprehensive development (**CD**); and,
- Housing Accelerator (HA)

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. The Housing Accelerator – 1 (HA-1) Zone is designed to work in concert with key initiatives under the Council approved Housing Accelerator Fund (HAF) Action Plan and offer appropriate levels of flexibility to accommodate a wide range of housing. The HA-1 Zone is intended to serve as a placeholder pending completion additional HAF-focused Land Use Bylaw changes as well as the Town's comprehensive review of this Municipal Planning Strategy and the Land Use Bylaw.

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 371.8m^2 (4000 sq. ft.) of gross floor area exclusive of vestibules, washrooms and closets or are otherwise developed on lots exceeding 2322.5m^2 (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.

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 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: mobile home parks; boarding and rooming houses; medium density group dwellings; and that are to be developed on lots less than 2323m^2 (25,000 ft^2) and less than 371.8m^2 (4000 ft^2) in gross floor area exclusive of vestibules, washrooms and closets. Site Plan Approvals should be only used in situations where physical changes to the site are proposed or required. Where no physical changes are proposed, a Development Permit can be issued where the use complies with requirements of the Land Use Bylaw.

> **Policy 4.15 It shall be the intention of Council to consider the following uses within the residential designation by site plan approval:**
>
> **(1) Boarding or Rooming Houses; and**
>
> **(2) Medium Density Group dwellings.**

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 2323m^2 (25,000 ft^2) and which exceed 371.8m^2 (4000 ft^2) 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 4.16 It shall be the intention of Council to consider the following uses within the Residential designation subject to Implementation Policies 10.8 and 10.9:

(1) (a) New multiple unit dwellings or expansions to existing buildings, to create more than eight (8) units per lot provided they are not located within the Architecturally Sensitive (A-S) area;

(b) Notwithstanding 1(a) above, new multiple unit dwellings or expansions to existing buildings, that would create eight (8) units or less, provided they are not located within the Architecturally Sensitive (A-S) area, may be required to be approved by Development Agreement;

(2) 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;

(3) Nursing homes, group homes and adult day centres;

(4) Hostel developments;

(5) Boarding or rooming houses;

(6) Medium Density group dwellings; and

(7) Community-based transitional housing and supportive housing projects that are not otherwise permitted in the applicable zone.

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

Policy 4.17 Council may consider waiving Land Use Bylaw requirements within the residential designation through the Development Agreement Process, specifically related to:

a) **Accessory buildings;**

b) **Parking;**

c) **Lot area;**

d) **Lot frontage;**

e) **Yard setbacks;**

f) **Building heights; and,**

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 one (1) hectare/2.47 ac, 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 one (1) hectare 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 46.45m^2 (500 ft^2) of gross commercial floor area; and, personal service shops up to a maximum of 46.45m^2 (500 ft^2) 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 46.45m^2 (500 ft^2) of gross commercial floor area.

However, Council will entertain applications for convenience stores, personal service shops, restaurant uses (eat-in only) and accessory uses thereto including lounges and outdoor cafés, and any other context appropriate non-residential uses to encourage adaptive reuse of existing buildings up to a maximum combined area of 278.7m^2 (3,000 ft^2) 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 Policy 5.52.**

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.

Short-term Rentals

Short-term rentals are dwelling units that are rented out on a temporary basis for short-term accommodation. Short-term rentals may include the rental of an entire dwelling unit including a single residential dwelling, semi-detached unit, apartment or accessory dwelling or the rental of individual bedroom within a home.

Policy 4.27 Council shall, through the Land Use By-law, continue to permit the rental of a maximum of six bedrooms within a dwelling unit as a Guest Home provided the operator of the Guest Home resides in the dwelling.

Policy 4.28 Council shall, through the Land Use By-law, permit short-term rentals of entire dwelling units in all Residential, Commercial and Mix-Use Zones that permit residential dwellings, but shall limit the number of short-term rentals to one per lot and shall require the short-term rental to be located on the same lot as the primary residence of the short-term rental operator.

Policy 4.29 Council may consider proposals for more than one short-term rental of an entire dwelling unit per lot, and for short-term rentals of entire dwelling units where the operator does not reside on the lot, by development agreement. Council shall not enter into a development agreement for such proposals unless Council is satisfied the proposal meets the general criteria for evaluating development agreements, as set out in Policy 10.8 and 10.9 and that Council has given consideration to the following:

a) That the proposed short-term rental will not significantly impact the supply of long-term rental housing in the

community;

b) That more than one short-term rental per lot in is generally not supported in residential areas;

c) That short-term rentals in residential zones should be consistent with residential use and character, and that noise, visual impacts, and traffic impacts will be mitigated;

d) That adequate parking has been provided for the proposed short-term rental and that parking areas do not dominate the streetscape;

e) That the proposed short-term rental use can be safely accommodated within the dwelling unit and that safety concerns are adequately addressed;

f) That there are no restaurant, meeting, or entertainment facilities open to the general public; and

g) That the proposed short-term rental will be managed by an onsite resident or manager or by a designated property manager located within the community.

Policy 4.30 Short-term rentals can help to address specific housing needs but short-term rentals also put pressure on housing availability through the conversion of existing housing stock and by increasing rental rates. Council shall review the short-term rental policy and regulations in the next Municipal Planning Strategy and Land Use bylaw review as part of a broader housing policy review.

5. Commercial

Goals – Commercial Designations

In encouraging and directing commercial development through its Municipal Planning Strategy and Land Use By-law, Council seeks to achieve the following goals:

(1) To assist and support commercial developments and ensure they remain viable and to clearly establish the role and function of commercial districts within the Town.

(2) To clearly identify the location and boundaries of commercial areas and to prevent their undue encroachment on residential areas;

(3) To keep development control provisions to a minimum in order to encourage the development of new commercial activity;

(4) To promote the development of new commercial activity as well as the enhancement of existing commercial activity; and,

(5) To encourage the infilling and redevelopment of designated commercial areas which are already serviced with municipal infrastructure.

Although it is difficult to quantify due to the lack of accurate statistics, commercial development has helped solidify the Town as the commercial center of South Western Nova Scotia. The presence of major retail and commercial service facilities as well as national and international transportation links helps support the Town's role as a regional center. The Town's primary trade area for the most part consists of Yarmouth County (Town of Yarmouth, the Municipality of the District of Yarmouth and the Municipality of the District of Argyle), servicing a population of roughly 25,100 (Statistics Canada, 2011). Meanwhile the Town's secondary trade area, commonly understood to include Yarmouth County as well as Digby and Shelburne Counties, contains a population of roughly 59,000 (Statistics Canada, 2011). Clearly, the Town’s planning policies must address the demands of the population outside its boundaries.

The Town of Yarmouth has four identifiable commercial areas: the Downtown core; the Starrs's Road area; the Vancouver, Main and Water Street intersection in Milton; and the Main and Argyle Street intersection.

The Main Street commercial area is said to extend
"from fountain to fountain"

Vancouver Street fountain

Argyle Street fountain

Policies for the Main and Vancouver Street area and the Main and Argyle Street area have been combined because of their similarities.

Three (3) Generalized Future Land Use Map (Map 1) designations are identified herein:

- Central Business District (C-1)
- General Commercial District (C-2)
- Secondary Commercial District (C-2M)

It is intended to allow the widest possible range of commercial uses within the Central Business District designation. The General Commercial designation with a more limited range of permitted uses serves a broad regional market. Lastly, the Secondary Commercial designation is intended to support the Central Business District and the General Commercial designation with an even more restricted range of commercial activities. This is mainly due to its close proximity to residential areas and traditional small lot sizes. Though the range of commercial activity is limited, Council intends to support commercial activities, in particular those located within the South End Secondary Commercial designation, in an attempt to help revitalize the south end area of town.

General Provisions for Commercial Developments

Certain provisions are general in nature and apply to all designated areas. Therefore, they are classified as general provisions for commercial development. These regulations are intended to apply uniformly across the three (3) designated areas: the Central Business District, the General Commercial District and the Secondary Commercial District.

The following policy outlines these general provisions:

> **Policy 5.1 It shall be the intention of Council to include in the Land Use By-law general provisions regulating development within the Downtown Commercial (C-1) Zone, the General Commercial (C-2) Zone, the General Commercial Main Street (C-2M) zone and the Secondary Commercial (C-3) Zone with respect to yard requirements for commercial uses abutting non- commercial uses located within the Residential designation, restrictions on open storage or outdoor displays, standards for automobile service stations, the number, siting, height and use of accessory buildings, main buildings and multiple main buildings on a lot and standards for drive-thru services.**
>
> **Policy 5.1.1 Council may consider reductions to abutting yard set-backs for main and accessory buildings from lot lines shared with non-commercial areas through a Development Agreement.**

Central Business District Designation

The following goals have been identified with respect to development activity within the Central Business District designation and serves as the basis for the development of more detailed policy objectives and statements.

Goals - Central Business District Designation

The goal is to ensure that the Central Business District remains physically attractive and economically vibrant by:

> **(1) Limiting the establishment of new business and professional offices to the Downtown area, in particular, the Downtown Commercial (C-1) Zone and the Waterfront Commercial Industrial (WCI-5) Zone;**
> **(2) Promoting the efficient use of existing public parking facilities and the development of new parking facilities in order to support existing and new commercial activities; and,**
> **(3) Promoting medium and high density residential development**

in the Central Business District.

The Central Business District (CBD) is that area commonly referred to as “downtown". Downtown has historically experienced development on Main Street and along several blocks between Main and Water Streets. Additional commercial development has also located east of Main Street but not with the same intensity as developments fronting on Main Street. The CBD designation has had and should continue to have the broadest range of commercial activities. It is intended by limiting all new business and professional offices to the downtown area (C-1 and WCI-5 zones), except home based business offices and accessory business offices, that this traditional area will remain the “heart” of Yarmouth.

As one component in the larger commercial fabric of the Town, downtown has a significant role to play in the general well-being of the entire Town.

It is recognized that a healthy downtown requires a significant residential component in order to maintain the downtown’s vitality. For this reason, the Residential designation boundary adjacent to the CBD will be “soft” to allow for rezoning to Medium Density Residential (R-2) except on Water Street. Residential developments up to a maximum of eight (8) dwelling units will be permitted as-of-right in the Downtown Commercial (C-1) Zone except for lots fronting on Water Street where new residential buildings will not be permitted.

In order to maintain a coherent, uniform and consistent commercial environment, residential dwelling units will not be permitted at street level in the central core of the Central Business District. However, as the district transcends into the Residential designation, medium and high density residential developments, even at street level, will be encouraged to increase the residential occupancy of the downtown area. Residential developments (eight (8) dwelling units or less per lot) located within the Central Business District and zoned Downtown Commercial (C-1) south of Forest Street and north of Grand/South Street will be permitted at street level as-of-right.

The Generalized Future Land Use Map has identified the limits of the CBD designation by the placement of a “hard” line boundary which can only be amended by amendment to this Strategy. It is anticipated that the CBD will expand east of Main Street between Parade and Cliff Streets. However, it is the intention of Council to limit commercial development to the western side of Thurston Street by the eventual placement of a "hard" line CBD boundary along the western side of Thurston Street, down the southern

side of Alma Street and down the northern side of Cliff Street. The eventual placement of the CBD “hard” line boundary, as described above, shall not be expanded in order to protect the residential areas to the east from further commercial encroachment. There is also a significant opportunity to expand the CBD in a southerly direction to Haskell Street between Main and Water Streets by amendment to this Strategy. The expansion of the Downtown Commercial (C-1) Zone will only be considered on a lot by lot basis and such lots shall be adjacent to or across the street from the Downtown Commercial (C-1) Zone. Leap frogging or spot zoning shall be strictly prohibited for commercial uses when considering the expansion of the CBD.

The Central Business District merchants and property owners will be responsible for the continued provision of parking for existing development. The Land Use By-law will require on-site parking or a transfer to the Town of cash-in-lieu thereof, for major new commercial development in excess of 929.5m^2 (10,000 ft^2). Any cash-in-lieu of parking received by the Town will be directed towards development of new parking facilities as well as upgrading existing parking facilities within the downtown area.

Council will use Development Agreements for major new commercial development in excess of 1393.5m^2 (15,000 ft^2) to ensure that such developments do not place undue strain on existing road, sewer, water, parking and community facilities. This requirement shall apply to any new commercial development in excess of 1393.5m^2 (15,000 ft^2) of commercial floor area or where an addition to an existing building creates more than 1393.5m^2 (15,000 ft^2) of commercial floor area. The alteration of, renovation to or change of use within any existing building shall be exempt from this requirement. While the Town encourages and welcomes commercial development in the CBD, efforts must be made to ensure it is compatible with existing developments and that it addresses the difficulties posed by redevelopment.

In an effort to provide a fair advantage to all property owners within the Central Business District with respect to views of Yarmouth’s harbour, it is the intent of this Strategy to limit the height of all buildings and structures to a maximum of 15.24m (50 ft) This maximum height shall not be exceeded by variance, Development Agreement or any other means without an amendment to this Strategy.

Downtown Commercial (C-1) Zone

The following are Council's policies with respect to development in the Central Business District:

Policy 5.2 It shall be the intention of Council to designate those lands generally recognized as the Town's traditional commercial core which are bounded on the north by the center of Fifth street on the west side of Main and King Street on the East; bounded on the south by the center of Haskell Street and lands north of Albert Street; bounded on the east by the west side of Thurston Street; and, bounded on the west by the center of Water Street as "CBD" on the Generalized Future Land Use Map.

Policy 5.3 It shall be the intention of Council to establish all boundaries for the CBD Generalized Future Land Use Map designation as "hard" pursuant to Implementation Policy 10.5.

Policy 5.4 It shall be the intention of Council to amend the boundaries of the CBD Generalized Future Land Use Map designation only by amendment to the Municipal Planning Strategy.

Policy 5.5 It shall be the intention of Council to include in the Land Use By-law a Downtown Commercial (C-1) Zone, which shall include the following types of uses permitted as-of-right: art galleries; cultivation and processing within wholly enclosed buildings, excluding the cultivation of marijuana; retail shops; community markets; convenience and grocery stores; wholesale shops; light service shops; personal service shops; business offices; professional offices; internet web site development; municipal, provincial and federal government offices; public parks; call centers; banks and financial institutions; hotels, motels and hostels; institutional uses; medical clinic; parking lots and parking structures; places of entertainment, recreation, fitness and assembly within wholly enclosed buildings; taxi and bus stations; taverns, lounges and cabaret; broadcasting stations; restaurants; light service industries within wholly enclosed buildings; live-in art gallery studios; laundromats and residential uses pursuant to Policy 5.7(A) and Policy 5.7(B) and Policy 5.7(c).

Policy 5.6 It shall be the intention of Council to zone all existing commercial uses within the CBD Generalized Future Land Use Map designation as Downtown Commercial (C-1). All other lands within

the designation shall be zoned according to their use.

Policy 5.7 (A) It shall be the intention of Council to allow up to a maximum of eight (8) residential dwelling units per lot in the Downtown Commercial (C-1) Zone provided the residential use does not locate at street level. Notwithstanding, residential dwelling units may be developed at street level on lots south of Forest Street and north of Grand/South Street.

Policy 5.7 (B) It shall be the intention of Council to allow up to a maximum of eight (8) residential dwelling units per lot in the Downtown Commercial (C-1) Zone provided the residential use does not locate at street level. Notwithstanding, residential dwelling units may be developed at street level on lots that directly abut the soft line boundary of the Residential designation.

Policy 5.7 (C) It shall be the intention of Council to not permit new residential buildings on Water Street in the C-1 Zone.

Policy 5.8 Notwithstanding Policy 5.7, it shall be the intention of Council to allow the development of Live-in Art Gallery Studios at street level within the Downtown Commercial (C-1) Zone subject to the following:

(1) That the commercial component of the Gallery shall be anterior in respect to the residential component of the Live-in Art Gallery Studio; and,

(2) That all other requirements of this plan are satisfied.

Policy 5.9 It shall be the intention of Council to consider commercial development proposals which do not exceed 1394.3m^2 (15,000 ft^2) in floor area on lands designated CBD but not zoned Downtown Commercial (C-1) by amendment to the Land Use By-law subject to Implementation Policy 10.7.

Policy 5.10 It shall be the intention of Council to consider Medium Density Residential (R-2) developments within the CBD designation by amendment to the Land Use By-law pursuant to Implementation Policy 10.6 and subject to the following:

(1) That the lot directly abuts the residential designation;

(2) That the minimum on-site parking requirements can be met or cash-in-lieu of parking has been paid; and,

(3) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Policy 5.11 It shall be the intention of Council to consider the

development of any new commercial activities within the (C-1) Zone which exceed 1393.5m^2 (15,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m^2 (15,000 ft^2) in gross commercial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to general conformity with criteria contained in implementation Policy 10.8. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 5.12 It shall be the intention of Council to consider proposals for kennel facilities within the (C-1) Zone for day-boarding and training of dogs by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to conformity with criteria contained in implementation Policy 10.8 provided:

(1) The property does not directly abut the residential designation.

Policy 5.13 It shall be the intention of Council that any Development Agreement entered into pursuant to Commercial, Policy 5.11, and Policy 5.12 shall contain such terms and conditions necessary to implement the agreement pursuant to Implementation Policy 10.9.

Policy 5.14 It shall be the intention of Council to include in the Land Use By-law minimum development standards in the Downtown Commercial (C-1) Zone with respect to building height.

Policy 5.15 It shall be the intention of Council with respect to the provision of parking facilities in the CBD to:

(1) Bear the responsibility of providing and maintaining adequate parking facilities for existing commercial uses;

(2) Require that where any addition to an existing structure or the erection of a new structure creates a dwelling unit, the developer provides and maintains one (1) parking space for each newly constructed dwelling unit or otherwise pay the cash-in-lieu equivalent. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement;

(3) Work with residential developers within the Downtown Commercial (C-1) Zone by considering on a case by case

nature the feasibility of offering residential developers off-site parking in the form of either on-street designated residential parking along side streets, excluding Main Street, Water Street and John Street, or by designating residential parking spaces in public parking lots for the residential dwelling use; and,

(4) Prohibit the development of any parking space or loading space within any front yard or flanking yard of any lot abutting Main Street, Water Street or John Street in the Downtown Commercial (C-1) Zone. This provision shall only apply when a new "main" building is being developed. The alteration of, addition to, renovation to or change in use to any existing "main" building; the construction of a new "accessory" building or the alteration of, addition to, or renovation to any existing "accessory" building; or, any change to the use of land shall be exempted from this requirement.

Policy 5.16 It shall be the intention of Council to include in the Land Use By-law a provision that enables developers the option of providing cash in lieu of required residential parking where proposals are unable to meet the parking requirements on-site. Further, it shall be the intention of Council to utilize cash-in-lieu for the maintenance and expansion of parking facilities.

Policy 5.17 It shall be the intention of Council to include in the Land Use By-law a formula for the calculation of cash-in-lieu of parking contributions.

Policy 5.18 It shall be the intention of Council to consider the development of Waterfront Commercial Industrial (WCI-5) uses (except fish and food processing) within the CBD designation by amendment to the Land Use By-law pursuant to Waterfront Commercial Industrial Policy 6.14 and Implementation Policy 10.6 and subject to the following:

(1) That the lot directly abuts Water Street; and,

(2) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Policy 5.19 It shall be the intention of Council to limit the establishment of business and professional offices to the

Downtown area, in particular, the Downtown Commercial (C-1) Zone and the Waterfront Commercial Industrial (WCI-5) Zone.

Policy 5.20 It shall be the intention of Council to limit the height of any building within the Downtown Commercial (C-1) Zone to a maximum of 15.24m (50 ft.) to provide a fair advantage to all property owners within the zone with respect to views of Yarmouth's harbour.

Policy 5.21 It shall be the intention of Council to consider proposals for community-based transitional housing and supportive housing projects in the Downtown Commercial (C-1) Zone by Development Agreement.

Urban Design Standards for the Central Business District

The Central Business District is the hub of Yarmouth. Council recognizes the importance of downtown as the cultural and business centre for commerce and service. Its historical built form, close knit streets and visual ambiance provides for a friendly pedestrian experience that appeals to social interactions and helps to solidify the notion that yes, this is downtown. Council recognizes that the downtown area is the "heart" of the community and has invested significantly to preserve and enhance the area as the prime business and commercial centre of Yarmouth. The Yarmouth Downtown Blueprint reflects on the importance of downtowns as outlined in the following excerpt:

> *"As the symbolic and functional nucleus of every community, downtowns reflect the well-being, vitality and prosperity of its residents and business community. A vibrant and robust downtown is important to the economic health and civic pride of a community; it stimulates cultural activities, incubates creativity, preserves and showcases cultural history, stimulates economic development, fosters diversity, and provides for the varied needs of its residents and visitors. (Yarmouth Downtown Blueprint)"*

The automobile has transformed cities and introduced urban sprawl, spreading development over the landscape, extending services such as roads, sewer, water, police, fire, emergency response and postal services to such an extent that most people now recognize such a land use pattern is unsustainable. Downtowns were not spared from the effects of the automobile. They were negatively affected as people drove to malls and big box stores with plenty of free parking. Unfortunately, such expansion came with a price, with the side effect of initiating the decay of our downtowns.

Planners and politicians have tried to introduce legislation to minimize the effects of urban sprawl; however, it seems that we are finally getting support from an unlikely source, the high cost of fossil fuels. Cities and communities around the world are reinvesting into their downtowns as a means of sustaining their economic well-being. Downtowns are now considered the means of providing a sustainable built form by helping to sustain vibrant, compact, mixed use, walkable town centres – which in turn are essential to reducing sprawl, automobile use, habitat loss, and air and water pollution. Downtowns also provide a higher rate of tax revenue return with minimal public investment compared to automobile dependent strip developments. In continuing their support for Yarmouth's Downtown, Council wishes to introduce urban design standards (form based planning codes) to help maintain the area as a compact mixed use pedestrian friendly urban form.

Council recognizes the importance of maintaining a healthy and vibrant downtown as a means of sustaining the community but they also recognize the importance of preserving its historical built environment as a cultural and tourism focal point of the region. The uniqueness of downtown centres and their attributes are tourism drawing cards that people visit in order to experience the "soul" of the place. Box stores and strip developments do not offer the same ambiance as there is no uniqueness or special relationship between them and the "place" they are located. Downtowns are rich in history and culture and have a true connection to the "place" that they are located as they offer the traditional "local" experience as an attraction in addition to the business and services that they provide. Council also recognizes the importance of maintaining an aesthetical pleasing downtown core. Appropriate materials and combination of materials on building facades have a substantial impact on the aesthetic quality, value, durability and maintenance of a building. Materials used for building facades should be sympathetic to the adjacent context and enhance the overall character of the area. To this end, Council intends to limit the type of exterior facade materials in the Urban Design Area.

The following are Council's policies with respect to Urban Design Standards - Form Based Planning Codes for a portion of Downtown Main Street:

> **Policy 5.22 It shall be the intention of Council to include in the Land Use By-law an Urban Design Form Based Code Map, Schedule "F", which identifies the boundaries of the "Urban Design Area" as well as the boundaries of the "Urban Renewal Area" those boundaries may be amended by amendment to the Land Use By-**

law.

Policy 5.23 It shall be the intention of Council to support the redevelopment of the exterior facades of those buildings located within the Urban Design Area as identified on the Urban Design Form Based Code Map, Schedule "F", and to consider financial assistance through a facade improvement program with particular attention to those properties located within the Urban Renewal Area as identified on the Urban Design Form Based Code Map, Schedule "F", provided that they meet the Urban Design Standards (Form Based Planning Codes) as identified in the Land Use By-law.

Policy 5.24 It shall be the intention of Council to establish Urban Design Standards (Form Based Planning Codes) within the Urban Design Area as identified on the Urban Design Form Based Code Map, Schedule "F".

Policy 5.25 It shall be the intention of Council to enable developments that do not meet the Urban Design Standards (Form Based Planning Codes) pursuant to Policy 5.23 to be considered by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to the following:

(1) That Council considers the development's compatibility with the streetscape in terms of its architectural design, its height, its bulk and its scale;

(2) That Council considers the development's ability to impact negatively on the streetscape's architecture and how the existing built form interacts with the street;

(3) That Council considers the location of any proposed parking areas and how well they are integrated with the streetscape and how well they are screened from neighbouring properties and from the street;

(4) That Council considers the suitability of any signage, lighting, fencing, or landscaping elements in terms of its impact on neighbouring properties and the streetscape;

(5) That Council considers the development's incorporation of sustainable "green" community facilities such as, but not limited to, solar heat gain; green roofs; green parking areas; gardens and other landscaping elements; rain water retention/recycling facilities; public amenity space; active

transportation facilities; transit facilities; plug- ins for electric cars; public facilities such as, but not limited to, public washroom facilities; and, other similar "green" community facilities;

(6) That the minimum on-site parking requirements can be met or cash-in-lieu of parking has been paid; and,

(7) That the proposal conforms to criteria contained in Implementation Policy 10.8.

Policy 5.26 It shall be the intention of Council to, in addition to the standard applications, require a Municipal Development Permit for any change or alteration in the exterior appearance, including but not limited to, the change in exterior siding material of any existing main building located within the Urban Design Area as identified on the Urban Design Form Based Code Map, Schedule "F".

General Commercial - Designation

The General Commercial designation primarily encompasses commercial developments along Starrs Road. During the 1980's and 1990's, the two malls, Yarmouth Mall and the Tri-County Mall, acted as commercial magnets by generating traffic and acting as a catalyst, transforming Starrs Road into a prime commercial location. The "commercial highway" nature of the area quickly became balanced with a variety of commercial and retail shops. By the mid 1990's the Tri-County Mall could no longer compete with the Yarmouth Mall and was further hindered when K-mart closed its doors. The turn of the century saw the redevelopment of the Tri-County Mall into a new Canadian Tire store, Empire Theatre and a strip mall. Across the street, the Municipality and the Town developed the Mariner's Centre, a multi-purpose two (2) ice surface facility which hosts tournaments, trade shows, exhibitions and conferences. The development of the Canadian Tire store and the Mariner's Centre together provided substantial anchors for the eastern end of Starrs Road, balancing its importance with the remaining commercial area of Starrs Road, in particular, the Yarmouth Mall.

The Town began installing sewer and water services along Starrs Road in 1987 and by 1994 services had been extended past the Starrs/Haley Road intersection. Commercial development continued along this corridor into the County along Highway 3, known as the Airport Stretch. Undeveloped land along Starrs Road is becoming limited as new commercial development proceeds along the Airport Stretch and out towards the 103

along Hardscratch Road.

In an effort to accommodate traffic to and from Starrs Road, Council opened Brooklyn Street as a “collector” street and subsequently renamed it Charles Crosby Drive. Council intends to open Charles Crosby Drive on the south side of Starrs Road with a connection onto Clements Avenue. It is the intention of Council to consider opening Clements Avenue as a “collector” street from Starrs Road to Parade Street in an incremental manner.

It is the intention of Council to adopt a Statement of Community Interest for these lands which introduces the concept of a mixed use (residential/commercial) development in this area. The unserviced James and Beacon Street rights of way east of Pleasant Street will be developed as warranted. These rights of way will provide access to future development lands and will also be used to develop additional active transportation corridors; however they will not provide vehicular connectivity between Pleasant Street and Clements Avenue.

The development of these lands and rights of way will depend largely on the availability of capital funds and market demand.

Goals – General Commercial Area

The goal is to ensure that the General Commercial area in the vicinity of Starrs Road becomes more physically attractive and economically vibrant by:

(1) Allowing greater intensity of use in established areas;

(2) Promoting beautification programs; and,

(3) Instituting new zoning requirements that reduce lot sizes and smaller setbacks for secondary retail uses, and encouraging the creation of a more walkable area.

General Provisions for the General Commercial Designation

The boundaries of the General Commercial designation shall be identified as "hard" and shall only be altered by amendment to the Municipal Planning Strategy. Three zones have been identified within the General Commercial designation:

- General Commercial (C-2)
- General Commercial Main Street (C-2M)
- Commercial Holding (C-H)

All existing non-commercial, residential or institutional uses within the General Commercial designation shall be zoned according to their use.

The following are Council's policies with respect to the General Commercial Designation:

Policy 5.27 It shall be the intention of Council to designate those lands which generally abut Starrs Road between Main Street and Jody Shelley Drive including certain lands which front on Main Street and lands generally located between Starrs Road and Parade Street east of Pleasant Street as "General Commercial" on the Generalized Future Land Use Map.

Policy 5.28 It shall be the intention of Council to establish all boundaries for the General Commercial designation pursuant to Implementation Policy 10.5 and to consider amending the boundaries only through amendment to the Municipal Planning Strategy.

Policy 5.29 It shall be the intention of Council to zone all existing commercial uses and any vacant serviced lots which conform to the minimum lot frontage and lot area requirements within the General Commercial designation as either General Commercial (C-2) if located east of Brunswick Street or General Commercial Main street (C-2M) if located west of Brunswick Street. Vacant unserviced lands within this designation shall be zoned in accordance with Commercial Policy 5.41. All other lands shall be zoned according to their use. Vacant serviced undersized lots which do not conform to the minimum lot frontage or area requirement shall be zoned Low Density Residential (R-1).

Policy 5.30 It shall be the intention of Council to consider proposals for General Commercial (C-2) uses east of Brunswick Street or General Commercial Main Street (C-2M) uses west of Brunswick Street on lands designated General Commercial and zoned Low Density Residential (R-1), Medium Density Residential (R-2) or Institutional (I-1) by amendment to the Land Use By-law provided:

(1) The lot meets the minimum lot area and frontage requirements of the C-2 Zone or the C-2M Zone or is otherwise an existing undersized C-2 zoned or C-2M zoned property which is increased in area or frontage or both as a result of subdivision but still remains undersized;
(2) The proposed rezoning is immediately abutting the same zone to prevent leap-frogging or spot zoning;
(3) All other suitably zoned and serviced properties were

considered for the proposed development; and

(4) The proposal conforms with criteria contained in Implementation Policy 10.7.

Policy 5.31 It shall be the intention of Council to consider proposals for down-zoning lands designated General Commercial (C-2) to Low Density Residential (R-1), Medium Density Residential (R-2) or Institutional (I-1) by amendment to the Land Use By-law subject to the following:

(1) That the lot meets the minimum lot frontage and area requirements for the use as identified in the Land Use By-law;

(2) That in the case of rezoning to R-1 or R-2, the proposed rezoning is immediately abutting a residential (R-1 or R-2) zoned property or in the case of rezoning to Institutional, the proposed rezoning is immediately abutting an Institutional (I-1) zoned property so as to prevent leap-frogging or spot zoning; and

(3) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Policy 5.32 It shall be the intention of Council when considering proposals for General Commercial (C-2) development exceeding 4645m^2 (50,000 ft^2) or more in gross commercial floor area by Development Agreement pursuant to Policy 10.8, to require a 3.0m (10ft) wide landscaped strip abutting any street or public right-of-way.

Policy 5.33 It shall be the intention of Council to include in the Land Use By-law minimum requirements for lot frontage and lot area, building setbacks, height, side yards on corner lots, visibility at street intersection standards, screening requirements, alignment of driveways and entranceway requirements and standards for the placement of multiple buildings and accessory buildings on a lot in the General Commercial (C-2) Zone and the General Commercial Main Street (C-2M) Zone.

Policy 5.34 It shall be the intention of Council to include in the Land Use By-law requirements for the erection of opaque fencing at least 1.8m (6ft.) in height or a 3.0m (10 ft.) wide landscaped strip with growth and/or landscaping not less than 1.8m (6 ft.) in height along the entire length of any abutting lot line for any

General Commercial (C-2) Zone yard or General Commercial Main Street (C-2M) Zone yard which abuts a residential, institutional or open space zone within the Residential designation.

Policy 5.35 It shall be the intention of Council to consider proposals for up-zoning lands zoned Low Density Residential (R-1), Medium Density Residential (R-2) or Institutional (I-1) which are designated General Commercial for rezoning to General Commercial (C-2) east of Brunswick Street or General Commercial Main Street (C-2M) west of Brunswick Street by amendment to the Land Use By-law provided:

(1) That the lot was down zoned pursuant to Policy 5.29;
(2) That the lot is deemed to be an existing lot or otherwise has not had its frontage or area reduced;
(3) That the proposed rezoning is immediately abutting a General Commercial (C-2) or General Commercial Main Street (C-2M) zoned property so as to prevent leap-frogging or spot-zoning; and
(4) That the proposal conforms with criteria contained in Implementation Policy 10.7.

General Commercial (C-2) Zone

The General Commercial (C-2) Zone will allow a broad range of commercial uses. In order to control larger developments in the General Commercial (C-2) Zone, uses in excess of 4645m^2 (50,000 ft^2) will only be considered by Development Agreement.

Starrs Road is one of the principal entrances to the Town and it does not present an appealing first impression. There is a lack of pedestrian infrastructure and the broad expanses of asphalt, along with very limited vegetation, which makes the area less than visually appealing. Town Council recognizes that some current planning regulations, particularly its mandatory parking requirements, work against growth and improvement in the Starrs Road area. In response to these concerns, and consistent with the Statement of Community Interest for the Starrs Road Area, Council intends to:

- Remove all parking requirements for any existing and proposed commercial development in the C-2 Zone;
- Remove the setback requirements for main buildings facing Starrs Road and streets intersecting with Starrs Road;
- Permit, by site plan approval, the erection of secondary buildings on

existing lots for commercial uses. Criteria to be employed in the site plan approval process will include:

- New buildings are located no farther than 10 metres (30 feet) from the main street right of way;
- New buildings have entrances facing the street and are connected to the sidewalk as well as to the parking lot;
- They include visually appealing and environmentally appropriate landscaping;
- They provide bicycle parking visible from inside the building;
- They have no new driveway access on Starrs Road; and,
- They include no driveway between sidewalk and front door.

Council is concerned that live adult entertainment uses will have a negative impact on certain areas of the Town, particularly the downtown and residential areas. Allowing such uses as-of-right would be counterproductive to attempts by Council to market its downtown commercial area as an inviting setting for local residents, potential shoppers, visitors and tourists. To that end, such uses whether as a main use or as an accessory use shall be prohibited in all zones with the exception of the General Commercial (C-2) Zone by Development Agreement. In considering any application, Council shall consider the potential impacts on adjacent and nearby properties with respect to noise, traffic and hours of operation. Live adult entertainment uses will not be permitted in the General Commercial (C-2M) Zone due to smaller lot sizes; more intense compact development pattern; and, proximity to residential developments.

Business and professional office uses will not be permitted in the General Commercial (C-2) Zone as these uses are strictly limited to the downtown area. Banks and financial institutions with 18.58 m^2 (200 ft^2) or less in commercial floor area per lot will be permitted in the General Commercial (C-2) Zone; however, those banks and financial institution uses greater than 18.58m^2 (200 ft^2) will be limited to the downtown area. Existing uses will be regulated pursuant to Schedule “C” of the Land Use By-law in order to clearly define their legal status.

Though a veterinarian clinic could be classified as a business or professional office use, they are recognized as a use permitted within the General Commercial (C-2) Zone provided they are wholly enclosed within a single-occupancy building.

The following are Council’s policies with respect to the General Commercial

(C-2) Zone:

Policy 5.36 It shall be the intention of Council to include in the Land Use By-law a General Commercial (C-2) Zone. This zone shall include the following and other similar types of uses permitted as-of-right: retail shops; community markets; convenience and grocery stores; light service industry within wholly enclosed buildings; light service shops; personal service shops; internet web site development; heavy service shops; restaurants (eat-in, drive-in or drive- thru); taverns, lounges and cabarets; hotels, motels and hostels; wholesale, distribution and warehousing; automobile sales establishments; automobile service stations; car wash facilities; cable television studios; parking lots and parking structures; places of entertainment, recreation, fitness and assembly within wholly enclosed buildings; veterinarian clinics within wholly enclosed single-occupancy buildings; taxi and bus stations; emergency response centers; public utility offices and work yards; private utility offices and work yards; laundromats and banks and financial institutions with 18.58m^2 (200ft^2) or less in commercial floor area per lot; cultivating and processing including value added production for the wholesale and retail market provided operations are conducted and contained within a wholly enclosed building and are not obnoxious by reason of sound, dust, fumes, smoke or other emissions, refuse matters or water carried wastes and the property does not front on Starrs Road and is located more than one hundred metres (100m) from a residential zone.

Policy 5.37 (A) It shall be the intention of Council to consider the development of any new commercial activities within the C-2 Zone which exceed 4645m^2 (50,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 4645m^2 (50,000 ft^2) in gross commercial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* subject to a traffic study and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 5.37 (B) It shall be the intention of Council to consider the development of live adult entertainment uses within the General Commercial (C-2) Zone by Development Agreement pursuant to

Section 225 of the *Municipal Government Act* subject to Council's consideration with regards to the following matters:

(1) That the proposed development is contained and conducted within a wholly enclosed building;
(2) That the proposed development has adequate set-backs or other mitigating factors that would reduce or minimize its potential impacts upon adjacent and nearby playgrounds, schools, youth centres, day care and/or child care uses, churches, other places of worship, cultural uses, institutional uses and residentially zoned areas;
(3) That adequate provisions are made for the control of noise, traffic and hours of operation; and,
(4) That the proposal conforms to criteria contained in Implementation Policies 10.8 and 10.9.

General Commercial Main Street (C2-M) Zone

The General Commercial designation includes some residentially zoned lands west of Brunswick Street. This area is included in the General Commercial designation on the Generalized Future Land Use Map to enable lands to be rezoned for commercial purposes. Commercial redevelopment of this area will only be considered upon conformity with the minimum lot area and frontage requirements. It is Council's intent that these lands will be developed incrementally to prevent leap-frogging or spot rezoning as the commercial development expands up from Main Street or down from Brunswick Street. The Main Street / Starrs Road area will be zoned differently than the remaining section of Starrs Road east of Brunswick Street and have smaller minimum lot area and frontage requirements.

Due to the area's physical characteristics, uses in excess of 2322.5m^2 (25,000 ft^2) will only be considered by Development Agreement. Medium Density Residential (R-2) uses up to six (6) units will be permitted on any level (storey) as-of-right in the General Commercial (C-2M) Zone. High Density Residential (R-3) uses will be permitted on properties designated General Commercial and zoned General Commercial Main Street (C-2M) by Development Agreement. General Commercial Main Street (C-2M) uses will be allowed to intermix with High Density Residential (R-3) uses on the same property on any level (storey) through the Development Agreement process.

The following are Council's policies with respect to the General Commercial Main Street (C-2M) Zone:

Policy 5.38 It shall be the intention of Council to include in the Land Use By-law a General Commercial Main Street (C-2M) Zone. This zone shall include all General Commercial (C-2) uses and residential dwelling units up to a maximum of four (4) units per lot.

Policy 5.39 It shall be the intention of Council to consider the development of any new commercial activities within the (C-2M) Zone which exceed 2322.5m^2 (25,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 2322.5m^2 (25,000 ft^2) in gross commercial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* subject to a traffic study and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 5.40 It shall be the intention of Council to consider High Density Residential (R-3) uses (more than eight (8) units) on any property designated General Commercial (C-2) and zoned General Commercial Main Street (C-2M) by Development Agreement subject to Implementation Policies 10.8 and 10.9.

Commercial Holding (C-H) Zone

The General Commercial designation also includes a large area east of Pleasant Street between Starrs Road and Parade Street. This area remains unserviced and has limited access to road, sewer and water services. It is intended that this area be put into a Commercial Holding (C-H) Zone. As a holding zone, development will be strictly limited. It is intended that the Town will consider applications to develop lands in the Commercial Holding (C-H) Zone using a Site Plan Approval approach following Council's Statement of Community interest for Large Mixed-Use Developments.

The land would be zoned according to its use.

The following are Council's policies with respect to the Commercial Holding (C-H) Zone:

Policy 5.41 It shall be the intention of Council to include in the Land Use By-law a Commercial Holding (C-H) Zone in which no commercial development of any type shall take place, except for the alteration of land levels for the preparation of land for

development, and existing residential uses due to lack of municipal services.

Policy 5.42 It shall be the intention of Council to zone all lands designated General Commercial and which are not serviced with Town approved road, sewer and water services as Commercial Holding (C-H).

Secondary Commercial Designation

There are two traditional commercial areas on Main Street outside the CBD:

- the intersection of Vancouver Street and Main Street and
- the intersection of Argyle Street and Main Street.

These two areas have been included in the Secondary Commercial Generalized Future Land Use Map designation. Although records indicate that the entire length of Main Street may have included commercial development at various times during the past, these two areas are distinct and have easily identifiable boundaries. These boundaries will be established as "hard" and may only be amended by amendment to the Municipal Planning Strategy.

The Municipal Planning Strategy contains policies enabling the creation of a Secondary Commercial (C-3) Zone. Commercial uses located within the Secondary Commercial designation will be zoned Secondary Commercial (C-3). All other uses in this designation will be zoned according to their use. The Secondary Commercial (C-3) Zone will permit a broad range of commercial uses including, but not restricted to the following: retail shops; wholesale shops; convenience and grocery stores; restaurants; institutional uses; medical clinics; light service shops; light service industries within wholly enclosed buildings; personal service shops; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; residential dwelling units up to a maximum of four (4) units per lot; laundromats and accessory uses excluding taverns, lounges and cabarets. The development of new business and professional offices and financial institutions will not be permitted in this zone as these uses are restricted to the Downtown Commercial (C-I) Zone and the Waterfront Commercial Industrial (WCI-5) Zone. Warehousing will also not be permitted due to small lot size and frontage constraints but existing warehousing uses will be permitted to continue.

Taverns, lounges and cabaret uses with a maximum area of 92.9m^2 (1,000

ft^2) will only be considered in the south end Secondary Commercial (C-3) Zone (Argyle-Main Street intersection) by Development Agreement. The size limitation is to ensure that the area is not strained by the influx of additional traffic. Taverns, lounges and cabarets will not be permitted in the north end Secondary Commercial (C-3) Zone (Vancouver-Main Streets intersection) due to lot size and frontage constraints as well as issues with respect to traffic patterns.

The redevelopment of non-commercial properties to Secondary Commercial (C-3) uses within the Secondary Commercial Designation, with less than 371.8m^2 (4,000 ft^2) of commercial floor area, will be considered by amendment to the Land Use By-law. A majority of existing commercial developments in the Secondary Commercial designation are less than 371.8m^2 (4,000 ft^2) and are consistent with the scale and character of the areas. Proposals for Secondary Commercial (C-3) developments of more than 371.8m^2 (4,000 ft^2) in floor area will only be considered by Development Agreement. This requirement shall apply to any new commercial development in excess of 371.6m^2 (4,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 371.6m^2 (4,000 ft^2) of gross commercial floor area. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement. Detailed site planning considerations afforded by the Development Agreement will assist in integrating large scale commercial developments into the areas.

While new commercial development is permitted in these areas, it is intended that it should remain secondary to both the Central Business District and the General Commercial District. The Town has made commitments to ensure that these two districts remain the primary commercial areas through the provision of public facilities and infrastructure.

Goals – Secondary Commercial Designation

The goal is to ensure that the Secondary Commercial areas continue to fulfill their role as vital community economic centres by:

(1) Allowing a reasonably wide range of uses;

(2) Limiting the scale of any use so as to minimize its impact on surrounding uses; and,

(3) Promoting beautification programs.

General Provisions for the Secondary Commercial Designation

The following are Council's policies with respect to development in the Secondary Commercial (C-3) designation:

Policy 5.43 It shall be the intention of Council to designate those lands generally located at the intersection of Main and Vancouver Streets and at the intersection of Main and Argyle Streets as "Secondary Commercial" on the Generalized Future Land Use Map.

Policy 5.44 It shall be the intention of Council to establish all boundaries of the Secondary Commercial designation as "hard" pursuant to Implementation Policy 10.5 and to amend the boundaries only by amendment to the Municipal Planning Strategy.

Policy 5.45 It shall be the intention of Council to include in the Land Use By-law a Secondary Commercial (C-3) Zone. This zone shall include the following and similar types of uses permitted as-of-right: retail shops; community markets; cultivation and processing within wholly enclosed buildings, excluding the cultivation of marijuana; wholesale shops; convenience and grocery stores; restaurants (eat-in, drive-in or drive-thru); institutional uses; medical clinics; light service shops; light service industries within wholly enclosed buildings, personal service shops; internet web site development; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; laundromats and accessory uses excluding taverns, lounges and cabarets. Residential dwelling units up to a maximum of four (4) units per lot are also permitted, subject to the following.

(1) That the developer provides and maintains one (1) parking space for each newly constructed dwelling unit or otherwise pays the cash-in-lieu equivalent. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 5.46 It shall be the intention of Council to zone all existing commercial uses within the Secondary Commercial Generalized Future Land Use Map designation as Secondary Commercial (C-3). Other lands in the Secondary Commercial designation shall be zoned according to their use.

Policy 5.47 It shall be the intention of Council to consider proposals

for commercial development not exceeding 371.8m^2 (4,000 ft^2) in gross commercial floor area on lands designated Secondary Commercial but not zoned Secondary Commercial (C-3) by amendment to the Land Use By- law subject to criteria in Implementation Policy 10.7.

Policy 5.48 It shall be the intention of Council to consider the development of any new commercial activity within the C-3 Zone which exceeds 371.8m^2 (4,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 371.8m^2 (4,000 ft^2) in gross commercial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 5.49 It shall be the intention of Council to consider proposals for taverns, lounges and cabaret uses in the south end Secondary Commercial (C-3) Zone (Argyle-Main Streets intersection) by Development Agreement pursuant to Section 225 of the Municipal Government Act provided:

(1) the maximum area for a tavern, lounge or cabaret shall not exceed 92.9m^2 (1000 ft^2);
(2) one (1) on-site parking space is provided for each 9.3m^2 (100 ft^2) or fraction thereof of gross tavern, lounge or cabaret area excluding vestibules, washrooms and storage; and,
(3) the proposal conforms with criteria contained in Implementation Policies 10.8 and 10.9.

Policy 5.50 It shall be the intention of Council to consider proposals for kennel facilities within the Secondary Commercial (C-3) Zone for the day-boarding and training of dogs by Development Agreement pursuant to Section 225 of the *Municipal Government Act* provided:

(1) the proposal conforms with criteria contained in Implementation Policies 10.8 and 10.9.

Policy 5.51 It shall be the intention of Council to include in the Land Use By-law minimum requirements for lot frontage, lot area, setbacks, building height, side yards on corner lots, visibility at street intersection standards and on-site parking and loading

facilities in the Secondary Commercial (C-3) Zone.

Policy 5.52 It shall be the intention of Council to exempt the requirements for on-site commercial parking and loading facilities for any alteration of, renovation to or change in use within any existing building in the Secondary Commercial (C-3) Zone.

Policy 5.53 It shall be the intention of Council to consider proposals for down zoning lands designated Secondary Commercial to Low Density Residential (R-1) or Medium Density Residential (R-2) by amendment to the Land Use By-law subject to the following:

(1) that the lot meets the minimum lot frontage and lot area requirements for the use as identified in the Land Use By-law;
(2) that the proposed rezoning is immediately abutting an existing residential (R-1 or R-2) zoned property so as to prevent leap-frogging or spot zoning; and,
(3) that the proposal conforms with criteria contained in Implementation Policy 10.7.

Policy 5.54 It shall be the intention of Council to consider the development of High Density Residential (R-3) uses (more than eight (8) units) in the Secondary Commercial Designation by Development Agreement subject to Implementation Policies 10.8 and 10.9.

Local Commercial Zone in the Residential Designation

As outlined in the residential development chapter, Council does not intend to permit a broad range of commercial uses within the Residential designation. However, Council recognizes existing commercial developments within the Residential designation by enabling the establishment of a Local Commercial (C-4) Zone pursuant Policy 4.24.

This zone will enable the establishment of residential uses as well as convenience stores and personal service shops up to a maximum of 46.45m^2 (500 ft^2) of gross commercial floor area. It is intended that the commercial uses be limited in area to minimize any potential land use conflict with adjacent residential uses due to use, traffic and other potential nuisance factors.

However, as outlined in the implementation chapter, Council intends to enable convenience stores, personal service shops, restaurant uses (eat-in only), accessory uses thereto including lounges and outdoor cafés, and any

other context appropriate non-residential uses to encourage adaptive reuse of existing buildings up to a maximum combined area of 278.7m^2 (3,000 ft^2) within any designation by Development Agreement. These developments will be limited to those locations that have direct access and egress onto "collector" or "arterial" classified streets.

In this fashion, the potential traffic impacts on local streets will be minimized. Through the Development Agreement process, Council has the ability to address potential impacts on the surrounding areas on a case by case nature.

The following are Council's policies with respect to development in the Local Commercial (C-4) Zone:

> **Policy 5.55 It shall be the intention of Council to include in the Land Use By-law a Local Commercial (C-4) Zone. This will include the following uses as-of-right: residential dwelling units up to a maximum of two (2) units per lot, convenience stores up to 46.45m^2 (500 ft^2) of gross commercial floor area and personal service shops up to 46.45m^2 (500 ft^2) of gross commercial floor area.**
>
> **Policy 5.56 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, the number, siting and use of accessory buildings and on-site parking requirements for the Local Commercial (C-4) Zone.**
>
> **Policy 5.57 It shall be the intention of Council to zone existing convenience stores within the Residential Generalized Future Land Use Map designation as Local Commercial (C-4) subject to the following.**
>
> > **(1) that the proposal conforms to criteria contained in Implementation Policy 10.42.**

Downtown Transition (DTZ) Zone

Notwithstanding the limitations restricting business and professional offices to the Downtown Commercial (C-1) Zone and the Waterfront Commercial Industrial (WCI-5) Zone as outlined in various text and policy provisions of this Municipal Planning Strategy, Council has created a Downtown Transition (DTZ) Zone in the Residential Designation immediately abutting the Central Business District Designation where certain commercial uses, including business and professional offices, can locate. While it is expected

that these uses will occur in existing buildings, new construction will also be permitted, subject to the policies set out below and to relevant portions of the Land Use By-law. Parking will not be required. The Downtown Transition (DTZ) Zone shall be limited to the area defined as the Downtown Transition (DTZ) Zone shown on the Zoning Map and excerpted below, to ensure that it does not further encroach into the Residential Designation and remains in close proximity to the Central Business District Designation. This is a "hard" boundary.

Implementation of the Downtown Transition (DTZ) Zone will be subject to conformity with criteria contained in Implementation Policy 10.7 and will be subject to site plan approval.

The following are Council's policies with respect to development in the Downtown Transition (DTZ) Zone:

> **Policy 5.58 Notwithstanding the limitations restricting business offices and professional offices to the Downtown Commercial (C-1) Zone and the Waterfront Commercial Industrial (WCI-5) Zone as outlined in various text and policy provisions of this Municipal Planning Strategy, it shall be the intention of Council to enable the establishment of business offices and professional offices in the Downtown Transition (DTZ) Zone pursuant to Policy 5.59.**
>
> **Policy 5.59 It shall be the intention of Council to include in the Land Use By-law a Downtown Transition (DTZ) Zone. This zone will include the following uses as-of-right: residential dwelling units up to a maximum of four (4) units per lot; personal service shops; internet web site development; business offices; professional offices; municipal, provincial and federal government offices; public parks; institutional uses; child or adult nurseries; medical clinic; guest homes; coffee and tea shops; antique shops; art galleries; inns with function rooms; convention centers and restaurants.**
>
> **Policy 5.60 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, the number, siting and use of accessory buildings; visibility at street intersection standards, for the Downtown Transition (DTZ) Zone.**
>
> **Policy 5.61 It shall be the intention of Council to include in the Land Use By-law provisions requiring the screening of parking**

spaces; utility structures; garbage/recycling receptacles and compost receptacles from public view in the Downtown Transition (DTZ) Zone.

Policy 5.62 It shall be the intention of Council to include in the Land Use By-law provisions regulating outdoor storage and prohibiting outdoor displays in the Downtown Transition (DTZ) Zone.

Policy 5.63 It shall be the intention of Council to include in the Land Use By-law provisions regarding the architectural appearance of main buildings and accessory buildings in the Downtown Transition (DTZ) Zone.

Policy 5.64 It shall be the intention of Council to include in the Land Use By-law provisions prohibiting the use of transportation vehicles and shipping containers in the Downtown Transition (DTZ) Zone.

Policy 5.65 It shall be the intention of Council to include in the Land Use By-law provisions prohibiting the parking of commercial motor vehicles in the Downtown Transition (DTZ) Zone.

Policy 5.66 It shall be the intention of Council to include in the Land Use By-law provisions prohibiting the development of drive-thru restaurants in the Downtown Transition (DTZ) Zone.

Policy 5.67 It shall be the intention of Council to include in the Land Use By-law provisions clarifying that where there is a conflict between the Architecturally Sensitive (A-S) Area provisions and the provisions of the Downtown Transition (DTZ) Zone that the higher or more stringent regulations shall prevail.

Policy 5.68 It shall be the intention of Council to include in the Land Use By-law provisions regulating signage in the Downtown Transition (DTZ) Zone.

Policy 5.69 It shall be the intention of Council to include in the Land Use By-law provisions regulating more than one main building on the lot with respect to set-backs between buildings in the Downtown Transition (DTZ) Zone.

6. Commercial Industrial

Goals – Commercial Industrial Designation

The Commercial Industrial designation was created to address the needs of new businesses which require the integration of retail and manufacturing uses. Council seeks to achieve the following goals:

> **Goals: To promote commercial and industrial activities in a sensitive fashion by:**
>
> **(1) Recognizing vibrant commercial-industrial areas and encouraging their development in a rational and coherent fashion;**
> **(2) Identifying the boundaries of commercial-industrial areas and preventing their undue encroachment on residential areas; and,**
> **(3) Controlling industrial uses which have the potential of creating undue or significant negative impacts on adjacent uses.**

Council intends to promote the mixing of commercial and industrial uses by providing a commercial industrial designation in which retail and manufacturing uses can operate together at one location. To ensure that these uses do not negatively impact adjacent uses, the boundaries of the Commercial Industrial designation shall be "hard" and shall only be altered by amendment to the Municipal Planning Strategy.

Council has identified three (3) specific areas to encourage the development of commercial industrial activities:

- the Hardscratch, Starrs and Haley Road area, due to its proximity to transportation links such as the 100 series highways (101 & 103) and the International Airport;
- the former Forest Street Industrial Park area; and,
- the waterfront area with its mixture of industrial and retail trade activities.

Each area lends itself to specific types of commercial and industrial activities. In order to recognize the inherent qualities of each area, the Hardscratch, Starrs and Haley Road area and the former Forest Street Industrial Park area are zoned Commercial Industrial (CI-4) and the waterfront area is zoned Waterfront Commercial Industrial (WCI-5).

The Commercial Industrial (CI-4) Zone lends itself to large manufacturing and commercial retail uses, requiring significant area and frontage in order to function in a compatible fashion within their surroundings. On the other hand, the Waterfront Commercial Industrial (WCI-5) Zone will cater to smaller industrial and commercial uses affording smaller area and frontage requirements. Council intends to direct marine related industries which require water access or access to one another, to the Waterfront Commercial Industrial (WCI-5) and Waterfront Industrial (M-2) zones. Notwithstanding, secondary marine uses that do not require access to the Town's waterfront and which would benefit from establishing in the General Industrial (M-1) or Commercial Industrial (CI-4) Zone shall be permitted to do so though provided every effort to ensure compatibility is taken. The area's proximity to the Central Business District allows it to be a natural extension of the downtown core and as such, will permit similar uses as-of-right including business and professional office uses. The Commercial Industrial (CI-4) Zone list of permitted uses in the Hardscratch, Starrs and Haley Road area differs slightly from the Commercial Industrial (CI-4) Zone list of permitted uses in the former Forest Street Industrial Park area by the exclusion of "taverns, lounges and cabarets" uses in the former Forest Street Industrial Park area. It is felt that the inclusion of such uses so close to the high school is not appropriate.

The Land Use By-law contains general requirements and standards for commercial industrial zones to ensure compatibility, including parking and loading requirements, building setback standards, restrictions on open storage and outdoor displays and requirements for fencing or landscaping when abutting residential, institutional, or open space within the residential designation.

The types of industrial uses permitted will be limited due to their proximity to other commercial uses. Any obnoxious uses by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage will be strictly prohibited. For this reason, Council will prohibit obnoxious industrial activities such as scrap, salvage and junk yards, sand and gravel processing plants and concrete and asphalt plants within the Commercial Industrial designation.

General Provisions for the Commercial Industrial Designation

The following are Council's policies with respect to development in the Commercial Industrial Designation:

Policy 6.1 It shall be the intention of Council to designate those lands which generally abut the Hardscratch, Starrs and Haley Road intersection area between the northern boundary of the Town along the Hardscratch Road to the intersection of Parade Street and Haley Road to the south, as well as the lands formerly known as the Forest Street Industrial Park as "Commercial Industrial" on the Generalized Future Land Use Map.

Policy 6.2 It shall be the intention of Council to designate lands located on the west side of Water Street between Store Street and Horton Street as "Commercial Industrial" on the Generalized Future Land Use Map.

Policy 6.3 It shall be the intention of Council to establish all boundaries of Commercial Industrial designations as "hard" pursuant to Implementation Policy 10.5 except where the boundary abuts the CBD. The Commercial Industrial designation boundary which abuts the CBD shall be "soft" and subject to Implementation Policy 10.6.

Policy 6.4 It shall be the intention of Council to amend the boundaries of the Commercial Industrial designation only by amendment to the Municipal Planning Strategy.

Policy 6.5 It shall be the intention of Council to include in the Land Use By-law provisions establishing minimum standards within the Commercial Industrial Designation with respect to the following: lot frontage and lot area, building setbacks, on-site parking and loading facilities, building height, yard requirements in respect to development abutting the residential designation, outdoor storage and outdoor displays, side yards on corner lots, development standards for automobile service stations, visibility at street intersection standards, main and accessory buildings and drive-thru standards.

Commercial Industrial (CI-4) Zone

The Hardscratch, Starrs and Haley Road intersection area contains a diverse group of business and manufacturing uses. The area, situated at the

terminus of two (2) provincial one hundred series highways, is a prime location for any commercial or industrial use that depends on an efficient transportation network. As the area grew, it developed into a major commercial industrial area. It is the intent of the Municipal Planning Strategy to allow both commercial and industrial uses to expand and intermix, provided they do not adversely affect adjacent residential areas.

The needs of Tri-Star Industries, located at 88 Forest Street, required them to expand into new technologies in both the manufacturing and retail sectors. Tri-Star Industries is a unique operation that requires a highly skilled labour force familiar with new technologies. Their primary function is the manufacturing of specialty vehicles which requires the use of highly sophisticated computers and telecommunication equipment. In order to address the needs of Tri- Star Industries and to recognize the commercial industrial essence of the former Forest Street Industrial Park, Council has designated the former Forest Street Industrial Park as Commercial Industrial on the Generalized Future Land Use Map and zoned it Commercial Industrial (CI-4) pursuant to Schedule “A", the Zoning Map of the Land Use By-law.

As previously stated, the Commercial Industrial (CI-4) Zone list of permitted uses in the Hardscratch, Starrs and Haley Road area differs slightly from the Commercial Industrial (CI-4) Zone list of permitted uses in the former Forest Street Industrial Park area by the exclusion of "taverns, lounges and cabarets" and "medical marihuana facilities within wholly enclosed buildings" uses in the former Forest Street Industrial Park area. It is felt that the inclusion of such uses so close to the high school is not appropriate. In order to ensure that new Commercial Industrial developments do not exceed the capacity of existing road, sewer or water facilities, developments in excess of 4645m^2 (50,000 ft^2) or where an addition to an existing building creates more than 4645m^2 (50,000 ft^2) in gross Commercial Industrial floor area shall be considered only by Development Agreement. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

The following are Council's policies with respect to developments within the Commercial Industrial (CI-4) Zone:

Policy 6.6 It shall be the intention of Council to zone lands designated Commercial Industrial which generally abut the Hardscratch, Starrs and Haley Road intersection area along the northern boundary of the Town from Hardscratch Road to the intersection of Parade Street and Haley Road to the south, as well as lands of the former Forest Street Industrial Park which contain a commercial use, an industrial use, a commercial industrial mixed use or are vacant as Commercial Industrial (CI-4). All other lands shall be zoned according to their use.

Policy 6.7 It shall be the intention of Council to include in the Land Use By-law a Commercial Industrial (CI-4) Zone.

1. **This zone shall include the following and other similar types of uses permitted as-of-right: Retail Shops; Community Markets; Convenience and Grocery Stores; Wholesale Shops; Light Service Shops; Personal Service Shops; Internet Web Site Development; Heavy Service Shops; Restaurants (eat-in, drive-in, drive-thru); Automobile Sales Establishments; Automobile Service Stations; Construction Trade and Contractors; Car Wash Facilities (drive-in or drive- thru); Wholesale, Distribution and Warehousing; any Manufacturing or Industrial Assembly operations conducted and contained within wholly-enclosed buildings and which are not obnoxious by reason of sound, odour, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage; kennels, boarding and training facilities; Light Industries; Light Service Industries; Fishery-related or Marine-related Industry excluding any use which focuses primarily on Fish or Food processing of raw unprocessed product; Transportation Facilities and uses including airports; Institutional uses; Exhibitions and Fairs; Public Utility Offices and Work Yards; Private Utility Offices and Work Yards; Building Supply and Equipment Depots excluding the bulk storage of sand or gravel; Taxi and Bus Stations; Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings; Sports**

Complexes; Emergency Response Centers; Laundromats; Parking Lots and Parking Structures; and Open Air Cinema (theatre). Taverns, Lounges and Cabarets shall only be permitted in the Hardscratch, Starrs Road and Haley Road Commercial Industrial (CI-4) Zone. For clarity, Taverns, Lounges and Cabarets uses shall be strictly prohibited in the Forest Street Commercial Industrial (CI-4) zoned (former Forest Street Industrial Park) area and Cultivating and Processing.

2. **Notwithstanding the above, It shall be the intention of Council to permit residential units up to a maximum of eight (8) units per lot in the Forest Street Commercial Industrial (CI-4) Zone (former Forest Street Industrial Park) area on the same property in combination with the following uses: Retail Shops; Community Markets; Convenience Stores and Grocery Stores; Wholesale Shops; Light Service Shops; Personal Service Shops; Internet Web Site Development; Wholesale, Distribution and Warehousing; Restaurants (eat-in, drive-in, drive-thru); Automobile Sales Establishments; Taxi and Bus Stations; Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings; and Laundromats.**

Policy 6.8 It shall be the intention of Council to consider proposals for Commercial Industrial (CI-4) developments on lands designated Commercial Industrial which are not zoned Commercial Industrial (CI-4) by amendment to the Land Use By-law subject to the following:

(1) That the lot meets the minimum lot area and frontage requirements of the CI-4 Zone or is otherwise an existing undersized CI-4 zoned property which is increased in area or frontage or both as a result of subdivision but still remains undersized; and,

(2) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Policy 6.9 It shall be the intention of Council to consider the development of any new Commercial Industrial activity within the CI-4 Zone which exceeds 4645m^2 (50,000 ft^2) of gross commercial industrial floor area or where an addition to an existing building creates more than 4645m^2 (50,000 ft^2) in gross commercial industrial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* subject to a traffic study and general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 6.10 It shall be the intention of Council when considering proposals for Commercial Industrial (CI-4) developments exceeding 4645m^2 (50,000 ft^2) in gross commercial industrial floor area or where an addition to an existing building creates more than 4645m^2 (50,000 ft^2) in gross commercial industrial floor area by Development Agreement pursuant to Policy 6.9, to require a 3.0m (10 ft.) wide landscaped strip along the edge of any abutting public right-of- way.

Waterfront Commercial Industrial (WCI-5) Zone

The 1988 Municipal Planning Strategy and Land Use By-law enabled the development of Downtown Commercial (C-1) uses on lands designated Industrial provided the lands were adjacent to a "soft" line boundary of the Central Business District (CBD). As a result, several properties located within the Industrial designation were rezoned to Downtown Commercial (C-1). The extension of commercial uses to the western side of Water Street created a commercial/industrial mix. Council intends to support the development of this area by designating the area Commercial Industrial pursuant to the Generalized Future Land Use Map and zone the area Waterfront Commercial Industrial (WCI-5) pursuant to the Zoning Map.

The extension of Downtown Commercial (C-1) uses to the western side of Water Street provides the rationale for enabling Downtown Commercial (C-1) uses within the Waterfront Commercial Industrial (WCI-5) Zone. As such, business and professional office uses will be deemed permitted uses within the Waterfront Commercial Industrial (WCI-5) Zone. By limiting all new

business and professional offices to the Downtown Commercial (C-1) and the Waterfront Commercial Industrial (WCI-5) Zone, the intent of the 1988 Municipal Planning Strategy to limit all new office development to the CBD remains intact.

Council recognizes the importance of maintaining a functional working waterfront for the benefit of the whole community. Therefore, the boundary of the Commercial Industrial designation adjacent to the CBD will remain "soft" to allow properties located in the CBD to be rezoned for commercial industrial purposes. All other boundaries surrounding the designation shall be “hard” to restrict the expansion of this designation in a south or north direction. As with the Central Business District, it shall be the intent to keep the Commercial Industrial designation along Water Street concentrated and centralized to prevent leap frogging or spot zonings.

The transition between the commercial activities of the Central Business District and the commercial industrial activities of the Commercial Industrial designation along Water Street can be visualized as one travels through their connecting streets. Brown Street, Central Street and Lovitt Street all serve as strong vehicular and visual connectors between the two. In order to preserve this connection, it shall be the intent to preserve the view planes of these streets through to Yarmouth’s harbour. Therefore, it shall be Council’s intent to prohibit new developments within the western prolongation of both street lines of Brown, Central and Lovitt Streets. The alteration of, addition to or change in use of any existing structure shall be exempt from this requirement provided such development does not further protrude into the western prolongation of both street lines of said streets.

It is Council’s intent that the Commercial Industrial designation along Water Street will enhance the area as a community focal point and provide a mixture of compatible commercial and industrial uses for a healthy and vigorous waterfront. For this reason, obnoxious industrial uses will no longer be deemed appropriate. New fish and food processing plants will no longer be permitted by Development Agreement within the Waterfront Commercial Industrial (WCI-5) Zone; however, existing ones such as Scotia Garden Seafoods located at 112 Water Street may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

In an effort to minimize potential impacts on retail trade, tourism development and the waterfront trail system, new open storage and/or outdoor displays of a temporary nature within the Waterfront Commercial Industrial (WCI-5) Zone will be encouraged to continue so as to attract open air markets which create a tourism friendly environment. Open storage and outdoor displays traditionally associated with the fishing industry will also be encouraged to continue, though with some restrictions. Any other type of open storage or outdoor display shall be considered incompatible and strictly prohibited. The control of open storage and outdoor display within the Waterfront Commercial Industrial (WCI-5) Zone is an attempt to enhance the commercial tourism flavour of this section of Water Street.

To ensure that new developments do not place undue strain on existing roads, sewer, water, parking or community facilities, any development in excess of 1393.5m^2 (15,000 ft^2) shall be considered by Development Agreement. This requirement shall apply to any new development in excess of 1393.5m^2 (15,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m^2 (15,000 ft^2) of gross commercial floor area. The alteration of, renovation to or change of use within any existing building shall be exempt from this requirement. The intent is to enable compatible developments to intermix within the Waterfront Commercial Industrial (WCI-5) Zone without hindering each other's interests and without straining public infrastructure and amenities.

Previously residential developments along Yarmouth's harbour have not been permitted. In order to encourage residential development within the downtown core area, it shall be the intention of Council to enable up to a maximum of eight (8) residential dwelling units per lot as-of-right within the Waterfront Commercial Industrial (WCI-5) Zone. More than eight (8) residential units per lot will only be considered through the Development Agreement process. When considering applications for residential developments, through the Development Agreement process, Council shall consider the feasibility of providing public access to the waterfront. Yarmouth's waterfront is considered a public asset and accessibility is considered an important cultural and social attribute that should remain in the public realm. In this respect, Council will only accept residential developments greater than eight (8) units per lot provided public amenity

space is provided through a public easement granted to the Town of Yarmouth. The following are Council's policies with respect to developments in the Waterfront Commercial Industrial (WCI-5) Zone;

Policy 6.11 It shall be the intention of Council to zone those lands designated Commercial Industrial located on the west side of Water Street between Store Street and Horton Street as Waterfront Commercial Industrial (WCI-5).

Policy 6.12 It shall be the intention of Council to include in the Land Use By-law a Waterfront Commercial Industrial (WCI-5) Zone. This zone shall include the following and other similar types of uses permitted as-of-right: Water Dependent Uses; Existing Restaurants; and, All Commercial, including Retail and Offices, which are accessory to permitted uses. The following and similar uses normally associated with the Downtown area will be permitted by Development Agreement: retail shops; community markets; convenience stores and grocery stores; wholesale shops; light service shops; personal service shops; internet web site development; heavy service shops; business offices; professional offices; call centers; institutional uses; restaurants; taverns, lounges and cabarets; places of entertainment, recreation, fitness and assembly (indoor and outdoor); parking lots and parking structures. These uses proposed to proceed by Development Agreement must demonstrate that the use would not negatively impact on an existing water dependent use; the use would not prevent a water dependent use from expanding; the use would not remove existing public access to the waterfront; and the use will not reduce current berthing space.

Policy 6.13 It shall be the intention of Council to consider the development of any new commercial or industrial activity within the Waterfront Commercial Industrial (WCI-5) Zone which exceeds 1393.5m^2 (15,000 ft^2) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m^2 (15,000 ft^2) in gross commercial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of,

renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 6.14 It shall be the intention of Council to consider development proposals for Waterfront Commercial Industrial (WCI-5) developments on lands located within the CBD designation which abut Water Street and are adjacent to the "soft" line boundary of the Commercial Industrial designation by amendment to the Land Use By-law pursuant to Commercial Industrial Policy 6.1 and Implementation Policy 10.6 and subject to criteria contained in Implementation Policy 10.7 in keeping with Commercial Policy 5.18.

Policy 6.15 It shall be the intention of Council to include in the Land Use By-law a special provision protecting street views of Yarmouth's harbour by prohibiting any new development within the western prolongation of both street lines of Brown, Central and Lovitt Streets. The alteration of, addition to or change in use of any existing structure shall be exempt from this requirement provided such development does not protrude further into the western prolongation of said streets.

Policy 6.16 It shall be the intention of Council to include in the Land Use By-law a provision enabling existing fish and food processing plants located within the Waterfront Commercial Industrial (WCI-5) Zone the ability to expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Policy 6.17 It shall be the intention of Council to consider proposals for Waterfront Commercial Industrial (WCI-5) developments on lands designated Commercial Industrial which are not zoned Waterfront Commercial Industrial (WCI-5) by amendment to the Land Use By-law subject to the following:

(1) That the lot meets the minimum lot area and frontage requirements of the WCI-5 Zone or is otherwise an existing undersized WCI-5 zoned property which is increased in area or frontage or both as a result of subdivision but still remains undersized; and,

(2) That the proposal conforms to criteria contained in Implementation Policy 10.7.

Waterfront Mixed Use Designation and Waterfront Comprehensive Development (WCD) Zone

Further to Chapter 3 – Statements of Community Interest, Council intends to support the redevelopment of the upper end of Water Street for mixed use development.

Policy 6.18 It shall be the intention of Council to designate an area at the northern end of Water Street as Waterfront Mixed Use on the Generalized Land Use Map. This area will be zoned Waterfront Comprehensive Development Zone (WCD). Council intends that this area may be developed by a Development Agreement process which allows for input from stakeholders and members of the public to ensure key concerns can be addressed. The land may subsequently be rezoned to match the eventual use.

7. Industrial

Goals – Industrial Designation

In encouraging and directing industrial development through its Municipal Planning Strategy and Land Use By-law, Council seeks to achieve the following goals:

> **Goals: To assist and support industrial developments while minimizing undue negative impacts on adjacent areas by:**
>
> **(1) Supporting the redevelopment and infilling of existing industrial areas;**
>
> **(2) Supporting the ongoing efforts of the Waterfront Development Corporation to strengthen economic development and investment in the waterfront area; and,**
>
> **(3) Minimizing undue negative impacts on adjacent and nearby residential areas, traditional fishing and marine related industries, commercial areas and the waterfront walkway system.**

Traditionally, the development of industrial activity has been directly or indirectly related to the sea, where once boat building and marine trade were dominant, the modem fishery (in-shore and off-shore) and commerce have developed as important elements in the local economy. At the same time, the Town's industrial base and range of industrial activities have become relatively diverse and stable. Though the marine and fishing related activities along Water Street remain the Town's most valuable industrial area, an 11 hectare (27 acres) Airport Industrial Park off of Haley Road was developed by the Yarmouth Area Industrial Commission in the 1980's. These lands constitute the majority of the lands to be designated Industrial pursuant to the Generalized Future Land Use Map. It is intended that the widest range of industrial activities will be encouraged to locate in these areas. Marine related industries will be encouraged to locate in the waterfront industrial area.

General Provisions for the Industrial Designation

The Airport Industrial Park and the industrial area along Water Street will be designated Industrial on the Generalized Future Land Use Map.

- Industrial uses located along Water Street will be zoned **Waterfront Industrial (M-2)**.
- All other industrial uses in the designation will be zoned **General Industrial (M-1**).

The Land Use By-law will include provisions permitting a broad range of industrial uses in the General Industrial (M-l) Zone. Some General Industrial (M-1) uses will be permitted within the Waterfront Industrial (M-2) Zone; however, it will be more oriented towards marine and fishing related industries.

The boundaries of the Industrial designation will be clearly identified and established as "hard". General Industrial (M-1) and Waterfront Industrial (M-2) development proposals on lands designated Industrial but not zoned Industrial will be considered by amendment to the Land Use By-law. The primary criteria for rezoning will be that the lot meets the minimum frontage and area requirements. Development standards with respect to parking and loading spaces, building setbacks, screening, open storage and outdoor displays will be incorporated within the Land Use By-law to ensure that industrial uses remain compatible with the general area.

The following are Council's policies with respect to industrial development in the Industrial designation:

Policy 7.1 It shall be the intention of Council to designate lands of the Airport Industrial Park and lands generally abutting or adjacent to Water Street, excluding lands along Water Street abutting the Central Business District, as "Industrial" on the Generalized Future Land Use Map.

Policy 7.2 It shall be the intention of Council to establish boundaries for the Industrial Generalized Future Land Use Map designation, as "hard" pursuant to Implementation Policy 10.5.

Policy 7.3 It shall be the intention of Council to consider amending the boundaries of the Industrial designation only by amendment to the Municipal Planning Strategy.

Policy 7.4 It shall be the intention of Council to include in the Land Use By-law provisions regulating, requiring or establishing minimum standards within the General Industrial (M-1) Zone and

the Waterfront Industrial (M-2) Zone for the following: abutting non-industrial uses; open storage and outdoor displays; visibility at street intersections; parking requirements; loading space requirements; multiple buildings on a lot; accessory buildings; lot area; lot frontage; building set-backs; flanking yard; building height; converted group industrial buildings and yards abutting the Yarmouth Harbour.

Policy 7.5 It shall be the intention of Council to include in the Land Use By-law special provisions for a converted group industrial building with respect to minimum lot area, minimum lot frontage, yard set-back requirements and limitations on the maximum height of the main building.

Policy 7.6 It shall be the intention of Council to consider the following uses on lands designated Industrial and zoned Waterfront Industrial (M-2) only by Development Agreement pursuant to Section 225 of the *Municipal Government Act* subject to criteria contained in Implementation Policies 7.8 and 7.9:

(1) Heavy Industry Uses;
(2) Fish and Food Processing facilities subject to the General Industrial (M-1) Zone minimum frontage and area requirements; and,
(3) New outdoor storage or outdoor displays whether as a main use or as an accessory use excluding open storage and/or outdoor displays strictly accessory to a traditional fishing and marine-related industry use. In addition, any expansion to existing open storage or outdoor displays beyond the limits that the use legally occupies may only be considered by Development Agreement.

Policy 7.7 In addition to criteria outlined in Implementation Policy 10.8 and 10.9, it shall be the intention of Council when evaluating a proposal for new fish or food processing facilities to consider the following matters:

(1) That the proposed development is contained and conducted within a wholly-enclosed building;
(2) That the proposed development can be adequately serviced with municipal water and sewer; and,
(3) That the provisions are made for adequate on-site loading, parking and traffic circulation.

Policy 7.8 It shall be the intention of Council that any Development Agreement entered into pursuant to Industrial Policy 7.13 or Policy 7.6 shall contain such terms and conditions to ensure that development is consistent with the policies of this Municipal Planning Strategy subject to Implementation Policies 10.8 and 10.9.

Policy 7.9 It shall be the intention of Council to consider, when evaluating a proposal for a fish and food processing facility, the effects of obnoxious emissions and by-products on adjacent and nearby uses and to refuse the application, if in the opinion of Council, the use could potentially have a negative impact on the general well-being of adjacent and nearby uses.

Industrial Uses in Institutional Zones

The following are Council's policies with respect to industrial development in Institutional uses:

Policy 7.10 It shall be the intention of Council to encourage Institutional uses to make facilities available for start-up and small businesses operations by permitting a use not permitted in the zone in which it is located for a community, commercial, or light industrial use provided that the use is not obnoxious and does not generate concerns with respect to traffic or parking.

General Industrial (M-1) Zone

Council intends to consider the development of the following potentially obnoxious industrial uses only by Development Agreement in the General Industrial (M-1) Zone: scrap, salvage and/or junk yards; sand and gravel storage and/or processing plants; ready mix concrete plants; asphalt concrete paving plants and heavy industry uses.

The following are Council's policies with respect to the General Industrial (M-1) Zone:

Policy 7.11 It shall be the intention of Council to include in the Land Use By-law a General Industrial (M-1) Zone. This zone shall include the following and similar types of uses as-of-right: light industries; light service shops; internet web site development; construction trade and contractors; heavy service shops; light service industries; heavy service industries; transportation facilities and uses; bulk petroleum storage facilities; fishery or

marine-related industries excluding any use which focuses primarily on fish or food processing of raw unprocessed product; public utility offices and work yards; private utility offices and work yards; construction trade and contractor work yards; building supply and equipment depots excluding the bulk storage of sand or gravel; wholesale shops; warehousing and distribution; kennels, boarding and training facilities; cultivating and processing; existing heavy industries; commercial uses and business offices accessory to a permitted industrial use; parking lots and parking structures; call centers with 464.5m^2 (5,000 sq. ft.) or more of gross floor area; public and private parks; places of recreation, fitness and assembly within wholly enclosed buildings; institutional uses and any manufacturing or industrial assembly operations other than a heavy industry use which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters of water-carried wastes or by reason of unsightly open storage.

Policy 7.12 It shall be the intention of Council to zone those lands designated Industrial which are located in the Airport Industrial Park which contain an industrial use or are vacant as General Industrial M-1. All other lands in these areas shall be zoned according to their use.

Policy 7.13 It shall be the intention of Council to consider the following uses on lands designated Industrial and zoned General Industrial (M-1) only by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to criteria contained in Implementation Policies 7.8 and 7.9:

(1) Scrap, salvage and/or junk yards;

(2) Sand and gravel storage and/or processing plants;

(3) Ready mix concrete plants;

(4) Asphalt concrete paving plants; and,

(5) Heavy Industry Uses.

Policy 7.14 In addition to criteria outlined in Implementation Policies 10.8 and 10.9, it shall be the intention of Council when evaluating proposals for scrap, salvage or junk yards, sand and gravel storage and/or processing plants; ready mix concrete plants; asphalt concrete/paving plants; or heavy industry uses on lands zoned General Industrial (M-1) to consider the following

matters:

That all storage, work yards and display areas are enclosed by opaque fencing at least eight (8) feet in height or by a ten (10) foot wide landscaped strip with a growth and/or landscaping not less than eight (8) feet in height;

That adequate provisions are made for the control of noise, dust and traffic; and,

That the lot conforms to the minimum lot frontage and area requirements as prescribed in the Land Use By-law.

Policy 7.15 It shall be the intention of Council to consider proposals for General Industrial (M-l) uses on lands designated Industrial on the Generalized Future Land Use Map and which are not zoned General Industrial (M-l) 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 of the M-l Zone or is otherwise an existing undersized General Industrial (M-l) zoned property which is increased in area or frontage or both as a result of subdivision but remains undersized;

(2) That the proposal conforms with criteria contained in Implementation Policy 10.7; and,

(3) That the proposed rezoning immediately abuts a General Industrial (M-l) zoned property to prevent leap-frogging or spot zoning.

Policy 7.16 It shall be the intention of Council to encourage the Yarmouth Area Industrial Commission to consider expanding the Airport Industrial Park to adjacent lands.

Waterfront Industrial (M-2) Zone

In addition to fish and food processing subject to minimum frontage and area requirements of the M-1 Zone, Council intends to consider the development of heavy industry uses and new outdoor storage or outdoor displays whether as a main use or as an accessory use by Development Agreement in the Waterfront Industrial (M-2) Zone. Other types of potentially obnoxious industrial uses will be strictly prohibited in the Waterfront Industrial (M-2) Zone.

Fish and food processing, as a natural extension of the fishing industry, is an

industrial use allowed only in the Waterfront Industrial (M-2) Zone by Development Agreement. However, careful consideration will be given to the effects of "obnoxious" emissions and by-products on adjacent and nearby uses. If in the opinion of Council the use could potentially have a negative impact on the general well-being of adjacent and nearby uses, the proposal may be refused. However, it shall be the intention of Council to include in the Land Use By-law a special provision enabling existing fish and food processing plants located within the Waterfront Industrial (M-2) Zone to expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Council understands it is in the interest of businesses operating in the Waterfront Industrial (M-2) Zone to expand or offer value-added components to their product lines to grow their businesses. In support of these endeavors, Council will permit the addition of retail outlets within the premises as accessory uses.

The following are Council's policies with respect to the Waterfront Industrial (M-2) Zone:

Policy 7.17 It shall be the intention of Council to include in the Land Use By-law a Waterfront Industrial (M-2) Zone. This zone shall include the following and similar types of uses as-of-right: existing bulk petroleum storage facilities; public and private wharves excluding open storage and outdoor displays; existing fish and food processing facilities; converted group industrial buildings and public sanitary sewer treatment facilities.

Policy 7.18 It shall be the intention of Council to zone those lands designated Industrial which generally abut or are adjacent to Water Street and which contain existing industrial uses or which are vacant and contain the minimum lot frontage and lot area as Waterfront Industrial (M-2). All other lands designated Industrial in this area shall be zoned according to their use.

Policy 7.19 It shall be the intention of Council to consider proposals for Waterfront Industrial (M-2) development on lands designated Industrial on the Generalized Future Land Use Map located adjacent and nearby Water Street or Yarmouth's harbour and which are not zoned Waterfront Industrial (M-2) 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 of the M-2 Zone or is otherwise an existing

undersized M-2 zoned property which is increased in area or frontage or both as a result of subdivision but remains undersized;

(2) That the proposal conforms with criteria contained in Implementation Policy 10.7; and,

(3) That the proposed rezoning immediately abuts a Waterfront Industrial (M-2) zoned property to prevent leap-frogging or spot zoning.

Policy 7.20 It shall be the intention of Council to encourage the development of a Marine Industrial Park adjacent to the harbour complete with a marine haul-out facility.

Policy 7.21 It shall be the intention of Council to include in the Land Use By-law a special provision enabling existing fish and food processing plants located within the Waterfront Industrial (M-2) Zone to expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

Policy 7.22 It shall be the intention of Council to allow retail outlets in the M-2 Zone as accessory uses.

Outdoor Storage and Displays in the Waterfront Area

Accessory retail outdoor displays of a temporary nature will be encouraged to continue as-of-right within the Waterfront Commercial Industrial (WCI-5) Zone to attract open air markets which create a tourism friendly environment. In addition, open storage and outdoor displays traditionally associated with the fishing industry will be encouraged to continue as-of-right, though with some restrictions in both the Waterfront Industrial (M-2) and the Waterfront Commercial Industrial (WCI-5) zones along Yarmouth's waterfront.

In an effort to control open storage and outdoor displays along Yarmouth's waterfront and to minimize its potential impacts on the waterfront trail system, new open storage and outdoor displays in the Waterfront Industrial (M-2) Zone will only be considered by Development Agreement.

The control of open storage and outdoor displays along Yarmouth's waterfront is an attempt to preserve and enhance the historic aesthetics of the waterfront. The extent of Development Agreement provisions to restrict or minimize open storage or outdoor displays will depend largely on the type of storage or display and its potential to cause adverse effects on surrounding areas. If the open storage or outdoor display is deemed to be

incompatible with the surrounding areas, it would be considered inappropriate and Council may refuse an application based on its incompatibility.

Policy 7.23 In addition to criteria outlined in Implementation Policies 10.8 and 10.9, it shall be the intention of Council when evaluating proposals for heavy industry, fish and food processing facilities or new outdoor storage or outdoor displays whether as a main use or as an accessory use on lands zoned Waterfront Industrial (M-2) to consider the following matters:

(1) That all storage, work yards and display areas are enclosed by opaque fencing at least 2.4m (8 ft.) in height or by a 3.0 (10 ft.) wide landscaped strip with a growth and/or landscaping not less than 2.4m (8 ft.) in height. Notwithstanding, outdoor displays for retail sales may be displayed on a non-permanent and temporary basis only during normal business hours provided such displays are not detrimental to the aesthetes of its surroundings;

(2) That adequate provisions are made for the control of noise, dust and traffic; and,

(3) That the lot conforms to the minimum lot frontage and area requirements as prescribed in the Land Use By-law.

Policy 7.24 In addition to criteria outlined in Implementation Policy 7.23, it shall be the intention of Council when evaluating proposals for outdoor storage or outdoor displays whether as a main or accessory use within the Waterfront Industrial (M-2) Zone to consider the following matters:

(1) That the open storage and outdoor displays are adequately screened from any public right-of-way or waterfront walkway to minimize its physical appearance. Notwithstanding, outdoor displays for retail sales may be displayed on a non- permanent and temporary basis only during normal business hours provided such displays are not detrimental to the aesthetes of its surroundings; and,

(2) That the open storage and outdoor displays are deemed compatible with the surrounding areas with regards to its appearance, operation, potential to impact any surrounding uses and/or public infrastructure due to traffic, noise, dust, fumes, smoke or other similar affects and for any other unforeseen reasons that may cause it to be incompatible.

8. Social, Cultural, Open Space and Institutional

Introduction

This chapter is comprised of six (6) sections, each containing objectives and policy statements with respect to:

- Educational programming and facilities;
- Recreational programming and facilities;
- Tourism development;
- Heritage conservation;
- Health and wellness; and
- Cultural institutions.

Often the Town does not or cannot play a direct role in influencing developments. However, this does not lessen their importance or need for Council to provide direction in those areas where the Town can play a role.

Educational Programming and Facilities

The following objective has been identified with respect to Educational Programming and Facilities in the Town:

> **To encourage and support developments and organizations that provide for increased quality and quantity of educational programs and services.**

The public education system within the Town is administered by the Tri County District School Board. The Tri County District School Board, established in 2000, is responsible for all English public schools in Shelburne, Yarmouth and Digby Counties. The Board supervises five (5) schools within the Town boundaries: the South Centennial Elementary School, the Yarmouth Central Elementary School, the Yarmouth Junior High School, the Yarmouth Consolidated Memorial High School and the Adult High School at the Milton Education Centre. The Town is also home to the Nova Scotia Community College - Burridge Campus.

The Town has a vital interest in maintaining and improving the quality of education. Therefore, it shall be the intention of Council to support the efforts of local community groups in maintaining a broad range of educational opportunities.

The following are Council's policies with respect to educational

programming and facilities:

Policy 8.1 Recognizing that the Town does not have sole or direct responsibility for educational programming, it shall be the intention of Council to:

(1) Encourage and support the Tri County District School Board to maintain the highest possible quality educational programs and facilities;

(2) Encourage and support the efforts of the Nova Scotia Community College - Burridge Campus to provide quality educational programs and facilities;

(3) Encourage and support universities to continue to provide extension services to Town residents;

(4) Encourage and support developments and organizations that provide for increased quality and quantity of educational programs and services; and,

(5) Encourage and support the maximum use of educational facilities during evenings and summers.

Recreational Programming and Facilities

Council's policies for recreational programming and facilities development seek to achieve the following objectives:

Policy 8.2 It shall be the intention of Council to:

(1) Encourage and support developments and organizations that provide recreational programs and/or services to the community;

(2) Develop, where possible, new recreation facilities at the neighborhood level with special consideration given to playgrounds and parks;

(3) Develop and promote the waterfront and Lake Milo recreational facilities and support the efforts of the Yarmouth Waterfront Development Corporation Limited in the development of recreational facilities along Yarmouth's Waterfront;

(4) Explore opportunities for the development of a linear park system that includes the waterfront walkway system, the Dominion Atlantic and Canadian National railroad rights-of-way and Broad Brook;

(5) **Develop and promote the Broad Brook Recreational Park as a quality active and passive recreational facility; and,**

(6) **Develop, encourage and promote the development of downtown pocket parks throughout the Central Business District.**

Recreational opportunities and organized sports are valuable components of community life. It has been recognized that such activities improve the quality of life and generate valuable economic spin-offs by attracting new residents, businesses, competitions and tourists. Many of the local recreational facilities are not owned by the Town. Facilities such as the Saint Ambrose softball field and tennis courts, the Yarmouth Golf and Country Club are owned by private organizations or institutions. However, the Town maintains several important recreational facilities such as the Mariner's Centre, the Milo Boat Club, the Killam Brothers Marina, the Broad Brook Recreational Park, Frost Park, Beacon Park and a number of neighbourhood parks.

The development of private and publicly owned recreational facilities has created a well-balanced, high quality recreational environment. These private and public partnerships provide a diversified range of recreational activities, enabling participation by all segments of the population.

Through its Subdivision By-law, the Town has taken advantage of an opportunity to receive "cash-in-lieu of open space dedication" equal to five (5) percent of the assessed value of new lots created excluding public roads or highways and the remaining lot. The cash received shall be used for the acquisition and capital improvement of parks, playgrounds and open-space areas within the Town. This Strategy provides for an Open Space (O-1) Zone which enables the development of public parks and recreational facilities. The "cash-in-lieu of open space dedication" shall be used to create and enhance these public recreational facilities, with a particular focus on developing the Town's active transportation network.

An opportunity exists in the Town to develop a linear park system. The Waterfront Walkway System developed by the Yarmouth Waterfront Development Corporation could be expanded by extending laterals throughout the Town and County. For example, there is an opportunity to extend this linear park system from the harbour by incorporating the Dominion Atlantic and Canadian National railroad rights-of-ways. An opportunity also exists to create a linear park system along Broad Brook.

The Town of Yarmouth shall encourage and support the efforts of the

Municipality of Yarmouth to continue the waterfront linear park system along Yarmouth's Harbour to Bunker's Island to the south as well as along Lake Milo to the north. The Town of Yarmouth shall also encourage and support the efforts of the Municipality of Yarmouth in the development of the Dominion Atlantic and Canadian National railroad rights-of-ways as a linear park system.

Open Space (O-1) Zone

The following are Council's policies with respect to recreational programming, facilities and land use.

Policy 8.3 It shall be the intention of Council to encourage and support developments and organizations that provide for increased quality and quantity of recreational programs and services.

Policy 8.4 It shall be the intention of Council to include in the Land Use By-law an Open Space (O-1) Zone. This zone shall include the following and similar types of uses as-of-right: temporary open air markets; passive recreation uses; public parks; public parking lots; public recreation centers and facilities; and accessory buildings and/or structures, including refreshment booths or canteen / lunchroom pavilions and existing Institutional Uses (as stated in the Institutional (I-1) Zone).

Policy 8.5 It shall be the intention of Council to zone or rezone those publicly-owned lands within any designation which contain Open Space (O-1) uses or are intended to be uses for open space uses as Open Space (O-1).

Policy 8.6 It shall be the intention of Council to consider proposals for Open Space (O-1) uses on lands within any Generalized Future Land Use Map designation and which are not zoned Open Space (O-1) by amendment to the Land Use By-law subject to criteria contained in Implementation Policy 10.7.

Policy 8.7 It shall be the intention of Council to require through the Town's Subdivision By-law that the subdivider of land transfers cash equal to five (5) per cent of the assessed value of the new lots shown to be approved on the final plan of subdivision (excluding public roads and the remainder lot) as the equivalent value for park, playground and similar public purposes pursuant to Section 271(3)(h) and 273(1) of the *Municipal Government Act*.

Policy 8.8 It shall be the intention of Council:

(1) To develop a linear park system within the Town that includes the Waterfront Walkway System developed by the Yarmouth Waterfront Development Corporation and its extension throughout Yarmouth via the Dominion Atlantic and Canadian National railroad rights-of-ways and Broad Brook; and,

(2) To encourage and support the efforts of the Municipality of Yarmouth to continue the linear park system along Yarmouth Harbour to Bunker's Island to the south as well as along Lake Milo to the north and the extension of the railway rights-of-way to create a regional park trail network.

Tourism Development

The following objectives have been identified for tourism development.

(1) To continue to support the efforts of the Yarmouth County Tourist Association to develop and promote the Yarmouth area as a quality tourism destination;

(2) To encourage senior levels of government to maintain and promote vital transportation links such as bus services, the International Airport and the international ferry terminal; and,

(3) To recognize the Town's built and natural heritage as a valuable tourism asset, and where possible, provide for its protection and encourage its maintenance and upgrading.

Tourism has been described as a "growth industry" which has the potential of becoming a significant component of the local and regional economy. The Town already experiences a "tourist season" that is primarily due to the influx of seasonal visitors arriving on the ferries which run between Yarmouth and both Bar Harbour and Portland, Maine. It is felt that the Town does not capitalize on the presence of these tourists as much as it could, because Yarmouth itself is not a destination for a majority of the traffic. While being a "gateway" is an asset, the Town could also benefit from becoming a "destination". Council, through its support of the Yarmouth County Tourism Association, intends to build upon the efforts of local community groups in the development and promotion of tourism related facilities and programs.

The following are Council's policies with respect to Tourism Development:

Policy 8.9 It shall be the intention of Council to encourage and support the development of Yarmouth as a tourist destination area by supporting the efforts of the following transportation facilities and services:

(1) Bus/shuttle services;

(2) The International Airport;

(3) The international ferry terminal; and,

(4) The Killam Brother's Wharf Marina.

Policy 8.10 It shall be the intention of Council to encourage and support the efforts of the Yarmouth and Acadian Shores Tourism Association in:

(1) The promotion and marketing of the area;

(2) The programming of special events and festivals; and,

(3) The development of shoulder season tourism events.

Policy 8.11 It shall be the intention of Council to encourage and support the development of the following private sector tourist facilities:

(1) Tourist and commercial mix use developments;

(2) Public and private marina facilities;

(3) Increased accommodations; and,

(4) High quality restaurants and food services. Heritage Conservation

Heritage Conservation (Architecturally Sensitive (A-S) Area)

The following objectives have been identified for Heritage Conservation:

(1) To encourage and support the recognition and protection of heritage properties through the Town's Heritage Property By-law;

(2) To conserve and enhance significant historical and architectural features of the Collins Heritage Conservation District through the administration of the Collins Heritage Conservation District Plan and By-law;

(3) To recognize and promote the Collins Heritage Conservation District, as well as other historical buildings and sites as valuable and significant social, educational, historical, cultural and architectural resources; and,

(4) To recognize and promote the Collins Heritage Conservation District as well as other historical buildings and sites as tourist destination areas.

The Town is fortunate to have retained many of its significant 19th Century residential, commercial and industrial structures. An inventory of all pre-1914 structures in the Town began in 1985 and is continuing through the efforts of the Heritage Advisory Committee.

Council, through the *Heritage Property Act*, has designated several Municipal Heritage Properties and this number is anticipated to increase. It shall be the intention of Council to support the Heritage Advisory Committee in their continuing effort to register Municipal Heritage Properties throughout the Town.

In establishing the Collins Heritage Conservation District, Council intends to recognize, promote and enhance the historic, architectural and cultural significance of the area's built heritage. It is the intent of Council to recognize the Collins Heritage Conservation District through the Municipal Planning Strategy and Land Use By-law by designating the district as an Architecturally Sensitive (A-S) Area. This area shall encompass the entire Collins Heritage Conservation District as defined in the Collins Heritage Conservation District Plan and its corresponding By-law. It shall be the intention of Council to amend the Architecturally Sensitive (A-S) Area Map to correspond to the Collins Heritage Conservation District Plan and By-law by amendment to the Land Use By- law. The provisions of the Collins Heritage District By-law shall supersede any Land Use By-law provision. Any Land Use By-law provisions which are not superseded shall still apply and remain in effect. This will enable the Commercial, Residential and Institutionally zoned requirements to remain intact. It is intended that the Heritage Conservation District Plan and By-law work in unison with the Land Use By-law in order to conserve the character and exterior appearance of buildings and streetscapes within the District.

The following policies have been developed with respect to Heritage Conservation developments:

Policy 8.12 It shall be the intention of Council, through the Heritage Advisory Committee, to complete the inventory of all pre-1935 structures and to make all information gathered through this program accessible to Town residents.

Policy 8.13 It shall be the intention of Council to encourage and support the recognition of the Town's built and natural heritage:

(1) by maintaining its Heritage Property By-law and Heritage Conservation District Plan and By-law; and,

(2) by promoting heritage property registration.

Policy 8.14 It shall be the intent of Council to create an Architecturally Sensitive (A-S) Area encompassing those lands in the Collins Heritage Conservation District as identified in the Collins Heritage Conservation District Plan and By-law.

Policy 8.15 It shall be the intention of Council to amend the Architecturally Sensitive (A-S) Area boundaries by amendment to the Land Use By-law to ensure that those properties situated within the Collins Heritage Conservation District, pursuant to the Collins Heritage Conservation District Plan and By-law, are also included within the Architecturally Sensitive (A-S) Area.

Policy 8.16 It shall be the intention of Council to include in the Land Use By-law special provisions within the Architecturally Sensitive (A-S) Area which supersede any other Land Use By-law provisions with regards to the following: minimum lot frontage; minimum lot area; minimum front, side, rear and flanking yard setbacks; maximum building height; fencing requirements; signage requirements and standards for main and accessory buildings.

Policy 8.17 It shall be the intention of Council that where the Collins Heritage Conservation District By-law and the Land Use By-law conflict, the higher or more stringent regulations shall prevail.

Policy 8.18 It shall be the intention of Council to include in the Land Use By-law a provision prohibiting a Development Permit within an Architecturally Sensitive (A-S) Area unless all requirements of the Heritage Conservation District Plan and By-law are satisfied.

Policy 8.19 It shall be the intention of Council to include in the Land Use By-law a provision prohibiting the development of a parking space in either the front or flanking yard within the Architecturally Sensitive (A-S) area.

Policy 8.20 It shall be the intention of Council to include in the Land Use By-law a provision regulating the maximum building footprint area as a percentage of total lot area.

Policy 8.21 It shall be the intention of Council to include in the Land Use By-law a provision regulating the retention of vegetation

and the maintenance of a certain percentage of landscaping within the Architecturally Sensitive (A-S) area.

Policy 8.22 It shall be the intention of Council to include in the Land Use By-law a provision requiring the screening of refuse, compost and recycling containers as well as regulating their location in the Architecturally Sensitive (A-S) area.

Policy 8.23 It shall be the intention of Council to include in the Land Use By-law a provision regulating the removal of topsoil in the Architecturally Sensitive (A-S) area.

Policy 8.24 It shall be the intention of Council to include in the Land Use By-law a provision restricting the number of driveways in the Architecturally Sensitive (A-S) area.

Health and Wellness Designation and Health Campus (HC) Zone

The following are Council's policies with respect to the health and wellness:

Policy 8.25 It shall be the policy of Council to designate the former Tidal View Manor lands, and surrounding Yarmouth Regional Hospital lands (PIDs 90193343, 90193350, 90246422 and 90254087), as "Health & Wellness" to reflect current health care uses and to anticipate future health care and assisted living opportunities, including associated businesses such as health food, fitness centres, seniors boarding homes, and massage therapies.

Policy 8.26 It shall be the policy of Council to establish a Health Campus (HC) Zone in the Land Use By-law to correspond with lands designated Health & Wellness.

Policy 8.27 It shall be the policy of Council to regulate public and private HC uses in the Land Use By-law.

Policy 8.28 Notwithstanding anything else in this Plan, Health Campus uses shall be exempted from road frontage requirements provided that all other Health Campus Zone criteria are met.

Institutional (I-1) Zone

Institutions are defined as 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; emergency shelters; 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 offices; public recreational facilities; child or adult nurseries; temporary call centers and governmental institutional facilities. Cultural institutions in the Town include the Western Counties Regional Library - Yarmouth Branch, the Yarmouth County Museum, the W. Laurence Sweeney Fisheries Museum, the Firefighters Museum of Nova Scotia, the Yarmouth Arts Regional Council (Th' YARC) and Art Gallery of Nova Scotia.

The following are Council's policies with respect to lands zoned for institutional purposes.

Policy 8.29 It shall be the intention of Council to include in the Land Use By-law an Institutional (I-1) Zone.

Policy 8.30 It shall be the intention of Council to zone or rezone those lands within any designation which contain Institutional (I-1) uses or are intended to be used for institutional purposes as Institutional (I-1).

Policy 8.31 It shall be the intention of Council to consider proposals for Institutional (I-1) uses on lands within any Generalized Future Land Use Map designation and which are not zoned Institutional (I-1) by amendment to the Land Use By-law subject to criteria contained in Implementation Policy 8.7.

Policy 8.32 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, 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 Institutional (I-1) zones.

Cultural Institutions

Cultural institutions play an important role in providing informal educational opportunities to both local residents and tourists. The following objective has been identified with respect to cultural and other institutions in the Town:

(1) To encourage and support developments and organizations that provide cultural programs and/or services to the community; and,

(2) To recognize and promote cultural institutions as valuable and significant social and educational resources.

Policy 8.33 Recognizing that the Town does not have sole or direct responsibility for the operation of these cultural institutions, it shall be the intention of Council to encourage and support the Western Counties Regional Library, the Firefighter's Museum, the Yarmouth County Museum, the Yarmouth Arts Regional Council (Th' YARC) and the Nova Scotia Art Gallery (Western branch) as well as other community groups and organizations in providing the highest quality community based facilities and programs.

Town's Role in Projects undertaken by Other Levels of Government

From time to time provincial and federal levels of government require land in Yarmouth for new or replacement institutional uses. Senior levels of government are not subject to municipal regulations and are thus exempt from the MPS policies and Land Use By-law. But such recent examples as the Law Courts and the High School reflect insensitivity to the placement of such structures in terms of traffic impacts, buffering, site design, and general community impacts. Council would therefore like to play a more significant role in the decisions that are made in the siting and design of such investments within the Town.

Policy 8.34 It shall be the intention of Council to seek more involvement in the siting and design of institutional projects initiated by senior levels of government and their departments.

9. Infrastructure Development

Goals

This chapter will deal with a wide range of municipal infrastructure policies regarding sewer, water and roads, water treatment, solid waste disposal, transportation, floodplain and environmental protection as well as protection and health services.

The policies in this chapter attempt to address and achieve the following objectives:

(1) To require development to occur on municipal water and sewer services except in the Residential Holding (R-H) and Comprehensive Development (C-D) zones where it is expressly permitted to utilize on-site water and septic facilities;

(2) To minimize the cost to the Town of providing sewer, storm, water and road infrastructure (including sidewalks) through the promotion of compact and infill development as well as the fair apportionment of costs between the public and private sectors through the Local Improvements By-law and other avenues;

(3) To upgrade and enhance existing sewer, storm, water and road infrastructure (including sidewalks) as need and funds permit;

(4) To organize and manage an efficient transportation network while minimizing potential negative impacts on residential areas;

(5) To encourage and support developments and organizations that provide transportation facilities and/or services to the community; and,

(6) To encourage and support developments and organizations that provide protective and health facilities and/or services to the community.

Sewers and Wastewater

Municipal Sewer and Wastewater In the center and older areas of town, the sewer system is a combined sanitary and storm water collection system, whereas, in the newer north end of town, it is a separated system of either

a sanitary and underground storm system or a sanitary and ditch system.

A majority of the lands located west of Pleasant Street are, or can be, adequately serviced with municipal sewer and water facilities. Consequently, most of the Town's "intensive" development is located in this area.

Broad Brook Trunk Sewer Upon completion of its wastewater treatment facility in 1991, the Town began a program of separating the sanitary sewer system from the storm sewer system. This separation will remain a priority in order to extend the design life of the wastewater treatment facility. In 1995, the Town initiated and completed the Broad Brook Trunk Sewer System. The Broad Brook Sewer System follows along the low elevation of Broad Brook around the golf course to Argyle Street through to Clements Avenue and along Clements Avenue to Starrs Road. This system enables lands between Pleasant Street and Haley Road an opportunity to be developed once adequate roads, storm, sewer and water mains are installed.

Unserviced Areas There are areas of Town which are not presently serviced by the Town's sewer and water services and which, primarily because of their location, are not likely to receive these services in the foreseeable future. Council intends to allow development to proceed within these areas with on-site services subject to the regulations of the Nova Scotia Department of the Environment and Labour. There are also other areas in the Town which are not serviced by the Town's sewer and water services but which are located close to these services. It is not cost-effective to allow development to proceed with on-site services, only to have the area serviced with public services a relatively short time later. Therefore, pursuant to subsection 220(5)(n) of the *Municipal Government Act*, Council shall prohibit development in these areas until the sewer and water services are extended. This will apply to all unserviced areas of the Town except those located within the Residential Holding (R-H) and Comprehensive Development (C-D) Zone.

The following are Council's policies with respect to sewers and wastewater:

> **Policy 9.1 It shall be the intention of Council to continue to separate combined sanitary and storm sewers where economically feasible to prolong the life of the Town's wastewater treatment facility.**
>
> **Policy 9.2 It shall be the intention of Council, in areas zoned Residential Holding (R-H) pursuant to Residential Policy 4.12, to**

allow developments to proceed with on-site services. It shall be the intention of Council to prohibit developments in all other areas of the Town not serviced by the Town's sewer and water systems. In addition, it shall be the intention of Council to require pursuant to the Subdivision By-law that all lots created, including the remainder, abut and front upon a public street, except on Baker's Island. All lots created on Baker's Island, including the remainder, shall be required to have water frontage.

Policy 9.3 It shall be the intention of Council to consider the development of existing public right-of- ways through joint ventures and cost sharing with private developers by proposal and mutual agreement if such development is deemed mutually appropriate, timely and financially beneficial.

Policy 9.4 It shall be the intention of Council that the Subdivision By-law require private land owners and developers to be responsible for the installation of the sewage collector line, the water distribution line and the laterals for sewer and water services where subdivisions involving new roads are being developed. For the purposes of this Strategy, the following definitions apply:

(1) "Building Service Connection" means that portion of a sewer line which is located on private property and which connects the building drainage system or the building sanitary conveniences to the sewer lateral or that portion of the water line which connects a water meter to the water lateral;

(2) "Sewer Lateral" means that portion of the sewer line which is located on public property or on an easement extending from a building service connection to a sewer collector line;

(3) "Water Lateral" means that portion of the water line which is located on public property or on an easement extending from a building service connection to a water distribution line;

(4) "Sewer Collector Line" means that portion of the sanitary sewer system which is owned and maintained by the Town, into which laterals empty and which extends to the point where wastes are discharged or connect with a trunk line and includes force mains, pumping stations and related

structures;

(5) "Water Distribution Line" means that portion of the water line which is owned and maintained by the Yarmouth Water Utility supplied by the transmission line and which extends to the point where water is discharged or connect with a water lateral line, and may include an assembly of pipes, fittings, control valves, hydrants and other supporting appurtenances and related structures; and,

(6) "Trunk Sewer" means that portion of the central sewage system into which sewer collector lines empty and which extends to the point where wastewater is treated and subsequently discharged to the harbour.

Policy 9.5 It shall be the intention of Council through the Town's Subdivision By-law to require that the construction of any proposed public streets, including the roadbed, travel surface, sanitary sewer system, storm sewer system, water system, curb and gutter, sidewalks and walkways be done by the developer to no less than the minimum standards set forth in the Subdivision By- law. These improvements shall be deeded to the Town upon their completion provided minimum construction standards have been met.

Policy 9.6 It shall be the intention of Council:

(1) To enable the subdivision of lands in accordance with Section 279 of the *Municipal Government Act* concerning reduced lot frontage or reduced lot area or both; and,

(2) To set out provisions in the Land Use By-law to allow development to occur on such lots.

Policy 9.7 It shall be the intention of Council to enable the subdivision of lands altering the boundaries of two (2) or more areas of land provided:

(1) That no additional lots are created;

(2) That each lot meets the minimum dimensions for lot frontage as required by the Land Use By-law or has not had its frontage, if any, reduced;

(3) That each lot meets the minimum lot area as required by the Land Use By-law or has not had its area reduced; and,

(4) That provisions are set out in the Land Use By-law to allow

development to occur on any such resulting lots.

Policy 9.8 It shall be the intention of Council:

(1) To enable the subdivision of lands where a development component of a permanent nature such as a building, structure, well, onsite sewage disposal system or driveway is encroaching in or upon an immediately adjacent area of land, to the extent necessary and practical to remove the encroachment; and,

(2) To set out provisions in the Land Use By-law to allow development to occur on any such resulting lots.

Policy 9.9 It shall be the intention of Council to enable the subdivision of lands where there are two (2) or more main buildings provided:

(1) That each resulting lot has a main building on it if required by the Land Use By-law and if such building contains a building drainage system as defined under the Nova Scotia Regulations Respecting On-site Disposal Systems of the Department of the Environment, each lot shall be served by its own on-site sewage disposal system, or if such building is tied to the Town's central services, each building shall be serviced with its own municipal sewer and water connections;

(2) That each resulting lot complies with the minimum lot frontage and area requirements of the Land Use By-law;

(3) That the common lot line or lines between the resulting lots shall, if possible, comply with the minimum yard requirements of the Land Use By-law; and,

(4) That provisions are set out in the Land Use By-law to allow development to occur on any such resulting lots.

Water Treatment

The Town of Yarmouth's source of water supply is from the Lake George Watershed located in the Municipality of the District of Yarmouth. The water supply is designated as a "Protected Watershed Area" and is regulated through the Lake George Watershed Protected Water Area regulations made under Section 106 of the Environment Act.

Policy 9.10 It shall be the intention of Council to encourage the Yarmouth Water Utility to consider purchasing properties within

the Lake George Watershed in order to protect and ensure water quality and to review such purchases in light of the following:

(1) The urgency of the need to protect the water quality;

(2) The availability of cost sharing as municipal funds permit;

(3) The type of land use and its potential impacts on water quality;

(4) Existing or potential environmental impact on water quality, including but not limited to, on-site septic systems and/or wells;

(5) The topography of the land and its susceptibility to erosion, including but not limited to, the velocity of the flow and the direction of the drainage associated with surface run-off;

(6) The amount of land frontage directly abutting Lake George and any watercourse leading to the lake;

(7) The geographical location, close proximity to the municipal water intake;

(8) The accessibility to the water of Lake George or any watercourse leading to the lake; and,

(9) The availability to purchase the land.

Policy 9.11 It shall be the intention of Council to cooperate with the Municipality of Yarmouth to preserve and enhance the watershed environment so as to maintain water quality and quantity for future generations.

Policy 9.12 It shall be the intention of Council to support the efforts of the Lake George Watershed Management Committee in their administration of the Lake George Watershed Protected Water Area Regulations as the means of protecting the quality and quantity of the Town's water supply.

Policy 9.13 It shall be the intention of Council to cooperate with the Municipality of Yarmouth to promote efficiently planned extensions of the municipal water services into the municipality by mutual agreement where such extensions are deemed mutually appropriate, timely and financially beneficial.

Policy 9.14 It shall be the intention of Council to service new areas in the Municipality of Yarmouth by requiring water distribution main extensions to be connected to the 60.9 mm (24 in.) water

transmission main.

Policy 9.15 It shall be the intention of Council to abandon portions of the old 30.5 cm (12 in.) water transmission main by means of interconnections to the 60.9cm (24 in.) water transmission line.

Solid Waste Disposal

In 1978, the Town established its own first generation solid waste disposal landfill site along the Hardscratch Road within the Municipality of the District of Yarmouth. The Province required all first generation landfill sites to be closed by the beginning of 2006 and be replaced by second generation landfill site technologies. As Council felt that its solid waste generation could not, on its own, support a second generation landfill, it entered into a contract with Waste Check to handle all municipal solid waste. The landfill site along the Hardscratch Road was replaced by a transfer station and beginning in January 2006, Yarmouth's solid waste began being transferred to a new second generation landfill in Queen's county.

The following are Council's policies with respect to the disposal of solid wastes:

Policy 9.16 It shall be the intention of Council to support the efforts of Waste Check in the operation of the transfer station along the Hardscratch Road and their endeavor to provide the most cost effective means and alternatives for the disposal of the Town's solid waste.

Policy 9.17 It shall be the intention of Council to support the efforts of Waste Check in the diversion of materials from the second generation landfill site through recycling, reuse and processing materials into value added products in compliance with provincial solid waste regulations.

Policy 9.18 It shall be the intention of Council to support local entrepreneurs in their efforts to create business opportunities in the area of collection, managing and re-use of materials banned from municipal landfills.

Transportation

- **Streets, roads and active transportation facilities**

Streets are another component of municipal infrastructure. The Strategy classifies streets in terms of their function by classifying them as either

“local”, “collector” or “arterial” as shown in Schedule “E”. Further, as part of Council’s desire to normalize active transportation within the Town, it intends to classify active transportation facilities (walking and /or walking paths 2.5 or more metre wide) as part of the transportation infrastructure.

A majority of streets are classified as “local” and support existing residential development. Collector streets serve through traffic providing access to local streets for various types of development. While these streets are generally appropriate for both large and small scale development, consideration must be given to their role in terms of through traffic circulation. Development fronting on a street should generally be consistent with the role the street plays. “Arterial” streets generally have the widest rights-of-ways and are constructed to maximum standards to accommodate high traffic volumes and weight loadings. Both Main Street and Starrs Road are classified as arterial streets as they are extensions of provincial highways serving as primary conduits for both local and through traffic. The Town intends to develop Clements Avenue between Starrs Road and Parade Street as a collector street as funds and market needs warrant. Pleasant Street will also be classified as a collector street with Starrs Road serving as an arterial access to these streets. The following are Council's policies with respect to transportation development:

Policy 9.19 It shall be the intention of Council to designate all streets within the Town as either local, collector or arterial to ensure that development fronting on the street is consistent with the role the street will play in the general traffic circulation pattern, and that:

(1) The role of local streets should primarily be to accommodate direct residential access, mixed land use and start and stop traffic flows;

(2) The primary role of collector streets should be the routing of limited volume through traffic and providing access to local streets; and,

(3) The role of arterial streets is primarily to accommodate large volume through traffic including access to all designated Provincial highways.

Policy 9.20 It shall be the intention of Council to designate all facilities, except sidewalks, with a finished surface 2.5 metres, or more, wide and designated mainly for walking and / or bicycling, as essential components of the Town’s transportation network,

and that:

(1) The role of such facilities should primarily be to accommodate pedestrian and /or bicycle access between neighbourhoods and important destinations such as schools, business and shopping, independent of or parallel to the street network according to need; and,

(2) The role of walking and / or bicycling facilities should secondarily be to accommodate emergency vehicles, assistive transportation devices including electric scooters, and may also be used to contain buried services.

Figure 9.1 Pleasant Street is a connector road with a walking and bicycle path running beside it, completed in 2012

Policy 9.21 It shall be the intention of Council to develop the Clements Avenue right-of-way between Starrs Road and Parade Street as a collector street in order to promote development in the area and to this end:

(1) Shall allow for access and driveways to abutting lands while limiting the number of crossings of the adjacent multi-use trail; and,

(2) Shall develop non-vehicular connections between Clements Avenue and Pleasant Street through the development of James and Beacon Street rights-of-way by the use of culs de sac and multi-use trail connectors.

Policy 9.22 It shall be the intention of Council to undertake a study of traffic circulation patterns addressing the following:

(1) **The assessment of future traffic circulation requirements;**

(2) **The assessment of traffic circulation at the Milton corner;**

(3) **The assessment of traffic circulation at the Starrs Road/Pleasant Street intersection;**

(4) **The assessment of traffic circulation at the Starrs Road/Clements Avenue intersection;**

(5) **The assessment of alternative circulation patterns;**

(6) **The assessment of traffic calming measures; and,**

(7) **Truck routes.**

- **Developer responsible for cost of subdivision roads**

It is the intention of Council for developers to bear the cost of new subdivision roads. The intent is to ensure that the developer absorbs and recoups the cost, through the sale of the new lots rather than creating a tax burden for the municipality. In this fashion, those receiving the new services pay directly, and existing developments are not unduly hindered by additional taxes to subsidize new developments.

- **Cash in lieu**

It is also the intention of Council to receive cash in lieu rather than the transfer of recreational space for new lots created by subdivision. Council believes that there are sufficient publicly owned lands fairly evenly distributed throughout the town and cash is needed to develop these recreational lands. This arrangement is deemed to be in the best interest of the town. It is the intent of council to use the funds obtained through cash in lieu for development of the Town's Active transportation network.

- **Federal and provincial transportation facilities**

The provincial highways (1, 3, 101 and 103), the International Ferry services and the Yarmouth International Airport are all elements of the regional transportation system upon which local commercial and industrial developments depend. The maintenance and promotion of these facilities are crucial to the long-term viability of the region's economy. Council intends to support, where practical, any public or private effort for the maintenance, retention and promotion of these facilities.

The following are Council's policies with respect to federal and provincial transportation facilities:

Policy 9.23 It shall be the intention of Council to encourage the province to complete the upgrading of both 100 Series highways (101 and 103) between Halifax and Yarmouth.

Policy 9.24 It shall be the intention of Council to vigorously lobby for the retention, promotion and maintenance of the following transportation services:

(1) A ferry service to Bar Harbour and Portland Maine;

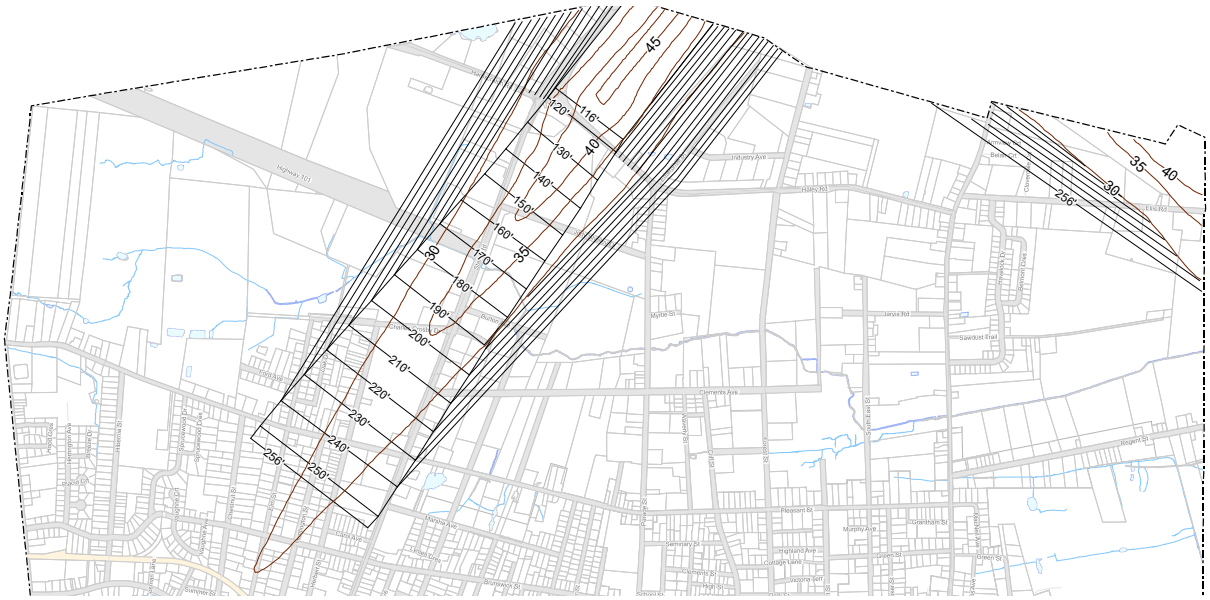
(2) Daily passenger and freight air service to both major Atlantic Canadian and U.S. cities; and,

(3) Local and regional transportation services.

Policy 9.25 It shall be the intention of Council to encourage all bus/shuttle services to consolidate their departure and arrival locations and co-ordinate schedules to provide efficient connections with other transportation services.

While the presence of an International Airport is recognized as an asset, it does present some development control concerns. The *Aeronautics Act of Canada* established the Yarmouth Airport Zoning Regulations.

Figure 9.2 Noise exposure forecast contours for the Town of Yarmouth



These regulations control the location and height of buildings and structures erected within specified areas adjacent to runways. The Department of Transport is responsible for the administration of the regulations and as such these concerns and any potential land use control requirements are beyond the jurisdiction of the Town. Council can assist the Department in administering the regulations by referring any persons

interested in development adjacent to the airport to the Department of Transport for further information.[1]

> **Policy 9.26 It shall be the intention of Council to refer any person who approaches the Town expressing interest in development adjacent to the Yarmouth International Airport to Transport Canada for information concerning federal airport height and noise regulations.**

- **Need for Transportation Master Plan**
- In 2008, the Town of Yarmouth and Province of Nova Scotia jointly undertook a transportation study with the main focus being to determine how Highways 101 and 103 could be connected and how the local street network should connect to the provincial highway network. The consultation program for the MPS review revealed a general dissatisfaction with recommended solutions contained in the plan, in particular the conclusion that Chestnut Street should be upgraded as a collector street that provides direct access to the provincial highways. In addition, continued dissatisfaction with the truck routes in the town, particularly those serving the waterfront, lead to the conclusion that a fresh look is necessary at the town's road network plan and Truck Route By-law.

The following are Council's policies with respect to transportation planning for the Town:

> **Policy 9.27 Notwithstanding Policy 9.23, It shall be the intention of Council to, either independently or jointly with the Province of Nova Scotia, undertake a new comprehensive transportation plan that specifically addresses the issues outlined above, among other matters, and that is consultative in nature.**

Floodplain Designation and (O-2) Zone

Broad Brook and its floodplain, as identified in the *Broad Brook Floodplain Study* (Maritime Resource and Management Services (1977), has implications for future development in the Town. The Broad Brook Floodplain Area is designated on the Generalized Future Land Use Map and zoned Floodplain (O-2) pursuant to the Land Use By-law. It is intended that all development be prohibited within the floodplain due to the area's susceptibility to flooding and the potential damage to new developments.

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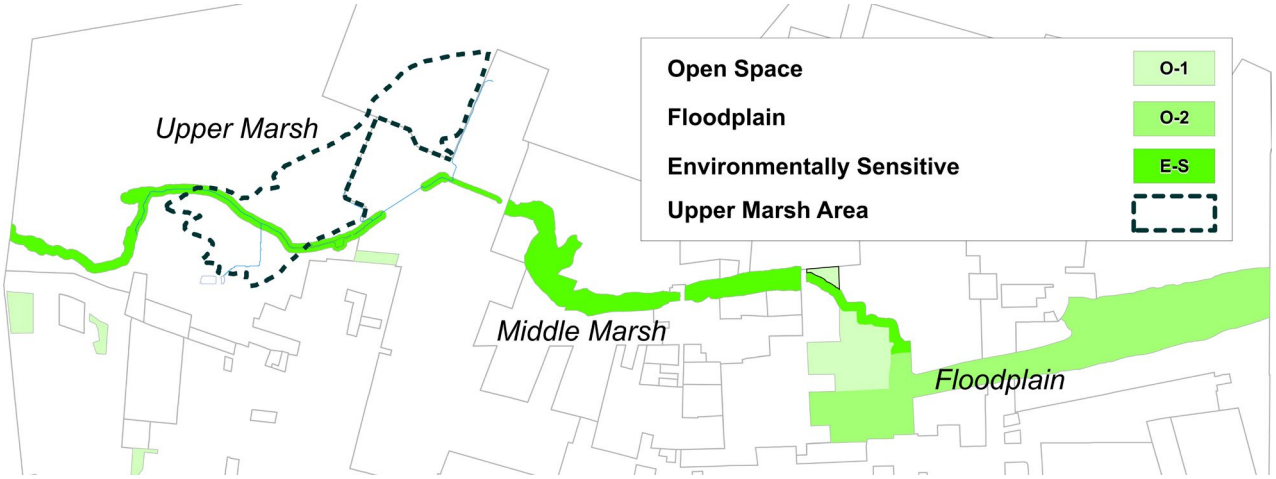
[1] http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._125/

Figure 9.3: Broad Brook, associated Wetlands and Open Space



Environmentally Sensitive Designation and (E-S) Zone

The 1977 study also identified "upper" and "middle" marshes which were not included in the floodplain but which are permanently wet and form a portion of the Brook itself. Due to development's potential to adversely affect "middle" marsh as a prominent natural feature, it will be designated Environmentally Sensitive pursuant to the Generalized Future Land Use Map and zoned Environmentally Sensitive (E-S) pursuant to the Town's Land Use By-law.

Council intends to allow for the development of the "upper" marsh provided that minimum lot elevations are established which protects the development from potential flooding problems. This will require that the properties involved in such development be filled to a minimum elevation established in the Land Use By-law. Council has provided the developer the option of carrying out other unspecified drainage improvement provided they are documented and engineered to achieve the same results as filling. The Land Use By-law will include a schedule identifying upper marsh and will establish a minimum elevation for development

The following policies have been identified for Floodplains and Environmentally Sensitive Areas:

> **Policy 9.28 It shall be the intention of Council to designate the Broad Brook Floodplain as identified in the Broad Brook Floodplain Study (Maritime Resource and Management Services (1977) as "Floodplain" on the Generalized Future Land Use Map. The boundaries for the floodplain designation shall be established as "hard" pursuant to Implementation Policy 9.5 and shall be changed only by amendment to the Municipal Planning Strategy.**

Policy 9.29 It shall be the intention of Council to include in the Land Use By-law a Floodplain (O-2) Zone. This zone shall prohibit all types of developments due to its susceptibility to flooding and subsidence except for recreational uses which do not require the construction or placement of any building or structure and public works projects associated with flood control.

Policy 9.30 It shall be the intention of Council to zone all lands designated Floodplain on the Generalized Future Land Use Map as Floodplain (O-2) Zone.

Policy 9.31 It shall be the intention of Council to prohibit the alteration of land levels or changes to any existing marsh, open ditch, riverbank, watercourse or other natural feature within the Floodplain (O-2) Zone, except for public works developments associated with flood control.

Policy 9.32 It shall be the intention of Council to include in the Land Use By-law a schedule identifying the wetlands adjacent to the headwaters of Broad Brook north of Starrs Road as "Upper Marsh".

Policy 9.33 It shall be the intention of Council that any Development Permitted on lands located within "Upper Marsh" as identified on the schedule pursuant to Policy 6.30 shall be subject to the following:

(1) That the minimum lot elevation for the proposed development conforms with elevation requirements established in the Land Use By-law; or

(2) That such necessary engineering studies be completed to verify that alternative measures are undertaken so as to eliminate any potential for flooding.

Policy 9.34 It shall be the intention of Council to designate "Middle Marsh" as identified in the Broad Brook Floodplain Study (1977) including a buffer on either side of the brook from Southeast Street to Starrs Road as "Environmentally Sensitive" on the Generalized Future Land Use Map. The boundaries for the Environmentally Sensitive designation shall be established as "hard" pursuant to Implementation Policy 9.5 and shall be changed only by amendment to the Municipal Planning Strategy.

Policy 9.35 It shall be the intention of Council to include in the Land Use By-law an Environmentally Sensitive (E-S) Zone. This zone shall prohibit all types of development except for passive recreational uses, wetland conservation related projects and public works projects due to its susceptibility to flooding and subsidence.

Policy 9.36 It shall be the intention of Council to zone all lands designated Environmentally Sensitive as Environmentally Sensitive (E-S).

Protection and Health Services

Policing

Police protection services in the Town are provided by the Town, but handled by the Royal Canadian Mounted Police. One member of the Canadian Corps of Commissionaires regulates the use of public parking in the Town's Central Business District. Community policing, a policing program that involves the community in identifying and solving local policing problems, has been successfully implemented and continues to provide benefits to the Town.

Council seeks to accomplish the following policing objective:

Policy 9.37 To work with the R.C.M.P. to ensure that the Town continues to maintain adequate police protection services.

Fire Protection

The Yarmouth Fire Department serves to protect the Town, part of the Municipality of Yarmouth and part of the Acadia First Nation reserve. This arrangement is likely to continue. The Department's facilities and equipment are adequate to provide for the Town's fire protection. However, future upgrading is anticipated in areas of fire protection, clothing, vehicles, radio communications and fire station maintenance.

Council seeks to accomplish the following fire protection objective:

Policy 9.38 To work with the Yarmouth Fire Department to ensure that the Town continues to maintain adequate fire protection services.

Health Care

The health care services in the Town of Yarmouth are provided by three separately incorporated facilities: Yarmouth Regional Hospital, Tidal View Manor and Harbourside Lodge. These facilities are major employers in the Town.

The hospital provides a full range of inpatient and outpatient services in both diagnostic medicine and treatment procedures.

The Tidal View Manor provides senior's accommodations and services. In addition, the Harbourside Lodge provides accommodations and services for adults that are developmentally delayed, mentally ill or have other long-term disabilities. The Yarmouth Regional Hospital also includes the Yarmouth Campus of the Dalhousie University School of Nursing. Council seeks to accomplish the following health care objective to:

> **Policy 9.39 Support the development of health services in Yarmouth, recognizing that the Town does not have direct responsibility for the provision of health care.**

Emergency Readiness

The Joint Emergency Measures Organization of the Town and the Municipality of Yarmouth drafted an Emergency Readiness Plan in 1997. The Plan contains a hazard analysis of Yarmouth County, civil emergency planning, the Town and Municipality of Yarmouth Emergency Plan, emergency operation responsibilities, Yarmouth County Communications Plan and a resource and heavy equipment list. The contents of the Emergency Plan provide a framework for coordinated responses to potential disasters in the Town and Municipality.

In identifying specific policies with respect to emergency preparedness to:

> **Policy 9.40 Update and implement the Town and Municipality of Yarmouth Joint Emergency Measures Organization Emergency Readiness Plan as and when necessary.**

Support of Volunteers

Generally speaking, it is Council's intent to:

> **Policy 9.41 Support those volunteers that work to improve the quality of life in the Town, including those who assist in the delivery of protection and health services.**

10. Implementation

Preamble

This chapter contains policies addressing development standards for all Generalized Future Land Use Map designations and zones, as well as statements regarding the implementation of policies through the Town's Land Use By-law.

Previous chapters of this Strategy outlined specific designation and zone provisions, whereas this chapter deals primarily with general designation and zone criteria, providing a consistent base by which all applications may be evaluated. This chapter also contains policies and criteria for the evaluation of proposals which are considered through the Development Agreement process. Again, these policies may be in addition to criteria previously outlined for specific designation and zone proposals.

Policies concerning such things as developments fronting on public streets, the provision of parking and the regulation of access from lots to public streets are provided to ensure the successful integration of new developments. The regulation of temporary uses and signage is relevant to all types of development and are addressed in the By-law provisions applicable to all zones.

Rezoning

The following are Council's policies with respect to implementing rezonings, Development Agreements, amendments and other general designation and zone provisions:

Policy 10.1 It shall be the intention of Council that all sections of this document, as well as all appendices, schedules and associated maps attached here to constitute the Town of Yarmouth Municipal Planning Strategy.

Policy 10.2 It shall be the intention of Council that the Town of Yarmouth's Municipal Planning Strategy be the prime policy document providing the framework by which the Town encourages, coordinates and regulates future growth and the delivery of public services.

Policy 10.3 It shall be the intention of Council that the Town of Yarmouth's Land Use By-law be prepared concurrently with this

Municipal Planning Strategy and be the means used for implementing land use policies contained within this Municipal Planning Strategy.

Policy 10.4 It shall be the intention of Council subject to Implementation Policy 10.7 that an amendment to this Municipal Planning Strategy shall be required where any policy is to be changed, where any amendment to the Land Use By-law would violate the Generalized Future Land Use Map or where the Municipal Planning Strategy is in conflict with any applicable provincial land use policies, statements of provincial interest or regulations. All Municipal Planning Strategy amendments shall be carried out in accordance with the *Municipal Government Act*.

Policy 10.5 It shall be the intention of Council to establish all boundaries for the Generalized Future Land Use designations as either, "hard" and be represented on the Generalized Future Land Use Map by a solid line, or "soft" and be represented by a broken line.

Policy 10.6 It shall be the intention of Council that areas immediately adjacent to a land use designation with a "soft" boundary on the Generalized Future Land Use Map may be considered by amendment to the Land Use By-law for development of a use permitted in the adjacent land use designation without amending the Municipal Planning Strategy provided all other relevant Municipal Planning Strategy policies are satisfied. This provision shall not apply where the land use designation on the Generalized Future Land Use Map is established as "hard".

Policy 10.7 It shall be the intention of Council when considering amendments to the Land Use By-law, in addition to all other criteria in the various policies of this Municipal Planning Strategy, to have regard for the following matters:

(1) That the proposal conforms to the intent of this Strategy;

(2) That the proposal is compatible with adjacent or nearby land uses and the existing development form (built environment) in the neighborhood in terms of its use, height, bulk, scale and lot coverage;

(3) That the proposal is compatible with adjacent or nearby

land uses in terms of traffic generation, access to and egress from the site, parking, open storage and outdoor displays;

(4) That the proposal incorporates adequate buffering, landscaping, storm water management, screening and access controls where incompatibilities with adjacent and nearby uses are anticipated;

(5) That the proposal is located so as not to obstruct, alter or fill any natural drainage channels or watercourses or cause any contamination, erosion or sedimentation of any watercourses;

(6) That the proposed location is suitable in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway intersections and other nuisance factors;

(7) That the proposal is located so as not to cause any damage to or destruction of historic buildings and sites;

(8) That the proposal is not premature or inappropriate due to the creation of a "leap frog", scattered or ribbon development pattern as opposed to orderly compact development; and,

(9) That a written analysis of the proposal is provided by staff to determine if the proposal is premature or inappropriate by reason of:

a) The financial capability of the Town to absorb any costs relating to the development while at the same time recognizing the potential increase in tax revenue as a direct result of the proposed development;

b) The adequacy of sewer and water services to support the proposed development;

c) The adequacy of fire protection services to support the proposed development;

d) The adequacy and proximity of school, recreation and other community facilities;

e) The adequacy of road networks in, adjacent to, or leading to the development; and,

f) **The adequacy of on-site traffic circulation, parking areas, loading areas, access controls, drive-thru services and the site to accommodate expected traffic volumes.**

Policy 10.8 It shall be the intention of Council when considering any Development Agreement enabled by various policies contained in this Municipal Planning Strategy to review the proposal's conformity with criteria contained in Implementation Policy 10.7 in light of the applicant's submission of a site plan drawing(s) showing the following:

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) **Existing municipal sewer and water infrastructure, distribution lines as well as any other adjacent public utility facility such as fire hydrants;**
d) **Proposed location and use of all buildings or structures to be constructed or utilized;**
e) **Proposed storm drainage management plan showing by how water will be directed from the site and to where;**
f) **Proposed sewer and water provisions;**
g) **Proposed loading, parking and outdoor facilities including driveways, aisles and ramps as well as any exterior signage or lighting; and,**
h) **Proposed buffering, landscaping, screening and access controls to reduce potential incompatibility with adjacent and nearby uses.**

Policy 10.9 It shall be the intention of Council that any Development Agreement entered into pursuant to Implementation Policy 10.8 shall contain such terms and conditions which Council feels are necessary to ensure that the development is consistent with the Municipal Planning Strategy and to this end, an agreement shall include some or all of the following provisions where applicable:

(1) **The specific use, size and location of the structure, either new or an expansion of an existing structure;**

(2) **The percentage of lands that may be built upon and the sizes of yards, courts or other open spaces;**

(3) **Ingress to and egress from the site to abutting streets including the location, size and number of driveways, parking and loading facilities;**

(4) **Buffering or landscaping including fencing and exterior lighting;**

(5) **Open storage or outdoor displays;**

(6) **Signage or public display of advertising;**

(7) **Time limits for the initiation of construction; and,**

(8) **All other matters enabled by Sections 225 and 227 of the *Municipal Government Act*.**

Policy 10.10 It shall be the intention of Council that any Development Agreement entered into pursuant to Residential Policy 4.22 have regard for the following matters:

(1) **That any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;**

(2) **That any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is a part;**

(3) **That the Development Agreement meets the following requirements:**

a) **That the dwelling be occupied as a residence by the user, except for an inn;**

b) **That not more than two (2) assistants whom are not residents in the dwelling may be employed, except for an inn;**

c) **That not more than 37.2m^2 (400 ft^2) of the dwelling or not more than four hundred 37.2m^2 (400 ft^2) of an accessory building is devoted to the non-residential use, except for an inn;**

d) **That no open storage or outdoor displays be**

permitted;

e) That at least two (2) independent parking spaces be provided in addition to the parking space(s) required for the occupant and any other use, except for an inn which shall have a minimum of one (1) on-site parking space per rental room in addition to one (1) for staff;

f) That all on-site parking be located at the side or rear of the main building; and,

g) That the hours of operation be limited to normal business hours such that they do not create a land use conflict, except for an inn.

(4) That any adjacent use, particularly any adjacent residential use, not be unduly disrupted as a result of traffic generation, noise, hours of operation, parking and such other land use impacts as may be required as part of the development;

(5) That any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources; and,

(6) An inn shall not have any main or accessory use licensed pursuant to the *Liquor Control Act*, R.S.N.S. 1989, other than a temporary special occasion license, provided such license ceases to exist between the hours of 12:00 a.m. and 10:00 a.m. so as to minimize any potential negative effects on adjacent and nearby uses. In addition, no gaming VLT's shall be permitted.

Policy 10.11 It shall be the intention of Council when considering site plan approvals enabled by the Comprehensive Development (CD) policies contained in this Municipal Planning Strategy to review the proposal's conformity with criteria contained in Implementation Policy 10.7 in light of the applicant's submission of a site plan(s) showing the following:

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) **Existing municipal sewer and water infrastructure, distribution lines as well as any other adjacent public utility facility such as fire hydrants;**

d) **Proposed location and use of all buildings or structures to be constructed or utilized;**

e) **Proposed storm drainage management and sewer and water requirements;**

f) **Any proposed streets, walkways, or active transportation routes;**

g) **Proposed buffering, landscaping, screening and access controls to reduce potential incompatibility with adjacent and nearby uses; and,**

h) **Proposed plan of subdivision in accordance with the Subdivision By-law.**

Non-Conforming Structures and Uses

Non-conforming structures and non-conforming uses are aspects which for one reason or another do not conform to provisions of the Land Use By-law. The following are Council's policies with respect to regulating non-conforming structures and non-conforming uses:

Policy 10.12 It shall be the intention of Council to regulate non-conforming uses and non-conforming structures pursuant to Sections 238, 239, 240, 241 and 242 of the *Municipal Government Act*.

Policy 10.13 Notwithstanding Policy 10.12, it shall be the intention of Council to enable non-conforming structures which are damaged or destroyed through no fault of the owner to be rebuilt, repaired or renovated provided the structure is substantially the same as it was before the damage or destruction and used for a purpose permitted by the Land Use By-law.

Policy 10.14 Notwithstanding Policy 10.12, it shall be the intention of Council to enable non-conforming structures to be enlarged, reconstructed, repaired or renovated provided that:

(1) **The enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, rear yard, flanking yard or any combination thereof or any separation distance that does not conform to the Land Use By-law;**

(2) The use conforms with the Land Use By-law; and,

(3) All other applicable provisions of the Land Use By-law are satisfied.

Policy 10.15 Notwithstanding Policy 10.12, it shall be the intention of Council to enable non-conforming structures within the Institutional (I-1) Zone to expand in height provided that:

(1) The expansion does not further increase the height beyond the height of the existing building;

(2) The use conforms with the Land Use By-law; and,

(3) All other applicable provisions of this By-law are satisfied.

Policy 10.16 Notwithstanding Policy 10.12, it shall be the intention of Council to enable structures containing non-conforming uses which are damaged or destroyed through no fault of the owner to be rebuilt, repaired or renovated within one (1) year of the date of the damage or destruction provided the structure is substantially the same as it was before the damage or destruction and used for a purpose permitted by the Land Use By-law or otherwise has not changed its non-conforming use.

Policy 10.17 Unless otherwise required through specific rezoning criteria, it shall be the intention of Council to enable the use of land or building existing on a lot on the effective date of this By-law to be changed to a permitted use where one or more of the following: minimum lot frontage, lot area, front yard, flanking yard, rear yard or side yards are waived for developments as specified in the Land Use By-law.

Policy 10.18 It shall be the intention of Council to include in the Land Use By-law a schedule listing "existing" and "non-conforming" uses (Schedule "C") at the time of the coming into force of this Municipal Planning Strategy and provisions regulating their continued operations or expansion.

Policy 10.19 (A) It shall be the intention of Council to consider amending Schedule "C" where it can be shown that such "existing" or "non-conforming" uses were inadvertently omitted from the Schedule.

Policy 10.19 (B) It shall be the intention of Council to include in the Land Use By-law a provision relaxing the restrictions of Section 241

of the *Municipal Government Act* by enabling a structure containing a non-conforming use the ability to expand provided the addition shall not at any time be used for the purpose of the non-conforming use.

Miscellaneous

The following are Council's policies concerning such things as development frontage on public streets, alteration of land levels, temporary uses, signage, access, parking and loading requirements, accessory uses and accessory buildings, seasonal retail trade, setbacks from floodplain and environmentally sensitive areas, automatic zoning for new lands created abutting Yarmouth harbour, standards for commercial drive-thrus and a provision prohibiting the use of permanent transportation vehicles and/or containers as main or accessory buildings in residential zones.

Policy 10.20 It shall be the intention of Council to require all developments to front on a public street except on Baker's Island. All developments on Baker's Island shall have water frontage.

Policy 10.21 It shall be the intention of Council to include in the Land Use By-law provisions regulating the alteration of land levels by means of filling or excavation activities which address amongst other things storm drainage and the quality of material used, so as to ensure that such filling or excavating activities do not negatively impact on adjacent uses or pose potential problems for the future redevelopment and use of the site.

Policy 10.22 It shall be the intention of Council to include in the Land Use By-law provisions regulating the temporary use of land for fairs and holiday events and for the temporary use of buildings or structures required during the construction of a development; and to establish a length of time for which such temporary uses and buildings shall be permitted so as to ensure that they do not become permanent.

Policy 10.23 It shall be the intention of Council to include in the Land Use By-law provisions for the general regulation of signage (including the type, nature, size, location and description) in all zones within the Town including a prohibition on certain types of signs and specific provisions for signs in Residential, Institutional, Open Space and Floodplain zones; specific provisions for flat fixed wall signs, ground, projecting wall, canopy and awning, and

banner signs in Commercial and Industrial zones; specific provisions for temporary signs and off-site signs; special provisions for banner and poster style signs for service stations; and signs incidental to construction.

Policy 10.24 It shall be the intention of Council to include in the Land Use By-law minimum development standards for the location, size and number of accesses from a lot to a street as well as for on-site and off-site parking areas, loading spaces and ratios for the required number of parking spaces.

Policy 10.25 It shall be the intention of Council to enable, through a site plan approval process, a wider entranceway than the standard applied by the Land Use By-law for commercial and/or industrial uses provided the terms as specifically addressed in the Land Use By-law are satisfied.

Policy 10.26 It shall be the intention of Council to include in the Land Use By-law provisions for the general regulation of accessory uses and accessory buildings.

Policy 10.27 It shall be the intention of Council to include in the Land Use By-law provisions for the general regulation of seasonal retail trade in commercial zones with respect to the following: access & egress standards, period of time that they may be established, yard set-back standards, signage standards and open storage and outdoor displays standards.

Policy 10.28 It shall be the intention of Council to include in the Land Use By-law a special set-back requirement for developments adjacent to a Floodplain (O-2) Zone or an Environmentally Sensitive (E-S) Zone.

Policy 10.29 It shall be the intention of Council to zone those lands above the high water mark created by infilling activities along Yarmouth's Harbour to be zoned according to the zone of the directly abutting land and such zoning shall be intended to extend along the prolongation of the property's side lot lines so that the boundaries of such zones run perpendicular to the land abutting Yarmouth harbour.

Policy 10.30 It shall be the intention of Council to include in the Land Use By-law a provision regulating outdoor furnaces and small accessory wind turbines due to their potential to adversely affect

adjoining and nearby properties.

Policy 10.31 It shall be the intention of Council to include in the Land Use By-law drive-thru standards for any drive-thru permitted by the Land Use By-law.

Policy 10.32 It shall be the intention of Council to include in the Land Use By-law a provision requiring a notification of a public hearing to be sent to all property owners within 30 metres (100 ft.) of a subject property that is to be considered for a site specific amendment or for a Development Agreement or for an amendment to an existing Development Agreement.

Errors or Omissions

In order to enable Council to correct any errors or emissions on the Zoning Map (Schedule "A" of the Land Use By-law) that may have been inadvertently adopted as part of the Plan's review, Council has included a policy that will enable them to rezone the property back to its intended zone by amendment to the Land Use By-law. The policy enabling this type of rezoning is outlined below:

Policy 10.33 It shall be the intention of Council to consider amending the Land Use By-law, in particular the Zoning Map, Schedule "A", where it can be shown that such zones were inadvertently omitted or inadvertently zoned incorrectly during the Plan's review. For the sake of clarity, this provision shall only be used to revert the zoning status of a particular property back to its previous zone prior to the implementation of the revised Municipal Planning Strategy and Land Use By-law if it can be shown that such zoning was done in error.

Enabling of General Land Use By-law Provisions

It is Council's intent to regulate the following matters in the Land Use By-law:

Policy 10.34 It shall be the intention of Council to include in the Land Use By-law a provision requiring driveway entrances to be separated by a minimum separation distance from any existing driveway entrance even though said minimum separation distance transcend property boundary lines.

Policy 10.35 It shall be the intention of Council to include in the Land Use By-law a provision enabling driveway entrances to be

shared with directly abutting lots provided that the Land Use By-law specifies a minimum and maximum width of said driveway entrance even through the width of said entrance way transcends a property boundary line.

Policy 10.36 It shall be the intention of Council to include in the Land Use By-law a provision restricting access to specified streets from corner lots provided at least one (1) access driveway is available along another street.

Policy 10.37 It shall be the intention of Council to enable the development of public and private trails, public and private walkways, and public streets complete with accessory structures such as, but not limited to, benches, garbage and recycling facilities, lights, washroom facilities, wayfinding signage, and similar related structures in any zone. In addition, it shall be the intention of Council to limit the use of public and private trails; and, public and private walkways to non-motorized equipment unless otherwise explicitly enabled through the approval of the Town's Traffic Authority.

Policy 10.38 It shall be the intention of Council to include in the Land Use By-law provisions for the regulation of community markets with respect to the following: on-site parking requirements, signage, outdoor storage, outdoor displays, minimum front, side, flanking and rear yard set- backs, height, driveway entrances (access and egress standards) and removal of the community market when not operational.

Policy 10.39 It shall be the intention of Council to include in the Land Use By-law provisions for the general regulation respecting top-soil removal in all zones including a prohibition on top-soil removal in the Floodplain (0-2) Zone and the Environmentally Sensitive (E-S) Zone that is not in conjunction with a permitted development and the general regulation respecting the removal or filling in of any material within the Floodplain (0-2) Zone that is not in conjunction with a permitted development.

Adult Entertainment

It is Council's intent to regulate the establishment of live adult entertainment uses by limiting them to the General Commercial (C-2) Zone and to enable them to be established in the General Commercial (C-2) Zone

only through the Development Agreement process. Therefore, it shall be the intention of Council to include a special provision in the Land Use By-law applicable to all zones that would prohibit the establishment of a live adult entertainment use as a main use or as an accessory use except in specified zones that enable the use to be established through the Development Agreement process.

> **Policy 10.40 It shall be the intention of Council to include a special provision in the Land Use By-law applicable to all zones that would prohibit the establishment of a live adult entertainment use as a main use or as an accessory use except in specified zones that enable the use to be established through the Development Agreement process.**

Home Based Businesses

Council enables the establishment of non-residential uses (home based businesses) in residential dwelling units throughout the Residential Designation as evident in the text and policy provisions of Chapter 4 of this Municipal Planning Strategy. However, there are several zones outside of the Residential Designation that permit the establishment of residential dwelling units. The following policy is intended to enable the establishment of non-residential (home based business) uses outside of the Residential Designation in commercially zoned areas that permit the establishment of a residential dwelling. This will enable those living in commercially designated areas the ability to establish a non-residential (home based business) use in a similar fashion as those that are located within the Residential Designation.

> **Policy 10.41 It shall be the intention of Council to include a provision in the Land Use By-law that enables the establishment of the following nonresidential (home based businesses) within a residential dwelling unit located in the Downtown Commercial (C-l) Zone, the General Commercial Main Street (C-2M) Zone, the Secondary Commercial (C-3) Zone, the Local Commercial (C-4), the Waterfront Commercial Industrial (WCI-5) Zone, the Commercial Holding (C-H) Zone and the Downtown Transition (DTZ) Zone:**
>
> **(1) Child or Adult Nurseries;**
>
> **(2) Domestic and Household Arts; (3) Home Based Offices;**
>
> **(3) Mobile-Home Based Businesses;**
>
> **(4) Home Based Aesthetic Practices; and,**

(5) Internet Web Site Development.

Policy 10.42 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 residential dwelling units in the Downtown Commercial (C-I) Zone, the General Commercial Main Street (C-2M) Zone, the Secondary Commercial (C-3) Zone, the Local Commercial (C-4), the Waterfront Commercial Industrial (WCI-5) Zone, the Commercial Holding (C-H) Zone and the Downtown Transition (DTZ) Zone with respect to the following: requirement for operator occupancy, maximum commercial floor area, maximum number of nonresidential uses, maximum number of employees, signage, outdoor storage and display and a special provision prohibiting non-residential uses that create objectionable noise, vibration, glare, fumes, odours, dust, air pollutants, traffic generation, or electrical interference.

Convenience Stores, Personal Service Shops and Restaurants

As outlined in Chapter 4, "Commercial Development", Council has established the Local Commercial (C-4) Zone as a means of recognizing existing convenience stores in the residential designation. As outlined in the residential development chapter, Council does not intend to permit a broad range of commercial uses within the Residential designation and does not support the intrusion of commercial and industrial developments into healthy residential areas due to their potential impacts. In this regard rezoning to Local Commercial (C-4) for new commercial developments shall be prohibited.

However, Council does recognize that there is a need to serve certain residential areas with commercial services and to this end will consider convenience stores, personal services shops, restaurants (eat-in only), accessory uses thereto including lounges and outdoor cafés, and any other context appropriate non-residential uses to encourage adaptive reuse of existing buildings up to a maximum combined area of 278.7m^2 (3,000 sq. ft.) within any designation by Development Agreement.

These developments will be limited to those locations that have direct access and egress onto "collector" or "arterial" classified streets. In this fashion, the potential traffic impacts on local streets will be minimized. Through the Development Agreement process, Council has the ability to address potential impacts on the surrounding areas on a case by case

nature.

Policy 10.43 Notwithstanding Policy 4.21, it shall be the intention of Council to consider proposals for convenience stores, personal service shops, restaurants (eat-in only), accessory uses thereto including lounges and outdoor cafés, and any other context appropriate non-residential uses to encourage adaptive reuse of existing buildings uses up to a maximum combined area of 278.7m^2 (3,000 ft^2) in gross commercial floor area within any Designation by Development Agreement pursuant to Section 225 of the *Municipal Government Act* provided:

(1) that the lot directly fronts and abuts a "collector" or "arterial" classified street;

(2) that all access and egress driveways are limited to a "collector" or "arterial" classified street (access and egress driveways to a "local" classified street shall be prohibited);

(3) that drive-ins and drive-thrus are prohibited (only eat-in shall be permitted);

(4) that, except for any alteration of, renovation to, or change in use within any existing building, the proposed development conforms with the following minimum requirements:

Minimum permitted dimensions for Convenience Stores, Personal Service Shops and Restaurants	
Lot Area	3,716m^2 (40,000 sq. ft.)
Lot Frontage	60.9m (200 ft.)
Front Yard Set-back	12.2m (40 ft.)
Flanking Yard Set-back	12.2m (40 ft.)
Side Yard Set-back	9.2m (30 ft.)
Rear Yard Set-back	12.2m (40 ft.)
Maximum permitted dimensions	
Height of Main Building	10.67m (35 ft.)

(5) that, except for any alteration of, renovation to, or change in use within any existing building, one (1) on-site parking

space shall be provided and maintained for each 18.58m^2 (200 ft^2) or fraction thereof of gross commercial floor area in addition to any residential parking space requirement;

(6) that any residential Development Permitted by various provisions of this Strategy (by zoning or by Development Agreement) conforms to the applicable residential requirements pursuant to the zoning and designation that the property is located;

(7) that Council considers the appropriateness of the neighbourhood context in terms of the development's potential impacts; and,

(8) that the proposal conforms to criteria contained in Implementation Policies 10.8 and 10.9 [old 7.8 and 7.9].

Urban Agriculture and Beekeeping

Council wishes to encourage agricultural practices that contribute to a reduction on food imports. To that effect it encourages urban agriculture with certain limitations.

Policy 10.44 It shall be the intention of Council to include in the Land Use By-law a range of prohibited agricultural uses in any zone.

In an effort to enhance local honey production and the local bee population, Council wishes to enable the establishment of urban beekeeping throughout the Town in all zones with certain restrictions. Council's policy to enable this is outlined below:

Policy 10.45 It shall be the intention of Council to include provisions in the Land Use By-law regulating the establishment of urban beekeeping in the general provision for all zones.

11. Climate Change Adaptation

Preamble

Climate change could have far-reaching and unpredictable environmental, social and economic consequences. As a result of global warming, glaciers have been melting, sea levels have risen, and climate zones are shifting. Climate change is more than a warming trend. Increasing temperatures will lead to changes in many aspects of our weather. Some regions will experience more extreme heat, while others may cool slightly. Flooding, drought, and intense summer heat could result. Violent storms and other extreme weather events could also result from the increased energy stored in our warming atmosphere.

There are two (2) general strategies available to combat the effects of climate change:

(1) We can reduce the greenhouse gas emissions that cause climate change and its unwanted impacts. This is referred to as "mitigation".

(2) We can be prepared for changes in our climate by taking steps that will help us to cope with likely impacts. This is referred to as "adaptation".

Realistically, because of considerable maritime risk from climate variability and extreme weather events, Yarmouth will not be able to adequately respond to these threats without incorporating a combination of risk management ("adaptation"), emergency preparedness and response, and greenhouse gas emissions reduction ("mitigation") actions into its regular activities. The following will review existing provisions of the Town of Yarmouth and lay the foundation for future policy directives.

Mitigation: Integrated Community Sustainability Plan

The Town developed an Integrated Community Sustainability Plan (ICSP) which became effective on April 20th, 2010. The ICSP touches on both "mitigation" as well as "adaption" remedies to minimize the adverse effects of climate change.

The "mitigation" policies of the ICSP attempt to reduce greenhouse gas emissions. The ICSP promotes the development of an efficient

transportation network and the development of alternative transportation modes such as active transportation, transit and carpooling initiatives, and this Municipal Planning Strategy responds to these policies.

The ICSP also outlined Council's intention to reduce the Town's carbon footprint. An energy audit was completed in 2010 and the Town is undertaking steps to reduce its carbon footprint by installing energy efficient lighting throughout its facilities, developing a "green" fleet of vehicles, and installing LED street lighting throughout the Town. The Memorandum of Understanding between UNSM and the province recommends an increase in the overall energy efficiency of municipal operations by 20% over 2008 levels by 2020.

The Town's ICSP also recognizes the importance of increasing the amount of tree foliage as a means of combating greenhouse gases and to this end has adopted a "Green Policy" to help beautify the Town and reduce greenhouse gases. The ICSP also promotes the establishment of community gardens as a means of creating local food produce, effectively reducing the amount of shipped produce that has a high carbon footprint.

Adaptation: Sea Level Rise and Storm Surge

In 2013 the Town partnered with the Atlantic Climate Adaptation Solutions Association (ACASA), a joint venture with the Nova Scotia Department of Environment (NSDE) and Natural Resources Canada to study the effects of storm surge and sea-level rise impacts associated with climate change.

Public and Private Assets at Risk

As documented in the Town's *Municipal Climate Change Action Plan* (MCCAP), storm surge and sea-level rise scenarios predict a worst case sea level rise of 6.13 m by the end of the twenty-first century. In 2010, the Town had an assessment value of roughly $ 22.8 million below the 6m contour. At the height of the Groundhog Day storm of February 2, 1976 there was a storm-driven surge in the water levels amounting to 4.81m above normal high tide, which demonstrated the economic impacts that storm events can have on investment~~s~~. Storm events have the ability to severely impact the economy by damaging public and private infrastructure; damaging buildings and supplies; delaying employment opportunities and prolonging the recovery time to pre-storm levels. Adaptation measures are required to minimize these impacts and provide a smoother recovery transition; lowering the financial burden on public and private operations.

The Town has through its Municipal Planning Strategy designated the coastline of the Town as Industrial, Commercial Industrial, Secondary Commercial and Residential on the Generalized Future Land Use Map. Developments along the harbour are regulated through six (6) different zones outlined in Table 11.1 below.

Table 11.1: Zones Regulated under the Climate Change Action Plan Area

ZONE	DESCRIPTION
Residential Holding (R-H)	**Baker's Island**
Health Campus (H-C)	**Yarmouth Regional Hospital**
Low Density Residential (R-1)	**Harbourview Drive area**
Open Space (O-1)	**Market Street Park/Clock Tower Park**
Waterfront Industrial (M-2)	**Domtex and Industrial Areas**
Waterfront Commercial Industrial (WCI-5)	**Across from Central Business District**
Waterfront Mixed Use (WMU)	**North End of Water Street – Old Cotton Mill**

The Yarmouth area has been identified as a high risk area for storm surges associated with climate change impacts. Policy 10.28 of the Municipal Planning Strategy and 5.38 of the Land Use By- law automatically zones newly in-filled lands along Yarmouth Harbour. The setbacks for developments in the Waterfront Commercial Industrial (WCI-5) Zone and the Waterfront Industrial (M-2) Zone against the harbour are waived, enabling the issuance of Development Permits above the high water mark to the harbour edge. It is important to note that municipal jurisdiction ends at the ordinary High Water Mark (HWM). Those developments below the ordinary High Water Mark (HWM) are under federal jurisdiction and as such cannot be regulated pursuant to municipal regulations.

To address climate change impacts on developments, Council has created an overlapping "Climate Change Storm Surge and Sea Level Rise Sensitive Area Map" that will encompass the designations and zones outlined above. It adds more stringent requirements on development than the underlying zoning. This map is shown in Figure 11.1 and in Schedule "G" of the Land Use By-law. For development proposals inside the Climate Change Storm Surge and Sea Level Rise Sensitive Area, the more stringent requirement will prevail, ensuring that developments adhere to the more restrictive provision.

Figure 11.1 Climate Change Storm Surge and Sea Level Rise Sensitive Area Map (excerpt)

Notes: Areas circled are deemed to be extremely sensitive due to the amount of investment or for other reasons. These areas are: A: Head of Yarmouth Harbour (businesses and Milo Lake Dam); B: North of Killam Wharf (marine industries and commercial development); C: south of Ferry Terminal (fish plants); D: below Marsha Lane (Sewage Treatment Plant)

Developments located within the "Climate Change Storm Surge and Sea Level Rise Sensitive Area" as identified on the "Climate Change Storm Surge and Sea Level Rise Sensitive Area Map" will be subject to minimum building grade elevations and minimum set-back provisions from the ordinary High Water Mark (HWM) to safe guard developments from the adverse effects of storm surges and sea level rise. The following are Council's policies in this regard:

Policy 11.1 It shall be the intent of Council to include in the Land Use By-law a "Climate Change Storm Surge and Sea Level Rise Sensitive Area Map."

Policy 11.2 It shall be the intention of Council to amend the "Climate Change Storm Surge and Sea Level Rise Sensitive Area" when information regarding impacts are better studied.

Policy 11.3 It shall be the intention of Council that where any provision of the Land Use By-law conflicts with any provisions governing the "Climate Change Storm Surge and Sea Level Rise Sensitive Area" that the higher or more stringent provision shall prevail.

Policy 11.4 It shall be the intention of Council to include in the Land Use By-law special provisions within the "Climate Change Storm Surge and Sea Level Rise Sensitive Area" which supersede any other Land Use By-law provisions with regards to the following: minimum climate change building grade elevations, minimum wharf grade elevations, minimum separation standards

from the Ordinary High Water Mark (HWM), and minimum standards related to the elevation and minimum separation standards from the HWM of any hazardous materials whether contained in a building or not.

Policy 11.5 It shall be the intention of Council to include in the Land Use By-law a clarification that the minimum climate change building grade elevations and minimum separation standards from the HWM are not subject to variance procedures of the *Municipal Government Act*. Therefore, they cannot be reduced through the variance procedures of the *Municipal Government Act*.

Policy 11.6 It shall be the intention of Council to include in the Land Use By-law a provision requiring any additions to any building or any additions to any wharves located within the "Climate Change Storm Surge and Sea Level Rise Sensitive Area" which does not conform with the minimum climate change building grade elevation and/or minimum separation standards from the HWM requirements prescribed in the Land Use By-law to undertake a study (a storm surge/sea-level rise vulnerability assessment) by a qualified engineer identifying such other development standards that ensures that the development will not be subject to flooding or subsidence caused by climate change impacts. The change in use of any building shall be exempt from this requirement provided there are no additions and provided the building does not include the storage of any hazardous materials. Any storage of any new hazardous materials whether contained in a building or outside any building shall be required to meet the minimum climate change grade elevation standards and minimum separation standards from HWM as prescribed in the Land Use By-law.

Storm Surge/Sea-Level Rise Event Analysis

Climate change will affect coastal developments. Not only are storm intensities anticipated to increase, but the mean sea level will rise due to climate change and subsidence. Historically, the decadal trend has seen a 4.1cm increase in sea-levels. Nova Scotia's coastline is sinking (2cm per decade, part of the decadal 4.1cm trend); causing many of our coastal communities to be more vulnerable to sea level rise and coastal flooding. It is anticipated that by 2100 the predicted relative sea-level rise will increase between 1m and 1.73m, accelerated from historical trends due to climate

change impacts.

This strategy recognizes the need for a precautionary approach to minimize negative impacts of rising sea levels. The Overton Sea Level Monitoring Station has been in place for a number of years and it is clear that mean sea level, as measured at the gauge, has been rising continuously over the years. Global warming will accelerate sea-level rise and coupled with changes in storm intensities will create serious consequences for coastal and nearby properties.

The Town, working in cooperation with the Nova Scotia Atlantic Climate Adaptation Solutions Project, gathered scientific data on Yarmouth's sea level rise to help incorporate climate change adaptation measures into policies. The intent was to select appropriate development standards to minimize the effects of climate change on our built environments.

The Nova Scotia Atlantic Climate Adaptation Solutions Project developed a series of models outlining the effects of storm surges and sea-level rise on Yarmouth's harbour. The predicted twenty-five (25) year and one hundred (100) year storm scenarios are outlined in Table 11.2 below.

Table 11.2: 25- and 100-Year Storm Scenarios for Yarmouth Harbour

25 Years		**100 Years**	
Scenarios	***Rise Above CGVD 28***	***Scenarios***	***Rise Above CGVD 28***
Y1-A25	0.17m	Y1-A	1.40m
		Y2-A	1.79m
Y1-B25	3.99m	Y1-B	5.22m
		Y2-B	5.61m
Y1-C25	4.51m	Y1-C	5.74m
		Y2-C	6.13m

Note: CGVD28 -=Canadian Geodetic Vertical Datum of 1928. Until 2013 this was the standard geodetic vertical datum as maintained by Natural Resources Canada (NRCan). In that year NRCan established a new geodetic datum (CGVD2013); however NRCan advises it will continue to publish heights at benchmarks in CGVD28 for the foreseeable future. For readers information, Canadian Geodetic Vertical Datum of 1928 (CGVD28, land elevation vertical datum) is based on the Yarmouth CDCGVD28 offset of 2.31 m.

Source: Atlantic Climate Adaptation Solutions Project (ACASA), *Yarmouth: A Case Study in Climate Change Adaptation. Part 2 – Section 1, Future Sea Level Rise and Extreme Water Level Scenarios for Yarmouth, Nova Scotia;* Jonathan Critchley, Justin Muise, Eric Rapaport and Patricia Manuel, School of Planning, Dalhousie University, Halifax. Some values have been adjusted for errors.

Infrastructure at Risk

According to the climate change scenarios outlined above, the one hundred (100) year storm scenario predicts a worst case of 6.03m CGVD28 (6.13m CGVD28) and any infrastructure at or below this level is considered to be at risk. The "Climate Change Storm Surge and Sea Level Rise Sensitive Area Map" identifies the areas below the six (6m) metres CGVD28 level. The Town needs to develop plans to mitigate and adapt to these impacts.

In light of the above, the following principles for implementing minimum standards have been developed:

(1) Main buildings should be treated differently than accessory buildings:

> Main buildings should have a larger set-back from the water's edge and have a higher minimum building grade elevation than accessory buildings.

(2) Water dependent buildings should be treated differently than non-water dependent buildings:

> Non-water dependent buildings should have a larger set-back from the water's edge and have a higher minimum building grade elevation than water dependent buildings.

(3) Minimum standards should be implemented over a period of time and adjusted as new information regarding sea-level rise and storm surge events become available.

(4) Minimum grade level standards should be introduced for storage of hazardous material such as, but not limited to, oil, gas and propane.

(5) Developments along Water Street should not be built to a grade elevation below the grade elevation of the directly abutting street grade elevation.

Table 11.3: Main Buildings (Non-Water Dependent)

Time Period	Minimum Building Grade Elevation	Minimum Building Set-back
Present - 2050	4.8m CGVD28	7.6m (25 ft.) from HWM
2051 - 2100	5.4m CGVD28	7.6m (25 ft.) from HWM

Table 11.4: Accessory Buildings (Non-Water Dependent)

Time Period	Minimum Building Grade Elevation	Minimum Building Set-back
Present - 2050	4.6m CGVD28	3.05m (10 ft.) from HWM
2051 - 2100	5.2m CGVD28	3.05m (10 ft.) from HWM

Table 11.5: Main Buildings (Water Dependent)

Time Period	Minimum Building Grade Elevation	Minimum Building Set-back
Present - 2050	4.6m CGVD28	Waived from HWM
2051 - 2100	5.2m CGVD28	Waived from HWM

Table 11.6: Accessory Buildings (Water Dependent)

Time Period	Minimum Building Grade Elevation	Minimum Building Set-back
Present - 2050	4.4m CGVD28	Waived from HWM
2051 - 2100	5.0m CGVD28	Waived from HWM

Table 11.7: Hazardous Materials (Oil, Gas, Propane, etc.) whether contained in a building or not - (Non-Water Dependent)

Time Period	Minimum Building Grade Elevation	Minimum Building Set-back
Present - 2050	4.8m CGVD28	6.1m (20 ft.) from HWM
2051 - 2100	5.4m CGVD28	6.1m (20 ft.) from HWM

Table 11.8: Hazardous Materials (Oil, Gas, Propane, etc.) whether contained in a building or not - (Water Dependent)

Time Period	Minimum Building Grade Elevation	Minimum Building Set-back
Present - 2050	4.8m CGVD28	Waived
2051 - 2100	5.4m CGVD28	Waived

It should be noted that the above minimum building grade elevations will not ensure that buildings will not be impacted by storm surges, however they should help to minimize their impacts. Storm drainage systems along Water Street should be up-graded and oversized to provide an avenue for surface water to exit in such a fashion to minimize the impacts on adjacent and nearby developments.

In addition to the minimum climate change building grade elevations any non-water dependent main building greater than 185.8m^2 (2,000 sq. ft.) in gross floor area shall have a building grade elevation equal to or greater than the directly abutting Water Street elevation.

For clarity, this provision shall only apply to those lots directly abutting Water Street and may be determined by the average elevation along the lineal length of Water Street that directly abuts the property.

> **Policy 11.7 It shall be the intention of Council to include in the Land Use By-law a minimum climate change building grade elevation for any non-water dependent main building greater than 185.8m^2 (2,000 ft^2) in gross floor area that is equal to or greater than the directly abutting Water Street elevation within the Climate Change Storm Surge and Sea Level Rise Sensitive Area. For clarity, this provision shall only apply to those lots directly abutting Water Street and the elevation level may be determined by the average elevation along the lineal length of Water Street that directly abuts the property.**
>
> **Policy 11.8 It shall be the intention of Council to include in the Land Use By-law a provision requiring slab on grade construction or a higher floor elevation above grade and a prohibition on any basement or sub-basement construction (other than foundation supports for upper levels) or any floor elevation below the minimum climate change building grade elevation within the Climate Change Storm Surge and Sea Level Rise Sensitive Area.**

In order to minimize the effects of hazardous materials associated with Bulk Petroleum Storage Facilities, Service Stations and Gas Bars it is the intention of Council to prohibit the development of new such non-water dependent uses in the Climate Change Storm Surge and Sea Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea Level Rise Sensitive Area Map, Schedule “G”. Existing facilities at 166 Water Street and 632 Main Street will be identified as “existing” pursuant to Schedule “C” of the

Land Use By-law and will have the ability to continue to exist as permitted uses.

Policy 11.9 It shall be the intention of Council to include a provision in the Land Use By-law prohibiting the establishment of non-water dependent Bulk Petroleum Storage Facilities, Service Stations and Gas Bars in the Climate Change Storm Surge and Sea Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea Level Rise Sensitive Area Map, Schedule "G", and to treat existing facilities located at 166 Water Street and 632 Main Street as "existing" pursuant to Schedule "C" of the Land Use By-law.

The policies outlined in this Chapter are intended to be implemented through a series of By-laws and regulations such as, but not limited to, the Subdivision By-law and the Land Use By-law. Other policies, due to their very nature, will be incorporated into other documents such as the Emergency Measures Organization Plan or through the development of new plans, By-laws or regulations. From time to time it will be necessary to amend policies and By-law provisions to reflect changing priorities and circumstances. To this end, it shall be the intention of Council to amend the Town's Land Use By-law to be reasonably consistent with the intent of the Municipal Planning Strategy as it relates to Climate Change impacts.

Policy 11.10 It shall be the intention of Council to consider climate change impacts when reviewing the Municipal Planning Strategy and up-date the Town's Land Use By-law so that it is reasonably consistent with the intent of climate change policies.

12. Housing Accelerator Fund

Preamble

In 2023, the Government of Canada launched the "Housing Accelerator Fund" (HAF) in response to the national housing crisis. The HAF, administered by the Canadian Mortgage and Housing Corporation, was a $4 billion fund distributed to municipalities who agreed to take measures to accelerate housing development. A key expectation for municipalities was to update planning documents to relax or remove barriers to diverse and affordable housing.

The Town of Yarmouth applied to the HAF program under the Small/Rural/North/Indigenous Stream and in March of 2025 was successful in obtaining a commitment of $2.3 million to implement five key initiatives:

1. Create a surplus lands program for affordable housing.
2. Develop a parking management strategy.
3. Regulatory changes to support housing.
4. Create a priority approvals stream for housing projects.
5. Development incentives program.

Initiative 3 dealt specifically with amendments to this Municipal Planning Strategy and its related Land Use By-law to relax development regulations for housing. At the time of these amendments the Town was also undergoing a wider project to review and holistically update its planning documents; however the expected timeline for the overall planning review was not short enough to meet the Town's HAF commitments so Council implemented the following policies ahead of time and will later roll some version of them into the updated planning documents.

Accessory Dwelling Units

Accessory dwellings units ("ADUs") are dwelling units that are secondary or subsidiary to the main dwelling on a lot. They can be located in the same building as the main dwelling (sometimes referred to as "granny flats", "basement suites", or "secondary suites") or as a standalone building ("carriage house", "backyard suite", or "laneway house"). ADUs provide additional, smaller-scale housing options in existing developed areas of town. These could be used as housing for family members, or to provide

expanded rental housing options. In the latter case they can also help support affordability for the homeowner by providing an income stream.

The Land Use By-law previously permitted dwelling units to be located in an accessory building, but the provisions for this use were difficult to find and interpret, leading many members of the community to believe that accessory dwellings were not permitted. As part of these HAF amendments, Council amended the Land Use By-law to clarify the provisions for accessory dwelling units and hopefully spur increased adoption of this housing form.

> **Policy 12.1 Notwithstanding anything else in this Plan, it shall be the intention of Council to permit one accessory dwelling unit on any residentially-zoned lot, subject to limits on the size and location of the accessory dwelling unit to ensure it remains "accessory".**

Residential Lot Standards

The Land Use By-law contains standards that new development must meet, including minimum lot area and frontage (the width of the lot along the street). For residential developments these were previously on the higher end for an urban context like the Town of Yarmouth and were typically established on a "per unit" basis. In other words, the required lot sized increased based on the number of dwelling units proposed for the lot. This approach made it difficult to meaningfully increase density and create housing through "infill" development (development in established areas of town). Through the HAF amendments, Council relaxed residential lot standards to remove this barrier to housing development.

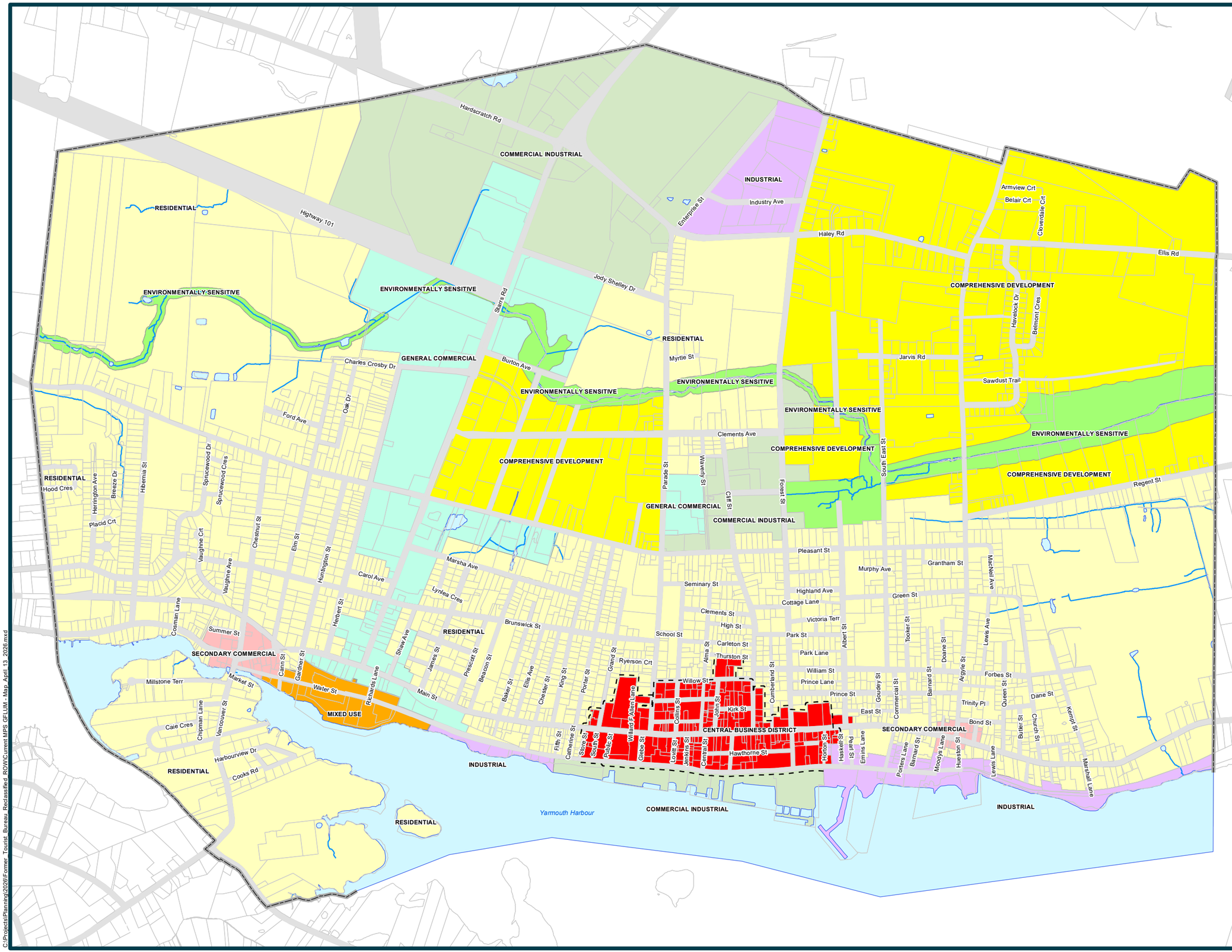
> **Policy 12.2 Notwithstanding anything else in this Plan, it shall be the intention of Council to reduce the minimum lot area and minimum lot frontage standards in the Low Density Residential (R-1) Zone and Medium Density Residential (R-2) Zone, and to establish these standards independent of the number of dwelling units proposed for a lot.**

Increased Density and Housing Approvals Processes

Traditionally, higher densities of residential development in the Town of Yarmouth have been required to go through more rigorous approvals processes – either site plan approval or a Development Agreement, depending on the zone and scale of development. While these tools help provide oversight with various aspects of the development and can provide

opportunity for public engagement, they also add to the time that it takes for a development to get approved. For moderate sized housing developments in certain locations the additional oversight may not provide enough benefit to outweigh the impact of a longer approvals process. Through the HAF amendments, Council relaxed the approvals process to encourage higher densities of residential development in the downtown as well as around large institutional uses, such as the hospital and Nova Scotia Community College.

> **Policy 12.3 Notwithstanding anything in this Plan, it shall be the intention of Council to permit dwellings within the Downtown Commercial (C-1) Zone with no limit on the number of dwelling units permitted, provided the dwelling units are not located at ground level and the development otherwise complies with the requirements of the Land Use By-law.**
>
> **Policy 12.4 It shall be the intention of Council to establish the Housing Accelerator 1 (HA-1) Zone and Housing Accelerator 2 (HA-2) Zone to enable higher densities of housing in close proximity to key institutional nodes, such as Yarmouth Regional Hospital, and on Town-owned lands that are targeted for affordable housing. These zones shall permit a range of residential uses, as well as supportive community amenities such as parks and nurseries. Permitted residential uses in the Housing Accelerator Zones shall be limited in terms of the number of units, with a greater number of units only considered through the site plan approval process.**



TOWN of YARMOUTH

Yarmouth
ON THE EDGE OF EVERYWHERE
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GENERALIZED FUTURE LAND USE MAP

- Residential
- Environmentally Sensitive
- Central Business District
- General Commercial
- Secondary Commercial
- Commercial Industrial
- Industrial
- Mixed Use
- Comprehensive Development

MUNICIPAL PLANNING STRATEGY - MAP 1 -

DATE: April 13, 2026

TOWN OF YARMOUTH, PLANNING AND DEVELOPMENT

NOTE: Information contained on this map is subject to change.

0 125 250 500 750
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 15 MARCH, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 15 MARCH, 2026.

GFLU MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT MPS GFLU (EFFECTIVE JANUARY 22, 2026).

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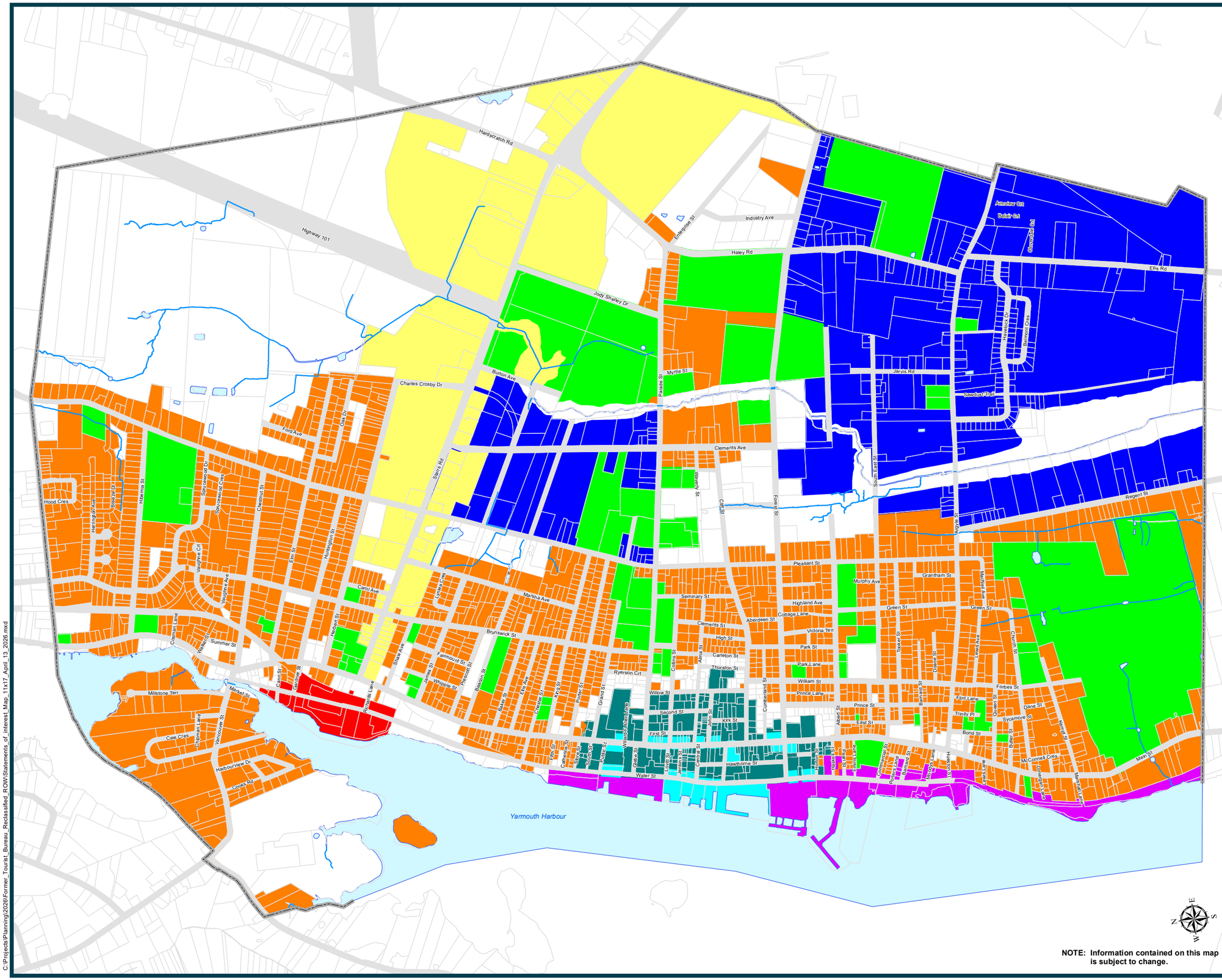
TOWN of YARMOUTH

Yarmouth
ON THE EDGE OF EVERYWHERE

STATEMENTS OF INTEREST MAP



NOTE: Information contained on this map is subject to change.

Legend

- Waterfront Comprehensive Development
- Institutional Zone
- Starrs Road Commercial Area
- Seasonal Retail Use
- Downtown Commercial
- Large Mixed Use Developments
- Residential Infill
- Working Waterfront

TOWN OF YARMOUTH,
PLANNING AND DEVELOPMENT

DATE: APRIL 14, 2026

0 125 250 500 750
Metres

PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 15 MARCH, 2026.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST.
CURRENT TO 15 MARCH, 2026.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT.
CURRENT LUB ZONING (JANUARY 16, 2020).

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