





Proposed Waterfront Amendments:

Aligning our Planning with the Waterfront Action Plan

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|  | <p>APPLICANT The Town of Yarmouth</p> |
|  | <p>What is the problem? In February 2018, Council approved the Waterfront Action Plan as developed by MMM Group.</p> <p>The Waterfront Action Plan provides a framework to which staff and Council may implement the vision for the Waterfront. The Action Plan provides a thorough overview of the existing and potential assets of the Waterfront as well as twenty-four (24) action items for the Waterfront to become the economic hub of South Western Nova Scotia. Action items have been organized by time line, magnitude of cost, objectives and benefits.</p> <p>As part of the Municipal Planning Strategy Review process, it was decided that placeholder policies, to restrict new types of development from happening on the waterfront, would be implemented in order to create some time for Council to adopt a future for the Waterfront. Now that the Waterfront Action Plan is complete, it is time to review the Municipal Planning Strategy and Land Use By-Law in order to ensure that Council’s vision for the waterfront is consistent between the Action Plan and the Town’s Planning Policies.</p> <div data-bbox="310 951 1419 1341" data-label="Diagram"> <p>The diagram is a horizontal progress bar on a dark blue background. It is divided into four segments. The first three segments are filled with orange, and the fourth is white. Below the segments are labels: 'Municipal Plan Review', 'Waterfront Development Action Plan', 'Consistent Land Use Policy', and 'Gradually Implement 24 Action Items'. An orange octagon with the text 'We're almost there!' is positioned above the 'Consistent Land Use Policy' segment.</p> </div> |
|  | <p>How does this relate to the Municipal Planning Strategy? Currently the Municipal Planning Strategy has a Statement of Community Interest pertaining to the Working Waterfront. Through this statement, Council clearly indicates a desire to support a working waterfront and compatible uses such as tourism, offices and industry. Council would like to retain the existing large industry located along Water Street that hold critical proximity to the ocean, including IMO Seafoods, Newell Lobster, Scotia Garden and the International Ferry Terminal. Finally, Council would like to encourage optimum use of waterfront lands by creating policy that will give priority to water dependent industry with secondary uses planned in a manner to support and enhance the current context.</p> |
|  | <p>What are the recommended changes? The following is a list of recommended changes to both the Municipal Planning Strategy and Land Use By-Law in order to enable the vision for the Waterfront as outlined in the</p> |

Waterfront Action Plan. A report with details on each proposed amendment can be found attached.

1. Updated Waterfront Industrial Zoning (M-2)
 - a. Revised list of uses
 - b. Revised lot requirements
 - c. Revised storage requirements
 - d. New Waterfront Overlays
 - i. Waterfront Downtown
 - ii. Water Street North
 - iii. Milton Village
 - iv. Waterfront Overlay Conditions (Policy 10.12)
2. Deleted Waterfront Mixed Use and Waterfront Commercial Industrial Zones
3. Updated Downtown Commercial (C-1)
4. Updated Secondary Commercial (C-3)
5. Updated Statements of Community Interest
 - a. Seasonal Retail Use
 - b. Working Waterfront
 - c. Waterfront Mixed Use Statement
 - d. Downtown Commercial Area
 - e. Added Bunker's Island Statement
6. Updated 5% Land Contribution Policy
7. Updated Climate Change Regulations
 - a. Storm and Sea Rise Protection statements
 - b. Waterfront parkland and parking statements
 - c. Elevated Residential Requirements
 - d. High Water Mark Definition
 - i. The Municipal Planning Strategy and Land Use By-law referenced the Ordinary High-Water Mark as defined by the Nova Scotia Surveyors Regulations
 - ii. At Council's request, the definition was reviewed to recommend whether to change to High Water Mark as defined by the Canadian Hydrographic Service
 - iii. A second report will be provided to Council on this research
8. Update the Generalize Future Land Use Map
 - a. Removed the Commercial Industrial on Waterfront (Now Industrial)
 - b. Removed the Mixed Use on Water Street (Now Industrial)
9. Updated Figures
 - a. 6.1 & 6.2 (Remove Waterfront Reference)
 - b. 7.1 & 7.2 (Expand Industrial Designation on Water St)
10. New Diagrams
 - a. Corkum's Overlook
 - b. Central Street
 - c. Water Street North Mixed-Use Complex
11. New Definitions
 - a. Overlay Zone
 - b. Water Dependent Use
 - c. Arts and Entertainment Studio

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| | <p>d. Food Trucks (*Amended)</p> <ul style="list-style-type: none">12. Updated Site Plan Implementation Policies13. Permitted Residential in the Waterfront Overlays through Site Plan and Development Agreement |
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How does this affect the community?

Council’s goals for the Waterfront are to be an active partner in creating a fertile environment for growth and business diversity; to nurture existing industries by supporting and helping them to grow; to create a place for workers and visitors by having a working waterfront that embraces the tourism sector; and to move people and goods effectively to and from the waterfront.

The proposed changes to the Town’s Planning Documents were developed in the hopes of achieving these goals to create a thriving waterfront for the Town of Yarmouth.

The proposed changes are extensive, a new strategy to zoning land on the waterfront means that many property owners will see their land rezoned. These zoning changes do not take away any land rights but instead provide for more future possibilities.



Does this have financial implications for the Town?

There are no immediate financial considerations with the proposed amendments. However, should Council choose to proceed with the implementation of the 24 Action Items there will be cost associated with that process.



What is next?

While this report took every effort to comprehensively review both the Municipal Planning Strategy and Land Use By-Law to ensure policy consistency, there are still considerable policy

and by-law changes that will be required in order to achieve the vision of the Waterfront Action Plan. Below is a list of recommended future considerations with estimated timelines.

Follow Up/ Future Considerations

1. Central Street Façade Guidelines (2020)
2. Events Planning Guide for Town (2019)
3. Central Street Design and Update (2020)
4. Waterfront Parkland and Trail Plan (2020)
5. Public and Private Contribution Model for Collaborative Sea Rise Protection (2020)
6. Economic Development Strategy for Town Industry (2021)
 - a. Industrial Land Bank
 - b. Succession Planning for Existing Industry
7. Regional Plan for Bunker's Island and Trail Network (2022)

Respectfully Submitted by Caroline Robertson, Director of Planning to the Planning Advisory Committee

Town of Yarmouth

Proposed Waterfront Amendments

Aligning our Planning with the Waterfront Action Plan

Caroline Robertson, Director of Planning and Development
2-26-2019

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Waterfront Action Plan Considerations

The Waterfront Action Plan provides a framework to which staff and council may implement the vision for the waterfront. The action plan provides a thorough overview of the existing and potential assets of the Waterfront as well as twenty four (24) action items for the waterfront to become the economic hub of South Western Nova Scotia. Action items have been organized by timeline, magnitude of cost, objectives and benefits.

The following are a list of action items outlined in the Waterfront Action Plan that require further planning consideration to which this report hopes to address:

1. Renewables and Innovation.
 - a. Support the establishment of an innovation and education centre.
2. Tourism and Leisure.
 - a. Encourage and support the establishment of seasonal retail and vendors.
 - b. Create a pedestrian only environment, closing Central Street to vehicular traffic.
 - c. Support the establishment of experience type activities.
 - d. Encourage and streamline special events.
 - e. Combine hospitality with the working waterfront through mixed use zoning.
3. Parkland and Trails.
 - a. Develop a plan and standard for walking and trail connections along the waterfront.
4. Storm Surge Protection.
 - a. Develop a plan with joint contribution model for storm surge and sea level rise infrastructure.
5. Transportation.
 - a. Design a new ferry terminal with mixed use to create a hub for the waterfront and entrance to the Town.
 - b. Enhance and promote the airport connection for waterfront industry.
6. South End Industrial Area.
 - a. Support a growth plan for the South End Water Street Industrial Area focused on large scale industrial and cold storage.
7. Residential.
 - a. Consider increased residential density in the North End of Water Street.
 - b. Consider mixed use developments design for regular flooding.

List of Proposed Amendments

1. Updated Waterfront Industrial Zoning (M-2).
 - a. Revised list of uses.
 - b. Revised lot requirements.
 - c. Revised storage requirements.
 - d. New Waterfront Overlays.
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 - d. Update High Water Mark Definition.
 - i. The MPS and LUB referenced the Ordinary High-Water Mark as defined by the Nova Scotia Surveyors Regulations.
 - ii. At Council's request, the definition was reviewed to recommend whether to change to High Water Mark as defined by the Canadian Hydrographic Service.
 - iii. The definition was instead changed to reflect the Canadian Geodetic Vertical Datum for Canada.
 - iv. A second report will be provided to Council on this research.
- 8. Update the Generalized Future Land Use Map.
 - a. Removed the Commercial Industrial on Waterfront (Now Industrial).
 - b. Removed the Mixed Use on Water Street (Now Industrial).
- 9. Updated Figures.
 - a. 6.1 & 6.2 (Remove Waterfront Reference).
 - b. 7.1 & 7.2 (Expand Industrial Designation on Water St).
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 - c. Arts and Entertainment Studio.
 - d. Food Trucks (*Amended).
- 12. Updated Site Plan Implementation Policies.
- 13. Permitted Residential in the Waterfront Overlays through Site Plan and Development Agreement.

Follow Up/ Future Considerations

- 1. Central Street Façade Guidelines (2020).
- 2. Events Planning Guide for Town (2019).
- 3. Central Street Design and Update (2020).
- 4. Waterfront Parkland and Trail Plan (2020).
- 5. Public and Private Contribution Model for Collaborative Sea Rise Protection (2020).
- 6. Economic Development Strategy for Town Industry (2021).
 - a. Industrial Land Bank.
 - b. Succession Planning for Existing Industry.
- 7. Regional Plan for Bunker's Island and Trail Network (2022).

The following are recommended changes to the Town's Municipal Planning Strategy to support the Waterfront Action Plan:

2. Downtown Commercial Area (Page 18)

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 along 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.



Figure 1 Waterfront Downtown Current

Move the Waterfront Commercial Industrial Zone Vision (see below) from the MPS to be part of the Downtown Commercial Area Statement of Community Interest.

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

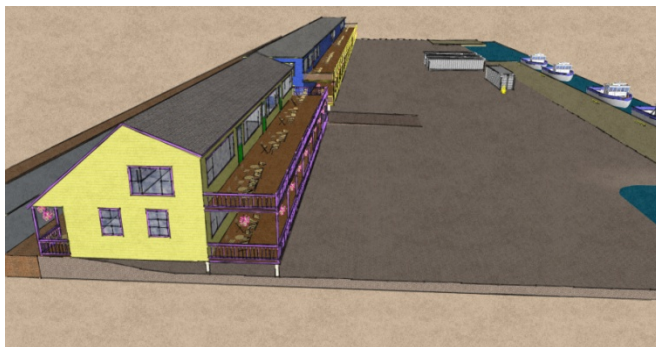
~~to the western side of Water Street created a commercial/industrial mix. The Town of Yarmouth has a very successful Downtown which has been defined within the Central Business District; A portion of Water Street contributes to the essence of the Downtown by successfully merging the industrial uses of a working waterfront with the popular uses found in a Downtown such as parks, retail, restaurants, and offices. This area is designated commercial industrial by the Town's Generalized Future Land Use map and has been zoned Waterfront Industrial (M-2). However, because of the proximity of this area to the Town's Central Business District, Council intends to also permit Downtown Commercial Uses within this area. This will be done through the creation of a Waterfront Downtown Overlay. The area defined within the overlay shall permit all the uses outlined in both the Waterfront Industrial (M-2) zone and Downtown Commercial (C-1) zone, with priority being given to Water Dependent Uses, using the Waterfront Overlay Conditions (see policy 10.12). If a Land Use Policy is conflicting between the two zones, the more lenient shall apply. Policies related to climate change and flood mitigation, shall supersede the overlay zoning requirements. 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 Central Business District (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. It is the intention of Council that Central Street be redesigned giving priority to pedestrians, creating a safe public space to guide shoppers from the Downtown to the Waterfront. In order to preserve ~~these~~ these connections, it shall be the intent to ~~protect~~ 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 Waterfront Downtown Overlay 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, new buildings and large-scale renovations (excess of 15,000ft²) that correspond with a change of use shall be required to go through site plan approval. Site plans must incorporate Council's vision for the waterfront as outlined in the following Statements of Community Interests: The Working Waterfront, Downtown Commercial Area and the Seasonal Retail Uses. ~~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 Downtown Overlay 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 controls of open storage and outdoor display within the Waterfront Downtown Overlay Commercial Industrial (WCI-5) zone is an attempt are intended 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 1393.5m² (15,000 ft²) shall be considered by Development Agreement through site plan approval, developments will be expected to show how traffic, pedestrian as well as vehicle, will enter, leave and flow through the site. This requirement shall apply to any new development in excess of 1393.5m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft²) 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 Downtown Overlay Commercial Industrial (WCI-5) zone without hindering each other's interests and without straining public infrastructure and amenities. Creating a successful commercial and industrial space that takes into consideration the needs of users and the overall aesthetics and feel of Downtown. In addition, Council recognizes that the Town's Waterfront is in a positive situation to proactively encourage ocean research and development to take place, as the Town has a working waterfront situated in a Downtown with access to good internet services. Web development and research facilities will be actively approached and invited to relocate within the Central Business District. Businesses that primarily function through online services, and do not necessarily require an office location in a big city, will be enabled and invited to establish their needs in the Town of Yarmouth where their employees can enjoy the overall better quality of life that can be found when living in a small Town.

Mixed use example for Waterfront Downtown



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 Downtown Overlay through site plan approval, provided the conditions of the Waterfront Overlay and Council's vision of the Downtown Commercial Area and Working Waterfront are met. 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~~ if public amenity space is provided through a public easement granted to the Town of Yarmouth.



Figure 2 Waterfront Downtown Vision

3. Working Waterfront (Page 19)

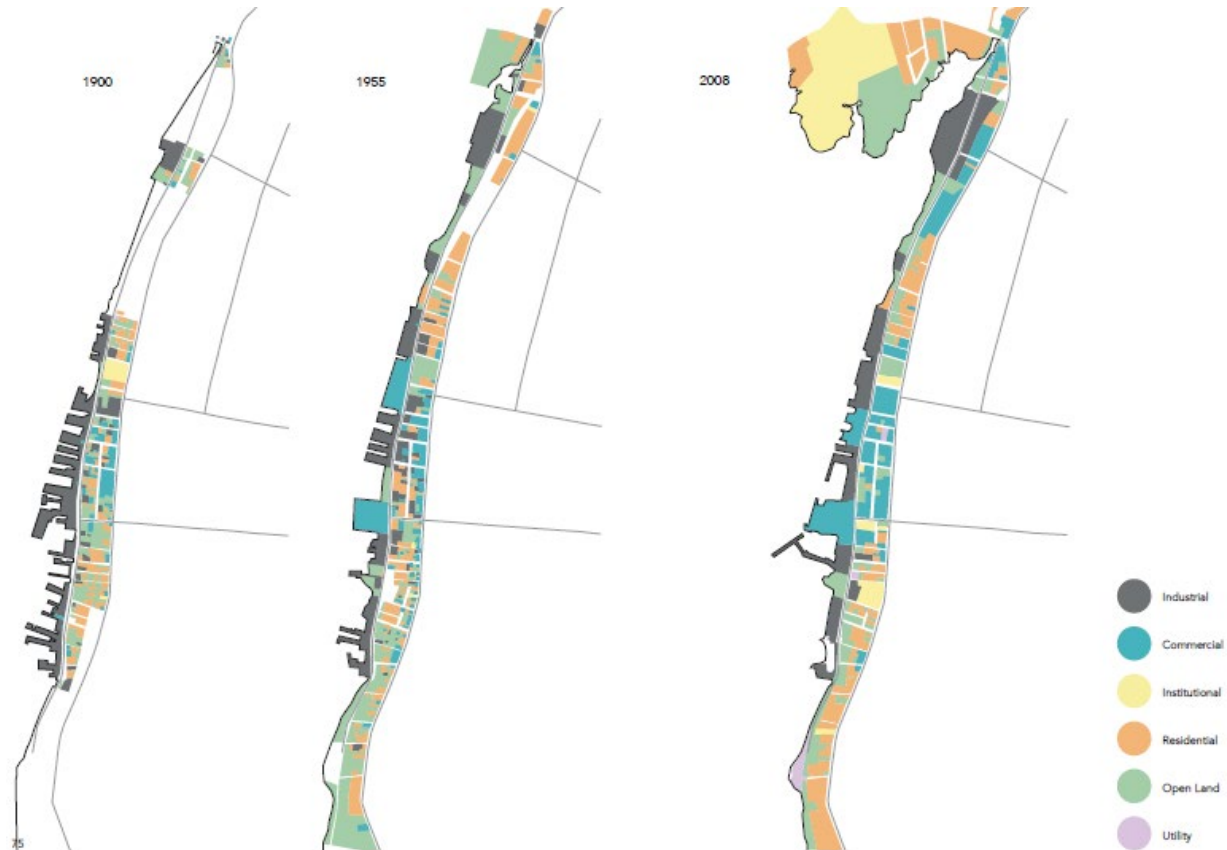


Figure 3 Waterfront Land Use Development (Collard, 2018)

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 has developed and adopted a Waterfront Action Plan that outlines actions which staff and Council will implement in order to enable a positive economic environment on the Waterfront to support existing industry, but also to make room for innovation and ocean research opportunities, as well as to create a welcoming and engaging environment for tourists and residents. Council recognizes the benefits of creating a live, work and play community. New residential developments, with an emphasis on density, will be encouraged to locate on Water Street, focusing on the Downtown and the North End of the street. The intent is to develop the North End of the Street so that industry and trucks will be diverted in order to create a quieter mixed-use residential environment that takes advantage of the beautiful harbour views. The South End of Water Street shall be reserved for primarily large-scale water dependent uses and cold storage.

Council acknowledges the work and research completed by the Western Region Economic Network (WREN) related to investment opportunities and strategies for our area. The objectives related to fisheries and renewable energy are particularly relevant to our area. For this reason, the goals of the WREN for fisheries have been incorporated into Council's vision for the Town's waterfront. The WREN places a high priority on enticing new fishing industries by: leveraging bio-science and data analytics to advance the industry; modernizing and augmenting the fishing industry, capitalizing on advanced manufacturing technologies

and fueling systems for boat building, developing new industries based on marine raw materials and developing sustainable aquaculture.

Council acknowledges that existing industries are critical on the waterfront now and into the future, for this reason, it is important that industrial land and conditions are readily available to allow for growth. Council recognizes that waterfront infrastructure, such as wharves, is crucial to establishing this readiness. It is Council's priority to improve and regenerate the Town wharves. In addition, Council will also support water dependent industry through the creation of an industrial land bank, encouraging succession planning for existing and future businesses, and by coordinating and supporting innovation and sustainability for the water dependent industry.

Council would like to highlight and prioritize the important transportation connections on the Waterfront. Council recognizes the importance of a joint investment, with the neighbouring municipalities, to revitalize and redesign the existing ferry terminal in order to bring benefits to the entire region. Council also recognizes the importance of the region's airport, with the potential to build on this nearby transportation option to the benefit of the waterfront industry. Finally, Council recognizes the need for water dependent industry to have access to a well designed and planned truck route in order to move goods and services from the waterfront to the area's major highways.

Council is also aware of the ongoing and imminent threat of flood damage due to storm surges and recognizes the realities of climate change and the long-term threat of sea level rise which could, in the foreseeable future, overwhelm Water Street, it's 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 occur in the vicinity of Water Street to take sea level rise into consideration.

Council intends to be open to innovative ideas and collaborative projects proposed to protect new development from sea level rise. New developments located in areas of Water Street that are prone to extreme flooding will be required to build strategically in order to prevent flood damage. Developers will be invited to submit development plans, including flood intervention options, and any intent of partnership, through the site plan approval process. As always, should developers prefer to go through Development Agreement; this option will also be available.

It is Councils intent to invest in unique well-lit pathways throughout the Waterfront and connecting to Main Street in order to facilitate safe and easy movement throughout this area for tourists and residents to observe the waterfront operations. These pathways shall be designed in a manner so that they are accessible for bikes, pedestrians, strollers and wheelchairs. The pathways shall be considered parkland. Developers who are going through the subdivision process will be asked to contribute five percent (5%) cash-in-lieu parkland contribution to the development of these pathways or they may provide a section of the planned pathway through their development; providing public access by developing a pathway to the standard the Town intends. Public access and pathways shall be considered for all developments going through Site Plan Approval.

Council recognizes the need and importance of maintaining the existing priority for water dependent uses on Water Street. A water dependent use is a development that requires the use of, location on, or direct access to navigable waters or submerged lands to achieve its primary purpose. However, it is felt that there is opportunity to combine Council's goals for hospitality, tourism and leisure with the working waterfront environment through good planning. Areas where Council feels additional uses may be considered shall be designated using a variety of Waterfront Overlays. New developments that are not water dependent in nature shall be required to meet the Waterfront Overlay Conditions (see policy 10.12) as part of the Development Permit and Site Plan Application process.

Seasonal Retail Uses, Vendors and special events shall be welcomed throughout the Waterfront and new developments shall be encouraged to plan space for these uses. Council has made a future priority to close Central Street to vehicular traffic creating a pedestrian only thoroughfare to guide people from Downtown to the Waterfront. This area will be designed to accommodate vendors, outside markets, events and storefronts that interact with the public.

4. Infilling in Existing Residential Areas (Page 19)

Encouraging infilling in existing residential areas is prudent and cost effective in that it consolidates neighbourhoods and 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. New buildings, as permitted under Site Plan Approval, will be in scale with the other buildings in the area including setback, 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 runoff onto adjacent properties to current (i.e. pre-construction) levels. Walking, cycling, and the use of transit will be encouraged.

7. Seasonal Retail Uses & Special Events (Page 23)

This statement of community interest should be read together with the statements of community interest for the Working Waterfront and 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 and special events can contribute to a lively downtown. These types of uses provide many benefits including: supporting local business, start companies & artists, mobilizing community, increasing shopping opportunities, amplifying traffic at underutilized areas, enhancing the enjoyment and usage of property, creating tourism opportunities and fostering fast establishment of business. Therefore, it is in the interest of the Town and the broader regional community to provide an opportunity for local artisans, experience providers and street food vendors to operate in designated places in the downtown and on the waterfront during the tourism season and for special events throughout the year. It is believed that this will encourage entrepreneurship and support the local arts and recreation communities ~~and~~ as well as the 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.

To enhance Council's goals of encouraging Seasonal Retail Uses to establish on private properties, Council has also adopted a Vendors By-Law which permits vending services to located within designated street right-of-ways, to travel and to locate on Town owned property such as parks and wharves. Finally, the Town is mindful that the vending services must be located 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.

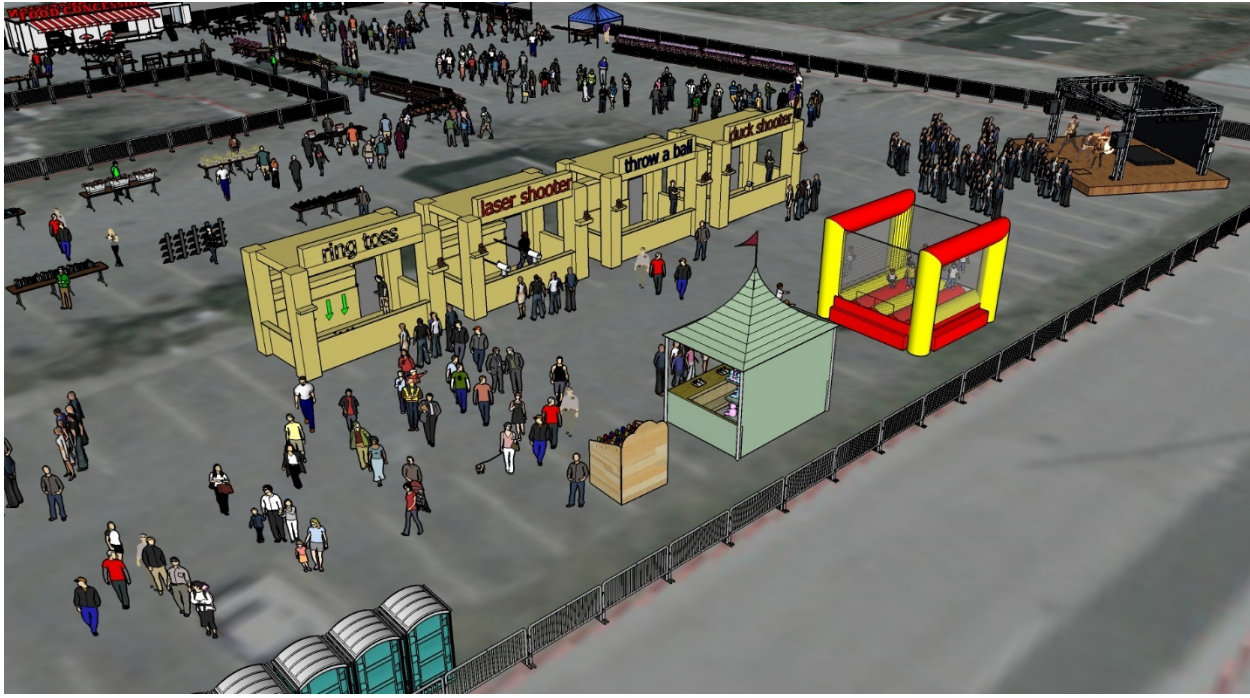


Figure 4 Diagram of Street Vendors and Special Events at Collin's Street Parking Lot

Jane Jacobs, author of The Economy of Cities and the Death and Life of Great American Cities, stated, “...lowly, unpurposeful and random as they may appear, sidewalk contacts are the small change from which a city’s wealth of public life may grow”.

Council wishes to support special occasions and signature events within the Downtown and other appropriate Town locations. The Land Use By-Law shall permit the establishment of Special Occasion uses for the purpose of fund raising, promotional activities, celebrations, or for entertainment or amusement without a Development Permit. To boost the Town’s goals of hosting and encouraging large special events Council has also adopted a Neighbourhood Event Street Closure Policy and has created an Umbrella Event Vending Permit. The Neighbourhood Event Street Closure Policy is intended to facilitate and regulate temporary closures of municipal streets for the purpose of a neighbourhood event.

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 also be required to obtain a Vending Permit.

8. Waterfront Mixed Use Area Water Street North (Page 24)

This statement of community interest should be read together with the statement of community interest for the Working Waterfront.



Figure 5 Water Street North Current Context

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 and South to the Town boundary contains virtually all 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. And importantly, ~~the area also contains impressive brick buildings formerly occupied by the cotton mill and there are~~ surrounding lands are suitable for redevelopment. The Town sees the lands and buildings of Water Street North as having powerful development potential. It is desirable that the future of this area would include the repurposing of the old buildings for mixed use development, ranging from housing through to compatible light industrial and some community uses. ~~If it is not economically possible to repurpose the mill building, the land could also offer the same opportunity based on its location.~~ 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~~ shall be flexible and enabling, while they protect existing development in the surrounding area. This area will be referred to as ~~the Waterfront~~ Water Street North Comprehensive Development Zone. ~~Council recognizes that specific policies must evolve within this broad framework as development~~

~~proposals are brought forward.~~ It is in this area that medium and high-density townhouses, apartments and condominium type housing developments will be directed. Council has designated this, and the broader area, “the Milton Village overlay” in which High Density Residential (R-3 uses) will be permitted to proceed through Site Plan Approval provided the development meets the Statements of Community Interest for the Working Waterfront, Water Street North and Residential Infilling. These developments should target medium and high-income households and shall be considered through Site Plan Approval.

New buildings and large-scale renovations (excess of 15,000ft²) that correspond with a change of use shall also be considered through Site Plan Approval. These developments must demonstrate how they have met the Statements of Community Interest pertaining to the Waterfront in order to proceed.

Council recognizes that the existing truck route and access to Water Street presents some issues. It is Council’s priority to review the truck route and develop a new plan to better support the water dependent uses in this area. For the vision of Water Street North and Milton Village to be effectively implemented, truck traffic will have to be rerouted to limit the presence of large vehicles in this area. Council shall invest in new truck route infrastructure as needed and as opportunity arises.

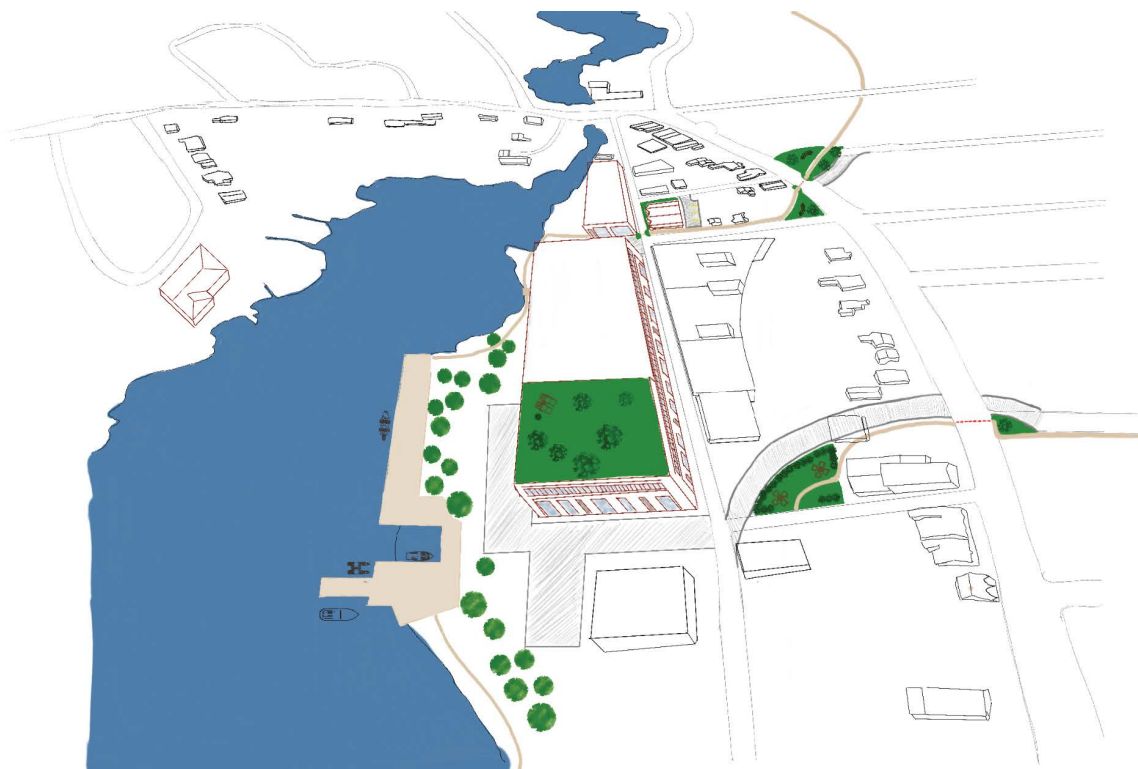


Figure 6 Water Street North Future Vision

Bunkers Island Master Plan

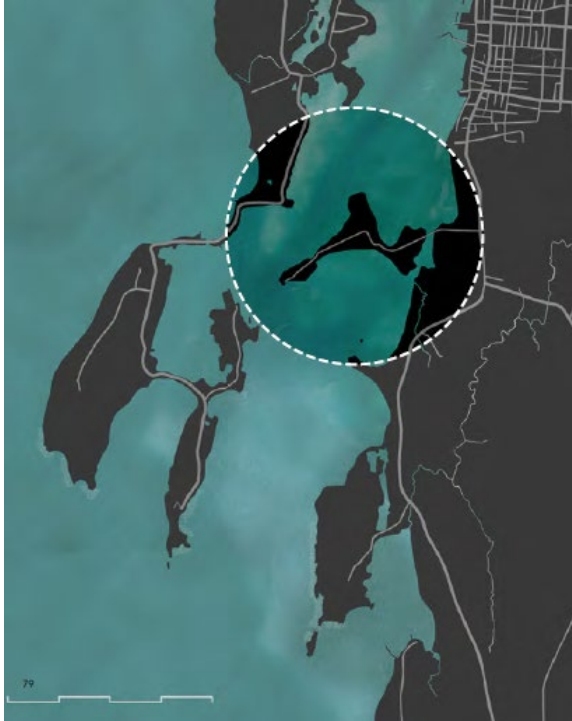


Figure 7 Bunker's Island Context (Collard, 2018)

Bunkers Island is a small island located at the South End of the Hartlin Trail and was previously an industrial site that housed several oil tanks for Irving Oil. Bunkers is a popular destination for tourists and locals to visit, the extensive viewpoints combined with the remoteness and character of the site is highly valued within the community. The Island itself is located outside of the Town's boundaries in the Municipality of Yarmouth, however Council has vested interest in the future of the island and the impact it will have on the community.

The Town of Yarmouth is at the southern tip of the Bay of Fundy, which has the largest tidal range in the world. The Town is currently vulnerable to flooding, as such, careful design and consideration should be taken when planning for the future of both Bunkers Island as well as the Town's Waterfront.

In 2018, an Architecture Masters Student from the University of Edinburgh, Elise Collard, developed a Master Plan for Bunkers Island considering the vulnerability of the area and coastal resilience of the waterfront. The plan focuses on turning the site back into a leisure and recreational destination for the community. The plan develops a path system around the island to enhance movement and allow for various recreational activities and programs. Collard's Plan corresponds well with the Town's intent to develop a Linear Waterfront park system and provides a framework for how Council can achieve this objective. Council supports the ideas presented within the Bunkers Island Master Plan and would like to collaborate with the neighbouring Municipalities in order to further develop the idea of creating a design for the island that will aide in future flood concerns as well as create a destination for tourists and residents. As new development occurs on the waterfront, the Town and private developers will be conscious of how new construction may fit into a larger vision for the region and the future of Bunkers Island.



Figure 8 Bunker's Island Masterplan (Collard, 2018)

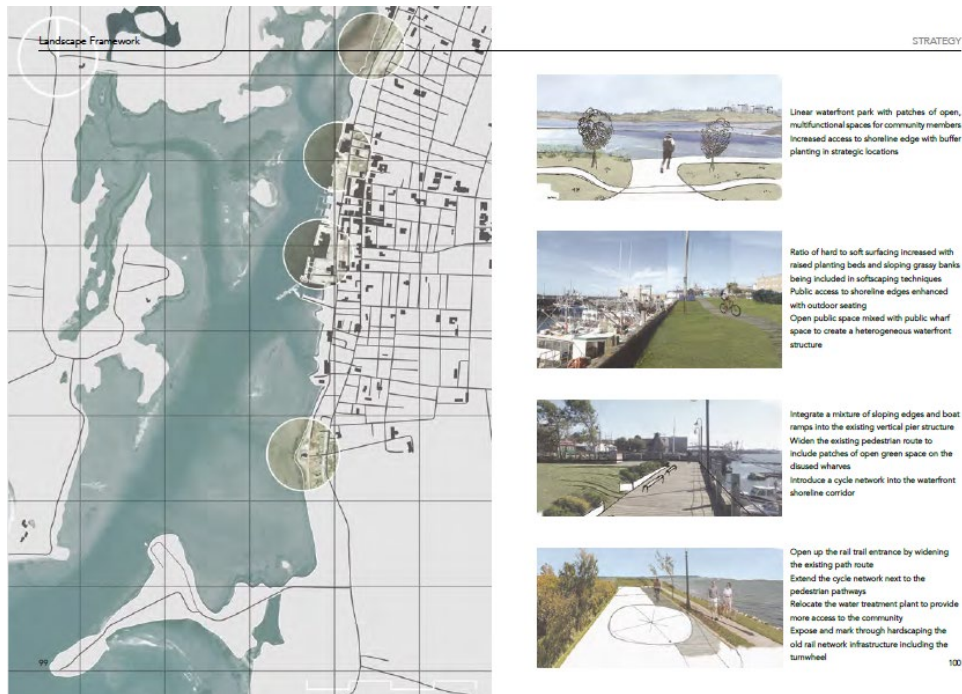


Figure 9 Landscape Frame Work (Collard, 2018)

Collard, E. (2018). *Testing Tensions Bunker's Island Yarmouth Harbour, Nova Scotia*. University of Edinburgh.

Central Business District (Page 43)

The following goal has 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.

Goal - Central Business District

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) and Downtown Transition (DTZ) Zone ~~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 development will be permitted through Site Plan Approval, provided the development meets the Waterfront Overlay Conditions (see policy 10.12) ~~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.

- Policy 5.19 It shall be the intention of Council to consider the development of Waterfront Industrial Uses ~~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;
 - 2) The use is Water Dependent in nature or meets the requirements of the Waterfront Overlay Conditions (see policy 10.12) and,
 - 3) (2) That the proposal conforms to criteria contained in Implementation Policy 10.7.

- Policy 5.20 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 Downtown Transition (DTZ) zone ~~and the Waterfront Commercial Industrial (WCI-5) zone.~~
- Policy 5.21 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.

Goals Secondary Commercial Zones (page 65)

- 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; art & entertainment studios; community markets; 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 5.54 It shall be the intention of Council to consider the development of Medium and High Density Residential (R-3) developments (more than four (4) residential dwelling units per lot) in the Secondary Commercial Designation by Site Plan Approval or Development Agreement pursuant to Section 225 of the Municipal Government Act subject to the following:
 - 1)that the lot meets the minimum lot frontage and minimum lot area as specified by the use pursuant to the High Density Residential (R-3) zone as identified in the Land Use By-law;
 - 2)that the lot meets the minimum residential parking requirements as specified by the use pursuant to the High Density Residential (R-3) zone as identified in the Land Use By-law in addition to the minimum
 - i. commercial parking requirements for any Secondary Commercial (C-3) use pursuant to the Secondary Commercial (C-3) zone requirements as identified in the Land Use By-law; and
 - 3)that the proposal conforms with the Community Statements of Interest, as they apply to the location of the proposed development and criteria contained in Implementation Policies Policy 10.8 and 10.9 and 10.11.

Commercial Industrial (Page 72)

~~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.



Figure 10 *New Figure 6.1 Commercial Industrial Areas

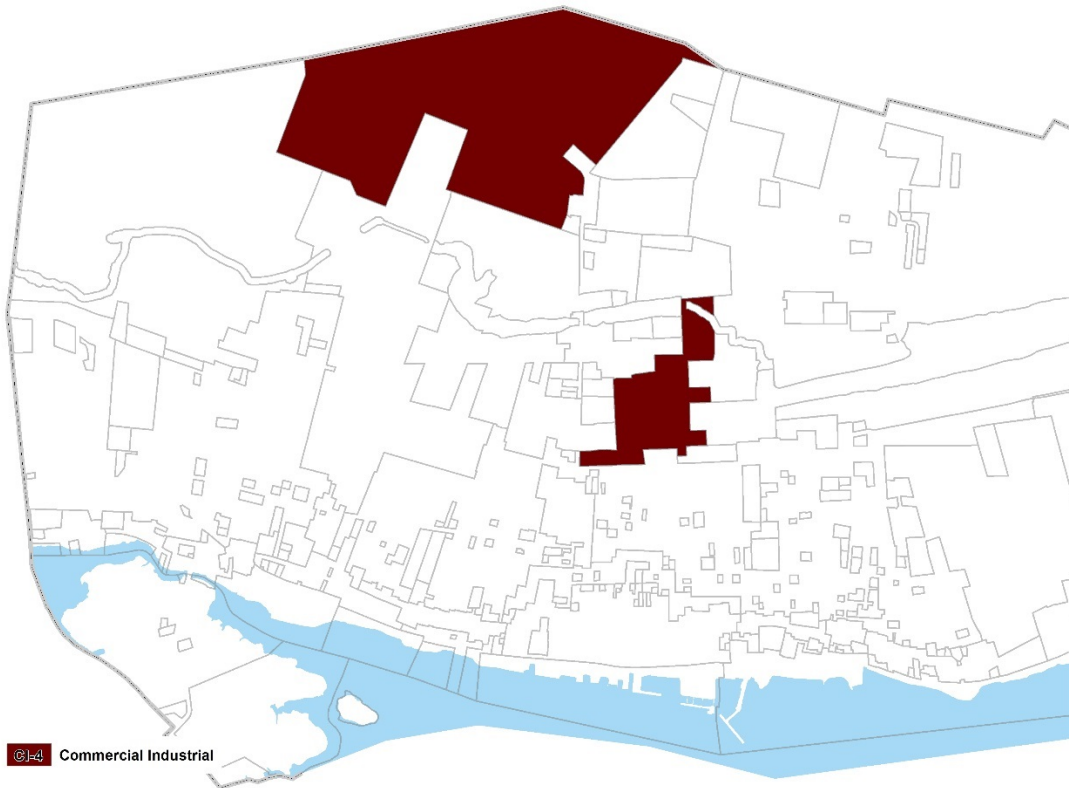


Figure 11 * New Figure 6.2 Commercial Industrial Zone

Industrial (Page 84)

Goal

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

Goal: To assist and support industrial developments while minimizing undue negative impacts on adjacent areas by:

- i. Supporting the redevelopment and infilling of existing industrial areas;
- ii. Supporting the ongoing efforts of the Waterfront Development Corporation to strengthen economic development and investment in the waterfront area; and,
- iii. 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 modern 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 [that require water access](#) will be encouraged to locate in the waterfront industrial area.

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-1) 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 [and innovation](#).

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 [and that the development fits within the existing uses located in the area and the vision outlined in Council's Vision for the Waterfront as outlined in the Statements of Community Interest](#). 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 [help 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.

General Provisions

- Policy 7.5 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 7.6 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 ### It shall be the intention of Council to define Water Dependent Uses and establish a set of Waterfront Overlay Conditions, in order to give priority land with water access to those that require it.](#)
- [Policy ### It shall be the intention of Council to establish Waterfront Overlays, designating areas of the waterfront, where other uses may be considered in addition to those outlined in the](#)

Waterfront Industrial (M-2) zone provided the Waterfront Overlay Conditions are met (see policy 10.12)

- Policy 7.7 It shall be the intention of Council to consider the following uses on lands designated Industrial and zoned Waterfront Industrial (M-2) ~~only~~ by Site Plan Approval or Development Agreement pursuant to Section 225 of the Municipal Government Act subject to criteria contained in Implementation Policies 7.8 and 7.9:
 - i. Heavy Industry Uses;
 - ii. Fish and Food Processing facilities subject to the General Industrial (M-1) zone minimum frontage and area requirements; and,
 - iii. 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 also be considered. ~~only be considered by Development Agreement.~~
- Policy 7.8 In addition to criteria outlined in Implementation Policy 10.8 and 10.9 and 10.11, 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 provisions are made for adequate on-site loading, parking and traffic circulation.
- Policy 7.9 It shall be the intention of Council that any Site Plan or Development Agreement entered into pursuant to Industrial Policy 7.7 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, 10.9 and 10.11.
- Policy 7.10 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. Refusals may be appealed to Council, Council reserves the right to refuse a use that could potentially have a negative impact on the general well-being of adjacent and nearby uses.

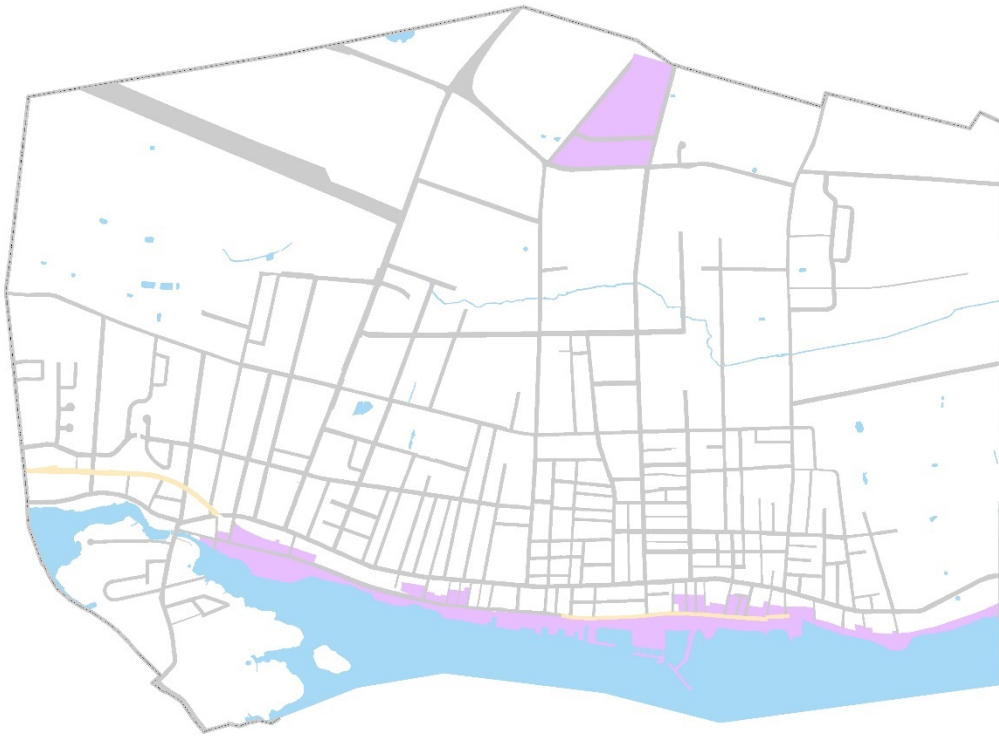


Figure 12 Updated Figure 7.1

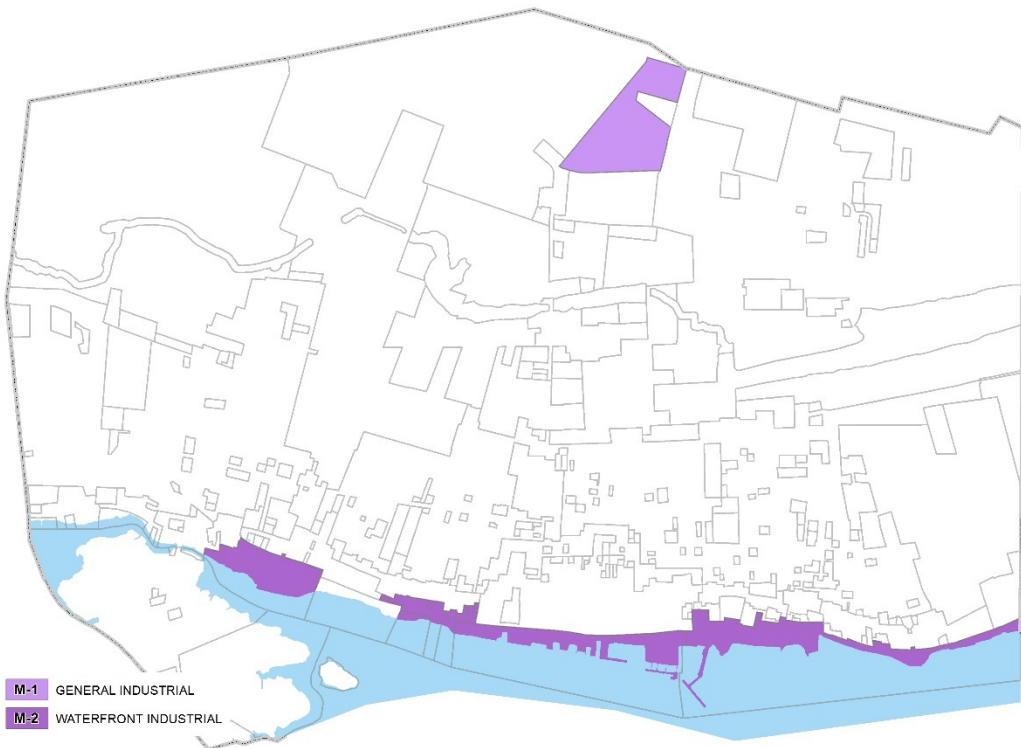


Figure 13 Updated Figure 7.2

Waterfront Industrial (M-2) Zone (Page 91)

Yarmouth's waterfront is an economic engine that propels the success of the Town and its people. It supports a diverse and sustainable collection of industries which spread their benefits throughout the region. The Waterfront embraces innovative and evolving technology, such as ocean research, renewable energy and manufacturing. Council intends to prioritize and protect waterfront industrial developments along Water Street. For this reason, Council intends to zone the entirety of the Waterfront as Waterfront Industrial (M-2).

In addition, Council recognizes that the waterfront is easily walkable, historically and culturally rich and appeals to residents and visitors for its beauty and as such consideration must be given to how to successfully blend industry, leisure and residential development. Areas where Council feels additional uses may be considered shall be designated using a variety of Waterfront Overlays.

Developments that are water dependent, requiring the use of, location on, or direct access to navigable waters or submerged lands to achieve its primary purpose shall always receive priority on the waterfront, and will be listed as-of-right within the permitted uses of the Waterfront Industrial (M-2) zone. It is Council's intention to develop a policy which shall identify Waterfront Overlay Conditions that must be met as part of the Development Permit or Site Plan Approval Application process for uses that wish to establish on a lot with access to the Yarmouth Harbour.

Many properties located within the Waterfront Industrial Zone are vulnerable to storm-surge and flooding. For this reason, the Town has developed policies for Climate Change, located in Section 11 of this Strategy. Properties located in particularly vulnerable areas shall be required to meet the requirements of the Climate Change policies. However, Council encourages property owners throughout the waterfront to consider planning future developments for flood intervention. There are no setbacks for developments in the Waterfront Industrial (M-2) zone against the harbour to allow building to happen above the high-water mark.

Council shall consider cost sharing partnerships for innovative flood prevention infrastructure, public access and pieces of the planned connected waterfront walkway system. There is also opportunity for cost sharing for beautification and landscaping in this area, through the Town's Green Policy.

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 Site Plan Approval or 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 Site Plan Approval or 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.

- Policy 7.17 It shall be the intention of Council to include in the Land Use By-law a Waterfront Industrial (M-2) Zone. Changes to the list of uses permitted in this zone shall be done through a Land Use By-law amendment, provided the use under consideration fits with the vision of the zone as outlined in this strategy. This zone shall include the following and similar types of uses, those wishing to locate on a lot with access to the Yarmouth Harbour shall meet the Waterfront Overlay Conditions subject to Implementation Policy 10.11, all others shall be permitted as-of-right: all uses permitted in the General Industrial (M-1) zone excluding bulk petroleum storage facilities; Industry, Service Shops; Internet and Web Development; Service Industries; Arts and Entertainment Studios; U-fish Farms; Utility Offices and Work Yards; Building Supply and Bulk Storage; Whole Sale Shops; Recreation and Fitness Facilities; Public Parks including, but not limited to, Splashpads, Playgrounds, Skateparks, Climbing Walls, and Trails; Institutional Uses, with emphasis on, but not limited to, Ocean Research Facilities; Science Centres and Aquariums; Marinas, Wharves and Boat Fueling Stations; Transportation Facilities, including but not limited to, Ferry Terminals; Public Sanitary and Sewer Treatment; Community Markets, Seasonal Retail Uses; Food Trucks, subject to the seasonal retail requirements; and all Commercial, including Retail and Offices, which are accessory to permitted uses. 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. It is recognized that marine and fish related industries are continuously evolving, marine and fish related uses that may not fit within the above uses shall be considered through Site Plan Approval provided the use is not obnoxious. Special consideration shall be given to proposals that are economically sustainable (business case for longevity), environmentally sustainable (makes good use of environmental resources without compromising the needs of the future uses of resources), and socially sustainable (decisions make a positive social impact in the long term). Site plans must consider how the development will fit within the existing landscape and how users will navigate between the site and existing uses as well as public facilities. Developers may also choose to proceed through Development Agreement.
- 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.

Further to Chapter 3 - Statements of Community Interest, Council intends to support the continued Downtown connection between Water Street and the redevelopment of the upper end of Water Street for mixed use development. This will be done through the Waterfront Overlays: Waterfront Downtown and Water Street North.

Waterfront Commercial Industrial (WCI-5) Zone (Page 91)

The Waterfront Downtown Overlay

To be moved to the M-2 Zoning Section as a Subsection & Update the Commercial Industrial Section (pg 72+) remove WCI-5 zone in mapping and reference (6.1- 6.3), Policy numbers will have to re redone.

The following are Council's policies with respect to developments in the Waterfront ~~Commercial Industrial (WCI-5) zone~~ Downtown Overlay;

- Policy 6.11 It shall be the intention of Council to establish a Waterfront Downtown Overlay. ~~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 use Land Use Policy to give priority to water dependent uses within the Waterfront Downtown Overlay. (see policy 10.12) ~~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: 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 with emphasis on, but not limited to, ocean research facilities; science centres; hotels, motel and hostels; residential dwelling units up to a maximum of eight (8) units per lot; restaurants; taverns, lounges and cabarets; places of entertainment, recreation, fitness and assembly (indoor and outdoor); parking lots and parking structures; public marinas and wharves excluding open storage or outdoor displays; private marinas and wharves excluding open storage or outdoor displays; marine fuelling facilities excluding bulk petroleum plants; ferry terminals; aquariums; light industries; light service industries; fishing and marine related industries excluding new fish or food processing; existing fish or food processing and any manufacturing or industrial assembly operations conducted and contained within wholly enclosed buildings and which are not obnoxious 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. It is recognized that marine and fish related industries are continuously evolving, marine and fish related uses that may not fit within definitions outlined above shall be considered through site plan approval provided the use is not obnoxious. Site plans must consider how the development will fit within the existing landscape, and how users will navigate between the site and existing uses as well public facilities. Developers will also can apply through the development agreement process should they wish.~~
- Policy 6.13 It shall be the intention of Council to consider the development of any new buildings and large scale renovations ~~commercial or industrial activity within the Waterfront Commercial Industrial (WCI-5) zone~~ which exceeds 1393.5m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m²(15,000 ft²) in gross commercial floor area by Site Plan Approval or 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 and 10.11. 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) Waterfront Downtown Overlay 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 5.189.~~
- 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 the Waterfront Downtown Overlay Commercial Industrial (WCI-5) developments on lands designated ~~Commercial Industrial~~ which are not part of the designated overlay area 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 C-1 zone; 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; and
 - 3) That the proposal is in keeping with Council’s vision for the Working Waterfront and Waterfront Downtown.
- Policy 6.18 It shall be the intention of Council to enable residential developments containing more than eight (8) residential units per lot in the Waterfront Downtown Overlay Commercial Industrial (WCI-5) zone by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to the following:
 - 1) that a minimum of 15m² (161.46 ft²) of public amenity space along Yarmouth’s harbour with a minimum width of 3m (9.84 ft.) in any one direction is provided for each residential dwelling unit up to a maximum linear distance of Yarmouth’s harbour frontage available to the lot. The public amenity space shall be by way of a registered easement granted to the Town of Yarmouth complete with a 3m (9.84 ft.) wide right-of-way easement to Water Street to provide public access to the public amenity space along Yarmouth’s Harbour. The 3m (9.84 ft.) wide right-of-way easement to Water Street shall not form part of the required public amenity space along Yarmouth’s harbour;
 - 2) that the minimum on-site parking requirements can be met;
 - 3) that the proposal conforms to criteria contained in Implementation Policy 10.8; and,
 - 4) that the proposal conforms with the Waterfront Overlay Conditions (see policy 10.12)
- Policy 6.19 It shall be the intention of Council to enable residential developments containing less than eight (8) residential units per lot in the Waterfront Downtown Overlay by Site Plan Approval pursuant to Policy 10.11 and subject to the Waterfront Overlay Conditions (see policy 10.12)

~~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.~~

The Water Street North Overlay (Page 92)

- Policy 7.23 It shall be the intention of Council to designate an area at the northern end of Water Street as Water Street North Overlay ~~Waterfront Industrial Mixed Use on the Generalized Land Use Map~~. This area will be zoned Waterfront Industrial (M-2), however, properties located within the overlay will have the benefit to also consider developments that meet the requirements of the Secondary Commercial (C-3) zone, provided the Waterfront Overlay Conditions (see policy 10.12) are met. If there is a conflicting requirement between the two zones, the more lenient shall apply. However, Land Use By-Law requirements pertaining to Climate Change and flood mitigation shall supersede the requirements of the overlay zone. ~~Waterfront Mixed Use Development~~. Council intends that this area may be developed by a Site Plan Approval ~~Development Agreement~~ process which allows for more comprehensive planning in order to meet the vision for the Working Waterfront and Water Street North. The Site Plan Approval process requires that nearby properties be informed when a site plan is approved and given the opportunity to appeal to Council. Council shall consider the vision of this strategy when making appeal decisions. ~~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.~~

~~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 Site Plan Approval or 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 staff~~ may refuse an application based on its incompatibility. Refusals may be appealed to Council for final decision or go through the Development Agreement Process.

- Policy 7.24 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 7.25 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 aesthetics 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.

Policy 8.7 (Page 98)

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 or, if located along Water Street, the subdivider may provide a section of the planned public linear park and pathway system through their development pursuant to Section 271(3)(h) and 273(1) of the *Municipal Government Act*.

Policy 10.11 (Page 130)

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 facilities as well as any other public utility facility;
- 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) Any proposed public access or proposed land to be provided for Town easement;
- h) Any flood intervention options and any intent of partnership;
- g) Proposed buffering, landscaping, screening and access controls to reduce potential incompatibility with adjacent and nearby uses; and,
- h) Any Proposed plan of subdivision in accordance with the Subdivision By-law.

Policy 10.12 (Page 131)

It shall be the intention of Council to consider uses and new developments that are not water dependent in nature within the Waterfront Industrial Zone, in the designated Waterfront Overlays, provided the use does not displace a water dependent use. In order to evaluate the likelihood that a proposal, located on a lot that has direct access to navigable waters or submerged lands, will displace a water dependent use, the following conditions must be shown as met on the Development Permit or Site Plan application:

1. Will not displace a water dependent use; but instead integrates and collaborates with the existing water dependent uses on the lot;
2. Will not reduce commercial berthing spaces;
3. Will not interfere with the operations of a water dependent use, currently or in the future; and
4. Will not interfere with the existing public use or access to marine or tidal waters.

11. Climate Change Adaption (Page 141)

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 Town ICSP attempt to reduce greenhouse gas emissions. ~~The ICSP Council~~ 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~~ As part of Councils’ 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 intends to encourage appropriate vegetation and landscaping through the Site Plan Approval process, as well as in the design and maintenance of Town owned properties. Council has adopted a “Green Policy” that outlines the Town’s policy for cost sharing greenery and beautification projects with applicants. ~~has adopted a “Green Policy” to help beautify the Town and reduce greenhouse gases. The ICSP Council~~ 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 investments. 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 | Baker's Island |
| Health Campus (H-C) | Yarmouth Regional Hospital |
| Low Density Residential (R-2) | Harbourview Drive Area |
| Open Space (O-1) | Market Street Park/Clock Tower Park |
| Waterfront Industrial (M-2) | Domtex and Industrial Areas <u>All of Water Street to Vancouver Street</u> |
| Waterfront Commercial Industrial (WCI-5) | Across from the 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 10.2~~89~~ of the Municipal Planning Strategy and 5.3~~89~~ 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.

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”
- 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.
- [Policy 11.7 It shall be the intention of Council to include in the Land Use By-Law a provision permitting Council to collaborate and provide leniency from requirements for developments that offer innovative infrastructure plans to protect the new development from sea level rise.](#)
- [Policy 11.8 It shall be the intention of Council to prohibit the development of residential uses on the lower level of buildings and instead encourage residential buildings to be designed strategically to anticipate and mitigate flooding.](#)
- [Policy 11.9 It shall be the intention of Council to develop a Waterfront Parkland and Trail Plan.](#)
- [Policy 11.10 It shall be the intention of Council to adopt a Public and Private Contribution Model for Collaborative Sea Rise Protection.](#)
- [Policy 11.11 It shall be the intention of Council to partner with the Municipality of the District of Yarmouth in order to develop a regional waterfront plan and the future of Bunker’s Island.](#)

- [Policy 11.12 It shall be the intention of Council to permit parking, parkland and water dependent uses to establish below the Ordinary High-Water Mark.](#)

Storm Surge/Sea-Level Rise Event Analysis (Page 145)

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.

Infrastructure at Risk (Page 147)

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 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.

Considering the above, the following principles for implementing minimum standards have been developed:

1. Main buildings should be treated differently than accessory buildings:
 - a. 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:
 - a. 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.

See charts in Municipal Planning Strategy**

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 185.8m² (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 185.8m² (2,000 ft²) 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.

The following are recommended changes to the Town's Land Use By-Law to support the Waterfront Action Plan:

5.59 Criteria for Site Plan Approvals (Page 34)

(1) Conditions of Permit Approval

Where the developer chooses to proceed by the site plan approval process, as permitted within this By-law, the following conditions shall apply and the development shall be subject to the approval of the Development Officer for the Town of Yarmouth.

(2) Evaluation Criteria for Site Plan Approval

The following evaluation criteria shall apply to any development undertaken pursuant to section 5.59 (1):

- a) that the proposed development is located on the property so as to minimize any adverse impact on the surrounding neighbourhood;
- b) that the site plan clearly indicates how the proposed development will respond to the area statement of community interest for the zone;
- c) that the site plan clearly shows how users of the proposed development will access existing transportation options, sustainable and car oriented, with consideration to the statement of community interest for the proposed area;
- d) that the site plan clearly demonstrates how the new development will respect the existing architecture of the area and is compatible with adjacent properties;
- e) that the existing vegetation, where possible and deemed practical, be retained so as to lesson or reduce any adverse impact on abutting properties or the surrounding neighbourhood; and,
- f) that storm and surface water management plans are provided.

(3) Site Plan Application – A Site Plan prepared in accordance with 5.59 (1) shall indicate:

- a) physical characteristics of the proposed site, including lot dimension, elevations, natural drainage, existing watercourses and shorelines and any existing structures and vegetation;
- b) adjacent public streets and rights-of-way;
- c) existing municipal sewer and water facilities as well as any other public utility facility;
- 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, any proposed streets, walkways, active transportation routes;
- f) proposed buffering, landscaping, screening and access controls to reduce potential incompatibility with adjacent and nearby uses;
- g) Any proposed public access or proposed land to be provided for Town easement;
- h) Any flood intervention options and any intent of partnership;
- g) Any proposed plan of subdivision in accordance with the Subdivision By-law; and
- h) proposed exterior architecture to demonstrate compatibility and respect for existing architecture of the area, where applicable.

(4) Site Plan Process

The process for granting Site Plan Approval follows the same process

5.60 Criteria for lots with Access to the Yarmouth Harbour

- Proposals for properties located on a lot with access to the Yarmouth Harbour shall proceed through Site Plan Approval, Development Agreement and/or Development Permit as outlined within the requirements of this By-law. All applications are subject to the following conditions:
 - i. Will not displace a water dependent use;
 - ii. Will not reduce commercial berthing spaces;
 - iii. Will not interfere with the operations of a water dependent use; and
 - iv. Will not interfere with the existing public use or access to marine or tidal waters.

7.15 Infill Development (Page 57)

Pursuant to Section 5.7 of this By-law, Council is interested in encouraging infill in existing residential areas. Development Permits may be issued for proposals which meet the land use requirements within the zone through the Site Plan Approval process. Applications for Site Plan Approval shall show how the development:

- respects the architecture of the area;
- is compatible with adjacent properties;
- is in scale with the buildings in the area, including setback, main floor elevation, roofline and height;
- supports the urban character of the area;
- encourages walking, biking and/or the use of transit;
- has no parking in the front yard;
- has landscaping elements that are visually appealing and assist in water run-off control; and,
- proposes to construct site grading that limits water run-off onto adjacent properties to current levels.

Part 17 Downtown Commercial (C-1) Zone (Page 81)

17.1 C-1 Zone Permitted Uses

In the Downtown Commercial (C-1) zone, no Development Permit shall be issued except for one or more of the following uses:

- * Microbreweries
- * Microwineries
- * Microdistilleries
- * Retail Shops;
- * Community Markets;
- * Convenience Stores 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 Centres;

- * Banks and Financial Institutions;
- * Hotels, Motels and Hostels;
- * Institutional Uses including research and innovation facilities;
- * 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 Cabarets;
- * Radio Stations;
- * Restaurants;
- * Light Service Industries Within Wholly-enclosed Buildings;
- * Live-in Art Gallery Studios;
- * Laundromats;
- * Residential dwelling units up to a maximum of eight (8) units per lot provided they are not located at street level or on a water access lot; and
- * Food Trucks

The following uses shall be permitted within the Waterfront Downtown Overlay only through Site Plan approval, provided the conditions of the Waterfront Overlay and Council’s Vision of the Downtown Commercial Area and Working Waterfront are met:

- *Residential dwelling units to a maximum of eight (8) residential dwelling units per lot; and
- * New buildings and large-scale renovations, excess of 15,000ft² that correspond with a change of use.

Protected Street Views of Yarmouth’s Harbour

No development shall be located within the western prolongation of both street lines of the following streets:

- Brown Street - 13.72 m (45 ft) right-of-way
- Central Street - 15.24 m (50 ft) right-of-way
- Lovitt Street - 13.72 m (45 ft) right-of-way

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.

Part 21 – Secondary Commercial (C-3) Zone (Page 108)

21.1 C-3 Zone Uses Permitted

In the Secondary Commercial (C-3) zone, no Development Permit shall be issued except for one (1) or more of the following uses:

- * Retail Shops;
- * Community Markets;
- * 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;
- * Residential Dwelling Units up to a maximum of four (4) units per lot;
- * [Art and Entertainment Studios](#);
- * Laundromats; and,
- * Accessory uses excluding taverns, lounges and cabarets.

21.2 C-3 Zone Requirements

In the Secondary Commercial (C-3) zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area 464.5 m² (5,000 ft²)

Minimum Lot Frontage 12.2 m (40 ft)

Minimum Front Yard 3.0 m (10 ft)

Minimum Rear Yard 3.0 m (10 ft)

Minimum Flanking Yard 3.0 m (10 ft)

Maximum Height of Main Building 10.7 m (35 ft)

21.3 Uses Permitted by Development Agreement

The following uses shall only be considered by Development Agreement in the Secondary Commercial (C-3) zone:

(1) Notwithstanding anything else in this Part, Commercial Policy 2.3.6 of the Municipal Planning Strategy provides that any new commercial activity within the C-3 zone which exceeds 371.6 m² (4,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 371.6 m² (4,000 ft²) of gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) Notwithstanding anything else in this Part, Commercial Policy 2.3.7 of the Municipal Planning Strategy provides that taverns, lounges and cabarets with a maximum area of 92.9 m² (1,000 ft²) may be considered for development only in the south end Secondary Commercial (C-3) zone (Argyle, Main Streets intersection area) by Development Agreement.

(3) Any alteration, change in use, addition or new building within the C-3 zone for the purpose of establishing a kennel, for day-boarding and training facilities.

21.4 Parking Requirements – Residential Uses

~~For every building or structure to be erected, occupied, or enlarged, or where there is a change in use to a building or structure in the Secondary Commercial (C-3) zone for residential purposes, one (1) on-site parking space shall be provided and maintained for each dwelling unit located on the same lot as the use and having unobstructed access to a public street.~~

Where any addition to an existing building or structure or the construction of a new building or structure creates a new dwelling unit or otherwise expands an existing dwelling, one (1) off-street parking space for each newly created or expanded dwelling unit may be provided and maintained having unobstructed access to a public street or otherwise pay the cash-in-lieu cash equivalent. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

21.5 Visibility at Street Intersections – Corner Vision Triangle

On a corner lot in the Secondary Commercial (C-3) zone, a fence, sign, hedge, shrub, bush, tree or any structure shall not be erected or permitted to grow to a height of greater than 1.2 m (4 ft) above the grade of the streets that abut the lot within the triangular area included within both street lines for a distance of 3.0 m (10 ft) from their point of intersection. This provision shall not apply above the height of 3.0 m (10 ft) above grade of the street at the point of intersection.

21.6 High Density Residential Developments by Site Plan Approval or Development Agreement

Notwithstanding anything else in this Part, Policy 5.504 of the Municipal Planning Strategy, provides that Medium and High-Density Residential developments (R-3 uses) containing ~~more~~ less than ~~six (6) eight (8)~~ units per lot may be considered by Site Plan Approval or Development Agreement in the Secondary Commercial Designation provided the applicant demonstrates that the proposal meets the vision of the Statement of Community Interest that corresponds to the development area.

Part 27 - Waterfront Commercial Industrial (WCI-5) Zone (Page 126)

~~27.1 WCI-5 Uses Permitted~~

~~In the Waterfront Commercial Industrial (WCI-5) zone, no Development Permit shall be issued except for one or more of the following uses:~~

- ~~* Retail Shops;~~
- ~~* Community Markets;~~
- ~~* Convenience Stores and Grocery Stores;~~
- ~~* Wholesale Shops;~~
- ~~* Light Service Shops;~~
- ~~* Personal Service Shops;~~
- ~~* Heavy Service Shops;~~
- ~~* Business Offices;~~
- ~~* Professional Offices;~~
- ~~* Municipal, Provincial and Federal Government Offices;~~
- ~~* Internet Web Site Development;~~
- ~~* Call Centres;~~
- ~~* Institutional uses;~~
- ~~* Hotels, Motel and Hostels;~~
- ~~* Restaurants;~~
- ~~* Taverns, Lounges and Cabarets;~~

- * Places of Entertainment, Recreation, Fitness and Assembly (indoor or outdoor);
- * Parking Lots and Parking Structures;
- * Public Marinas and Wharves (excluding open storage or outdoor displays);
- * Private Marinas and Wharves (excluding open storage or outdoor displays);
- * Marine Fuelling Facilities (excluding bulk petroleum plants);
- * Ferry Terminals;
- * Light Industries;
- * Light Service Industries;
- * Fishing and Marine-Related Industries excluding new Fish or Food Processing;
- * Existing Fish or Food Processing;
- * Any Manufacturing or Industrial Assembly operations conducted and contained within wholly enclosed buildings and which are not obnoxious 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; and
- * Food trucks

27.2 WCI-5 Zone Requirements

In the Waterfront Commercial Industrial (WCI-5) zone, no Development Permit shall be issued except in conformity with the following:

- Minimum Lot Area 929.5 m² 10,000 ft²
- Minimum Lot Frontage 24.4 m 80 ft
- Minimum Front Yard *Waived*
- Minimum Rear Yard 4.6 m 15 ft
- Minimum Side Yards 4.6 m 15 ft
- Minimum Flanking Yard 4.6 m 15 ft
- Maximum Height of Main Building 10.7 m 35 ft

27.3 Yards Abutting Harbour

In a Waterfront Commercial Industrial (WCI-5) zone, the minimum rear yard setback may be waived where it directly abuts the Yarmouth Harbour.

27.4 WCI-5 Uses Permitted by Development Agreement

(1) Waterfront Commercial Industrial Policy 6.13 of the Municipal Planning Strategy provides that any new commercial or industrial activities which exceeds fifteen thousand (15,000 ft²) square feet of gross commercial floor area or where an addition to an existing building creates more than fifteen thousand (15,000 ft²) square feet in gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policies 9.8 and 9.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

(2) Waterfront Commercial Industrial Policy 6.17 of the Municipal Planning Strategy provides that residential uses containing more than eight (8) dwelling units per lot may be considered for development in the Waterfront Commercial Industrial (WCI-5) zone only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 9.8.

27.6 Street Displays

~~Notwithstanding anything else in this By-law, outdoor displays within street right-of ways located within the Waterfront Commercial Industrial (WCI-5) zone may be permitted without a municipal Development Permit provided all other requirements of the Town's by-laws are satisfied.~~

27.7 Restriction on New Open Storage and Outdoor Display

~~No new open storage or outdoor displays shall be permitted within the Waterfront Commercial Industrial (WCI-5) zone except for commercial retail outdoor displays which are temporary in nature and open storage and/or outdoor displays strictly accessory to a traditional fishing and marine-related industry.~~

27.8 Restriction on Existing Open Storage and Outdoor Display

~~The following restrictions shall apply to existing open storage and outdoor display and those permitted by Part 20.7:~~

- ~~(1) Open storage or outdoor displays shall not be permitted closer than 6.1 m (20 ft) to any public right of way;~~
- ~~(2) The area devoted to open storage or outdoor displays shall not exceed fifty (50%) percent of the lot area.~~
- ~~(3) The open storage or outdoor display shall be accessory to the main use located on the same lot.~~

27.9 Existing Fish and Food Processing Plants—Special Provision

~~Notwithstanding anything in this Part, Municipal Planning Strategy Industrial Policy 6.15 provides that existing fish and food processing plants located within the Waterfront Commercial Industrial (WCI-5) zone may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.~~

Part 29 - Waterfront Industrial (M-2) Zone (Page 131)

29.1 M-2 Uses Permitted

No Development Permit shall be issued in a Waterfront Industrial (M-2) zone except for one or more of the following uses, those wishing to locate on a lot with direct water access may proceed through Site Plan Approval or Development Permit application provided the application meets the Waterfront Overlay Conditions subject to Implementation Policy 10.12:

~~* All uses permitted in the General Industrial (M-1) zone, excluding Bulk Petroleum Storage Facilities;~~

* Industry, including but not limited to, new industries based on marine raw materials;

* Service Shops;

* Internet and Web Development;

* Service Industries;

* Arts and Entertainment Studios;

* U-Fish Farms;

* Utility Offices and Work Yards;

* Building Supply and Bulk Storage, including but not limited to cold storage facilities;

* Whole Sale Shops;

* Recreation and Fitness Facilities;

* Public Parks including, but not limited to, splashpads, playgrounds, skateparks, climbing walls, and trails;

* Institutional Uses, with emphasis on, but not limited to, ocean research facilities;

* Science Centres and Aquariums;

*Marinas, Wharves and Boat Fueling Stations, with an emphasis on, but not limited to, advanced manufacturing technologies and fueling systems for boat building;

*Transportation Facilities, including but not limited to ferry terminals;

*Community Markets;

*Seasonal Retail Uses;

* Food Trucks;

*Wastewater Applications

* Existing Bulk Petroleum Storage Facilities;

~~* Public and Private Wharves excluding open storage and outdoor displays;~~

* Existing Fish and Food Processing;

* Converted Group Industrial Building;

* Public Sanitary Sewer Treatment Facilities; and,

* Accessory retail uses to the above.

* It is recognized that marine and fish related industries are continuously evolving, marine and fish related uses that may not fit within the above uses shall be considered through Site Plan Approval provided the use is not obnoxious. Special consideration shall be given to proposals that are economically sustainable (business case for longevity), environmentally sustainable (makes good use of environmental resources without compromising the needs of the future uses of resources), and socially sustainable (decisions make a positive social impact in the long term). Site plans must consider how the development will fit within the existing landscape and how users will navigate between the site and existing uses as well as public facilities. Developers may also choose to proceed through Development Agreement.

29.2 M-2 Zone Requirements

In a Waterfront Industrial (M-2) zone, no Development Permit shall be issued except in conformity with the following requirements:

Minimum Lot Area 929.5 m² 10,000 ft²

Minimum Lot Frontage 24.4 m 80 ft

Minimum Front Yard *Waived*

Minimum Rear Yard 4.6 m 15 ft

Minimum Side Yards 4.6 m 15 ft

Minimum Flanking Yard 4.6 m 15 ft

Maximum Height of Main Building 10.7m 35 ft

~~Minimum Lot Area 1858.00 m² 20,000 ft²~~

~~Minimum Lot Frontage 30.5 m 100 ft~~

~~Minimum Front Yard 4.6 m 15 ft~~

~~Minimum Rear Yard 4.6 m 15 ft~~

~~Minimum Side Yards 4.6 m 15 ft~~

~~Minimum Flanking Yard 4.6 m 15 ft~~

~~Maximum Height of Main Building 12.2m 40 ft~~

29.3 Uses Permitted by Site Plan Approval or Development Agreement

Notwithstanding anything else in this Part, the Municipal Planning Strategy's Industrial Policy 7.7 provides that the following uses may be considered for development in the Waterfront Industrial (M-2) zone by Site Plan Approval or Development Agreement. The applicant must demonstrate how the proposal meets the Working Waterfront Statement of Community Interest.

* Heavy Industry uses;

* New Open Storage and Outdoor Displays that are not accessory to a traditional fishing and marine-related industry subject to the requirements of 29.6 & 29.7;

~~* Fish and Food Processing Facilities subject to the General Industrial (M-1) zone minimum frontage and area requirements; and, 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; and~~

* New Buildings, and large-scale renovations (excess of 15,000ft²) that correspond with a change of use

29.4 Converted Group Industrial Building

Notwithstanding anything else in this By-law, a converted group industrial building may be created by means of subdivision waiving the internal side yards provided each lot satisfies all requirements of this By-law and conforms to the following requirements:

Minimum Lot Area 929 m² 10,000 ft²

Minimum Lot Frontage 18.29 m 60 ft

Minimum Front Yard 4.57 m 15 ft

Minimum External Side Yards 4.57 m 15 ft

Minimum Internal Side Yards *waived*

Minimum Flanking Yard 4.57 m 15 ft

Maximum Height of Main Building 10.67 m 35 ft

~~29.5 Yards Abutting Harbour~~

~~In a Waterfront Industrial (M-2) zone, the minimum rear yard setback may be waived where it directly abuts the Yarmouth Harbour.~~

29.6 Restriction on New Open Storage and Outdoor Display

~~No new o~~ Open storage or outdoor displays accessory to a traditional fishing and marine related industry shall be permitted within the Waterfront Industrial

(M-2) zone as-of-right. ~~except for those open storage and/or outdoor displays strictly accessory to a traditional fishing and marine-related industry.~~

29.7 Restriction on Existing Open Storage and Outdoor Display

The following restrictions shall apply to existing open storage and outdoor displays and those permitted pursuant to Part 29.6:

- (1) Where a yard within the Waterfront Industrial (M-2) zone abuts a residential (R-1, R-2, R-2M, R-3 or R-M) zone within the residential generalized future land use (6 ft) high opaque fence. In addition, the height of the open storage or outdoor display shall not exceed the height elevation of the opaque fence.
- (2) Open storage or outdoor displays shall not be permitted closer than 3.0 m (10 ft) to any public right-of-way;
- (3) The area devoted to open storage or outdoor displays shall not exceed fifty (50%) percent of the lot area.
- (4) The open storage or outdoor display shall be accessory to the main use located on the same lot.

~~29.8 Existing Fish and Food Processing Plants – Special Provision~~

~~Notwithstanding anything in this Part, Municipal Planning Strategy Industrial Policy 7.21~~

provides that existing fish and food processing plants located within the Waterfront Industrial (M-2) zone may expand beyond the limits of their current boundaries provided such lands are consolidated with their existing lands.

~~29.9 Open Storage and Outdoor Displays Prohibited~~

~~Notwithstanding anything else in this part, open storage and outdoor displays associated with a medical marijuana facility shall be strictly prohibited.~~

~~Part 30 — Waterfront Comprehensive Development Zone (WCD) (Page 134)~~

~~30.1 WCD Uses Permitted~~

~~In the Waterfront Comprehensive Development (WCD) zone, no Development Permit shall be issued except for one or more of the following uses:~~

- ~~* Retail Shops;~~
- ~~* Community Markets;~~
- ~~* Convenience Stores and Grocery Stores;~~
- ~~* Wholesale Shops;~~
- ~~* Light Service Shops;~~
- ~~* Personal Service Shops;~~
- ~~* Heavy Service Shops;~~
- ~~* Internet Web Site Development;~~
- ~~* Call Centers;~~
- ~~* Institutional uses;~~
- ~~* Hotels, Motel and Hostels;~~
- ~~* Residential dwelling units up to a maximum of eight (8) units per lot;~~
- ~~* Restaurants (eat-in; drive-in; drive-through);~~
- ~~* Taverns, Lounges and Cabarets;~~
- ~~* Places of Entertainment, Recreation, Fitness and Assembly (indoor or outdoor);~~
- ~~* Parking Lots and Parking Structures;~~
- ~~* Public Marinas and Wharves (excluding open storage or outdoor displays);~~
- ~~* Private Marinas and Wharves (excluding open storage or outdoor displays);~~
- ~~* Marine Fuelling Facilities (excluding bulk petroleum plants);~~
- ~~* Light Industries;~~
- ~~* Light Service Industries;~~
- ~~* Fishing and Marine-Related Industries excluding new Fish or Food Processing;~~
- ~~* Any Manufacturing or Industrial Assembly operations conducted and contained within wholly enclosed buildings and which are not obnoxious 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;~~
- ~~* Transportation Facilities and uses;~~
- ~~* Taxi and Bus Stations;~~
- ~~* Emergency Response Centres;~~
- ~~* Laundromats;~~
- ~~* Public Parks; and~~
- ~~* Art Galleries~~

~~30.2 WCD Zone Requirements~~

~~In the WCD zone, no Development Permit shall be issued except in conformity with the following:~~

~~Minimum Lot Area 929.5 m² (10,000 ft²)~~

~~Minimum Lot Frontage 24.4 m (80 ft)~~

~~Minimum Front Yard Waived
Minimum Rear Yard 4.6 m (15 ft)
Minimum Side Yards 4.6 m (15 ft)
Minimum Flanking Yard 4.6 m (15 ft)
Maximum Height of Main Building 10.7 m (35 ft)~~

~~30.3 Yards Abutting Harbour~~

~~In a WCD zone, the minimum rear yard setback may be waived where it directly abuts the Yarmouth Harbour.~~

~~30.4 WCD Zone Uses Permitted by Development Agreement~~

~~Notwithstanding the permitted uses in 30.1 the following uses shall be considered by Development Agreement provided the development is in keeping with the Statement of Interest for the Waterfront Mixed Use Area outlined in the Municipal Planning Strategy:~~

~~(1) New commercial or industrial activities which exceeds 1393.5 m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5 m² (15,000 ft²) in gross commercial floor area may be considered only by Development Agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 10.9 and 10.8. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.~~

~~(2) Residential uses containing more than eight (8) dwelling units per lot may be considered for development in the Waterfront Commercial Industrial (WCI-5) zone only 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 and there shall be no limit on the number of dwelling units permitted.~~

~~30.5 Restriction on New Open Storage and Outdoor Display~~

~~No new open storage or outdoor displays shall be permitted within the Waterfront Comprehensive Development (WCD) zone except for commercial retail outdoor displays which are temporary in nature and open storage and/or outdoor displays strictly accessory to a traditional fishing and marine related industry.~~

~~30.6 Restriction on Existing Open Storage and Outdoor Display~~

~~The following restrictions shall apply to existing open storage and outdoor display and those permitted by Part 30.5:~~

- ~~(1) Open storage or outdoor displays shall not be permitted closer than twenty (20 ft) feet to any public right of way;~~
- ~~(2) The area devoted to open storage or outdoor displays shall not exceed fifty (50%) percent of the lot area.~~
- ~~(3) The open storage or outdoor display shall be accessory to the main use located on the same lot.~~

Part 36 – Climate Change Storm Surge and Sea-level Rise Sensitive Area (Page 147)

36.1 Minimum Climate Change Building Grade Elevation and Set-Backs

Pursuant to Policy [119.4](#) of the Municipal Planning Strategy, the following minimum climate change-related building grade elevations and minimum separation standards from the ordinary high water mark shall apply 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”). The change in use of any building shall be exempt from this requirement provided there are no additions and provided the development does not include any storage of any hazardous materials.

36.4 Minimum Hazardous Materials Grade Elevation and Minimum Separation Standards from the Ordinary High Water Mark

(1) Underground storage of hazardous materials shall be strictly prohibited in the Climate Change Storm Surge Sea-Level Rise Sensitive Area as shown on the Climate Change Storm Surge and Sea-level Rise Sensitive Area Map. Existing underground storage of hazardous materials may continue to exist and be maintained provided their storage capacity shall not, at any time, be increased.

(2) Pursuant to Policy [119.4](#) of the Municipal Planning Strategy, the following hazardous materials minimum grade elevations and minimum separation standards from the ordinary High-Water Mark (HWM), whether contained in a building or not, shall apply 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:

36.5 Minimum Wharf Grade Elevation

Pursuant to Policy [119.4](#) of the Municipal Planning Strategy, the following minimum wharf grade elevations shall apply 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. For clarity, this provision shall apply to any new wharf or any addition to any existing wharf but shall not prevent any existing wharf from being repaired; however, any existing wharf that is being totally replaced shall conform with these minimum requirements.

36.9 Minimum Climate Change Building Grade Elevations – Slab on Grade or Higher

Any building located in the Climate Change Storm Surge and Sea Level Rise Sensitive Area shall be constructed with a slab on grade construction or a higher floor elevation above the minimum climate change building grade elevation. 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 shall be prohibited within the Climate Change Storm Surge and Sea Level Rise Sensitive Area.

[**In addition to building with a slab on grade construction or a higher floor elevation to the minimum climate change building grade elevation, new residential dwelling units shall not be permitted at street level.](#)

Part 37 – Definitions (Page 152)

For the Purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter.

Arts/entertainment studio means a service facility used by artists or broadcasters to conduct their work for purposes of public consumption either by direct broadcast from the studio, or by mass production (e.g. compact disc, books).

Overlay Zone means a zone which superimposes additional requirements over a zone or zones without disturbing the requirements of the underlying zone.

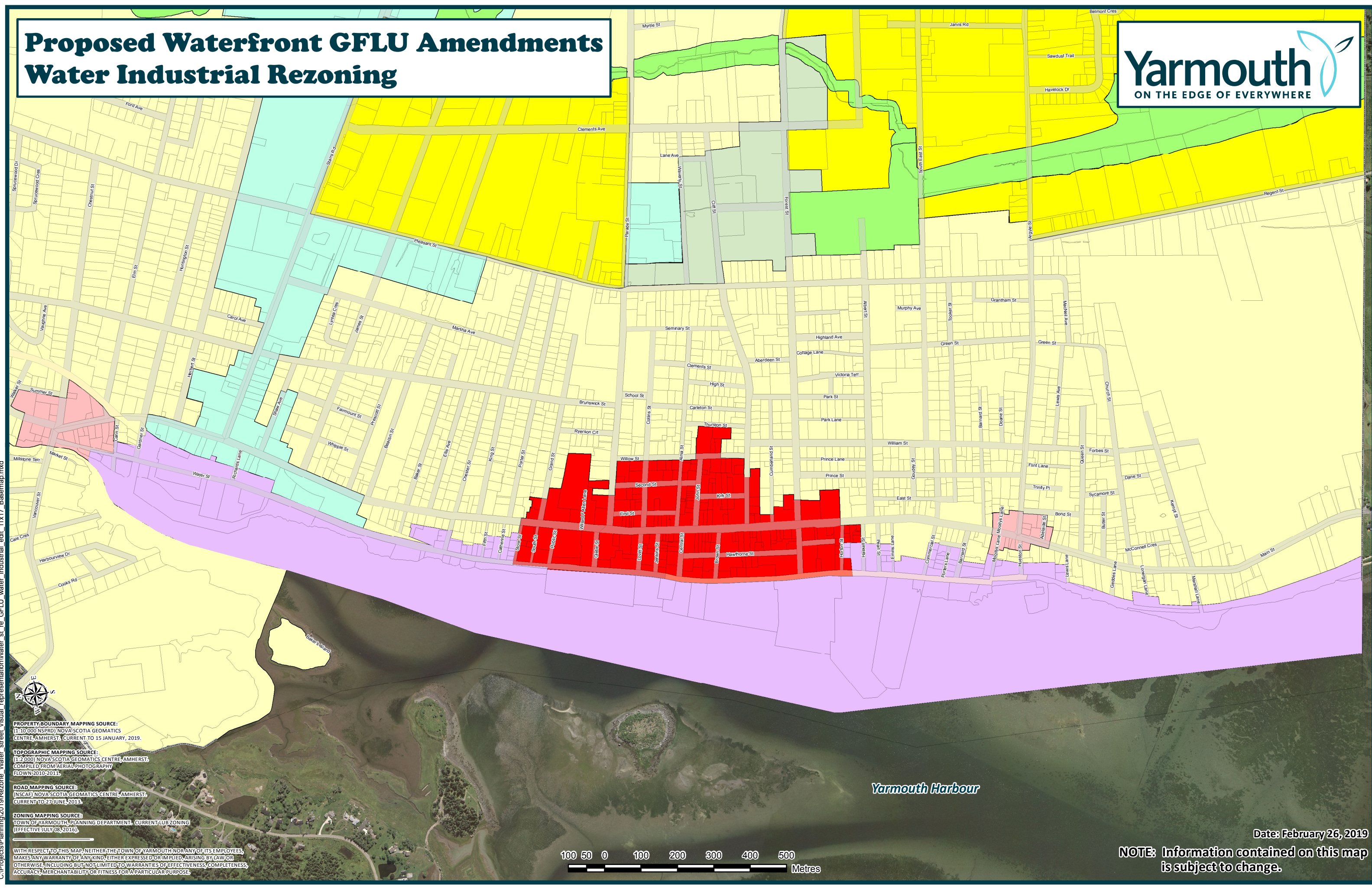
Water Dependent Use means a use that requires the use of, location on, or direct access to navigable waters or submerged lands to achieve its primary purpose.

54. Food Trucks means any mobile motor vehicle, trailer, or similar structure designed for preparing and offering food that is situated on a single commercial property twelve (12) months out of the year. Food trucks are required to obtain both a Development Permit as well as a Vendors Permit in the Town of Yarmouth. Food Trucks shall be exempt from the lot requirements of the zone and instead shall comply with those for Seasonal Retail Trade.

64. High Water Mark (HWM) means the ordinary high water mark, the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself. Typical features may include a natural line or "mark" impressed on the bank or shore, indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics. For the purpose of the Land Use By-law the High Water Mark (HWM) shall be as defined by a Nova Scotia Land Surveyor in keeping with the definition of "ordinary high water mark" pursuant to the Nova Scotia Land Surveyors Regulations as outlined below:

"ordinary high water mark" means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself;
(Nova Scotia Land Surveyors Regulations).

Proposed Waterfront GFLU Amendments Water Industrial Rezoning



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PROPERTY BOUNDARY MAPPING SOURCE:
(1:10 000 NSPRD) NOVA SCOTIA GEOMATICS
CENTRE, AMHERST, CURRENT TO 15 JANUARY, 2019.

TOPOGRAPHIC MAPPING SOURCE:
(1:2 000) NOVA SCOTIA GEOMATICS CENTRE, AMHERST,
COMPILED FROM AERIAL PHOTOGRAPHY
FLOWN 2010-2011.

ROAD MAPPING SOURCE:
(NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST,
CURRENT TO 27 JUNE 2013.

ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT, CURRENT LUB ZONING
(EFFECTIVE JULY 08, 2016).

Yarmouth Harbour

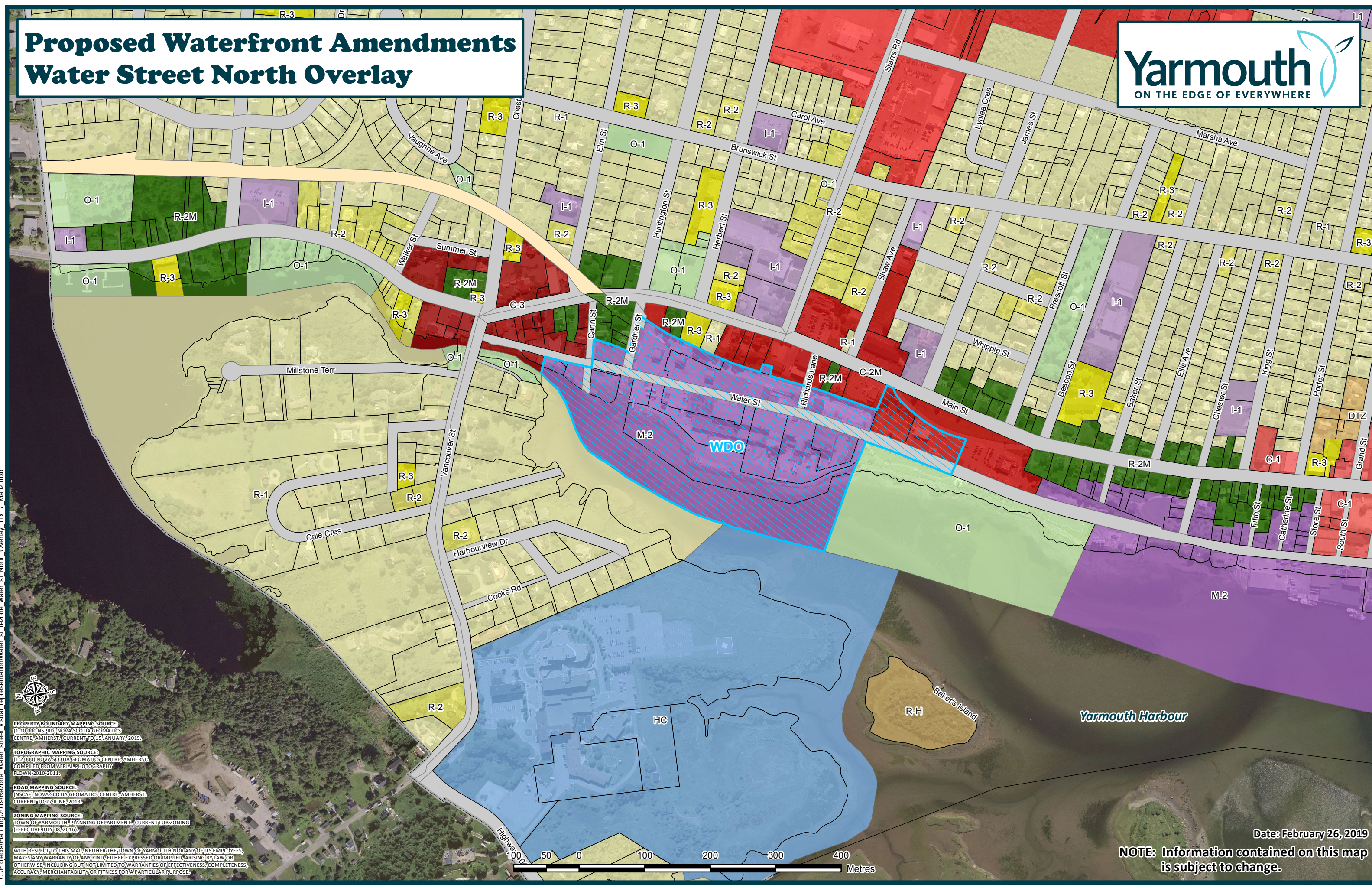


Date: February 26, 2019

NOTE: Information contained on this map is subject to change.

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Proposed Waterfront Amendments Water Street North Overlay



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PROPERTY BOUNDARY MAPPING SOURCE:
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(1:2 000) NOVA SCOTIA GEOMATICS CENTRE, AMHERST, COMPILED FROM AERIAL PHOTOGRAPHY FLOWN 2010-2011.

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ZONING MAPPING SOURCE:
TOWN OF YARMOUTH, PLANNING DEPARTMENT, CURRENT LUB ZONING (EFFECTIVE JULY 08, 2016).

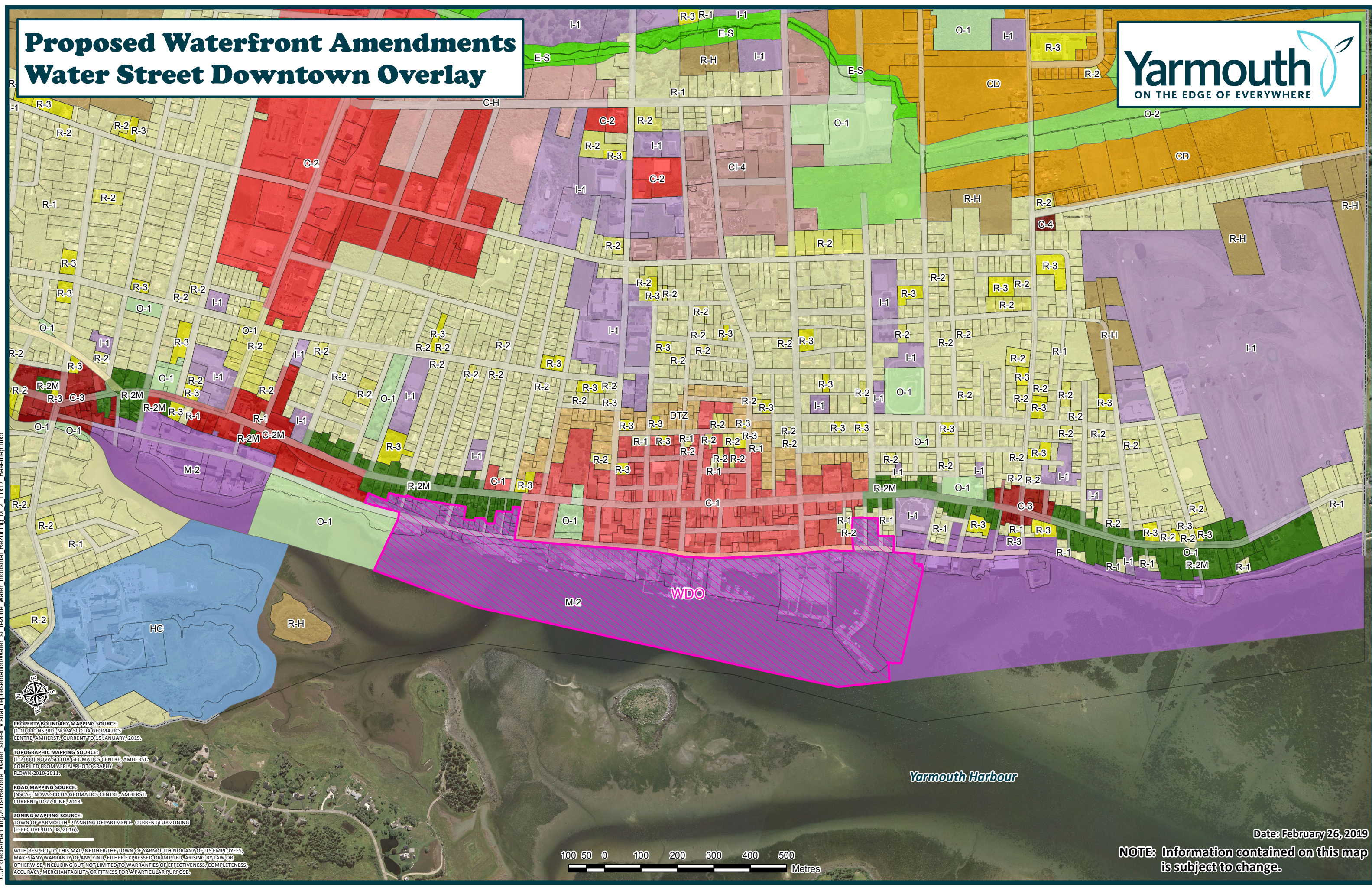
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Date: February 26, 2019

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Proposed Waterfront Amendments Water Street Downtown Overlay



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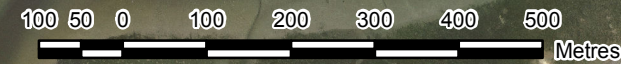
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TOPOGRAPHIC MAPPING SOURCE:
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COMPILED FROM AERIAL PHOTOGRAPHY
FLOWN 2010-2011.

ROAD MAPPING SOURCE:
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CURRENT TO 27 JUNE, 2013.

ZONING MAPPING SOURCE:
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Yarmouth Harbour

Date: February 26, 2019

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