

**APPLICATION TO AMEND THE MUNICIPAL  
PLANNING STRATEGY AND LAND USE BY-LAW, TO  
ENABLE THE DEVELOPMENT OF TRAILS,  
WALKWAYS AND STREETS IN ALL ZONES**

Respectfully Submitted to: Planning Advisory Committee  
Submitted by: Arthur MacDonald  
Dated: May 1, 2010  
File # 66560-35-17 (2010-17)  
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## REQUEST FOR DECISION

**SUBJECT:** Application to amend the Municipal Planning Strategy and Land Use By-law, to enable the development of trails, walkways and streets in all zones.

**RECOMMENDATION:** Approval

**RECOMMENDATION:** Report attached.

**KEY ISSUE(S) / CONCEPTS DEFINED:** This amendment will enable the development of trails, walkways and streets to be developed throughout Town including accessory structures such as but not limited to benches, garbage and recycling facilities, lights, washroom facilities, wayfinding signage, and similar related structures.

**RELEVANT POLICY:** New policy provision, Policy 7.36.

**RESPONSE OPTIONS:** Approve, refuse or send back for revisions.

**PREFERRED STRATEGY:** To approve.

**IMPLICATIONS OF RECOMMENDATION:** This amendment will enable the development of trails, walkways and streets throughout any zone. It was recommended through the Town's Active Transportation Plan to recognize trails as a specific use in the Town's Land Use By-law and enable the issuance of a Municipal Development Permit for the development of trail systems including associated accessory structures such as, but not limited to, benches, garbage and recycling facilities, lights, washroom facilities, wayfinding signage, and similar related structures. With regards to trail developments, it is recommended to enable non-motorized uses along the trail system with the exemption of the former railway lines. The implications of the recommendation will include concerns regarding public safety, security (of abutting property owners as well as users of the trail system), possible impacts on property values, peace and quiet enjoyment of one's property, vandalism and the possibility of other deviant behaviours.

**FINANCIAL:** The development of these trails, walkways and streets will have financial implications for the Town not only in the capital and maintenance costs of the systems but also in providing additional security by means of police services and surveillance systems. Lighting these areas and maintaining and developing clear sight lines from public areas will act as a deterrent, however, additional policing services may also be required.

**FOLLOW UP ACTION:** Recommendation to proceed to Public Participation Meeting. (First and Second Reading).

**Applicant:** Town of Yarmouth  
400 Main Street,  
Yarmouth, N.S.,  
B5A 1G2

**Application:** Application to amend the Municipal Planning Strategy and Land Use By-law, to enable the development of trails, walkways and streets in all zones.

**General Comments:**

Through the Town's Municipal Planning Strategy and Land Use By-law, trail developments are currently enabled in the "Open Space (O-1)" zone, the "Environmentally Sensitive (E-S)" zone, the "Floodplain (O-2)" zone, the "Institutional (I-1)" zone and all zones that enable Institutional (I-1) uses such as the Downtown Commercial (C-1) zone, the Secondary Commercial (C-3) zone, the Commercial Industrial (CI-4) zone, the Waterfront Commercial Industrial (WCI-5) zone, the General Industrial (M-1) zone, the Waterfront Industrial (M-2) zone and the Business Floating (B-F) zone. The Town also enabled the development of private parks and private gardens in residential zones, however, this provision does not explicitly enable the development of "public" parks and gardens which would normally be located in the Open Space (O-1) zone.

As the development of public trails systems are not permitted in the residentially zoned areas and a few of the other zones such as the General Commercial (C-2) zone and the Local Commercial (C-4) zone, it is recommended that a provision be developed to enable trails, walkways and streets to be developed in all zones by implementing a provision pursuant to Part 5 – General Provisions for All Zones.

**Recommendation:**

In light of the above, it is recommended that the Planning Advisory Committee proceed to a Public Participation Meeting in order to consider and if deemed advisable, amend the Municipal Planning Strategy and Land Use By-law, to enable the development of trails, walkways and streets in all zones.

Submitted by,

Arthur MacDonald  
Town Planner

**Appendix “A”  
Amendment to the Municipal Planning Strategy**

An amendment to the Municipal Planning Strategy, by inserting a new policy, Policy 7.36 as outlined below:

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

**Appendix “A”  
Amendment to the Land Use By-law**

An amendment to the Land Use By-law, by inserting a new by-law provision, Part 5.48 as outlined below:

**“5.48 Public and Private Trails, Public and Private Walkways and Public Streets**

**Pursuant to Implementation Policy 7.36 of the Municipal Planning Strategy, public and private trails, public and private walkways, and public streets complete with accessory structures such as, but not limited to, benches, garbage and recycling facilities, lights, washroom facilities, wayfinding signage, and similar related structures shall be deemed a permitted use in any zone. The use of any public and private trails; and, public and private walkways shall be limited to non-motorized equipment unless otherwise explicitly enabled through the approval of the Town’s Traffic Authority.”**