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MAPS

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I, JEFF GUSHUE, Clerk and Chief Administrative Officer of the Town of Yarmouth, do hereby certify that the foregoing is a true copy of the revised Municipal Planning Strategy and Land Use By-law of the Town of Yarmouth.

GIVEN UNTO the hand of the Town Clerk/Chief Administrative Officer and the Corporate seal of the Town this 10th day of January A.D.,2008

Jeff Gushue
Town Clerk/Chief Administrative Officer

Chapter 1

Introduction

Preamble

The Municipal Planning Strategy for the Town of Yarmouth, also referred to hereafter as the Strategy, has been prepared in accordance with provisions of the Municipal Government Act, Chapter 18 of the Statutes of Nova Scotia, 1998. With its adoption by Council and its subsequent approval by the Minister, it is intended that this Strategy and its implementing Land Use By-law will replace the Strategy and Land Use By-law adopted by Council and approved by the Minister on November 30, 1988.

Review Process

Council, by resolution, began a comprehensive review of its 1988 Municipal Planning Strategy and Land Use By-law on July 13, 1995. The Town's Planning Advisory Committee was appointed to review, identify and evaluate planning issues and prepare appropriate revisions to the Strategy and Land Use By-law.

The Planning Advisory Committee initiated the review in November, 1995, with a "Municipal Planning Strategy Review Information Booklet". The booklet summarized the current Municipal Planning Strategy and Land Use By-law provisions in their present state in references to designations, zones and uses. The intent of the booklet was to bring people up-to-date with current planning objectives and to provide a basis to initiate the review. Subsequently, a new information booklet outlining the highlights of the proposed Strategy and Land Use By-law was developed following several public workshops and meetings.

Residential, commercial and industrial public workshops were held between 1996 and 1999 to receive public input. After further consultation with the public by means of a Public Participation meeting and after a final review by the Planning Advisory Committee the revised Municipal Planning Strategy and corresponding Land Use By-law were submitted for Council's consideration.

Purpose

The overall purpose of this Strategy, like its predecessor, is to provide Council and the general public with a framework for making decisions with respect to development and public infrastructure. The Strategy is similar in nature to its predecessor in terms of development promotions and development control mechanisms. However, it builds on the strengths and minimizes the weaknesses of the previous plan. The plan reflects Council's desire to participate more actively in directing and ensuring quality development by providing a framework for accommodating new development activities. It is recognized that in developing the goals, objectives and policies contained in this Strategy, Council is providing the framework for future development trends. From the stated purpose of this Strategy, the following goal has been identified and is intended to serve as the basis for the development of more detailed policy objectives and statements.

Goal:

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

- (1) promoting Yarmouth as a regional commercial, educational, industrial and service center;**
- (2) creating a positive climate for investment in the community;**
- (3) ensuring that development costs are minimized and fairly allocated between the public and private sectors; and,**
- (4) cooperating with surrounding municipalities in infrastructure development and service deliveries.**

Amendments to the Strategy and By-law

As previously stated, this Strategy is intended to provide a framework for making decisions with respect to development and public infrastructure. Council recognizes that over time, the Town will continue to grow and change which may require the Strategy to be amended from time to time. Various policies allow the Strategy to be amended, such as changing a particular zoning boundary. The Municipal Government Act requires that when Council undertakes such an amendment, it secures public input prior to any amendment decision.

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

Municipal Planning Strategy Review Process

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

- (1) To initiate a review of the Municipal Planning Strategy within ten (10) years of the coming into force of the Municipal Planning Strategy;**

- (2) To include the Town's public participation program in the Municipal Planning Strategy review process.**

Development Agreements

It is recognized that in standard rezoning procedures, once a rezoning is complete, the applicant is free to undertake any use permitted in that particular zone. Although a specific use might be identified in the rezoning application, the applicant is not restricted to that particular use. This has resulted in developments which were different from the original concept. Development Agreements can be used to ensure that the development is in keeping with the original proposal.

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

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

Structure of Strategy

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

The following chapters provide a detailed description of development policies with regards to residential, commercial and industrial developments. The final chapters deal primarily with

infrastructure development and the implementation of these policies. It is important to note that sections of the Strategy should not be looked at in isolation but rather in the context of the entire Strategy as a whole.

Chapter 2

Background

Geographic and Historical Context

The Town of Yarmouth, with an area of approximately 2743 acres (1110 hectares), is located in Yarmouth County at the southwestern tip of Nova Scotia, approximately 300 kilometers southwest of Halifax. Highways 1 and 3, which follow the Bay of Fundy and along the south shore, as well as provincial highways 101 and 103 provide the primary access routes.

The history of the Town has been well documented and is generally well known to its citizens. Early evidence indicates that the Vikings travelled the Bay of Fundy and were familiar with the local shores. Champlain and Demont were also familiar with the shores and documented early French exploration of the coast. However, it wasn't until June 9, 1761, that an organized settlement originated with the landing of three families from Sandwich, Massachusetts along the Chebogue River.

Yarmouth's prosperity as a seafaring Town peaked in the late 1800's. This period saw a great deal of shipping and trade activity, wooden boat building as well as the development of a significant commercial fishery. Yarmouth's fate, then as now, was very much tied to the ocean. The Town was incorporated as a municipal unit in 1890.

Today, the Town's economic base has diversified, relative to earlier times, although the fishing industry is still considered the backbone of both the local and regional economy. Commercial and industrial businesses serving the region have located within the Town, strengthening its position as a regional business center. The Town also serves as a regional center for government and medical services. These elements combine to provide a strong base for diversified future development.

Population

As shown in Figure 1, the population of the Town has grown slowly since the turn of the century. The population peaked in 1961 at 8,636 and was generally stable until 1971. Between 1971 and 1981, the population fell by 1044 (12.3%). Over this same period, the population of the adjoining Municipality of the District of Yarmouth grew by 2202 (22.4%) and Yarmouth County as a whole grew by 1608 (6.1%) as shown in Figure 2. The decrease in the Town's population during this period may be attributed to out-migration and a reduction in average household size. Statistics Canada Census information indicates that the average household size in Yarmouth in 1971 was 3.4 persons while in 1981 it was 2.7 persons. The 1986 Census indicated that there was a further reduction in the average number of persons per household in the Town to 2.6 and a further drop to 2.4 persons in the 1991 Census. From 1991 to 1996 the figure held steady at 2.4 persons, however, in 2001, the figure dropped further to 2.3 persons per household.

Figure 1 -- Town of Yarmouth: Population (1921-2001)

Year	Population
1921	7,073
1931	7,055
1941	7,790
1951	8,106
1956	8,095
1961	8,636
1966	8,319
1971	8,516
1976	7,801
1981	7,475
1986	7,617
1991	7,781
1996	7,568
2001	7,561

Source: Statistics Canada, Census of Canada

Figure 2 -- Yarmouth County Population (1961-2001)

	1961	1966	1971	1976	1981	1986	1991	1996	2001
Yarmouth (T)	8636	8319	8519	7801	7475	7617	7781	7568	7561
Yarmouth (M)	6935	7104	7640	8767	9842	10380	10827	10722	10476
Reserve (M)	5	12	6	24	24	21	32	78	118
Argyle (M)	7810	8117	8517	8618	8949	9055	9215	8942	8688
Yarmouth Co.	23386	23552	24682	25210	26290	27073	27855	27310	26843

Source: Statistics Canada, Census of Canada

Generally the Municipality of the District of Yarmouth has captured the out-migration of Town residents who did not relocate outside the County. Figure 3 shows the percentage change in population for the various municipal units in Yarmouth County between 1961 and 2001.

Figure 3

Yarmouth County Population * - Changes (in percent)								
1961 - 2001								
	61-66	66-71	71-76	76-81	81-86	86-91	91-96	96-01
Yarmouth (T)	-3.7	+2.3	-8.4	-4.2	+1.9	+2.1	-2.7	-0.1
Yarmouth (M)	+2.4	+7.0	+12.9	+10.9	+5.2	+4.1	-1.0	-2.3
Argyle (M)	+3.8	+4.7	+1.2	+3.7	+1.2	+1.7	-3.0	-2.8
Yarmouth Co.	+0.7	+4.6	+2.1	+4.1	+2.9	+2.8	-2.0	-1.7

* Yarmouth County comprised of the Town of Yarmouth, The Municipality of the District of Yarmouth and the Municipality of the District of Argyle.

Source: Statistics Canada, Census of Canada

The population decline in the Town was reversed in 1986 with a net population increase of 142 persons (+1.9%) between 1981 and 1986 and a further increase of 164 persons (+2.15%)

between 1986 and 1991. This is a significant increase in light of the continuing decrease in the average size of households. However, the population began to decline again between 1991-1996 with a reduction of 213 persons (-2.7%), which levelled out during the 2001 census at 7561, a decrease of only -0.1% between 1996-2001.

Statistics also show that in Yarmouth, as throughout the Province, the percentage of the population over the age of 65 years has grown steadily since 1966. In 1966, 11.9% of the Town's total population was over 65 years old. In 1986, this figure had risen to 16.7% and rose to 17.0% in 1991. By 2001, the population over the age of 65 had risen to 19.2% of the Town's population.

An examination of population statistics indicates that the Town can expect a moderate demand for the upgrading of community services and infrastructure given a projected population growth of two to three percent over the next five years. The Town will also experience pressures as a service centre. This will be particularly true if the majority of County growth continues to take place within the Municipality of the District of Yarmouth within a short distance of the Town (15 km. radius). The Town will also experience additional needs to support the aging population as the percentage of seniors (over 65) increases.

Chapter 3

Residential Development

The policies of this Strategy with respect to residential development seek to accomplish the following objectives:

- (1) To protect the nature and character of existing residential areas from unrestricted commercial or industrial encroachment;**

- (2) To require all residential development to front on a public street, except when located on Baker's Island;**

- (3) To regulate the location of new residential development to ensure efficient use of public infrastructure as a means of maximizing returns while minimizing expenditures;**

- (4) To closely scrutinize and regulate medium and high density developments to minimize their effects on low density developments;**

- (5) To encourage home ownership and low density development of existing serviced lots on local classified streets and medium and high density developments on collector and arterial classified streets when such uses are compatible with their surroundings;**

- (6) To encourage the upgrading of substandard residential structures through private and/or public redevelopment projects.**

Historically the dominant form of residential development within the Town was, and still is, the low density single unit dwelling. However, since 1976, many of the older low density single unit dwellings have been converted into multiple unit dwellings. The 1991 Census indicated that there were 3,105 dwellings within the Town, of which 1,430 (46.0%) were owner-occupied. The 1986

Census indicated there were 2850 dwellings in the Town, of which 1365 (47.8%) were owner-occupied. This owner-occupancy figure represents a drop of 1.78%. Between 1981 and 1991 the percentage of owner-occupied dwellings dropped 2.78%, 1.0% between 1981 and 1986 and a further drop of 1.78% from 1986 to 1991. In 2001, the town finally reversed this trend, though only marginally, by increasing the owner-occupied dwelling figures from 46.3% to 46.9%, a 0.6% increase.

The percentage of rental dwellings has been rising since 1976 and is dramatically higher than the provincial average, as shown in Figure 4. This percentage is also higher than the towns of Bridgewater and Kentville, as shown in Figure 5. Though the Town of Yarmouth experienced an increase in owner-occupied dwellings in the 2001 census, it still has quite a way to go in order to be at par with other communities in the province.

Figure 4 -- Occupied Dwellings by Tenure

Yarmouth County* and Nova Scotia, 1976 - 2001					
	Town of Yarmouth	Mun. of The Dist. of Argyle	Mun. of The Dist. of Yarmouth	Yarmouth* County	Nova Scotia
1976 -					
Owned (%)	49.7	92.7	89.2	77.2	72.4
Rented (%)	50.3	7.3	10.8	22.8	27.6
Total (No.)	2,510	2,385	2,655	7,555	243,100
1981 -					
Owned (%)	48.8	92.0	89.2	77.4	71.5
Rented (%)	51.1	8.0	10.8	22.6	28.5
Total (No.)	2,675	2,730	3,140	8,555	273,195
1986 -					
Owned (%)	47.9	92.3	87.4	76.8	70.9
Rented (%)	52.1	7.7	12.6	23.2	29.1
Total (No.)	2,850	2,915	3,500	9,270	295,780
1991 -					
Owned (%)	46.0	91.6	86.3	75.7	71.0
Rented (%)	54.0	8.4	13.7	24.3	29.0
Total (No.)	3,105	3,155	3,870	10,149	324,375
1996 -					
Owned (%)	46.3	92.4	86.1	75.8	70.4
Rented (%)	53.7	7.6	13.9	23.9	29.6
Total (No.)	3,130	3,210	3,965	10,335	342,590
	Town of	Mun. of	Mun. of	Yarmouth*	Nova

	Yarmouth	The Dist. of Argyle	The Dist. of Yarmouth	County	Scotia
2001 -					
Owned (%)	46.9	92.8	84.9	75.6	70.8
Rented (%)	53.1	7.2	15.1	24.4	29.2
Total (No.)	3,230	3,310	4,050	10,630	360,020

* Yarmouth County comprised of Town of Yarmouth, the Municipality's of the District of Yarmouth and of Argyle.

Note: Reservation figures are included in "Owned" category.

Source: Statistics Canada, Census of Canada

Figure 5 -- Occupied Dwellings by Tenure

	Town of Yarmouth	Town of Bridgewater	Town of Kentville
Tenure 1991:			
Owned (%)	46.0	60.0	59.0
Rented (%)	54.0	40.0	41.0
Total (No.)	3,105	2,950	2,220
Tenure 1996:			
Owned (%)	46.3	60.8	59.7
Rented (%)	53.7	39.2	40.3
Total (No.)	3,130	3,090	2,295
Tenure 2001:			
Owned (%)	46.9	60.6	59.4
Rented (%)	53.1	39.4	40.6
Total (No.)	3,230	3,340	2,400

Source: Statistics Canada, Census of Canada.

In order to encourage owner-occupied dwellings and at the same time address the issue of high local vacancy rates, Council intends to lower the allowable number of units permitted as-of-right. In the 1988 plan the Low Density Residential (R-1) zone enabled converted dwellings to a maximum of

three (3) units. This plan limits the Low Density Residential (R-1) zone to two (2) dwelling units. In the 1988 plan the Medium Density Residential (R-2) zone enabled up to eight (8) dwelling units. This plan limits the Medium Density Residential (R-2) zone to four (4) units. Further, residential complexes containing more than four (4) units shall only be considered by development agreement. As previously mentioned, medium and high density residential developments will only be encouraged on collector and arterial classified streets.

The policies contained in this chapter deal with the identification and establishment of the residential designation on the generalized future land use map. It is intended that this designation include both existing built up residential areas and vacant lands which are suitable for future residential development. Areas for future residential development should either be adjacent to existing residential development, or be removed from commercial or industrial uses. In this Strategy, as in the 1988 Strategy, a majority of the lands which have been identified as desirable for future residential development are located east of Pleasant Street. Generally these lands are only partially serviced with sewer and water, or a combination of the two, or are completely unserved. The development of these lands will depend largely on the successful implementation of the programs identified in the Infrastructure Development chapter of this Strategy. While limited development will be permitted with on-site services solely within the Residential Holding (R-H) zone, it is intended that eventually these lands will be serviced, allowing for more intensive development.

Baker's Island, located at the northern end of Yarmouth Harbour, is included in the Residential Generalized Future Land Use Map designation. Relevant Strategy policies reflect that the Town has no intention of extending sewer, water or road services to the Island. Low Density Residential uses will be permitted to develop on the island with their own on-site well and septic facilities.

Within the residential designation of the Generalized Future Land Use Map, five (5) residential zones have been identified: Low Density Residential (R-1) zone; Medium Density Residential (R-2); High Density Residential (R-3); Mobile Home Park (R-M) and Residential Holding (R-H). The Low Density Residential (R-1) zone will permit the construction of new single-detached, two unit dwellings and semi-detached dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot. The Medium Density Residential (R-2) zone will permit the construction of all R-1 permitted uses subject to the R-1 zone requirements; three unit dwellings; four unit dwellings and semi detached dwellings characterized by not more than one shared property line with a maximum of two (2) units per lot.

It is the intention of Council to zone those lands designated residential and fronting on Main Street or Starrs Road as Medium Density Residential (R-2) except for those lands containing an institutional, high density or open space use which shall be zoned according to their use. The traffic

volumes on Main Street and Starr's Road have generally made this area undesirable for new single detached dwellings and is well suited for medium density residential uses. Those lands abutting Main Street south of the golf course will remain Low Density Residential (R-1).

The High Density Residential (R-3) zone will be used to identify existing residential structures containing more than four (4) dwelling units. After the effective date of this Strategy, new residential construction of more than four (4) units, any increase in the number of dwelling units within an existing building or any expansion to an existing building in the High Density Residential (R-3) zone shall only be considered by Development Agreement provided it abuts a collector or arterial street subject to the High Density Residential (R-3) zone requirements. Minimum lot frontage, lot area and yard setbacks are included in the By-law for the High Density Residential (R-3) zone to ensure that, in light of any future redevelopment of these structures or potential subdivision of these lots, appropriate site planning will be done. In an effort to maintain the density levels (number of dwelling units per lot) in the Architecturally Sensitive (A-S) area, Council will not entertain applications for High Density Residential (R-3) developments by development agreement within this area. Those medium and high density residential developments which do not conform to the corresponding zone will be included in Schedule "C" of the Land Use By-law containing a list of existing and non-conforming uses. Non-conforming structures and non-conforming uses are governed by Policy 7.11 through Policy 7.18. Though a non-conforming use may be extended throughout the existing structure, it does not mean that one may increase the non-conformity by increasing the number of dwelling units within an existing structure. For example, a use that is non-conforming due to the number of dwellings cannot increase the number of dwelling units, thereby increasing the non-conformity of the use, but one may increase the physical size of a dwelling unit by adding a bedroom or increasing the size of a living room or kitchen into spaces previously unoccupied by the dwelling use within the existing structure. It is the intent of Council to strictly regulate the number of dwelling units throughout the Town and to ensure that the number of dwelling units corresponds to the number of dwelling units permitted in a particular zone.

The Town currently has one mobile home park within its boundaries. Lands included in this mobile home park are zoned Mobile Home Park (R-M). Due to the architectural character of mobile homes and mini homes (ie. long and narrow) they are limited to the Mobile Home Park (R-M) zone. Provisions have been included in this Strategy to allow for the expansion of the park beyond its current limits by development agreement. Currently, there are no provisions enabling the establishment of any new mobile home parks. It is Council's intent that the Strategy be amended if and when deemed appropriate to accommodate such a use. It is also the intent of this Strategy to

regulate the width between any main walls of any residential building outside the Mobile Home Park (R-M) zone as a means of providing a coherent and architecturally compatible built residential environment throughout the remaining residential areas of the Town. In addition, accessory buildings located within the residential designation shall not have any building elevation more than twice the length of its shortest building elevation as a means of ensuring a more coherent built environment.

In order to minimize conflicts with adjacent uses and to ensure that the physical character of existing residential development in terms of siting is maintained, the Strategy provides for the inclusion in the Land Use By-law of various requirements such as minimum lot frontage and area, yard setbacks, on-site parking, height regulations and fencing. These requirements differ from zone to zone and according to use, so as to best provide for each type of development.

Lands included in the Residential designation not serviced by Town sewer or water services will be allowed to develop with on-site services. Such lands shall be zoned Residential Holding (R-H) and will only enable low density residential uses along with certain agricultural uses. More intensive residential development will only be permitted upon the installation of adequate road, sewer and water facilities.

The 1988 Municipal Planning Strategy limited the type and nature of non-residential (Home Based Business) uses within the residential designation. However, since 1988 the plan and its corresponding By-law have been expanded to include a wide range of non-residential uses including Home Based Offices; Mobile Home Based Businesses; Lobster Trap Storage Facilities; Home Based Aesthetics Practices; Internet Web Site Development and U-Fish Farms. These uses, except U-fish Farms, are permitted in any residential zone. U-fish Farms are only permitted within the Residential Holding (R-H) zone due to the large lot size and set-back requirements. Lobster Trap Storage Facilities are prohibited from locating within the Architecturally Sensitive (A-S) area due to their potential impact on the heritage value of the district. The Land Use By-law includes non-residential use regulations with respect to maximum floor area, on-site parking, operator-occupancy amongst other minimum standards. The intent is to enable a person to have some type of home based commercial activity accessory to their residence without negatively affecting the neighbourhood.

The residential designation will also enable the establishment of a Local Commercial (C-4) zone, which recognizes existing convenience stores in residential areas. Over the years, the uses permitted within the C-4 zone have expanded to include personal and commercial shops. Both convenience stores and personal and commercial shops up to 46.45m² (500 ft.²) of gross commercial floor area are permitted as-of-right. The concept of a Local Commercial (C-4) zone is to enable commercial uses to support immediately adjacent and nearby residential needs. Therefore, any commercial use should be limited in size to ensure that such services are maintained for the local area.

This is one of the main reasons why convenience stores and personal and commercial service shops are limited to 46.45m² (500 ft.²) of gross commercial floor area.

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

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

Development agreements will be used to accommodate certain types of uses in the residential designation. Uses which will be permitted by development agreement in the residential designation are the construction of new multiple unit dwellings (high density apartments and group dwellings) containing more than four (4) units; expansion to existing residential buildings containing more than four (4) units; expansions to mobile home parks; boarding and rooming houses; group homes; nursing homes; adult day centers; medium density group dwellings; hostels and institutional uses that are to be developed on lots less than 2323m² (25,000 ft.²) which exceed 371.8m² or more (4000 ft.²) in gross floor area exclusive of vestibules, washrooms and closets. In addition, as a means of promoting tourism and entertainment activities, "Dinner Theatre Productions" will be enabled to be established in the Institutional (I-I) zone by Development Agreement provided minimum development standards are satisfied.

Coffee and tea shops, antique shops and art galleries will also be permitted in the residential designation by development agreement provided they are located within a registered heritage property. Inns with function room facilities within registered heritage properties immediately abutting the Central Business District will also be considered by development agreement. In this fashion, the use will be concentrated around the Downtown Commercial core, minimizing its potential to adversely affect residential areas and at the same time take advantage of the parking facilities within the Central Business District. The development agreement process will provide more detail, as well as security and assurance as to the character of the development.

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

1.1 It shall be the intention of Council to designate those lands which contain existing residential uses, lands which are suitable for future residential development by reason of either being

adjacent to existing residential areas or being removed from existing commercial or industrial areas as well as all lands on Baker's Island as "Residential" on the generalized future land use map.

1.2 It shall be the intention of Council to establish all boundaries for the Residential designation as "hard" boundaries pursuant to Implementation Policy 7.5, except where these boundaries abut the Central Business District designation. The Residential designation's boundaries abutting the Central Business District shall be "soft" and subject to Implementation Policy 7.6.

1.3 It shall be the intention of Council to include in the Land Use By-law the following residential zones:

(1) Low Density Residential (R-1) - This zone will include the following uses permitted as-of-right: single detached dwellings, two unit dwellings, semi-detached dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot, residential care facilities, private parks and gardens and parking lots excluding parking structures within 100m (328 ft.) of the location it is intended to serve. Further, it shall be the intention of Council to zone those lands designated Residential which contain the above noted uses or which are vacant and fully serviced as Low Density Residential (R-1) except those properties situated or fronting on Main Street or Starrs Road.

(2) Medium Density Residential (R-2) - This zone will include the following uses permitted as-of-right: all R-1 permitted uses subject to the R-1 zone requirements, semi-detached dwellings characterized by not more than one shared property line with a maximum of two (2) units per lot; three (3) unit dwellings and four (4) unit dwellings. Further, it shall be the intention of Council to zone those lands designated Residential and which contain the above noted uses as Medium Density Residential (R-2). In addition, it shall be the intention of Council to zone properties within the residential designation situated and fronting or abutting either Main Street or Starr's Road as Medium Density Residential (R-2) except those located south of the Yarmouth Golf and Country Club, which will be zoned Low Density Residential (R-1).

(3) High Density Residential (R-3) - This zone will include all R-2 permitted uses subject to the R-2 zone requirements and all existing apartment buildings containing more than four (4) dwelling units as a permitted use. Further, it shall be the intention of council to zone those lands designated Residential and containing High Density Residential (R-3) uses (greater than four (4) dwelling units per lot) as High Density Residential (R-3). Any increase in the number of residential units in the High Density Residential (R-3) zone for High Density Residential (R-3) uses shall only be considered by Development Agreement pursuant to Policy 1.11.

(4) Mobile Home Park (R-M) - This zone will include the following uses permitted as-of-right: mobile home dwelling units, mobile home park, mobile home park offices; maintenance equipment storage related and incidental to the operation of the park and recreational uses, parks and playgrounds related and incidental to the operation of the park. Further, it shall be the intent of Council to zone those lands designated Residential and containing the above use as Mobile Home Park (R-M).

(5) Residential Holding (R-H) - This zone includes the following and similar uses permitted as-of-right: single detached dwellings, two (2) unit dwellings, semi-detached dwellings characterized by not more than one shared property line with a maximum of one (1) unit per lot and agricultural uses except those prohibited by the Land Use By-law. Further, it shall be the intention of Council to zone those lands designated Residential which are not fully serviced with municipal sewer and water including all lands on Baker's Island as Residential Holding (R-H).

1.4 It shall be the intention of Council to recognize institutional uses located within the Residential designation on the generalized future land use map by zoning such uses as Institutional (I-1). This zone will include the following and similar types of uses permitted as-of-right: churches; colleges, universities; schools and other educational facilities; libraries, museums and art galleries; private clubs and fraternal organizations; any institutional use which is incorporated under the Societies Act Ch. 435, R.S.N.S. 1989; fire stations; funeral homes; arts and community centers; community markets; golf courses; cemeteries; hospitals; existing utilities such as power, telephone and gas company offices and work yards; municipal, provincial and federal government offices; public recreational facilities; day nurseries; temporary call centers and governmental institutional facilities. It shall be the intention of

Council that any zone which lists institutional uses as a permitted use will, by their nature, include any use listed as a permitted use in the Institutional (I-1) zone.

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

1.6 It shall be the intention of Council to include in the Land Use By-law minimum lot frontage, minimum lot area, minimum front, side and rear yard set-backs, maximum building height and set-backs between buildings for group dwellings and enable them only by development agreement subject to Residential Policy 1.11.

1.7 It shall be the intention of Council to include in the Land Use By-law a range of prohibited agricultural uses for the Residential Holding (R-H) zone.

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

- (1) That the lot is serviced with Town approved road, sewer and water services;**
- (2) That the proposal conforms with criteria contained in Implementation Policy 7.7.**

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

- (1) That the lot be serviced with Town approved road, sewer and water services;**
- (2) That the capacity of existing municipal road, sewer and water services on, adjacent, or leading to the site can accommodate the proposed development;**
- (3) That the lot meets the minimum lot area and frontage requirements for the proposed use as identified in the Land Use By-law;**
- (4) That the lot is situated on or abutting a collector or arterial street; and,**
- (5) That the proposal conforms with criteria contained in Implementation Policy 7.7.**

1.10 It shall be the intention of Council to consider proposals for the development of new institutional uses which do not exceed 371.8m² (4000 ft.²) of gross floor area exclusive of vestibules, washrooms and closets or are otherwise developed on lots exceeding 2322.5m² (25,000 ft.²) on lands designated Residential or for the redevelopment of lands designated Residential and zoned Institutional (I-1) for the purposes of Low Density Residential (R-1) uses by amendment to the Land Use By-law and subject to the following:

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

(2) That the proposal conforms with criteria contained in Implementation Policy 7.7.

1.11 It shall be the intention of Council to consider the following uses within the residential designation by development agreement pursuant to Section 225 of the Municipal Government Act provided the lot meets the minimum lot frontage and minimum lot area requirements as identified in the Land Use By-law subject to Implementation Policies 7.8 and 7.9:

(1) New multiple unit dwellings (apartments, townhouses, group dwellings) containing more than four (4) units per lot (High Density Residential (R-3) uses), located within the Residential designation provided they are located on a collector or arterial classified street and provided they are not located within the Architecturally Sensitive (A-S) area;

(2) Expansions to existing apartment buildings or townhouses containing more than four (4) units per lot (High Density Residential (R-3) uses) located within the Residential designation provided they are located on a collector or arterial classified street and provided they are not located within the Architecturally Sensitive (A-S) area;

(3) Expansions to existing mobile home parks beyond the limits of lands zoned Mobile Home Park (R-M);

(4) Boarding and rooming houses with more than three (3) rental rooms provided one (1) on-site parking space for each room, suite or rental accommodation is provided at the side or rear of the main building. For senior citizen's boarding and rooming houses with more than three (3) rental rooms, one (1) on-site parking space for every two (2) persons, suites or rental accommodations, or fraction thereof, shall be provided at the side or rear of the main building;

(5) Nursing homes, group homes and adult day centers;

(6) New Institutional (I-1) uses that are to be developed on lots less than 2323.8m² (25,000 ft.²) and exceed 371.8m² (4,000 ft.²) or more of gross floor area exclusive of vestibules, washrooms and closets;

(7) Group dwellings for Medium Density (R-2) uses provided the development is located on a collector or arterial classified street and provided they are not located within the Architecturally Sensitive (A-S) Area.

(8) Hostel developments within the residential designation subject to the following performance standards:

a) maximum number of bedrooms used for hostel purposes shall be five (5);

b) maximum number of beds used for hostel purposes shall be twelve (12). For the purpose of this Part, beds shall be counted as single beds and each level of bunk or stacked bed shall be counted as individual beds;

c) minimum lot area for a hostel use shall be 929m² (10,000 ft.²);

d) dwelling must be occupied as a residence by the operator of the hostel;

e) no open storage or outdoor display other than that which is consistent with a residential dwelling shall be permitted;

f) no additions or exterior alterations to the hostel shall be undertaken except for modifications necessary to meet fire safety standards;

g) the lot or parcel of land intended to be used as a hostel abuts either a collector or an arterial classified street.

(9) Dinner theatre productions on lands zoned Institutional (1-1) subject to the following:

a) provided the lot meets the minimum lot area of 3,716m² (40,000 ft.²) and minimum lot frontage of 30m (100 ft);

b) provided the hours of operation are regulated in the development agreement; and,

c) provided the use is wholly enclosed within a building.

1.12 It shall be the intention of Council to prohibit the development of any new non-residential use in areas designated Residential, except for the following non-residential uses:

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

1.13 Notwithstanding anything contained in Residential Policy 1.12, it shall be the intention of Council to enable the establishment of commercial U-Fish Farms and accessory uses as a non-residential use within the Residential Holding (R-H) zone provided:

- (1) the lot meets the minimum lot area requirement for the Residential Holding (R-H) zone as identified in the Land Use By-law; and,**
- (2) the proposed development conforms with special provisions governing set-backs, fencing and lot coverage.**

1.14 Notwithstanding anything contained in Residential Policy 1.12, it shall be the intention of Council to consider the following tourism related non-residential uses within a registered heritage property or within a structure located in a Heritage Conservation District by

development agreement pursuant to Section 225 of the Municipal Government Act and subject to Implementation Policies 7.8, 7.9 and 7.10:

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

1.15 Notwithstanding Policy 1.12, it shall be the intention of Council to prohibit the establishment of “lobster trap storage facilities” within the Architecturally Sensitive (A-S) area.

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

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

1.18 It shall be the intention of Council to include in the Land Use By-law a provision maintaining the architectural appearance of residential developments throughout the Residential (R-1, R-2, R-3, R-2M and R-H zones) by requiring a minimum width between any main or exterior walls of any main building.

- 1.19 It shall be the intention of Council to include in the Land Use By-law a Local Commercial (C-4) zone within the residential designation subject to Policies 2.4.1, 2.4.2 and 2.4.3.**
- 1.20 It shall be the intention of Council to include in the Land Use By-law design standards for accessory buildings throughout residential (R-1, R-2, R-3, R-M and R-H) zones.**
- 1.21 It shall be the intention of Council to include in the Land Use By-law a provision prohibiting the use of transportation vehicles, transportation containers, shipping containers, cargo containers or other similar types of structure or enclosure as main or accessory buildings within any residential (R-1, R-2, R-3, R-M and R-H) zone.**
- 1.22 It shall be the intention of Council to include in the Land Use By-law a provision regulating the illumination of an area as to direct it away from any nearby properties located within the residential designation.**
- 1.23 It shall be the intention of Council to strictly regulate the number of dwelling units based on minimum lot frontage and minimum lot area standards.**
- 1.24 It shall be the intention of Council to consider rezoning High Density Residential (R-3) uses located within the Residential Designation that are regulated pursuant to a Development Agreement to High Density Residential (R-3) by amendment to the Land Use By-law.**
- 1.25 It shall be the intention of Council where lands are being redesignated to “Residential” to enable lands to be rezoned to Low Density Residential (R-1) by amendment to the Land Use By-law provided the lot abuts a public open street with adequate municipal sewer and water services.**
- 1.26 It shall be the intention of Council where lands are being redesignated to “Residential” to enable lands to be rezoned to High Density Residential (R-3) by amendment to the Land Use By-law provided the minimum lot area and minimum lot frontage requirements for the particular use are satisfied and provided the lot abuts a public open “collector” or “arterial” classified street with adequate municipal sewer and water services.**

Chapter 4

Commercial Development

In identifying specific policies with respect to commercial development in the Town, Council seeks to accomplish the following objectives:

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

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

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

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

Although it is difficult to quantify due to the lack of accurate statistics, commercial development has helped solidify the Town as the commercial center of South Western Nova Scotia. The presence of major retail and commercial service facilities as well as national and international transportation links helps support the Town's role as a regional center. The Town's secondary trade area is commonly understood to include Yarmouth County as well as Digby and Shelburne Counties, servicing a population of roughly 63,000 (Statistics Canada, 1991, pop. 66,484; 2001, pop. 62,622). The Town's primary trade area for the most part consists of Yarmouth County (Town of Yarmouth, the Municipality of the District of Yarmouth and the Municipality of the District of Argyle), servicing a population of roughly 27,000 (Statistics Canada, 1991, pop. approximately 27,891; 2001, pop. 26,843). Clearly, the Town's planning policies must address the demands of the population outside its boundaries.

The Town of Yarmouth has four identifiable commercial areas: the Downtown core; the Starr's Road area; the Vancouver, Main and Water Street intersection in Milton; and the Main and Argyle Street intersection. Policies for the Main and Vancouver Street area and the Main and Argyle Street area have been combined because of their similarities.

Three (3) generalized future land use map designations are identified herein: the Central Business District, the General Commercial District and the Secondary Commercial District. It is intended to allow the widest possible range of commercial uses within the Central Business District designation. The General Commercial designation with a more limited range of permitted uses serves a broad regional market. Lastly, the Secondary Commercial designation is intended to support the Central Business District and the General Commercial designation with an even more restricted range of commercial activities. This is mainly due to its close proximity to residential areas and traditional small lot sizes. Though the range of commercial activity is limited, Council intends to support commercial activities, in particular those located within the south end secondary commercial designation, in an attempt to help revitalize the south end area of town.

General Provisions for Commercial Developments

As previously noted, three (3) generalized future land use map designations have been identified. Certain provisions are general in nature and apply to all designated areas. Therefore, they are classified as general provisions for commercial development. These regulations are intended to apply uniformly across the three designated areas: the Central Business District, the General Commercial District and the Secondary Commercial District.

The following policy outlines these general provisions:

2.0.1 It shall be the intention of Council to include in the Land Use By-law general provisions regulating development within the Downtown Commercial (C-1) zone, the General Commercial (C-2) zone, the General Commercial Mainstreet (C-2M) zone and the Secondary Commercial (C-3) zone with respect to yard requirements for commercial uses abutting non-commercial uses located within the residential designation, restrictions on open storage or outdoor displays, standards for automobile service stations, the number, siting, height and use of accessory buildings, main buildings and multiple main buildings on a lot and standards for drive-thrus.

Central Business District

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) zone and the Waterfront Commercial Industrial (WCI-5) zone;

(2) encouraging the expansion of the Central Business District in a rational and coherent fashion in a centralized direction to encourage the maximum utilization of centralized public facilities, recognizing the need to extend the district south to accommodate the needs of the new Justice Centre;

(3) 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,

(4) 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, accessory business offices and call centers in excess of 464.8m² (5,000 ft.²), 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). Residential developments up to a maximum of eight (8) dwelling units will be permitted as-of-right in the Downtown Commercial (C-1) zone. Developments consisting of more than eight (8) units per lot shall be considered through the Development Agreement process.

The Generalized Future Land Use Map has identified the limits of the CBD designation by the placement of a “hard” line boundary which can only be amended by amendment to this Strategy. It is anticipated that the CBD will expand east of Main Street between Parade and Cliff Streets. However, it is the intention of Council to limit commercial development to the western side of Thurston Street by the eventual placement of a "hard" line CBD boundary along the western side of Thurston Street, down the southern side of Alma Street and down the northern side of Cliff Street. The eventual placement of the CBD “hard” line boundary, as described above, shall not be expanded in order to protect the residential areas to the east from further commercial encroachment. There is also a significant opportunity to expand the CBD in a southerly direction to Haskell Street between Main and Water Streets by amendment to this Strategy. The expansion of the Downtown Commercial (C-1) zone will only be considered on a lot by lot basis and such lots shall be adjacent to or across the street from the Downtown Commercial (C-1) zone. Leap frogging or spot zoning shall be strictly prohibited for commercial uses when considering the expansion of the CBD.

The Central Business District merchants and property owners will be responsible for the continued provision of parking for existing development. The Land Use By-law will require on-site parking or a transfer to the Town of cash-in-lieu thereof, for major new commercial development in excess of 929.5m² (10,000 ft.²). Any cash-in-lieu of parking received by the Town will be directed towards development of new parking facilities as well as upgrading existing parking facilities within the downtown area.

Council will use development agreements for major new commercial development in excess of 1393.5m² (15,000 ft.²) to ensure that such developments do not place undue strain on existing road, sewer, water, parking and community facilities. This requirement shall apply to any new commercial development in excess of 1393.5m² (15,000 ft.²) of commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft.²) of commercial floor area. The alteration of, renovation to or change of use within any existing building shall be exempt from this requirement. While the Town encourages and welcomes commercial development in the CBD, efforts must be made to ensure it is compatible with existing developments and that it addresses the difficulties posed by redevelopment.

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

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

2.1.1 It shall be the intention of Council to designate those lands generally recognized as the Town's traditional commercial core which are bounded on the north by the center of Store Street and its extension on the east side of Main Street; bounded on the south by the center of Haskell Street and lands north of Albert Street; bounded on the east by the west side of Thurston Street; and, bounded on the west by the center of Water Street as "CBD" on the generalized future land use map.

2.1.2 It shall be the intention of Council to establish all boundaries for the CBD generalized future land use map designation as "hard" pursuant to Implementation Policy 7.5.

2.1.3 It shall be the intention of Council to amend the boundaries of the CBD generalized future land use map designation only by amendment to the Municipal Planning Strategy.

2.1.4 It shall be the intention of Council to include in the Land Use By-law a Downtown Commercial (C-1) zone, which shall include the following types of uses permitted as-of-right: retail shops; community markets; convenience and grocery stores; wholesale shops; light service shops; personal service shops; business offices; professional offices; internet web site development; municipal, provincial and federal government offices; public parks; call centers; banks and financial institutions; hotels, motels and hostels; institutional uses; medical clinic; parking lots and parking structures; places of entertainment, recreation, fitness and assembly within wholly enclosed buildings; taxi and bus stations; taverns, lounges and cabaret; radio stations; restaurants; light service industries within wholly enclosed buildings; live-in art gallery studios; laundromats and residential uses which are not located at street level.

2.1.5 It shall be the intention of Council to zone all existing commercial uses within the CBD generalized future land use map designation as Downtown Commercial (C-1). All other lands within the designation shall be zoned according to their use.

2.1.6 It shall be the intention of Council to allow up to a maximum of eight (8) residential dwelling units per lot in the Downtown Commercial (C-1) zone provided the residential use does not locate at street level.

2.1.7 Notwithstanding Policy 2.1.6, it shall be the intention of Council to allow the development of Live-in Art Gallery Studios at street level within the Downtown Commercial (C-1) zone subject to the following:

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

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

2.1.8 It shall be the intention of Council to consider commercial development proposals which do not exceed 1394.3m² (15,000 ft.²) in floor area on lands designated CBD but not zoned Downtown Commercial (C-1) by amendment to the Land Use By-law subject to Implementation Policy 7.7.

2.1.9 It shall be the intention of Council to consider Medium Density Residential (R-2) developments within the CBD designation by amendment to the Land Use By-law pursuant to Residential Policy 1.2 and Implementation Policy 7.6 subject to the following:

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

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

(3) That the proposal conforms with criteria contained in Implementation Policy 7.7.

2.1.10 It shall be the intention of Council to enable the development of more than eight (8) residential units per lot in the Downtown Commercial (C-1) zone by development agreement pursuant to Section 225 of the Municipal Government Act and subject to the following:

(1) That the residential units are not located at street level; or otherwise located directly abutting the soft line boundary of the Residential Designation in which case residential units may be permitted at street level;

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

(3) That the proposal conforms with criteria contained in Implementation Policy 7.8.

2.1.11 It shall be the intention of Council to consider the development of any new commercial activities within the (C-1) zone which exceed 1393.5m² (15,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft.²) in gross commercial floor area by development agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policy 7.8. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

2.1.12 It shall be the intention of Council that any development agreement entered into pursuant to Commercial Policy 2.2.10 and 2.1.11 shall contain such terms and conditions necessary to implement the agreement pursuant to Implementation Policy 7.9.

2.1.13 It shall be the intention of Council to include in the Land Use By-law minimum development standards in the Downtown Commercial (C-1) zone with respect to building height and visibility at street intersections (corner vision triangle).

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

(1) Require that the Central Business District business community bear the responsibility of providing and maintaining adequate parking facilities for existing commercial uses;

(2) Require that where any additions to an existing structure or the erection of a new structure creates more than 929.5m² (10,000 ft.²) of gross commercial floor area, the developer provide adequate on-site parking for that portion of gross commercial floor area in excess of 929.5m² (10,000 ft.²) or otherwise pay

the cash-in-lieu equivalent. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

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

(4) work with residential developers within the Downtown Commercial (C-1) zone by considering on a case by case nature the feasibility of offering residential developers off-site parking in the form of either on-street designated residential parking along side streets, excluding Main Street, Water Street and John Street, or by designating residential parking spaces in public parking lots for the residential dwelling use.

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

2.1.15 It shall be the intention of Council to include in the Land Use By-law a provision that enables developers the option of providing cash in lieu of required parking within the Central Business District. Further, it shall be the intention of Council to utilize such cash-in-lieu for the development and improvement of parking facilities in the downtown area.

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

2.1.17 It shall be the intention of Council to consider the development of Waterfront Commercial Industrial (WCI-5) uses (except fish and food processing) within the CBD designation by amendment to the Land Use By-law pursuant to Waterfront Commercial Industrial Policy 3.3.4 and Implementation Policy 7.6 and subject to the following:

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

(2) That the proposal conforms with criteria contained in Implementation Policy 7.7.

2.1.18 It shall be the intention of Council to limit the establishment of business and professional offices to the Downtown area, in particular, the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (WCI-5) zone.

2.1.19 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.

General Commercial District

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

The Town began installing sewer and water services along Starrs Road in 1987 and by 1994 passed the Starrs/Haley Road intersection. Commercial development continued past the intersection through to the county, along Highway 3 known as the airport stretch. Undeveloped land along Starrs Road is becoming limited as new commercial development proceeds along the airport stretch and out towards the 103 along Hardscratch Road.

In an effort to alleviate traffic congestion on Starrs Road, Council opened Brooklyn Street as a "collector" street. Council intends to open Brooklyn Street on the south side of Starrs Road with a connection onto Clements Avenue. It is the intention of Council to consider opening Clements Avenue as a "collector" street from Starrs Road to Parade Street in an incremental manner.

The unserviced James and Beacon Street right-of-ways east of Pleasant Street will be developed as warranted. These right-of-ways will connect Clements Avenue with Pleasant Street to provide greater flexibility for traffic patterns. The development of these right-of-ways will depend largely on the availability of capital funds and market demand.

The boundaries of the General Commercial designation shall be identified as "hard" and shall only be altered by amendment to the Municipal Planning Strategy. Three zones have been identified within the General Commercial designation: General Commercial (C-2), General Commercial Mainstreet (C-2M) and Commercial Holding (C-H). All existing non-commercial, residential or institutional uses within the General Commercial designation shall be zoned according to their use.

The General Commercial (C-2) zone will allow a broad range of commercial uses from "commercial highway" uses to retail and wholesale developments. In order to control larger developments in the General Commercial (C-2) zone, uses in excess of 4645m² (50,000 ft.²) will only be considered by development agreement. Council is concerned that live adult entertainment uses will have a negative impact on certain areas of the Town, particularly the downtown and residential areas. Allowing such uses as-of-right would be counterproductive to attempts by Council to market its downtown commercial area as an inviting setting for local residents, potential shoppers, visitors and tourists. To that end, such uses whether as a main use or as an accessory use shall be prohibited in all zones with the exception of the General Commercial (C-2) zone by Development Agreement. In considering any application, Council shall consider the potential impacts on adjacent and nearby properties with respect to noise, traffic and hours of operation. Live adult entertainment uses will not be permitted in the General Commercial (C-2M) zone due to smaller lot sizes; more intense compact development pattern; and, proximity to residential developments. Business and professional office uses will not be permitted in the General Commercial (C-2) zone as these uses are strictly limited to the downtown area. Banks and financial institutions with 18.58 m² (200 ft.²) or less in commercial floor area per lot will be permitted in the General Commercial (C-2) zone, however, those banks and financial institution uses greater than 18.58 m² (200 ft.²) will be limited to the downtown area. Existing uses will be regulated pursuant to Schedule "C" of the Land Use By-law in order to clearly define their legal status.

Though a veterinarian clinic could be classified as a business or professional office use, they are recognized as a use permitted within the General Commercial (C-2) zone provided they are wholly enclosed within a single-occupancy building. The rationale for limiting such a use to a single occupancy building is to ensure the availability of adequate open space, parking and loading facilities and an adequate buffer between other uses.

The General Commercial designation also includes some residentially zoned lands west of Brunswick Street. This area is no longer considered suited for residential development due to its

proximity to commercial development and is included in the General Commercial designation to enable lands to be rezoned for commercial purposes. The commercial redevelopment of this area will only be considered upon conformity with the minimum lot area and frontage requirements. It is Council's intent that these lands will be developed incrementally to prevent leap-frogging or spot-rezoning as the commercial development creeps up from Main Street or down from Brunswick Street. The Main Street / Starrs Road area will be zoned differently than the remaining section of Starrs Road east of Brunswick Street and have smaller minimum lot area and frontage requirements. Due to the areas physical characteristics, uses in excess of 2322.5m² (25,000 ft.²) will only be considered by development agreement. Medium Density Residential (R-2) uses up to four (4) units will be permitted on any level (storey) as-of-right in the General Commercial (C-2M) zone. High Density Residential (R-3) uses will be permitted on properties designated General Commercial and zoned General Commercial Mainstreet (C-2M) by development agreement. General Commercial Mainstreet (C-2M) uses will be allowed to intermix with High Density Residential (R-3) uses on the same property on any level (storey) through the development agreement process.

The General Commercial designation also includes a large area east of Pleasant Street between Starrs Road and Parade Street. This area remains unserviced and has limited access to road, sewer and water services. It is intended that this area be put into a Commercial Holding (C-H) zone, to be rezoned to General Commercial (C-2) upon the installation of adequate road, sewer and water services. As a holding zone, development will be strictly limited. In the opinion of Council, the cost of providing road, sewer and water services to Commercial Holding (C-H) zoned lands would be prohibitive and premature in light of the presence of other vacant, serviced and suitably zoned lands in the area. It is intended that as these lands become adequately serviced, the Town will consider applications to rezone properties from Commercial Holding (C-H) to General Commercial (C-2) for commercial development subject to the minimum lot area and frontage requirements of the General Commercial (C-2) zone.

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

2.2.1 It shall be the intention of Council to designate those lands which generally abut Starr's Road between Main Street and Cottage Street including certain lands which front on Main Street and lands generally located between Starr's Road and Parade Street east of Pleasant Street as "General Commercial" on the generalized future land use map.

2.2.2 It shall be the intention of Council to establish all boundaries for the general commercial designation as "hard" pursuant to Implementation Policy 7.5 and to consider amending the boundaries only through amendment to the Municipal Planning Strategy.

2.2.3 It shall be the intention of Council to include in the Land Use By-law a General Commercial (C-2) zone. This zone shall include the following and other similar types of uses permitted as-of-right: retail shops; community markets; convenience and grocery stores; light service industry within wholly enclosed buildings; light service shops; personal service shops; internet web site development; heavy service shops; restaurants (eat-in, drive-in or drive-thru); taverns, lounges and cabarets; hotels, motels and hostels; wholesale, distribution and warehousing; automobile sales establishments; automobile service stations; car wash facilities; cable television studios; parking lots and parking structures; places of entertainment, recreation, fitness and assembly within wholly enclosed buildings; veterinarian clinics within wholly enclosed single-occupancy buildings; taxi and bus stations; emergency response centers; public utility offices and work yards; private utility offices and work yards; laundromats and banks and financial institutions with 18.58m² (200 ft.²) or less in commercial floor area per lot.

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

2.2.5 It shall be the intention of Council to zone all existing commercial uses and any vacant serviced lots which conform with the minimum lot frontage and lot area requirements within the General Commercial designation as either General Commercial (C-2) if located east of Brunswick Street or General Commercial Mainstreet (C-2M) if located west of Brunswick Street. Vacant unserviced lands within this designation shall be zoned in accordance with Commercial Policy 2.2.7. All other lands shall be zoned according to their use. Vacant serviced undersized lots which do not conform with the minimum lot frontage or area requirement shall be zoned Low Density Residential (R-1).

2.2.6 It shall be the intention of Council to include in the Land Use By-law a Commercial Holding (C-H) zone in which no commercial development of any type shall take place, except for the alteration of land levels for the preparation of land for development, and existing residential uses due to lack of municipal services.

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

2.2.8 It shall be the intention of Council to consider proposals for General Commercial (C-2) uses east of Brunswick Street or General Commercial Mainstreet (C-2M) uses west of Brunswick Street on lands designated General Commercial and zoned Low Density Residential

(R-1), Medium Density Residential (R-2) or Institutional (I-1) by amendment to the Land Use By-law provided:

- (1) the lot meets the minimum lot area and frontage requirements of the C-2 zone or the C-2M zone or is otherwise an existing undersized C-2 zoned or C-2M zoned property which is increased in area or frontage or both as a result of subdivision but still remains undersized;**
- (2) the proposed rezoning is immediately abutting the same zone to prevent leap-frogging or spot zoning;**
- (3) all other suitably zoned and serviced properties were considered for the proposed development; and**
- (4) the proposal conforms with criteria contained in Implementation Policy 7.7.**

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

- (1) That the lot meets the minimum lot frontage and area requirements for the use as identified in the Land Use By-law;**
- (2) That in the case of rezoning to R-1 or R-2, the proposed rezoning is immediately abutting a residential (R-1 or R-2) zoned property or in the case of rezoning to Institutional, the proposed rezoning is immediately abutting an Institutional (I-1) zoned property so as to prevent leap-frogging or spot zoning; and,**
- (3) That the proposal conforms with criteria contained in Implementation Policy 7.7.**

2.2.10 It shall be the intention of Council to consider proposals for General Commercial developments (C-2 uses) on lands designated General Commercial and zoned Commercial Holding (C-H) by amendment to the Land Use By-law, subject to the following:

- (1) That the lot is serviced with municipal road, sewer and water services;**
- (2) That the capacity of existing municipal road, sewer and water services on, adjacent or leading to the site can accommodate the proposed developments;**
- (3) That the lot meets the minimum lot area and frontage requirements of the C-2 zone or is otherwise an existing undersized C-2 zoned property which is**

increased in area or frontage or both as a result of subdivision but still remains undersized; and,

(4) That the proposal conforms with criteria contained in Implementation Policy 7.7.

2.2.11(A) It shall be the intention of Council to consider the development of any new commercial activities within the C-2 zone which exceed 4645m² (50,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 4645m² (50,000 ft.²) in gross commercial floor area by development agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation 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.

2.2.11(B) It shall be the intention of Council to consider the development of live adult entertainment uses within the General Commercial (C-2) zone by Development Agreement pursuant to Section 225 of the Municipal Government Act subject to Council's consideration with regards to the following matters:

(1) That the proposed development is contained and conducted within a wholly enclosed building;

(2) That the proposed development has adequate set-backs or other mitigating factors that would reduce or minimize its potential impacts upon adjacent and nearby playgrounds, schools, youth centres, day care and/or child care uses, churches, other places of worship, cultural uses, institutional uses and residentially zoned areas;

(3) That adequate provisions are made for the control of noise, traffic and hours of operation; and,

(4) That the proposal conforms with criteria contained in Implementation Policies 7.8 and 7.9

2.2.12 It shall be the intention of Council to consider the development of any new commercial activities within the (C-2M) zone which exceed 2322.5m² (25,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 2322.5m² (25,000 ft.²) in gross commercial floor area by development agreement pursuant to Section 225 of the

Municipal Government Act subject to a traffic study and subject to general conformity with criteria contained in Implementation 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.

2.2.13 It shall be the intention of Council when considering proposals for General Commercial (C-2) developments exceeding 4645m² (50,000 ft.²) or more in gross commercial floor area by development agreement pursuant to Policy 2.2.11(A), to require a 3.0m (10 ft.) wide landscaped strip abutting any street or public right-of-way.

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

2.2.15 It shall be the intention of Council to include in the Land Use By-law requirements for the erection of opaque fencing at least 1.8m (6 ft.) in height or a 3.0m (10 ft.) wide landscaped strip with growth and/or landscaping not less than 1.8m (6 ft.) in height along the entire length of any abutting lot line for any General Commercial (C-2) zone yard or General Commercial Mainstreet (C-2M) zone yard which abuts a residential, institutional or open space zone within the Residential designation.

2.2.16 It shall be the intention of Council to consider High Density Residential (R-3) uses (more than four units) on any storey on any property designated General Commercial and zoned General Commercial Mainstreet (C-2M) enabling them to intermix with General Commercial Mainstreet (C-2M) uses by development agreement pursuant to Section 225 of the Municipal Government Act subject to the following:

- (1) That the lot meets the minimum lot area and minimum lot frontage requirements for the General Commercial (C-2M) zone and the minimum lot area and minimum lot frontage requirements for the High Density Residential (R-3) use as specified in the High Density Residential (R-3) zone in the Land Use By-law;**
- (2) That the minimum on-site parking requirements for the General Commercial Mainstreet (C-2M) zone can be satisfied;**

- 3) That the development agreement contain such terms and conditions necessary to implement the agreement pursuant to Implementation Policy 7.9; and,
- (4) That the proposal conforms with criteria contained in Implementation Policy 7.8.

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

- (1) that the lot was downzoned pursuant to Policy 2.2.9;
- (2) that the lot is deemed to be an existing lot or otherwise has not had its frontage or area reduced;
- (3) that the proposed rezoning is immediately abutting a General Commercial (C-2) or General Commercial Mainstreet (C-2M) zoned property so as to prevent leap-frogging or spot-zoning; and,
- (4) that the proposal conforms with criteria contained in Implementation Policy 7.7.

Secondary Commercial District

There are two traditional commercial areas outside the CBD; the intersection of Vancouver and Main Streets and the intersection of Argyle and Main Streets. These two areas have been included in the Secondary Commercial generalized future land use map designation. Although records indicate that the entire length of Main Street may have included commercial development at various times during the past, these two areas are distinct and have easily identifiable boundaries. These boundaries will be established as "hard" and only be amended by amendment to the Municipal Planning Strategy.

The Municipal Planning Strategy contains policies enabling the creation of a Secondary Commercial (C-3) zone. Commercial uses located within the Secondary Commercial designation will be zoned Secondary Commercial (C-3). All other uses in this designation will be zoned according to their use. The Secondary Commercial (C-3) zone will permit a broad range of commercial uses including, but not restricted to the following: retail shops; wholesale shops;

convenience and grocery stores; restaurants; institutional uses; medical clinics; light service shops; light service industries within wholly enclosed buildings, personal service shops; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; residential dwelling units up to a maximum of four (4) units per lot; laundromats and accessory uses excluding taverns, lounges and cabarets. The development of new business and professional offices and financial institutions will not be permitted in this zone as these uses are restricted to the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (WCI-5) zone. Warehousing will also not be permitted due to small lot size and frontage constraints but existing warehousing uses will be permitted to continue.

Taverns, lounges and cabaret uses with a maximum area of 92.9m² (1,000ft.²) will only be considered in the south end Secondary Commercial (C-3) zone (Argyle-Main Street intersection) by development agreement. The size limitation is to ensure that the area is not strained by the influx of additional traffic. Taverns, lounges and cabarets will not be permitted in the north end Secondary Commercial (C-3) zone (Vancouver-Main Streets intersection) due to lot size and frontage constraints as well as issues with respect to traffic patterns.

The redevelopment of non-commercial properties to Secondary Commercial (C-3) uses within the Secondary Commercial Designation, with less than 371.8m² (4,000 ft.²) of commercial floor area, will be considered by amendment to the Land Use By-law. A majority of existing commercial developments in the Secondary Commercial designation are less than 371.8m² (4,000 ft.²) and are consistent with the scale and character of the areas. Proposals for Secondary Commercial (C-3) developments of more than 371.8m² (4,000 ft.²) in floor area will only be considered by development agreement. This requirement shall apply to any new commercial development in excess of 371.6m² (4,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 371.6m² (4,000 ft.²) of gross commercial floor area. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement. Detailed site planning considerations afforded by the development agreement will assist in integrating large scale commercial developments into the areas.

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

The following are Council's policies with respect to development in the Secondary Commercial designation:

2.3.1 It shall be the intention of Council to designate those lands generally located at the intersection of Main and Vancouver Streets and at the intersection of Main and Argyle Streets as "Secondary Commercial" on the generalized future land use map.

2.3.2 It shall be the intention of Council to establish all boundaries of the Secondary Commercial designation as "hard" pursuant to Implementation Policy 7.5 and to amend the boundaries only by amendment to the Municipal Planning Strategy.

2.3.3 It shall be the intention of Council to include in the Land Use By-law a Secondary Commercial (C-3) zone. This zone shall include the following and similar types of uses permitted as-of-right: retail shops; community markets; 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; laundromats and accessory uses excluding taverns, lounges and cabarets.

2.3.4 It shall be the intention of Council to zone all existing commercial uses within the Secondary Commercial generalized future land use map designation as Secondary Commercial (C-3). Other lands in the Secondary Commercial designation shall be zoned according to their use.

2.3.5 It shall be the intention of Council to consider proposals for commercial development not exceeding 371.8m² (4,000 ft.²) in gross commercial floor area on lands designated Secondary Commercial but not zoned Secondary Commercial (C-3) by amendment to the Land Use By-law subject to criteria in Implementation Policy 7.7.

2.3.6 It shall be the intention of Council to consider the development of any new commercial activity within the C-3 zone which exceeds 371.8m² (4,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 371.8m² (4,000 ft.²) in gross commercial floor area by development agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation 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.

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

(1) the maximum area for a tavern, lounge or cabaret shall not exceed 92.9m² (1000 ft.²);

(2) one (1) on-site parking space is provided for each 9.3m² (100 ft.²) or fraction thereof of gross tavern, lounge or cabaret area excluding vestibules, washrooms and storage; and,

(3) the proposal conforms with criteria contained in Implementation Policies 7.8 and 7.9.

2.3.8 It shall be the intention of Council to include in the Land Use By-law minimum requirements for lot frontage, lot area, setbacks, building height, side yards on corner lots, visibility at street intersection standards and on-site parking and loading facilities in the Secondary Commercial (C-3) zone.

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

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

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

(2) that the proposed rezoning is immediately abutting an existing residential (R-1 or R-2) zoned property so as to prevent leap-frogging or spot zoning, and;

(3) that the proposal conforms with criteria contained in Implementation Policy 7.7.

Local Commercial (C-4) Zone

As outlined in the residential development chapter, Council does not intend to permit a broad range of commercial uses within the residential designation. However, Council recognizes existing commercial developments within the residential designation by enabling the establishment of a Local Commercial (C-4) zone pursuant to Policy 1.19.

This zone will enable the establishment of residential uses as well as convenience stores and personal service shops up to a maximum of 46.45m² (500 ft.²) of gross commercial floor area. It is intended that the commercial uses be limited in area to minimize any potential land use conflict with adjacent residential uses due to use, traffic and other potential nuisance factors. It is also intended to limit the commercial area in an effort to maintain the residential fabric of the neighbourhood and to keep the uses local in nature, catering to adjacent and nearby residential areas.

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

2.4.1 It shall be the intention of Council to include in the Land Use By-law a Local Commercial (C-4) zone. This will include the following uses as-of-right: residential dwelling units up to a maximum of two (2) units per lot, convenience stores up to 46.45m² (500 ft.²) of gross commercial floor area and personal service shops up to 46.45m² (500 ft.²) of gross commercial floor area.

2.4.2 It shall be the intention of Council to include in the Land Use By-law minimum lot frontage, minimum lot area, minimum front, side and rear yard set-backs, maximum building height, the number, siting and use of accessory buildings and on-site parking requirements for the Local Commercial (C-4) zone.

2.4.3 It shall be the intention of Council to zone existing convenience stores within the Residential Generalized Future Land Use Map designation as Local Commercial (C-4).

“Business Floating (B-F) Zone

Notwithstanding the limitations restricting business and professional offices to the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (WCI-5) zone as outlined in various text and policy provisions of this Municipal Planning Strategy, Council intends to enable a Business Floating (B-F) zone within the Residential Designation immediately abutting

the Central Business District Designation where certain commercial uses, including business and professional offices, can locate. The inclusion of the Business Floating (B-F) zone shall be limited to the area defined as the Business Floating Designation Area as shown on the Business Floating Designation Area Map, Map 3 of this Municipal Planning Strategy to ensure that it does not further encroach into the Residential Designation and remains in close proximity to the Central Business District Designation. The Business Floating (B-F) zone will not be pre-zoned on the Zoning Map; rather it will be a floating zone that Council will be able to consider upon application. The implementation of the Business Floating (B-F) zone will not be limited to a property immediately abutting the Central Business District. Rather, it can include one or more properties provided the boundary of the zone does immediately abut the Central business District as shown on the Generalized Future Land Use Map. Proposals, that would cause a “leap frog”, scattered or ribbon development pattern as opposed to orderly compact development will be strictly prohibited. The implementation of the Business Floating (B-F) zone will be subject to conformity with criteria contained in Implementation Policy 7.7. The following are Council’s policies with respect to development in the Business Floating (B-F) zone:

2.5.1 Notwithstanding the limitations restricting business offices and professional offices to the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (WCI-5) zone as outlined in various text and policy provisions of this Municipal Planning Strategy, it shall be the intention of Council to enable the establishment of business offices and professional offices in the Business Floating (B-F) zone pursuant to Policy 2.5.2.

2.5.2 It shall be the intention of Council to include in the Land Use By-law a Business Floating (B-F) zone. This zone will include the following uses as -of-right: residential dwelling units up to a maximum of four (4) units per lot; personal service shops; internet web site development; business offices; professional offices; municipal, provincial and federal government offices; public parks; institutional uses; day nurseries; medical clinic; guest homes; coffee and tea shops; antique shops; art galleries; inns with function rooms; convention centers and restaurants.

2.5.3 It shall be the intention of Council to include in the Land Use By-law minimum lot frontage, minimum lot area, minimum front, side and rear yard set-backs, maximum building height, the number, siting and use of accessory buildings; visibility at street intersection standards, and, parking and loading space requirements for the Business Floating (B-F) zone.

2.5.4 It shall be the intention of Council to include in the Land Use By-law provisions requiring the screening of parking spaces; utility structures; garbage/recycling receptacles and compost receptacles from public view in the Business Floating (B-F) zone.

2.5.5 It shall be the intention of Council to include in the Land Use By-law provisions regulating outdoor storage and prohibiting outdoor displays in the Business Floating (B-F) zone.

2.5.6 It shall be the intention of Council to include in the Land Use By-law provisions regarding the architectural appearance of main buildings and accessory buildings in the Business Floating (B-F) zone.

2.5.7 It shall be the intention of Council to include in the Land Use By-law provisions prohibiting the use of transportation vehicles and shipping containers in the Business Floating (B-F) zone.

2.5.8 It shall be the intention of Council to include in the Land Use By-law provisions prohibiting the parking of commercial motor vehicles in the Business Floating (B-F) zone.

2.5.9 It shall be the intention of Council to include in the Land Use By-law provisions prohibiting the development of drive-thrus in the Business Floating (B-F) zone.

2.5.10 It shall be the intention of Council to include in the Land Use By-law provisions clarifying that where there is a conflict between the Architecturally Sensitive (A-S) Area provisions and the provisions of the Business Floating (B-F) zone that the higher or more stringent regulations shall prevail.

2.5.11 It shall be the intention of Council to include in the Land Use By-law provisions regulating signage in the Business Floating (B-F) zone.

2.5.12 It shall be the intention of Council to include in the Land Use By-law provisions regulating more than one main building on the lot with respect to set-backs between buildings in the Business Floating (B-F) zone.

2.5.13 It shall be the intention of Council to consider proposals for Business Floating (B-F) developments on lands designated residential and located within the Business Floating Designation Area as shown on the Business Floating Designation Area Map, Map 3 of this Municipal Planning Strategy by amendment to the Land Use By-law subject to the following:

(1) That the boundary of the Business Floating (B-F) zone directly abuts the Central Business District designation boundary as shown on the Generalized Future Land Use Map and does not create a “leap frog”, scattered or ribbon development pattern as opposed to orderly compacted development;

(2) That the lot meets the minimum lot area and minimum lot frontage requirements for Business Floating (B-F) zone as identified in the Land Use By-law; and,

(3) That the proposal conforms with criteria contained in Implementation Policy 7.7.

Chapter 5

Commercial Industrial Development

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

Goal: To promote commercial and industrial activities in a sensitive fashion by:

(1) recognizing vibrant commercial-industrial areas and encouraging their development in a rational and coherent fashion;

(2) identifying the boundaries of commercial-industrial areas and preventing their undue encroachment on residential areas; and,

(3) controlling industrial uses which have the potential of creating undue or significant negative impacts on adjacent uses.

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

Council has identified two specific areas to encourage the development of Commercial Industrial activities. The Hardscratch, Starr's and Haley Road area, due to its proximity to transportation links such as the 100 series highways (101 & 103) and the International Airport, and the waterfront area with its mixture of industrial and retail trade activities. Each area lends itself to specific types of commercial and industrial activities. In order to recognize the inherent qualities of each area, the Hardscratch, Starr's and Haley Road area is zoned Commercial Industrial (CI-4) and the waterfront area is zoned Waterfront Commercial Industrial (WCI-5). The Commercial Industrial (CI-4) zone lends itself to large manufacturing and commercial retail uses, requiring significant area and frontage in order to function in a compatible fashion within their surroundings. On the other hand, the Waterfront Commercial Industrial (WCI-5) zone will cater to smaller industrial and commercial uses affording smaller area and frontage requirements. Its proximity to the Central Business District and its significance to downtown allows it to be an extension of the downtown area and as such, will permit similar uses as-of-right, including business and professional office uses.

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

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

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

3.1.1 It shall be the intention of Council to designate those lands which generally abut the Hardscratch, Starr's and Haley Road intersection area between the northern boundary of the Town along Hardscratch Road to the intersection of Parade Street and Haley Road to the south, as well as the lands of Tri-Star Industries located at 88 Forest Street as "Commercial Industrial" on the generalized future land use map.

3.1.2 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.

3.1.3 It shall be the intention of Council to establish all boundaries of Commercial Industrial designations as "hard" pursuant to Implementation Policy 7.5 except where the boundary abuts the CBD. The Commercial Industrial designation boundary which abuts the CBD shall be "soft" and subject to Implementation Policy 7.6.

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

3.1.5 It shall be the intention of Council to include in the Land Use By-law provisions establishing minimum standards within the Commercial Industrial Designation with respect to the following: lot frontage and lot area, building setbacks, on-site parking and loading

facilities, building height, yard requirements in respect to development abutting the residential designation, outdoor storage and outdoor displays, side yards on corner lots, development standards for automobile service stations, visibility at street intersection standards, main and accessory buildings and drive-thru standards.

Commercial Industrial (CI-4) Zone

The Hardscratch, Starr's and Haley Road intersection area contains a diverse group of business and manufacturing uses. The area, situated at the terminus of two (2) provincial one hundred series highways, is a prime location for any commercial or industrial use that depends on an efficient transportation network. As the area grew, it developed into a major commercial industrial area. It is the intent of the Municipal Planning Strategy to allow both commercial and industrial uses to expand and intermix, provided they do not adversely affect adjacent residential areas.

The needs of Tri-Star Industries, located at 88 Forest Street, required them to expand into new technologies in both the manufacturing and retail sectors. Tri-Star Industries is a unique operation that requires a highly skilled labour force familiar with new technologies. Their primary function is the manufacturing of specialty vehicles which requires the use of highly sophisticated computers and telecommunication equipment. In order to address the needs of Tri-Star Industries, Council has designated 88 Forest Street as Commercial Industrial and zoned the property Commercial Industrial (CI-4).

In order to ensure that new Commercial Industrial developments do not exceed the capacity of existing road, sewer or water facilities, developments in excess of 4645m² (50,000ft.²) or where an addition to an existing building creates more than 4645m² (50,000 ft.²) in gross Commercial Industrial floor area shall be considered only by development agreement. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

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

3.2.1 It shall be the intention of Council to zone lands designated Commercial Industrial which generally abut the Hardscratch, Starr's and Haley Road intersection area along the northern boundary of the Town from Hardscratch Road to the intersection of Parade Street and Haley Road to the south, as well as lands of Tri-Star Industries located at 88 Forest Street which contain a commercial industrial use or are vacant as Commercial Industrial (CI-4). All other lands shall be zoned according to their use.

3.2.2 It shall be the intention of Council to include in the Land Use By-law a Commercial Industrial (CI-4) zone. This zone shall include the following and other similar types of uses permitted as-of-right: Retail Shops; Community Markets; Convenience and Grocery Stores; Wholesale Shops; Light Service Shops; Personal Service Shops; Internet Web Site Development; Heavy Service Shops; Restaurants (eat-in, drive-in, drive-thru); Automobile Sales Establishments; Automobile Service Stations; Car Wash Facilities (drive-in or drive-thru); Wholesale, Distribution and Warehousing; Any Manufacturing or Industrial Assembly operations conducted and contained within wholly-enclosed buildings and which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage; Light Industries; Light Service Industries; Fishery-related or Marine-related Industry excluding any Fish or Food processing; Transportation Facilities and uses including airports; Institutional uses; Exhibitions and Fairs; Public Utility Offices and Work Yards; Private Utility Offices and Work Yards; Building Supply and Equipment Depots excluding the bulk storage of sand or gravel; Taxi and Bus Stations; Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed building; Sports Complexes; Emergency Response Centers; Laundromats; Taverns, Lounges and Cabarets and Parking Lots and Parking Structures.

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

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

(2) That the proposal conforms with criteria contained in Implementation Policy 7.7.

3.2.4 It shall be the intention of Council to consider the development of any new Commercial Industrial activity within the CI-4 zone which exceeds 4645m² (50,000 ft.²) of gross

commercial industrial floor area or where an addition to an existing building creates more than 4645m² (50,000 ft.²) in gross commercial industrial floor area by development agreement pursuant to Section 225 of the Municipal Government Act subject to a traffic study and general conformity with criteria contained in Implementation Policies 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

3.2.5 It shall be the intention of Council when considering proposals for Commercial Industrial (CI-4) developments exceeding 4645m² (50,000 ft.²) in gross commercial industrial floor area or where an addition to an existing building creates more than 4645m² (50,000 ft.²) in gross commercial industrial floor area by development agreement pursuant to Policy 3.2.4, to require a 3.0m (10 ft.) wide landscaped strip along the edge of any abutting public right-of-way.

Waterfront Commercial Industrial (WCI-5) Zone

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

The extension of Downtown Commercial (C-1) uses to the western side of Water Street provides the rationale for enabling Downtown Commercial (C-1) uses within the Waterfront Commercial Industrial (WCI-5) zone. As such, business and professional office uses will be deemed permitted uses within the Waterfront Commercial Industrial (WCI-5) zone. By limiting all new business and professional offices to the Downtown Commercial (C-1) and the Waterfront Commercial Industrial (WCI-5) zone, the intent of the 1988 Municipal Planning Strategy to limit all new office development to the CBD remains intact.

Council recognizes the importance of maintaining a functional working waterfront for the benefit of the whole community. Therefore, the boundary of the Commercial Industrial designation adjacent to the CBD will remain "soft" to allow properties located in the CBD to be rezoned for commercial industrial purposes. All other boundaries surrounding the designation shall be "hard"

to restrict the expansion of this designation in a south or north direction. As with the Central Business District, it shall be the intent to keep the Commercial Industrial designation along Water Street concentrated and centralized to prevent leap frogging or spot zonings.

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

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

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

To ensure that new developments do not place undue strain on existing roads, sewer, water, parking or community facilities, any development in excess of 1393.5m² (15,000 ft.²) shall be considered by development agreement. This requirement shall apply to any new development in excess of 1393.5m² (15,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft.²) of gross commercial floor area. The alteration of,

renovation to or change of use within any existing building shall be exempt from this requirement. The intent is to enable compatible developments to intermix within the Waterfront Commercial Industrial (WCI-5) zone without hindering each other's interests and without straining public infrastructure and amenities.

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

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

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

3.3.2 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; 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 excluding 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 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.

3.3.3 It shall be the intention of Council to consider the development of any new commercial or industrial activity within the Waterfront Commercial Industrial (WCI-5) zone which exceeds 1393.5m² (15,000 ft.²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft.²) in gross commercial floor area by development agreement pursuant to Section 225 of the Municipal Government Act and subject to general conformity with criteria contained in Implementation Policies 7.8 and 7.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

3.3.4 It shall be the intention of Council to consider development proposals for Waterfront Commercial Industrial (WCI-5) developments on lands located within the CBD designation which abut Water Street and are adjacent to the “soft” line boundary of the Commercial Industrial designation by amendment to the Land Use By-law pursuant to Commercial Industrial Policy 3.1.3 and Implementation Policy 7.6 and subject to criteria contained in Implementation Policy 7.7 in keeping with Commercial Policy 2.1.17.

3.3.5 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.

3.3.6 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.

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

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

(2) That the proposal conforms with criteria contained in Implementation Policy 7.7.

3.3.8 It shall be the intention of Council to enable residential developments containing more than eight (8) residential units per lot in the Waterfront 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 (161.46ft²) of public amenity space along Yarmouth's harbour with a minimum width of 3m (9.84ft.) 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 (9.84ft.) wide right-of-way easement to Water Street to provide public access to the public amenity space along Yarmouth's Harbour. The 3m (9.84ft.) 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; and,

(3) That the proposal conforms with criteria contained in Implementation Policy 7.8.

Chapter 6

Industrial Development

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:

- (1) supporting the redevelopment and infilling of existing industrial areas;**
- (2) supporting the ongoing efforts of the Waterfront Development Corporation to redevelop the waterfront area; and,**
- (3) minimizing undue negative impacts on adjacent and nearby residential areas, traditional fishing and marine related industries, commercial areas and the waterfront walkway system.**

Traditionally, the development of industrial activity has been directly or indirectly related to the sea. Where once boat building and marine trade were dominant activities, the modern fishery (in-shore and off-shore) and general 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, two inland industrial areas have been developed. The older of these is the Forest Street Industrial Park which includes lands fronting on Pleasant and Cliff Streets. The second site, a 27 acre Airport Industrial Park off Haley Road, was developed by the Yarmouth Area Industrial Commission in the 1980's. These two industrial parks and lands adjacent to Water Street constitute the majority of the lands to be designated Industrial pursuant to the generalized future land use map.

The Forest Street and Airport Industrial Parks contain a mix of industrial uses. It is intended that the widest range of industrial activities will be encouraged to locate in these areas. Marine-related industries will be encouraged to locate in the waterfront industrial area.

The two industrial parks and the industrial uses 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.

The boundaries of the Industrial designation will be clearly identified and established as "hard". General Industrial (M-1) and Waterfront Industrial (M-2) development proposals on lands designated Industrial but not zoned Industrial will be considered by amendment to the Land Use By-law. The primary criteria for rezoning will be that the lot meets the minimum frontage and area requirements. Development standards with respect to parking and loading spaces, building setbacks, screening, open storage and outdoor displays will be incorporated within the Land Use By-law to ensure that industrial uses remain compatible with the general area. In an effort to control open storage and outdoor displays along Yarmouth's waterfront and to minimize its potential impacts on the waterfront trail system, new open storage and outdoor displays in the Waterfront Industrial (M-2) zone will only be considered by development agreement. 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. 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 affects on surrounding areas. If the open storage or outdoor display is deemed to be incompatible with the surrounding areas, it would be considered inappropriate and Council may refuse an application based on its incompatibility.

Fish and food processing, as a natural extension of the fishing industry, is an industrial use allowed only in the Waterfront Industrial (M-2) zone by development agreement. However, careful consideration will be given to the affects 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 intends to consider the development of the following potentially obnoxious industrial uses only by development agreement in the General Industrial (M-1) zone: scrap, salvage and/or junk

yards; sand and gravel storage and/or processing plants; ready mix concrete plants; asphalt concrete paving plants and heavy industry uses. In addition to fish and food processing subject to minimum frontage and area requirements of the M-1 zone, Council intends to consider the development of heavy industry uses and new outdoor storage or outdoor displays whether as a main use or as an accessory use by development agreement in the Waterfront Industrial (M-2) zone. Other types of potentially obnoxious industrial uses will be strictly prohibited in the Waterfront Industrial (M-2) zone.

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

4.1 It shall be the intention of Council to designate lands of the Airport Industrial Park, lands generally abutting or adjacent to Water Street, excluding lands along Water Street abutting the CBD, and lands generally located along Forest Street formally known as the Forest Street Industrial Park which encompasses portions of Pleasant, Cliff and Waverly Street as "Industrial" on the generalized future land use map.

4.2 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 7.5.

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

4.4 It shall be the intention of Council to include in the Land Use By-law a General Industrial (M-1) zone. This zone shall include the following and similar types of uses as-of-right: light industries; light service shops; internet web site development; heavy service shops; light service industries; heavy service industries; transportation facilities and uses; bulk petroleum storage facilities; fishery or marine-related industries excluding any fish or food processing; public utility offices and work yards; private utility offices and work yards; construction trade and contractor work yards; building supply and equipment depots excluding the bulk storage of sand or gravel; wholesale shops; warehousing and distribution; existing heavy industries; commercial uses and business offices accessory to a permitted industrial use; parking lots and parking structures; call centers with 464.5m² (5,000 ft.²) or more of gross floor area; public and private parks; places of recreation, fitness and assembly within wholly enclosed buildings; institutional uses and any manufacturing or industrial assembly operations other than a heavy industry use which are not obnoxious by reason of sound, odor, dust, fumes or smoke or other obnoxious emissions or refuse matters of water-carried wastes or by reason of unsightly open storage.

4.5 It shall be the intention of Council to include in the Land Use By-law a Waterfront Industrial (M-2) Zone. This zone shall include the following and similar types of uses as-of-right: all uses permitted in the General Industrial (M-1) zone excluding bulk petroleum storage facilities; 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.

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

4.7 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.

4.8 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.

4.9 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.

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

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

- (2) Sand and gravel storage and/or processing plants;**
- (3) Ready mix concrete plants;**
- (4) Asphalt concrete paving plants; and,**
- (5) Heavy Industry Uses.**

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

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

4.12 In addition to criteria outlined in Implementation Policy 7.8 and 7.9, it shall be the intention of Council when evaluating a proposal for new fish or food processing facilities to consider the following matters:

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

4.13 In addition to criteria outlined in Implementation Policy 7.8 and 7.9, it shall be the intention of Council when evaluating proposals for scrap, salvage or junk yards, sand and gravel storage and/or processing plants; ready mix concrete plants; asphalt concrete/paving plants; or heavy industry uses on lands zoned General Industrial (M-1) to consider the following matters:

- 1. That all storage, work yards and display areas are enclosed by opaque fencing at least eight (8) feet in height or by a ten (10) foot wide landscaped strip with a growth and/or landscaping not less than eight (8) feet in height;**
- 2. That adequate provisions are made for the control of noise, dust and traffic;**
- 3. That the lot conforms to the minimum lot frontage and area requirements as prescribed in the Land Use By-law.**

4.14 In addition to criteria outlined in Implementation Policy 7.8 and 7.9, 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;**
- 3. That the lot conforms to the minimum lot frontage and area requirements as prescribed in the Land Use By-law.**

4.15 In addition to criteria outlined in Implementation Policy 4.14, it shall be the intention of Council when evaluating proposals for outdoor storage or outdoor displays whether as a main or accessory use within the Waterfront Industrial (M-2) zone to consider the following matters:

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

4.16 It shall be the intention of Council that any development agreement entered into pursuant to Industrial Policy 4.10 or Policy 4.11 shall contain such terms and conditions to ensure that development is consistent with the policies of this Municipal Planning Strategy subject to Implementation Policy 7.8 and 7.9.

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

4.18 It shall be the intention of Council to consider proposals for General Industrial (M-1) development on lands designated Industrial on the generalized future land use map located within or adjacent to the area of the Forest Street Industrial Park or the Airport Industrial Park and which are not zoned General Industrial (M-1) 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-1 zone or is otherwise an existing undersized M-1 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 7.7; and,

(3) That the proposed rezoning immediately abuts a General Industrial (M-1) zoned property to prevent leap-frogging or spot zoning.

4.19 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 7.7; and,

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

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

4.21 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.

4.22 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.

Chapter 7

Social and Cultural Environment

This chapter is comprised of five sections, each containing objectives and policy statements with respect to educational programming and facilities; recreational programming and facilities; tourism development, heritage conservation and cultural institutions. Often the Town does not or cannot play a direct role in influencing developments. However, this does not lessen their importance or need for Council to provide direction in those areas where the Town can play a role.

Educational Programming and Facilities

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

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

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

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

The following are Council's policies with respect to educational programming and facilities:

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

- (1) Encourage and support the Tri County District School Board to maintain the highest possible quality educational programs and facilities;**
- (2) Encourage and support the efforts of the Nova Scotia Community College - Burrige Campus to provide quality educational programs and facilities;**
- (3) Encourage and support universities to continue to provide extension services to Town residents;**
- (4) Encourage and support developments and organizations that provide for increased quality and quantity of educational programs and services; and,**
- (5) Encourage and support the maximum use of educational facilities during evenings and summers.**

Recreational Programming and Facilities

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

- (1) To encourage and support developments and organizations that provide recreational programs and/or services to the community;**
- (2) To develop, where possible, new recreation facilities at the neighborhood level with special consideration given to playgrounds and parks;**
- (3) To develop and promote the waterfront and Lake Milo recreational facilities and support the efforts of the Yarmouth Waterfront Development Corporation**
Limited in the development of recreational facilities along Yarmouth's Waterfront;

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

(5) To develop and promote the Broad Brook Recreational Park as a quality active and passive recreational facility.

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

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

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

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

An opportunity exists in the Town to develop a linear park system. The Waterfront Walkway System developed by the Yarmouth Waterfront Development Corporation could be expanded by extending laterals throughout the Town and County. For example, there is an opportunity to extend

this linear park system from the harbour by incorporating the Dominion Atlantic and Canadian National railroad rights-of-ways. An opportunity also exists to create a linear park system along Broad Brook.

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

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

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

5.2.2 It shall be the intention of Council to include in the Land Use By-law an Open Space (O-1) zone. This zone shall include the following and similar types of uses as-of-right: public parks; public parking lots; public recreation centers and facilities; and accessory buildings and/or structures, including refreshment booths or canteen / lunchroom pavilions.

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

5.2.4 It shall be the intention of Council to consider proposals for Open Space (O-1) uses on lands within any generalized future land use map designation and which are not zoned Open Space (O-1) by amendment to the Land Use By-law subject to criteria contained in Implementation Policy 7.7.

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

5.2.6 It shall be the intention of Council:

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

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

Tourism Development

The following objectives have been identified for tourism development.

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

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

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

Tourism has been described as a "growth industry" which has the potential of becoming a significant component of the local and regional economy. The Town already experiences a "tourist season" that is primarily due to the influx of seasonal visitors arriving on the ferries which run between Yarmouth and both Bar Harbour and Portland, Maine. It is felt that the Town does not

capitalize on the presence of these tourists as much as it could, because Yarmouth itself is not a destination for a majority of the traffic. While being a "gateway" is an asset, the Town could also benefit from becoming a "destination". Council, through its support of the Yarmouth County Tourism Association, intends to build upon the efforts of local community groups in the development and promotion of tourism related facilities and programs.

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

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

- (1) The Bus/Shuttle Services;**
- (2) The International Airport;**
- (3) The International ferry terminal; and,**
- (4) The Killam Brother's Wharf Marina.**

5.3.2 It shall be the intention of Council to encourage and support the efforts of the Yarmouth County Tourist Association in:

- (1) The promotion and marketing of the area;**
- (2) The programming of special events and festivals; and,**
- (3) The development of shoulder season tourism events.**

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

- (1) Tourist and commercial mix use developments;**

(2) Public and private marina facilities;

(3) Increased accommodations; and,

(4) High quality restaurants and food services.

Heritage Conservation

The following objectives have been identified for Heritage Conservation:

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

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

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

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

The Town is fortunate to have retained many of its significant 19th Century residential, commercial and industrial structures. An inventory of all pre-1914 structures in the Town began in 1985 and is continuing through the efforts of the Heritage Advisory Committee. Council, through the Heritage Property Act, has designated several Municipal Heritage Properties and this number is anticipated to increase. It shall be the intention of Council to support the Heritage Advisory Committee in their continuing effort to register Municipal Heritage Properties throughout the Town.

In establishing the Collins Heritage Conservation District, Council intends to recognize, promote and enhance the historic, architectural and cultural significance of the area's built heritage. It is the intent of Council to recognize the Collins Heritage Conservation District through the

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

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

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

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

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

(2) by promoting heritage property registration.

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

5.4.4 It shall be the intention of Council to amend the Architecturally Sensitive (A-S) Area boundaries by amendment to the Land Use By-law to ensure that those properties situated

within the Collins Heritage Conservation District, pursuant to the Collins Heritage Conservation District Plan and By-law, are also included within the Architecturally Sensitive (A-S) Area.

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

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

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

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

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

5.4.10 It shall be the intention of Council to include in the Land Use By-law a provision regulating the retention of vegetation and the maintenance of a certain percentage of landscaping within the Architecturally Sensitive (A-S) area.

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

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

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

Cultural Institutions

The following objective has been identified with respect to cultural institutions in the Town:

- (1) To encourage and support developments and organizations that provide cultural programs and/or services to the community; and,**
- (2) To recognize and promote cultural institutions as valuable and significant social and educational resources.**

The cultural institutions in the Town include the Western Counties Regional Library - Yarmouth Branch, the Yarmouth County Museum, the Firefighters Museum of Nova Scotia, the Yarmouth Arts Regional Council (Th' YARC) and the recently established Art Gallery. These cultural institutions play an important role in providing informal educational opportunities to both local residents and tourists.

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

Chapter 8

Infrastructure Development

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

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

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

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

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

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

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

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

Sewer, Water and Roads

In the center and older areas of town, the sewer system is a combined sanitary and storm water collection system, whereas, in the newer north end of town, it is a separated system of either a sanitary and underground storm system or a sanitary and ditch system. A majority of the lands located west of Pleasant Street are, or can be, adequately serviced with municipal sewer and water facilities. Consequently, most of the Town's "intensive" development is located in this area. Upon completion of its wastewater treatment facility in 1991, the Town began a program of separating the sanitary sewer system from the storm sewer system. This separation will remain a priority in order to extend the design life of the wastewater treatment facility.

In 1995, the Town initiated and completed the Broad Brook Trunk Sewer System. The Broad Brook Sewer System follows along the low elevation of Broad Brook around the golf course to Argyle Street through to Clements Avenue and along Clements Avenue to Starr's Road. This system enables lands between Pleasant Street and Haley Road an opportunity to be developed once adequate roads, storm, sewer and water mains are installed.

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

Streets are another component of municipal infrastructure. The Strategy classifies streets in terms of their function by classifying them as either "local", "collector" or "arterial". A majority of streets are classified as "local" and support existing residential development. Collector streets serve through traffic providing access to local streets for various types of development. While these streets are generally appropriate for both large and small scale development, consideration must be given to their role in terms of through traffic circulation. Development fronting on a street should generally be consistent with the role the street plays. "Arterial" streets generally have the widest rights-of-ways and are constructed to maximum standards to accommodate high traffic volumes and

weight loadings. Both Main Street and Starrs Road are classified as arterial streets as they are extensions of provincial highways serving as primary conduits for both local and through traffic. The Town intends to develop Clements Avenue between Starrs Road and Parade Street as a collector street as funds and market needs warrant. Pleasant Street will also be classified as a collector street with Starrs Road serving as an arterial access to these streets.

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

It is also the intention of Council to receive cash in lieu rather than the transfer of recreational space for new lots created by subdivision. Council believes that there are sufficient publicly owned lands fairly evenly distributed throughout the town and cash is needed to develop these recreational lands. This arrangement is deemed to be in the best interest of the town.

The following are Council's policies with respect to sewer, water and roads:

6.1 It shall be the intention of Council to continue to separate combined sanitary and stormsewers where economically feasible to prolong the life of the Town's wastewater treatment facility.

6.2 It shall be the intention of Council, in areas zoned Residential Holding (R-H) pursuant to Residential Policy 1.17, to allow developments to proceed with on-site services. It shall be the intention of Council to prohibit developments in all other areas of the Town not serviced by the Town's sewer and water systems. In addition, it shall be the intention of Council to require

pursuant to the Subdivision By-law that all lots created, including the remainder, abut and front upon a public street, except on Baker's Island. All lots created on Baker's Island, including the remainder, shall be required to have water frontage.

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

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

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

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

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

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

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

control valves, hydrants and other supporting appurtenances and related structures.

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

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

6.6 It shall be the intention of Council:

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

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

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

(1) That no additional lots are created;

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

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

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

6.8 It shall be the intention of Council:

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

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

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

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

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

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

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

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

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

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

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

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

(1) Shall allow for access and driveways to abutting lands; and,

(2) Shall develop connections between Clements Avenue and Pleasant Street through the development of James and Beacon Street rights-of-way.

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

(1) The assessment of future traffic circulation requirements;

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

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

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

(5) The assessment of alternative circulation patterns; and,

(6) The assessment of traffic calming measures.

Water Treatment

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

6.13 It shall be the intention of Council to encourage the Yarmouth Water Utility to consider purchasing properties within the Lake George Watershed in order to protect and ensure water quality and to review such purchases in light of the following:

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

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

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

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

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

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

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

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

(9) The availability to purchase the land.

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

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

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

6.17 It shall be the intention of Council to service new areas in the Municipality of Yarmouth by requiring water distribution main extensions to be connected to the 50.8mm (24 in.) water transmission main.

6.18 It shall be the intention of Council to abandon portions of the old 25.4mm (12 in.) water transmission main by means of interconnections to the 50.8mm (24 in.) water transmission line.

Solid Waste Disposal

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

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

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

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

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

Transportation

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

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

Zoning Regulations. These regulations control the location and height of buildings and structures erected within specified areas adjacent to runways. The Department of Transport is responsible for the administration of the regulations and as such these concerns and any potential land use control requirements are beyond the jurisdiction of the Town. Council can assist the Department in administering the regulations by referring any persons interested in development adjacent to the airport to the Department of Transport for further information. Residential development is also influenced by the airport's location because the Canadian Mortgage and Housing Corporation will not assist in the construction of homes in any area with a noise exposure forecast value in excess of a specific maximum value.

The following are Council's policies with respect to transportation development:

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

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

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

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

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

(3) local and regional transportation services.

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

Floodplain and Environmental Protection

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

The 1977 study also identified "upper" and "middle" marshes which were not included in the floodplain but which were permanently wet and formed a portion of the Brook itself. Due to development's potential to adversely affect "middle" marsh as a prominent natural feature, it will be designated Environmentally Sensitive pursuant to the Generalized Future Land Use Map and zoned Environmentally Sensitive (E-S) pursuant to the Town's Land Use By-law. Council intends to allow for the development of the "upper" marsh provided that minimum lot elevations are established which protects the development from potential flooding problems. This will require that the properties involved in such development be filled to a minimum elevation established in the Land Use By-law. Council has provided the developer the option of carrying out other unspecified drainage improvement provided they are documented and engineered to achieve the same results as filling. The Land Use By-law will include a schedule identifying upper marsh and will establish a minimum elevation for development.

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

6.26 It shall be the intention of Council to designate the Broad Brook Floodplain as identified in the Broad Brook Floodplain Study (Maritime Resource and Management Services, 1977), as "Floodplain" on the generalized future land use map. The boundaries for the floodplain designation shall be established as "hard" pursuant to Implementation Policy 7.5 and shall be changed only by amendment to the Municipal Planning Strategy.

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

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

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

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

6.31 It shall be the intention of Council that any development permitted on lands located within “Upper Marsh” as identified on the schedule pursuant to Policy 6.30 shall be subject to the following:

- 1. That the minimum lot elevation for the proposed development conforms with elevation requirements established in the Land Use By-law; or**
- 2. That such necessary engineering studies be completed to verify that alternative measures are undertaken so as to eliminate any potential for flooding.**

6.32 It shall be the intention of Council to designate “Middle Marsh” as identified in the Broad Brook Floodplain Study (M.R.M.S., 1977) including a buffer on either side of the brook from Southeast Street to Starrs Road as “Environmentally Sensitive” on the Generalized Future Land Use Map. The boundaries for the Environmentally Sensitive designation shall be established as “hard” pursuant to Implementation Policy 7.5 and shall be changed only by amendment to the Municipal Planning Strategy.

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

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

Protection and Health Services

Police protection services in the Town are provided by the Town, but handled by the Royal Canadian Mounted Police. The R.C.M.P. Detachment has 16 police officers and three clerical staff. One member of the Canadian Corps of Commissionaires regulates the use of public parking in the Town's Central Business District. Community policing, a policing program that involves the community in identifying and solving local policing problems, has been successfully implemented and continues to provide benefits to the Town.

The Yarmouth Fire Department serves to protect the Town, part of the Municipality of Yarmouth and part of the Acadia First Nation reserve. This arrangement is likely to continue. The Department performs its emergency services with 14 full-time staff and 54 volunteers. The Department's facilities and equipment are adequate to provide for the Town's fire protection. However, future upgrading is anticipated in areas of fire protection, clothing, vehicles, radio communications and fire station maintenance.

The health care services in the Town of Yarmouth are provided by the Western Regional Health Care Centre which is comprised of three separately incorporated facilities; the Yarmouth Regional Hospital, the Tidal View Manor and the Harbourside Lodge. The centre is a major employer in the Town, with approximately 500 full-time and 300 part-time and casual staff.

The hospital provides a full range of inpatient and outpatient services in both diagnostic medicine and treatment procedures. The hospital currently has 140 inpatient beds, but this represents a 22% decrease. The hospital completed a multi-million dollar expansion initiated in the fall of 1997. The primary purpose of the expansion was to construct new inpatient nursing units, but this expansion has not resulted in any net increase in the number of inpatient beds.

The Tidal View Manor provides senior's accommodations and services. The Manor has 103 beds and has not been affected by downsizing in recent years.

The Harbourside Lodge provides accommodations and services for adults that are developmentally delayed, mentally ill or have other long-term disabilities. The number of beds in this facility has been reduced by 50% to 32 beds. The center also includes the Yarmouth Campus of the Dalhousie University School of Nursing.

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

In identifying specific policies with respect to protection and health services, Council seeks to accomplish the following objectives:

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

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

6.37 To support the development of the Western Regional Health Center, recognizing that the Town does not have direct responsibility for its operation.

6.38 To update and implement the Town and Municipality of Yarmouth Joint Emergency Measures Organization Emergency Readiness Plan as and when necessary.

6.39 To support those volunteers that work to improve the quality of life in the Town, including those who assist in the delivery of protection and health services.

Chapter 9

Implementation Provisions

This chapter contains policies addressing development standards for all generalized future land use map designations and zones, as well as statements regarding the implementation of policies through the Town's Land Use By-law.

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

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

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

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

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

7.3 It shall be the intention of Council that the Town of Yarmouth's Land Use By-law be prepared concurrently with this Municipal Planning Strategy and be the means used for implementing land use policies contained within this Municipal Planning Strategy.

7.4 It shall be the intention of Council subject to Implementation Policy 7.7 that an amendment to this Municipal Planning Strategy shall be required where any policy is to be

changed, where any amendment to the Land Use By-law would violate the generalized future land use map or where the Municipal Planning Strategy is in conflict with any applicable provincial land use policies, statements of provincial interest or regulations. All Municipal Planning Strategy amendments shall be carried out in accordance with the Municipal Government Act.

7.5 It shall be the intention of Council to establish all boundaries for the generalized future land use designations as either, "hard" and be represented on the generalized future land use map by a solid line, or "soft" and be represented by a broken line.

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

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

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

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

(3) That the proposal is compatible with adjacent or nearby land uses in terms of traffic generation, access to and egress from the site, parking, open storage and outdoor displays;

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

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

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

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

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

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

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

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

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

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

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

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

7.8 It shall be the intention of Council when considering any development agreement enabled by various policies contained in this Municipal Planning Strategy to review the proposal's conformity with criteria contained in Implementation Policy 7.7 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. Proposed loading, parking and outdoor facilities including driveways, aisles and ramps as well as any exterior signage or lighting; and,

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

7.9 It shall be the intention of Council that any development agreement entered into pursuant to Implementation Policy 7.8 shall contain such terms and conditions which Council feels are necessary to ensure that the development is consistent with the Municipal Planning Strategy and to this end, an agreement shall include some or all of the following provisions where applicable:

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

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

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

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

(5) Open storage or outdoor displays;

(6) Signage or public display of advertising;

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

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

7.10 It shall be the intention of Council that any development agreement entered into pursuant to Policy 1.14 have regard for the following matters:

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

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

(3) That the development agreement meets the following requirements:

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

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

c. That not more than 37.2m² (400 ft.²) of the dwelling or not more than four hundred 37.2m² (400 ft.²) of an accessory building is devoted to the non-residential use, except for an inn;

d. That no advertising be done on the property other than the erection of a business identification sign or plate with a maximum area of 0.9m² (10 ft.²) which shall be constructed entirely of wood or metal so as not to detract from the heritage appearance and shall be attached to the main building and/or one (1) ground sign provided such sign:

1) shall not have more than two (2) sign faces and exceed 1.49m² (16 ft.²) of sign area for a single face or 2.97m² (32 ft.²) for two faces combined;

2) shall not exceed a height of 1.8m (6 ft.) from grade level to the highest part of the sign;

3) shall not have any portion (base, post, frame or face) located closer than 1.5m (5 ft.) to any public right-of-way or common lot boundary;

4) shall be constructed entirely of wood or metal and shall not include any glass or plastic;

5) shall be non-illuminated except by an exterior lighting source directed exclusively upon the sign.

e. That no open storage or outdoor displays be permitted;

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

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

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

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

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

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

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

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

7.12 Notwithstanding Policy 7.11, it shall be the intention of Council to enable non-conforming structures which are damaged or destroyed through no fault of the owner to be rebuilt, repaired or renovated provided the structure is substantially the same as it was before the damage or destruction and used for a purpose permitted by the Land Use By-law.

7.13 Notwithstanding Policy 7.11, it shall be the intention of Council to enable non-conforming structures to be enlarged, reconstructed, repaired or renovated provided that:

- (1) The enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, rear yard, flanking yard or any combination thereof or any separation distance that does not conform to the Land Use By-law;**
- (2) The use conforms with the Land Use By-law; and,**
- (3) All other applicable provisions of the Land Use By-law are satisfied.**

7.14 Notwithstanding Policy 7.11, it shall be the intention of Council to enable non-conforming structures within the Institutional (I-1) zone to expand in height provided that:

- 1. The expansion does not further increase the height beyond the height of the existing building;**
- 2. The use conforms with the Land Use By-law; and,**
- 3. All other applicable provisions of this By-law are satisfied.**

7.15 Notwithstanding Policy 7.11, it shall be the intention of Council to enable structures containing non-conforming uses which are damaged or destroyed through no fault of the owner to be rebuilt, repaired or renovated within one (1) year of the date of the damage or destruction provided the structure is substantially the same as it was before the damage or destruction and used for a purpose permitted by the Land Use By-law or otherwise has not changed its non-conforming use.

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

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

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

7.18 (B) It shall be the intention of Council to include in the Land Use By-law a provision relaxing the restrictions of Section 241 of the Municipal Government Act by enabling a structure containing a non-conforming use the ability to expand provided the addition shall not at any time be used for the purpose of the non-conforming use.

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

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

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

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

7.22 It shall be the intention of Council to include in the Land Use By-law provisions for the general regulation of signage (including the type, nature, size, location and description) in all zones within the Town including a prohibition on certain types of signs and specific provisions for signs in Residential, Institutional, Open Space and Floodplain zones; specific provisions for facial wall, ground, projecting wall, canopy and awning, kiosk, and banner signs in Commercial and Industrial zones; specific provisions for temporary signs and off-site signs; special provisions for banner and poster style signs for service stations; and signs incidental to construction.

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

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

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

7.26 It shall be the intention of Council to include in the Land Use By-law provisions for the general regulation of seasonal retail trade in commercial zones with respect to the following: access & egress standards, parking area standards, yard set-back standards, signage standards and if located within a building, sewer and water service standards.

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

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

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

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

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

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

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

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

7.34 It shall be the intention of Council to include in the Land Use By-law a provision enabling driveway entrances to be shared with directly abutting lots provided that the Land Use By-law specifies a minimum and maximum width of said driveway entrance even through the width of said entrance way transcends a property boundary line.

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

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.

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

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

It is Councils intent to regulate the establishment of live adult entertainment uses by limiting them to the General Commercial (C-2) zone and to enable them to be established in the General Commercial (C-2) zone only through the Development Agreement process. Therefore, it shall be the intention of Council to include a special provision in the Land Use By-law applicable to all zones that would prohibit the establishment of a live adult entertainment use as a main use or as an accessory use except in specified zones that enable the use to be established through the Development Agreement process.

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

“Chapter 10 Integrated Community Sustainability Plan

This chapter contains policies addressing the Town’s Integrated Community Sustainability

Plan (ICSP) by identifying the “vision” of the community; establishing goals to meet the “vision”; and, laying out the action plan to implement the “vision” through tangible sustainable projects.

PUBLIC CONSULTATION:

The Planning Advisory Committee was established as the formal Integrated Community Sustainability Plan (ICSP) coordination committee to steer the ICSP process. The primary function of the committee was to coordinate the planning process and to make recommendations to Council regarding the adoption of the ICSP. The primary goal of the first public consultation meeting was to layout the foundation for the development of the ICSP and to create a “vision statement”. The development of the Integrated Community Sustainability Plan (ICSP) initiated with an introductory public information session held on August 11, 2008. This meeting dealt primarily with general concepts dealing with what is an Integrated Community Sustainability Plan; its relationship with the Municipal Funding Agreement; and its relationship with the Capital Investment Plan.

The second public consultation meeting held on May 25, 2009 continued with the development of a “vision” statement and initiated the ground work for fostering the vision within sustainable infrastructure projects. This meeting focused on the issues, the goals, the action/strategy, the desired outcomes and the potential projects to achieve the desired goals of the ICSP. This process also included a presentation on the Integrated Community Sustainability Plan to the Grade 12 Leadership Development Class which provided a younger view point into the development of the “vision” statement and sustainable infrastructure projects that would get us there.

The third public consultation meeting introduced the ICSP draft to the public through a public participation meeting. This provided input into the actual amendments to the Town’s Municipal Planning Strategy. After this meeting the Planning Advisory Committee passed a resolution of support and recommended Council to proceed to a Public Hearing.

Council held a Public Hearing in which Council had the opportunity to review the amendments to the Municipal Planning Strategy (the ICSP) with public consultation prior to formerly passing a resolution approving the adoption of the Integrated Community Sustainability Plan (ICSP).

VISION STATEMENT:

Yarmouth leverages its position as the regional centre of Southwest Nova Scotia for the economic, social and cultural benefit of the entire region.

Our diversified economy is expanding in traditional and emerging industries.

We celebrate our rich history, culture and quality of life.

Our citizens value our natural environment and engender responsible development and growth.

We share an optimism for the future, based on a responsible and cohesive foundation.

Yarmouth is the regional centre for South West Nova Scotia. It provides regional services to the tri-county area such as, but not limited to, regional retail and commerce services, business administrative services, educational programs and services, government and non-government support programs and services, regional transportation facilities and services, regional policing, justice and custom programs and services as well as regional health care programs and services.

We have learned to diversify our economy by building upon our traditional core industries such as the fishing industry, administration/commerce and health industries and have attracted new industries to ensure that we are not solely dependent on one sector of the economy.

Our citizens have a rich and colourful history enshrined in our multi-cultural origins including the First Nation, Acadian and New England settlers to a mixture of nationalities from throughout the world. We pride ourselves in our multi-culturalism and build upon its many facets for the betterment of the community.

We cherish our “quality of life”. We create liveable neighbourhoods and communities throughout our region that addresses the needs of all segments of our population; the young and the old, the healthy and the sick, the rich and the poor, and especially the disabled.

Our healthy and safe neighbourhoods, outstanding public facilities and services, and active community life make Yarmouth an exceptional place to live, work, play, visit and raise a family. Our liveable neighbourhoods offer a range of lifestyle and housing choices. Our safe, functional, efficient and well maintained transportation system provide choices for citizens, whether it's for long range transportation such as our international ferry, international airport and our interconnecting 100 series highways, to our local roadways, sidewalks, bike lanes, multi-use trails and transit options. All of which are pleasurable to use and experience. Our community facilities and services are accessible to all ages providing opportunities for all citizens to participate adding to the general "well-being" or "quality of life" of all members of our society.

We wisely manage growth to preserve natural and historic resources, maintain green space and revitalize older neighbourhoods while accommodating new quality developments. We respect our history and heritage by encouraging the preservation of historic resources and retaining our "sense of place". We respect our natural environments and strive to protect and conserve environmentally sensitive areas for future generations.

We work together towards a shared vision of prosperity, promoting intergovernmental cooperation and partnerships. We work together to create a healthy and diverse economy contributing to the retention of our talented youth and attracting others to live, work, play and invest in our community.

MUNICIPAL PLANNING STRATEGY:

Though an important aspect of the overall Municipal Planning Strategy, the policies and provisions of this chapter are intended to be secondary with regards to defining the overall intent of the Strategy in light of potential development appeals to the Public Utility and Review Board. In other words, it shall not be the intent of this plan to refuse or otherwise overturn decisions of Council solely on the intent derived from policies and provisions of this chapter. The development policies and provisions, as laid out in other chapters of this Strategy, shall be considered primary, whereas the policies and provision of this chapter shall be considered secondary in deriving the overall intent of this Municipal Planning Strategy.

GENERAL RESIDENTIAL REVIEW:

The Municipal Planning Strategy was recently adopted by Council and became effective on July 24, 2007. One major component of the plan is Council's intention to scrutinize medium and high density uses and minimize their potential impacts on adjacent low density residential neighbourhoods. To ensure this, the Municipal Planning Strategy restricts medium and high density (R-2 and R-3) uses to collector and arterial streets leaving local streets for low density (R-1) uses. In this fashion Council is protecting and stabilizing low density

residential neighbourhoods. By restricting the type of developments, Council ensures a grouping of compatible uses, stabilizing public investment and sustaining the long term economic longevity of these residential areas.

The concentration of medium and high density uses to collector and arterial streets ensures that high traffic volumes are more in keeping with the functionality of the street (Policy 6.10). This provides an opportunity for Council to concentrate on up-grading collector and arterial streets to the role of the street to accommodate their anticipated traffic volumes. Therefore, it shall be the intention of Council to consider up-grading collector and arterial classified streets to their corresponding classification levels.

The Town of Yarmouth has a high tenure of occupied dwellings being rented. In 2001, 53.1 percent of dwellings were rented compared to the Town of Bridgewater at 39.4 percent and the Town of Kentville at 40.6 percent. Though the percentage is slowly going down, Council intends to support owner occupied dwellings by encouraging Low Density (R-1) developments throughout the Residential Designation whereas Medium Density (R-2) developments will only be considered through a rezoning process and. High Density (R-3) developments (greater than four (4) units) will only be considered by development agreement. The Low Density (R-1) zone will enable a second dwelling unit (up to a maximum of two units per lot) to help families subsidize their mortgage thereby enabling them to be in an owner occupied dwelling sooner than they might otherwise be able to afford.

It is recognized that having a higher owner occupied dwelling percentage actually improves the Town's ability to sustain the community by stabilizing the municipality's tax base and by improving the overall fiscal health of family households. It also helps to increase civic pride as owner occupied dwellings tend to be better maintained and more aesthetically pleasing than typical rental units.

8.1 It shall be the intention of Council to strive for lowering the percentage of rental occupied dwellings and to encourage owner occupied dwellings by providing stability to residential areas through supportive land use policies; by increasing civic pride through special programs such as the Mayflower Awards and Community in Bloom programs; and, by encouraging cleanliness by enforcement of the dangerous and unsightly premises sections of the Municipal Government Act.

GENERAL COMMERCIAL REVIEW:

There are basically three prime commercial areas. The Central Business District known as "downtown", the commercial highway area of Starr's Road (including the airport stretch, Haley Road and Hardscratch Road), and the local commercial areas at the corners of

Argyle/Main Streets and Vancouver/Main Streets. The Central Business District is relatively healthy but needs attention to be sustainable. It shall be the intention of Council to undertake a “Downtown Revitalization Plan” to provide a vision and action plan to enhance commercial and residential activity in the downtown urban core.

Starr’s Road is Yarmouth’s commercial highway area. This commercial area is anchored by the Yarmouth Mall; Starrs Road Plaza, formerly know as the Tri-County Mall site; and, Pleasant Street Plaza, formerly known as the old Canadian Tire property. The growth of commercial activity along Starrs Road has impacted the vitality of the downtown area. In light of this, Council intends to maintain their support for the downtown area by limiting all new business and professional offices to the downtown area. This initiative, though controversial, helped maintain Yarmouth’s downtown as a vital part of the region’s economic base.

8.2 It shall be the intention of Council to continue the limitation of business and professional offices to the downtown area as a means of sustaining the area as a vital commercial business center.

Recent developments along Starrs Road have changed the Tri-County Mall site into a commercial center (Starrs Road Plaza) comprising of a new Canadian Tire, Strip Mall, Boston Pizza and Empire Theatres. The area between the 101 Highway and Brooklyn Street has also transformed itself into a major commercial center comprising of Wal-mart, Superstore and Staples combined with the existing businesses of Kent Building Supplies, Comfort Inn and the Shell service station. Even Haley Road and the Airport Stretch have seen significant changes with the introduction of Petro Canada, Enterprise Rent-a-Car, and several automobile sales establishments.

Commercial development has affected traffic patterns in and around the Town. In an effort to improve traffic circulation, cut down on greenhouse gases and promote commercial activity, Council intends to develop Brooklyn Street and Clements Avenue as “collector” streets. Council also intends to develop a “Yarmouth North Connector” connecting the 103 highway to Chestnut Street. This will provide numerous points of entry from the 100 series highways, quickly diffusing the incoming traffic thereby increasing the effectiveness of the traffic circulation pattern in and around the Town. The development of these streets will attribute directly to less idling and, as a consequence, less greenhouse gases. The “Yarmouth North Connector”, though intended to be constructed as a “control access” highway, will provide indirect access to additional lands within the Town for future highway commercial uses.

GENERAL INDUSTRIAL REVIEW:

The Town has three industrial areas, the former Forest Street Industrial Park; the former Airport Industrial Park, which has recently been divested into private hands; and, the

waterfront industrial area. The waterfront industrial area primarily serves marine/fishing related industries. The preservation of this area is vital to the Yarmouth's sustainability, as the marine/fishing industry is the back bone of the region's economy.

Not only does Yarmouth's harbour represent a major contribution to the fishing industry, it also provides a major contribution to the tourism industry by providing a international ferry link to New England via Bar Harbour and Portland, Maine. The preservation and enhancement of this transportation link is vital to the area's sustainability and has a direct relationship to the area's fiscal health. Yarmouth's dependence on a healthy tourism industry has recently been acknowledged due to the recent downturn in the local tourism sector experienced by many tourism businesses throughout the area.

Council recognizes that the economic well being of the Town has a direct relationship with the economic well being of the region and to this end, will collaborate and join partnerships with neighbouring municipalities to encourage economic growth and regional health where mutually beneficial.

8.3 It shall be the intention of Council to cooperate with the region's municipalities to vigorously lobby for the retention, promotion and maintenance of the ferry service, air service and other local and regional transportation services.

Statements of Provincial Interest

In reviewing amendments to the Municipal Planning Strategy it is important to ensure that they are in keeping with or otherwise not in conflict with statements of provincial interest. The five (5) statements of provincial interests are outlined below:

Provincial Interest Statement: Drinking Water – To protect the quality of drinking water within municipal water supply watersheds.

The Yarmouth Water Utility receives their water supply from the Lake George Watershed Area located within the Municipality of the District of Yarmouth. As jurisdiction of the water supply area is under the municipality, they have an obligation to ensure compliance with this provincial interest statement. However, the Town recognizes the need to collaborate and cooperate with the municipality and have jointly adopted planning policies. This cooperation is reflected in Policy 6.14 and is clearly evident in this Integrated Community Sustainability

Plan. The Town has also designated Lake George as a “Protected Water Area” pursuant to Section 106 of the Environment Act and has implemented regulations respecting activities in the Lake George Watershed Protected Water Area. The Integrated Community Sustainability Plan and this Municipal Planning Strategy are deemed to be consistent with the statement of provincial interest with regards to drinking water.

Provincial Interest Statement: Flood Risk Areas – To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

This provincial interest statement applied to five (5) floodplains throughout the province. None of the five (5) are located in Yarmouth County. However, the Town undertook a Broad Brook Floodplain Study in 1977 prepared by Maritime Resources Management Services who identified the floodplain area of Broad Brook. The Floodplain Designation and its corresponding Floodplain (O-2) Zone prohibits development due to its susceptibility to flooding and subsidence (except for public works projects associated with flood control and recreational uses which do not require any buildings – Policy 6.26 and 6.27). The alteration of land levels or changes to any existing marsh, open ditch, riverbank, watercourse or other natural feature within the floodplain except for public works developments associated with flood control is also prohibited pursuant to Policy 6.29.

The Integrated Community Sustainability Plan recognizes that climate change will have an affect on coastal areas. In light of increased storm surges due to climate change, Council intends to undertake a risk assessment to develop regulations to minimize potential adverse affects of climate change. The Integrated Community Sustainability Plan and this Municipal Planning strategy are deemed to be consistent with the statement of provincial interest with regards to flood risk areas.

Provincial Interest Statement: Agricultural Lands – To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

This provincial interest statement applies to all active agricultural land and land with agricultural potential throughout the province. The Local Government Resource Handbook, Volume 2, defines agricultural land as active farmland and land with agricultural potential, as defined by Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.

The Town does not have an over abundance of high quality agricultural land within its borders. Agricultural uses are only permitted within the Residential Holding (R-H) Zone pursuant to the Town's Land Use By-law. High density livestock developments are prohibited as they are deemed not to be compatible with the Town's urban context.

The Land Use By-law restricts the ability of creating small lots on unserviced lands by requiring 121.9 m (400 ft.) of frontage and 7,432 m² (80,000 ft.²) in area within the Residential Holding (R-H) Zone. This provision discourages the use of land for other types of uses by maintaining large tracks of land well suited for agricultural uses, whereas smaller lot sizes, if permitted, would encourage non-agricultural uses. In this context, unserviced areas remain marginally undeveloped and sparsely occupied until such time that they become serviced with municipal sewer and water services. By promoting development on serviceable lands, it diminishes the development demand on unserviced areas. Once unserviced lands become serviced, the use of land for agricultural purposes no longer becomes the most cost effective means of promoting sustainable development. In this context, the Integrated Community Sustainability Plan and this Municipal Planning Strategy are deemed to be consistent with the statement of provincial interest as they relate to agricultural lands.

Provincial Interest Statement: Infrastructure – To make efficient use of municipal water supply and municipal wastewater disposal systems.

The Town's Municipal Planning Strategy, Chapter 8 "Infrastructure Developments", outlines policies related to the efficient use of municipal water and municipal wastewater disposal systems. All main buildings, with a few exemptions, are required to be serviced with Town sewer and water services pursuant to Policy 6.2 and its implementing Land Use By-law provision, Part 5.41. This provision ensures that the extensions of these services are undertaken in a sustainable land use pattern while ensuring a sustainable revenue income source for the Yarmouth Water Utility.

As outlined in Chapter 8 of the Municipal Planning Strategy, one of the main objectives is to minimize the cost of providing these services by promoting compacted developments and by encouraging infill developments to maximize the use of existing services. For example, Implementing Policy 7.7 requires Council to consider the affects of leap-frog, scattered or ribbon developments as opposed to orderly compacted developments when reviewing rezoning and development agreement applications.

The Town promotes the development of in-filled development on existing lots by enabling any undersized lot to be used for a use permitted in a particular zone. In commercial and

Industrial areas, undersized lots can be used for any use permitted within the zone. In residential areas, any existing undersized lot can be used for the purpose of a single detached dwelling.

However, the Town has a number of existing lots directly abutting existing public open streets with no municipal sewer or water services. In an effort to correct this deficiency and to promote compacted infill developments, Council intends to identify these areas and work with developers through the Local Improvement By-law to cost share the extension of these public services to enable development to proceed.

In this context the Integrated Community Sustainability Plan and this Municipal Planning strategy are deemed to be consistent with the statement of provincial interest with regards to infrastructure. In addition to the objectives and policy provisions laid out in Chapter 8 of this Strategy, Council intends to clearly define their intentions by outlining the following policies:

8.4 It shall be the intent of Council to promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. To this end, Council shall promote a sustainable compacted land use development pattern.

8.5 It shall be the intention of Council to cost share with developers for the extension of public infrastructure within existing public street right-of-ways in an effort to promote in-fill development through the Local Improvements By-law.

8.6 It shall be the intention of Council to undertake an infrastructure asset inventory to identify existing service infrastructure assets; their age; their life spans; and, develop a sustainable infrastructure replacement program in light of the Town's current and proposed service demands.

8.7 It shall be the intention of Council to cooperate with the Municipality of the District of Yarmouth to extend municipal sewer and water services in a sustainable compact fashion through an Inter-Municipal Service Agreement when it is mutually beneficial and economically feasible.

Provincial Interest Statement: Housing – To provide housing opportunities to meet the needs of all Nova Scotians.

The Town's Municipal Planning Strategy enables a wide assortment of housing types including Low Density (R-1) uses (one (1) and two (2) unit dwellings); Medium Density (R-2) uses (three (3) and four (4) unit dwellings); High Density (R-3) uses (more than four (4) units); as well as special needs housing such as senior's boarding/rooming facilities and

nursing home facilities by development agreement. The Town also enables mobile homes within the Mobile Home Park (R-M) zone. In this context the Integrated Community Sustainability Plan and this Municipal Planning strategy are deemed to be consistent with the statement of provincial interest with regards to housing.

Sustainability – Meeting today’s needs without compromising the needs of tomorrow.

Sustainability can be defined as taking care of the needs of the present generation without compromising the ability to meet the needs of future generations (WCED, 1987). It also can be defined as the intersection between three (3) principals; environmental stewardship, economic health and social justice.

Council intends to take this one step further by encouraging developments that improve current conditions by enhancing the overall environment for all living things. This concept, referred to as “regenerative developments” actually improve the sustainability of environments by enhancing the economical, social, cultural and environmental dimensions of communities. This philosophy encourages developments to leave this earth in a better way than when we found it.

Through the public consultation visioning exercise seven (7) key components were identified as being important for enhancing the sustainability of the Town of Yarmouth. These components are outlined below:

- 1) Economic Prosperity;
- 2) Sustainable Transportation System;
- 3) Sustainable Public Infrastructure;
- 4) Sustainable Environmental Initiatives;
- 5) Sustainable Heritage, Cultural and Social Developments;
- 6) A Liveable “Green” Community; and,
- 7) A Healthy and Safe Community.

Economic Prosperity:

The fisheries, regional health services and regional administration and commerce facilities serve as the economic backbone of the Town of Yarmouth. These core facilities are envisioned as Yarmouth’s future economic mainstays and need to be sustainable in order to maintain Yarmouth as a sustainable community. Council should undertake whatever means are necessary to ensure that these three (3) core areas remain healthy and strong. Many of the issues defining these core areas are influenced by outside factors beyond the direct control of

Council. However, Council has the ability to influence these core areas through other levels of government and other non-governmental organizations.

One aspect of Yarmouth's economic well being that needs encouragement is the industrial manufacturing sector. This sector should play a more prominent role helping to diversify the local economy so that any downturn in the three (3) core areas would be minimized. In order to encourage industrial development, it shall be the intention of Council to foster economic development through the Regional Development Authority and the Yarmouth Area Industrial Commission.

The tourism sector is another sector that needs encouragement. With the downturn in the United States economy, the number of visitors from the U.S. has dwindled. Yarmouth needs to develop a regional tourism promotion plan and Council needs to support organizations that help promote Yarmouth as a tourist destination. Transportation links are a valuable tool for tourism and as such, Council needs to be supportive of all modes of transportation, from its international ferry connections to Bar Harbour and Portland Maine, to the Yarmouth International Airport to the 100 series highways.

The educational sector also needs encouragement. Yarmouth has a fine community college but needs to expand its programs and facilities. The Dalhousie School of Nursing program at the Regional Health Centre needs to be expanded to a full program to enable new medical professionals to live, work and be educated at home. The medical profession has been identified as a growth sector and Yarmouth needs to capitalize and take advantage of any opportunities arising from this field.

Yarmouth needs to capitalize on any off-shore development. If the moratorium on off-shore exploration is lifted, Yarmouth needs to be well positioned and ready to take advantage of all potential opportunities. To this end, Council intends to undertake a Port of Yarmouth Master Plan to determine the best locations for marine and off-shore exploration related developments, including, but not limited to, a proposed new marine industrial park. Such developments need to co-exist with the traditional fishing industrial in a compatible fashion that is mutually beneficial. Again the links between development and different modes of transportation play a vital role in their sustainability and should be developed in tandem to ensure the maximization of public infrastructure services.

Council strives to create an atmosphere that is business development friendly. Council supports local business development through the Regional Development Authority and its support of the Yarmouth Area Industrial Commission. Council intends to continue with its fiscal management practices to keep the commercial tax rate as low as possible to encourage new business initiatives.

Municipal amalgamation may also prove beneficial with regards to the economic prosperity of the region. If the political environment provides an opportunity, Council intends to undertake a joint study of the pros and cons of municipal amalgamations and proceed only when it is economically and socially/culturally beneficial for the citizens of the Town of Yarmouth.

The following are Council's policies respecting economic prosperity:

8.8 It shall be the intention of Council to support the core business sectors; the fisheries, regional health services and regional administration and commerce facilities; and, to diversify the economy through the support of industrial, tourism and educational opportunities, recognizing the health and sustainability of the Town depends on the economic health of the entire region.

8.9 It shall be the intention of Council to position itself with adjacent municipalities to be ready to take full advantage of the opportunities of any marine and off-shore exploration developments and to strive to capture such benefits and economic spin-offs to the local economy.

8.10 It shall be the intention of Council to consider undertaking a regional amalgamation study with mutual support of surrounding municipalities and proceed with its recommendations only when it can be shown that it is beneficial both economically as well as socially/culturally for the citizens of the Town of Yarmouth.

8.11 It shall be the intention of Council to create a sustainable business community by:

- 1) promoting cooperation through working partnerships with developers; government and non-government agencies; and, in particular, adjacent municipalities;**
- 2) supporting the diversification of the local economy with particular attention to the industrial, tourism and educational sectors and promote viable long-term value added developments;**
- 3) encouraging a variety of compatible land uses in appropriate locations allowing people to live, work, play, and shop;**
- 4) anticipating the needs and securing land for public facilities such as street rights-of-way, trail right-of-ways, parks, public institutions (schools, libraries and justice), and other public needs such as public works, police and fire services; and,**

5) promoting partnerships to accommodate efficient use of resources, land, and services.

8.12 It shall be the intention of Council to undertake a “Downtown Revitalization Plan” to provide a vision and action plan to enhance commercial and residential activity within the urban core.

8.13 It shall be the intention of Council to undertake a “Waterfront Redevelopment Master Plan” to provide a vision and action plan to enhance commercial and industrial activity along Yarmouth’s working waterfront.

8.14 It shall be the intention of Council to limit business and professional offices to the downtown area as a means of sustaining the area as a vital commercial business centre.

8.15 It shall be the intention of Council to promote local reinvestment within the community; promote meaningful employment opportunities; promote local business ownership; and, promote job training and educational programs.

Sustainable Transportation Systems:

The transportation system is Yarmouth’s backbone, supporting its economy and serving and influencing its land use patterns. Yarmouth’s transportation systems are diverse, from the historic marine lines to the automobile to its airport facilities. The support and promotion of these services will provide greater accessibility for residents and visitors, increasing one’s “quality of life” while alleviate congestion and reducing green house gas emissions.

Though Yarmouth has lost its rail lines, these rail corridors have been transformed to multi-purpose trails for recreational vehicles and active transportation modes such as walking and bicycling. Yarmouth's commitment to transportation planning will be reflected in both development and redevelopment decisions.

Policy 6.10 requires Council to designate streets as local, collector or arterial so as to provide a development pattern that ensures that developments fronting on certain streets are consistent with the “role” of the street. As medium and high density developments have higher traffic volumes than low density uses, medium and high density uses are restricted to collector and arterial streets. As collector and arterial streets serve not only developments fronting on said streets but also serves through traffic and connections to major arterials, such as the 100 series highways, Council shall undertake physical improvements to collector and arterial streets to bring them up to acceptable standards in line with the “role” of the street. In

light of this, Council shall promote the efficiency of the transportation networks in an effort to alleviate congestion and reduce greenhouse gas emissions. To this end, Council intends to develop Brooklyn Street and Clements Avenue as “collector” streets and the “Yarmouth North Connector” as an “arterial” limited access highway.

The following are Council’s policies respecting sustainable transportation systems:

8.16 It shall be the intention of Council to maintain a diversity in Yarmouth’s transportation modes and support and promote the use of all modes of transportation with particular attention to the International Ferry Terminal, Yarmouth International Airport, Killam Wharf Marina, local transit services, bus services, the development and up-grading of the municipal street infrastructure and, on the provincial level, the up-grading and maintenance of the 101 and 103 series highways.

8.17 It shall be the intention of Council to provide for adequate transportation corridors by considering allocating enough land during the planning process to support the intended street classification.

8.18 It shall be the intention of Council to consider the physical location and design of our transportation corridors so as to minimize any potential adverse affects on environmentally sensitive areas such as wet-lands and other water bodies such as Broad Brook.

8.19 It shall be the intention of Council to undertake physical improvements to collector and arterial streets to bring them up to acceptable standards in line with the “role” of the street.

8.20 It shall be the intention of Council to promote the efficiency of the transportation networks in an effort to reduce greenhouse gases and develop Charles Crosby Drive and Clements Avenue as “collector” classified streets and the “Yarmouth North Connector” as an “arterial” limited access highway.

8.21 It shall be the intention of Council to formerly designate by by-law a portion of the “Yarmouth North Connector” between Hardscratch Road and the 101 as a “controlled access highway” pursuant to Section 309 of the Municipal Government Act.

8.22 It shall be the intention of Council to review the access management provisions of the Land Use By-law in keeping with Atlantic Road and Traffic Management's report entitled "Yarmouth Area Transportation Study, October, 2007.

8.23 It shall be the intention of Council to encourage the province to complete the upgrading of both 100 series highways to 100 series standards; their connection; and, the twinning of one (1) of them from Yarmouth to Halifax.

8.24 It shall be the intention of Council to undertake a study in partnership with adjacent municipalities on the feasibility of undertaking a transit authority to provide a transit service throughout the tri-county area with connections to transit services beyond, in an effort to reduce carbon dioxide emissions and to conserve energy.

8.25 It shall be the intention of Council to cooperate with adjacent municipalities and community organizations in the creation of "car pooling" initiatives and "park and ride" facilities at strategic locations throughout the tri-county area.

8.26 It shall be the intention of Council in partnership with the Municipality of the District of Yarmouth to undertake and develop an "Active Transportation and Connectivity Plan".

8.27 It shall be the intention of Council to review the Town's Subdivision By-law in light of sustainable initiatives such as "green" infrastructure facilities and active transportation specifications pursuant to the Active Transportation and Connectivity Plan.

8.28 It shall be the intention of Council to design and construct public streets in such a fashion to accommodate a lineal bike lane with a minimum width of 1.5 m (4.92 ft.).

8.29 It shall be the intention of Council to include in the Subdivision By-law street specifications requiring developers to design and construct street right-of-ways in such a fashion to provide a parking lane with a minimum width of 3 m (9.84 ft.) along one (1) side of the street, and a bike lane with a minimum width of 1.5 m (4.92 ft.) along the other side of the street.

8.30 It shall be the intention of Council to consider the development and/or enhancement of pedestrian, bicycle, and/or transit access in development proposals and their integration within the community's framework.

8.31 It shall be the intention of Council to support the Bikes for Kids program administered by local community organizations where old bikes are donated, refurbished and redistributed for kids.

8.32 It shall be the intention of Council to consider the establishment of a “Bike and Ride Program” administered through the Department of Leisure Services where bikes can be picked up and dropped off at bike distribution centres throughout the Town.

8.33 It shall be the intention of Council to consider the feasibility of developing a “truck rest stop park” along lands of the Town of Yarmouth along Haley’s Road adjacent to the Airport Industrial Park.

8.34 It shall be intention of council to design “complete streets” for the safety and convenience of all users including pedestrians, bicyclists, transit users, freight, and motor vehicles drivers so that each user is accommodated and balanced so that even the most vulnerable – children, elderly and persons with disabilities - can travel safely within the public right-of-ways.

Sustainable Public Infrastructure:

Chapter 8 of this Municipal Planning Strategy outlines a number of sustainable provisions through objectives and policy statements on infrastructure development. For example, the objective to require development to occur on municipal sewer and water services limits the ability to have urban sprawl expanded throughout the Town unchecked.

The strategy promotes the use and extension of municipal services in unserved areas by requiring 121.9 m (400 ft.) of road frontage for unserved lands versus 15.24 m (50 ft.) of road frontage for served lands. This provision makes it more economical for developers to extend municipal services, enabling them to increase their returns by increasing the number of lots through subdivision approval.

Objective 2 of Chapter 8 outlines Council’s intent to minimize the Town’s cost of providing infrastructure through the promotion of compact and infill development as well as the fair apportionment of costs between the public and private sectors through the Local Improvements By-law. Though Council does promote compact developments by implementing a minimum lot frontage of 15.25 m (50 ft.) compared to the more traditional lot frontage of 18.29 (60 ft.) or 19.81 (65 ft.), the Town has not experienced the development of taller, more slender, developments (the traditional compacted infill development design)

mainly due to market demand for the traditional bungalow design. Unfortunately, the Town has experienced the traditional bungalow being somewhat forced into these smaller lot frontages.

The Town strategy requires all developments to abut a public street, owned and maintained by the Town. This provision seems contrary to the intent of providing for infill developments as it encourages lineal rather than compacted developments, limiting the potential maximization of municipal street services. In order to promote compact infill developments, Council could consider enabling developments on rights-of-way. This however, does have a significant adverse affect, severely altering the traditional streetscape by enabling developments to occur one behind the other rather than in the traditional lineal progression along a street. Due to the visual impact along the street and its effect on the traditional built pattern, Council is not prepared to alter its intent to require that all developments abut a public street.

Council's infrastructure objectives are outlined in Chapter 8 of this strategy. They include the upgrading and enhancement of sewer, storm, water and roads; the promotion of an efficient transportation system; and, the support of transportation facilities and services.

The Town developed a waste water treatment facility in 1991 with sufficient capacity to handle not only the land mass within the Town but also the surrounding areas located in the municipality. Additional cells can be incorporated within the design to expand the capacity of the system when desired. The treatment facility provides primary treatment and has worked extremely well which is evident by the environmental changes along Yarmouth's waterfront. In order to prolong the life span of the facility and to minimize operational costs, it shall be the intent of Council to undertake a storm water/sanitary sewer separation program to minimize the amount of storm water treatment.

Policy 6.1 acknowledges Council's intent to separate combined sanitary and storm sewers in an effort to prolong the life of the Town's wastewater treatment facility. The diversion of storm water will significantly reduce the amount of water requiring treatment, significantly reducing the operational costs of the plant. This will also result in clearer water being discharged by reducing the number of untreated overflow periods, improving the overall health of Yarmouth's harbour.

Council intends to minimize water leakage along the water transmission lines and the water distribution lines to conserve the water supply and help in maintaining adequate water pressure along the lines. This in turn minimizes the potential for boiling orders due to low water volumes in the Lake George Watershed Area improving the overall health and "quality of life" of the community. The minimization of water leakages will also reduce the amount of water treatment, reducing the operational cost of the water treatment facility.

In October of 2006, the Town, in cooperation with the municipality, updated the Lake George Watershed Protected Water Area Designation and implemented new regulations to protect the Lake George water supply pursuant to Section 106 of the Environment Act. The Town has adopted Nova Scotia's multiple barrier three lines of defence; keeping clean water clean at the source; making the water safe through treatment; and, proving it's safe through constant monitoring enabling corrective measures when deficiencies are identified. In keeping with the policies of this Strategy, it shall be the intention of Council to cooperate with the municipality to ensure Lake George Watershed Area continues as a viable and sustainable source of clean potable water.

The Town's public facilities and auto fleet expends significant energy and green house gases. In an effort to reduce the Town's carbon footprint and promote cleaner air, cleaner water and reduced green house gases, the Town intends to undertake an energy audit and consider the implementation of a green fleet transition plan.

The following are Council's policies respecting sustainable public infrastructure:

8.35 It shall be the intention of Council to cooperate with the Municipality of the District of Yarmouth to ensure Lake George continues as a viable and sustainable source of clean potable water and to preserve and enhance the Lake George Watershed environment to maintain water quality and quantity for future generations.

8.36 It shall be the intention of Council to cooperate with the Municipality of the District of Yarmouth to create land use development patterns that are sustainable and compact through the promotion of efficiently planned extensions of municipal sewer and/or water services by mutual agreement where such extensions are deemed mutually appropriate, timely and financially beneficial.

8.37 It shall be the intention of Council to continue with its purchasing policy with respect to properties located within the Lake George Watershed Area in order to protect the quality and quantity of the municipal water supply.

8.38 It shall be the intent of Council to undertake a storm water/sanitary sewer separation program to minimize the amount of storm water treatment, thereby lowering the overall cost of treatment, and becoming more efficient and sustainable by freeing up the waste water treatment plant's capacity.

8.39 It shall be the intention of Council to undertake a study and implement measures that reduce the amount of water leakage from the Yarmouth Water Utility's water transmission line and water distribution line to minimize the amount of water required to be treated, thereby lowering the overall cost of treatment, becoming more efficient and, as a consequence, more sustainable.

8.40 It shall be the intention of Council to scrutinize developments served by the Town's sewer system to ensure that the Town's waste water treatment facility has sufficient capacity to handle anticipated development flows.

8.41 It shall be the intention of Council to support Waste Check in the operation of the solid waste transfer station and their endeavour to provide the most cost effective means and alternatives for the disposal of the Town's solid waste.

8.42 It shall be the intention of Council to support the efforts of Waste Check in the diversion of materials through recycling, reuse and processing materials into value added products.

8.43 It shall be the intention of Council to undertake an energy audit of the Town's operations and implementing the recommendations when deemed appropriate, timely and financially beneficial.

8.44 It shall be the intention of Council to undertake a study of the viability of using Yarmouth's Harbour as a energy source (tidal power, geo-thermal heat recovery, etc.) and determine the viability through partnerships with the private sector.

8.45 It shall be the intention of Council to undertake a study of their operational fleet in an effort to reduce carbon dioxide emissions as well as energy consumption and implement a Municipal Green Fleet Transition Plan.

Sustainable Environmental Initiatives:

The Town of Yarmouth is environmentally conscience of its environment. The Town undertook a Broad Brook Floodplain Study by Maritime Resource Management Service in 1977 and has implemented floodplain protection measures by designating the floodplain area as "Floodplain" on the Generalized Future Land Use Map and by zoning the floodplain area as "Floodplain (O-2)". The Town, with the help of the Tusket River Environmental Protection Association (TREPA), expanded this protection by creating the Environmentally Sensitive Designation and the Environmentally Sensitive (E-S) Zone along the Broad Brook waterway system. It is envision that someday this system will be developed as the Broad Brook Greenway incorporating active transportation developments and educational components to enhance people's awareness on environmental issues.

Wal-mart through the cooperation of the Town and the Department of Environment and

Labour is undertaking an environmental wet-land habitat revitalization project adjacent to the Broad Brook Recreational Complex. This revitalization project will not only enhance the wildlife habitat but also serve as a stormwater retention pond to alleviate flooding of the surrounding built up areas. It is the intent of Council that the Broad Brook wet-lands will be developed, enhanced and showcased as an important ecological and environmental system with passive recreational and educational components. It is intended to include an interpretation centre with walking trails, identifying and preserving aspects of this unique urban wet-land. The rejuvenation of plant life will help reduce greenhouse gases and the designation as a protected “Floodplain” will ensure that this area remains a protected green space for waterfowl habitats and other living organisms.

Urban developments surrounding the Broad Brook waterway system continue to impact its ability to function as a natural waterway system. As a means of ensuring its health as a natural functional ecological waterway, any public works project involving surface run-off shall install a stormseptor or equivalent devise to remove stormwater pollutants prior to discharge into the Broad Brook waterway system in an effort to maintain the brook’s environmental health.

The Yarmouth area is very susceptible to storm surges as people still remember the groundhog storm of 1976. In an effort to preserve this vital resource, it shall be the intention of Council to support a study on the effects of storm surges on Yarmouth’s Harbour in light of climate change.

The following are Council’s policies respecting sustainable environmental initiatives:

8.46 It shall be the intention of Council to consider implementing a Broad Brook Water Quality Program with water tests at strategic locations to monitor the health of the Broad Brook waterway system.

8.47 It shall be the intention of Council to consider implementing an Air, Water and Ground Water Monitoring Program at strategic locations to monitor the quality of the air and water over time.

8.48 It shall be the intention of Council to require that any public work projects install a stormseptor or equivalent device to remove stormwater pollutants prior to discharge into the Broad Brook waterway system or into Yarmouth’s harbour.

8.49 It shall be the intention of Council to undertake a Climate Change Adaptation Study to identify potential impacts from sea-level rise and storm surges through a risk assessment and to implement safe guards to minimize the effects of climate change along Yarmouth’s waterfront.

8.50 It shall be the intention of Council to build upon the efforts of Wal-mart in the creation of the Broad Brook Wet-land Conservation Area by enhancing and showcasing it as an important ecological and environmental system with passive recreational and educational components for the benefit of civilians and visitors

alike. The Broad Brook Wet-land Area will include an interpretative centre showcasing wet-land conservation techniques and be connected to active transportation routes through the Broad Brook Greenway trail system.

8.51 It shall be the intention of Council to review their environmental policies and procedures when undertaking a plan's review of this Municipal Planning Strategy.

8.52 It shall be the intention of Council to encourage and support the remediation of brownfield sites back to productive land.

Sustainable Heritage, Cultural and Social Developments:

Chapter 7, "Social and Cultural Environment", of this Municipal Planning Strategy outlines objectives and policy statements with regards to education, recreation, tourism, heritage and cultural institutions. Though not directly responsible for educational services, the Town intends to support developments and organizations that provide for increased quality and quantity of educational programs and services. Though not directly responsible for cultural services, the Town recognizes cultural institutions as a valuable and significant part of the Town's social fabric and intends to support organizations that provide cultural programs and/or services to the community.

With regards to recreation, the Town supports developments and organizations that provide recreational programs and/or services to the community. To this end, Council supports the creation of new recreational facilities particularly at the neighbourhood level with special consideration given to parks and playgrounds. The Town also supports the development of active transportation facilities by supporting the Active Transportation Committee in their development of an Active Transportation and Connectivity Plan; the Yarmouth Waterfront Development Corporation's trail system along Yarmouth's waterfront; the Rails to Trails Program; and, a linear park system through Broad Brook noted above as the Broad Brook Greenway.

The Town also recognizes the importance of cultural and social organizations and the amenities they provide. In light of this, the Town intends to support the efforts of Th' Yarc in finding a home for the arts community. The Town also recognizes the health of its community members as an important aspect of maintaining a healthy sustainable community and supports the efforts of the Department of Leisure Services, the Y.M.C.A., and the school system in providing physical activities and programs to all members.

With regards to tourism, Council supports the efforts of tourism associations to develop and promote the Yarmouth area as a quality tourism destination. Council also recognizes the Town's built and natural heritage as a valuable tourism asset and encourages its maintenance, upgrading and protection.

The Town recognizes the importance of preserving our built heritage, not only as an important tourism destination asset and educational tool, but also as an important piece of their commitment to sustaining the community. The preservation of historic buildings and

their adaptive reuse regenerates the local economy and reduces the amount of green house gases by recycling materials that would otherwise be destined for the land fill. The preservation of one building alone has a significant impact on the financial and environmental costs of operating a waste deposal site and significantly reduces green house gases by eliminating the need to produce new building materials. It shall be the intention of Council to continue their support of preserving and reusing our built heritage through the efforts of the Heritage Advisory Committee and to consider financial incentives to help owners to adapt their building to ensure that they remain a productive member of Yarmouth's building stock.

The following are Council's policies respecting sustainable heritage, cultural and social developments:

8.53 It shall be the intention of Council to encourage and support the efforts of the Municipality of Yarmouth to continue the linear park system along Yarmouth's Waterfront to Bunker's Island to the south and along Lake Milo to the north as well as the extension of the railway rights-of-way rails to trail program and the continuation and connection of the Broad Brook Greenway to create a comprehensive regional park trail network.

8.54 It shall be the intention of Council to support the conservation and reuse of the Town's building stock in an effort to reduce green house gases and minimizing the amount of waste that would otherwise be destined for the land fill.

8.55 It shall be the intention of Council to support the conservation and reuse of heritage buildings and approach the province to increase their provincial heritage rebate and request new alternative financial incentives such as such low interest loans, or deferred assessment valuations for designated heritage properties.

8.56 It shall be the intention of Council to consider developing a diversion program with Waste Check and other similar organizations to reuse and recycle construction and demolition debris materials.

8.57 It shall be the intention of Council to support cultural development through the support of local institutions such as, but not limited to, local museums and art galleries and their development of community programs and services.

Liveable “Green” Community:

The Town has been participating in the Community in Bloom program for a number of years. Each year the Town has invested into “green” projects such as tree plantings along roadways and downtown Main Street bouquets, as well as public infrastructure components such as bike racks and three stream garbage receptacles. The Town has drafted a proposed “Green” Policy that enables property owners to apply to the Town to cost share in increasing the Town’s foliage. Not only will this serve to beautify the Town it will also have an affect on reducing the land temperatures by providing shade and sheltered areas, adding to the community’s “quality of life” experiences. Additional greenery will also reduce green house gases and help alleviate surface run-off by recycling the water into plant nourishment. It shall be the intention of Council to ratify this policy and implement its provisions to cost share in greenery throughout the Town.

The green movement has created new technologies and standards that have developed into new products that are more environmentally friendly and more sustainable. Green infrastructure creates more walkable neighbourhoods and uses natural drainage areas through a network of streams, green streets, greenways, parks and riparian areas. The use of green infrastructure and the natural environment reduces infrastructure costs which in turn leads to lower development costs and long term maintenance costs. Green infrastructure needs to be recognized as a key component of sustainable communities. It shall be the intention of Council to review its policies, by-laws provisions and standards to incorporate “green” technologies and standards where economically feasible and practical where they prove beneficial in the preservation or enhancement of the natural and built environments.

Through the Town’s Subdivision By-law the Town accepts cash-in-lieu of open space. The Town intends to use this money to develop neighbourhood parks in close proximity to the subdivision that provided the funds. There are three (3) open space parks that are currently under developed; Milo Estate Park, Oak Drive Park and Charles Crosby Drive Park. It shall be the intention of Council to use the cash-in-lieu funds to develop these parks.

The following are Council’s policies respecting liveable “green” community:

8.58(A) It shall be the intention of Council to continue its efforts to increase the foliage throughout Town by implementation of its Green Policy in an effort to beautify the Town and reduce green house gases.

8.58(B) It shall be the intention of Council to support and promote the development of community gardens with the aim of creating additional open green space; with the aim of creating a more liveable social community environment; and, as a way of developing and promoting the use of local produce as a means of becoming more self reliant and less dependent on produce from away effectively reducing the community’s carbon footprint.

8.59 It shall be the intention of Council to develop neighbourhood parks throughout Town and connect them to the active transportation routes in keeping with the “Active Transportation and Connectivity Plan”.

8.60 It shall be the intention of Council to develop Milo Estate Park, Oak Drive Park and Charles Crosby Drive Park as well as other neighbourhood parks in

consultation with the neighbourhood.

8.61 It shall be the intention of Council to review its policies, by-laws and standards to incorporate “green” technologies and standards where economically feasible and practical where they prove beneficial in the preservation or enhancement of our natural and built environments, keeping in mind the overall objective of enhancing the overall “quality of life” experience for all members of our society.

8.62 It shall be the intention of Council to consider banning the use of pesticides, herbicides and fungicides.

8.63 It shall be the intention of Council to lobby provincial and federal departments to create “green” policies that promote “green” initiatives such as:

(1) a national ban on two (2) stroke engines as they are detrimental to our environment;

(2) a national program prohibiting the un-necessary over packaging of retail products reducing the amount of waste required to be diverted from our waste; and,

(3) other unforeseen initiatives that require provincial or federal regulation.

Healthy and Safe Community:

One of the reoccurring themes throughout the public consultation process was the need to create a healthy and safe community in order to be sustainable in the long run and to create a place where people want to live, work, play and visit. In order for people to want to be here, it has to be safe and be a place where people can be healthy and remain healthy. This requires resources that supports active lifestyles and creates an environment where people have access to health and safety related programs and services.

Chapter 7, “Social and Cultural Environment”, and Chapter 8, “Infrastructure Development” of this Strategy deals with health and safety issues. Chapter 7 outlines Council’s policies for educational services, recreational services, tourism development, heritage conservation and cultural services. Chapter 8 outlines Council’s policies for infrastructure developments, transportation services, environmental protection and protection and health services.

Policy 6.35 through 6.39 outlines Council’s support for the R.C.M.P.; the Yarmouth Fire Department; the Western Regional Health Center; the Yarmouth Joint Emergency Measures Organization; and, organizations and volunteers that work to improve the “quality of life”, including those who assist in the delivery of protection and health services.

The following are Council’s policies respecting a healthy and safe community:

8.64 It shall be the intention of Council to work cooperatively with government and non-government organizations in their development of programs and services to promote and sustain a healthy and safe environment.

8.65 It shall be the intention of Council to support the promotion of the Western Regional Health Centre in their delivery of programs and services and to enhance and expand these services through regional networks throughout the tri-county area. It shall also to the intention of Council to encourage the Western Regional Health Centre to strive to expand into new health and safety related fields through research and development initiatives that provide a value added contributions to our social and economic prosperity.

8.66 It shall be the intention of Council to support the enhancement of recreational health promotion and services through the support of organizations and through the support of infrastructure developments such as, but not limited to, active transportation trails; the Y.M.C.A. redevelopment plan; Broad Brook Greenway, the Milo Boat Club and the Mariner's Centre Complex.

8.67 It shall be the intention of Council to support the R.C.M.P. in their delivery of programs and services with particular attention on youth crime prevention, medical health services, addiction prevention services and safe community initiatives.

8.68 It shall be the intention of Council to support the efforts of the Tri-County Regional School Board and the Western Regional Health Centre in the prevention of teen pregnancy, obesity, smoking, inactivity, unhealthy eating and the reduction in school drop-out rates.

8.69 It shall be the intention of Council to encourage and support the Tri-County Regional School Board, the Western Counties Regional Library and the Western Regional Health Centre in enhancing educational program and services.

8.70 It shall be the intention of Council to encourage public engagement and active participation in the public decision making process where all community members have a opportunity to express their views, adding to one's overall "quality of life" experience.

8.71 It shall be the intention of Council to have regard for public safety in the design and implementation of public infrastructure projects in an effort to add to the community's "quality of life" experience.

Partnerships and Collaborations:

In order to sustain Yarmouth as a regional centre it is important to recognize the health and well being of developments along the Town's peripheries. The sustainability of Yarmouth's core depends upon the sustainability of the region as a whole. Therefore, Yarmouth has an interest in maintaining and enhancing the health and general well being of developments beyond its borders. Therefore, Council intends to consider mutually beneficial agreements and memorandums of understanding with the Municipality of the District of Yarmouth that seek to achieve sustainable developments that enhance not only the community but also their natural environments.

8.72 It shall be the intention of Council to consider mutually beneficial agreements with municipalities in the Tri-County region that seek to achieve sustainable developments.

8.73 It shall be the intention of Council to support the Municipality of the District of Yarmouth in protecting the Broad Brook waterway system through their Municipal Planning Strategy and Land Use By-law.

8.74 It shall be the intention of Council to support the Municipality of the District of Yarmouth in their efforts to sustain and improve upon the quality and quantity of potable water from the Lake George Watershed Area.

8.75 It shall be the intention of Council to cooperate with adjacent and nearby municipalities in the administration and promotion of the following joint initiatives:

- Emergency Management Office**
- Heritage Advisory Committee**
- Leisure Services**
- Mariner Centre**
- Yarmouth County Solid Waste Park**
- Main Street Medical Clinic**
- Pubnico Head Medical Clinic**
- Yarmouth International Airport Corporation**
- WasteCheck**
- Southwest Regional Development Authority**
- Yarmouth Area Industrial Commission**
- Yarmouth and Acadian Shores Tourism Authority**
- Yarmouth Area Room Levy Tax**
- Yarmouth and Argyle Home Support Agency**
- Yarmouth Area Transportation Study**
- Yarmouth Area Active Transportation Study**
- Yarmouth Waterfront Development Corporation**

8.76 It shall be the intention of Council to cooperate with adjacent and nearby municipalities with regards to the following:

- (1) A collaborative regional approach for the protection of the region’s potable water supply areas;**
- (2) A collaborative regional approach in the design and delivery of transportation solutions;**
- (3) A collaborative regional approach to enhance the region’s capabilities to adapt to climate change through the use of shared knowledge and mapping/modeling resources to help anticipate climate change impacts and coordinated planning and development of appropriate emergency measures;**
- (4) A collaborative regional approach to enhance and promote local food production, self-sufficient food practices, sufficient food storage facilities and supporting health and social programs to enhance public awareness in alternative healthy food choices;**
- (5) A collaborative regional approach to enhance and facilitate cooperation in achieving long term sustainability in solid waste management;**
- (6) A collaborative regional approach to enhance and facilitate renewable energy development projects; and,**
- (7) A collaborative regional approach for facilitating public awareness and education of sustainability.**

Infrastructure Investments – Capital Investment Plans

The action plans outlined in the following tables will require a community investment over a number of years. It is important to consider the list of goals and action plans in a flexible rather than rigid manner and to revisit them during the Municipal Planning Strategy review. New issues may arise that require Council’s direct attention to minimize the potential adverse affects to the overall goal of sustaining the Town. However, as a tool, the Integrated Community Sustainability Plan provides a long term vision that provides for infrastructure projects that are eligible for funding under the Municipal Funding Agreement. In keeping with the Municipal Funding Agreement, Council will submit a three year Capital Investment Plan (CIP) each year to the province outlining the capital expenditures in keeping with the Town’s Integrated Community Sustainability Plan.

Description of Sustainable Outcomes and Community Benefits

In keeping with the vision statement, Council intends to promote public infrastructure projects that ensure a safe, vibrant, liveable and attractive regional centre that adds to the “quality of life” experienced by all inhabitants. The benefits are not solely intended for the

community but also for future generations, human as well as the natural living environment. In keeping with this intent, in addition to policy objectives throughout this Municipal Planning Strategy, Council intends to make a clear directive that supports the following policies.

8.77 It shall be the intention of Council to make Yarmouth a sustainable community by supporting programs and initiatives that involve conservation of resources, pollution prevention, waste minimization and real “quality of life” enhancements.

8.78 It shall be the intention of Council to promote cleaner air, cleaner water and the lowering of green house gas emissions through the minimization of preventable pollutants and the protection of the natural environment in an effort to sustain the community.

Identify Issues, Determining Goals and Development of Action Plans

The Integrated Community Sustainability Plan’s projects are broken down into tables that address their issues, goals and actions plans. It is envisioned that these projects will alleviate or minimize adverse effects while creating a more sustainable environment that promotes growth and encourages reinvestment. It is recognized that not all of the projects can be undertaken under the Municipal Funding Agreement. However, they all have a role to play in sustaining the Town and play a significant role in the Town’s Integrated Community Sustainability Plan.

8.78 It shall be the intention of Council to consider the establishment of an ICSP coordinator’s office to develop, administer, manage, measure and review policies, goals and procedures for a sustainable community.

8.79 It shall be the intention of Council to monitor, measure and review projects, their implementation and their ability to obtain the desired outcomes.

The issue, goals and actions are outlined on the following pages:

Economic Prosperity

Waterfront Master Plan:

<p>Issue:</p>	<p>Lack of container space, lack of infrastructure to develop marine industrial areas to take advantage of off-shore exploration activities, lack of a coherent transportation system to the port, lack of marine industrial space.</p>
<p>Goal:</p>	<p>To create a healthy, vibrant and sustainable working waterfront in harmony with the traditional fisheries compatible with tourism related developments.</p> <p>A new marine industrial park and a new international ferry and cargo terminal.</p>
<p>Desired Outcome:</p>	<p>Vibrant industrial activities intermixed with tourism related industries and activities.</p>
<p>Action/Strategy:</p>	<p>To undertake and implement a Waterfront Master Plan complete with a new “green” ferry terminal with an efficient tourism and container traffic network.</p>
<p>Eligible Projects:</p>	<p>Implementation of the Yarmouth Waterfront Master Plan.</p> <p>Development of a new marine industrial park (in-filling Yarmouth’s harbour) complete with appropriate infrastructure support.</p> <p>A revitalized waterfront with transportation links.</p> <p>Construction of a New International Ferry Terminal.</p> <p>Construction of a New International Cargo Terminal.</p> <p>Continuation of the Bob Hartlin Trail System.</p> <p>Wayfinding signage program.</p>

Economic Prosperity

Regional Tourism Promotion:

<p>Issue:</p>	<p>Addressing the downturn in the tourism sector. To hang onto what we have; enhance what we have to offer; and, develop new tourism industry assets.</p>
<p>Goal:</p>	<p>To create an environment where regional tourism assets are promoted to their fullest while creating an environment for new tourism facilities throughout the region.</p>
<p>Desired Outcome:</p>	<p>A vibrant tourism industry where all accommodation facilities are full to capacity and where all the tourism retail stores and restaurants are having banner years.</p>
<p>Action/Strategy:</p>	<p>To undertake and implement a Regional Tourism Promotion Plan to identify a strategy to promote and enhance our tourism industrial for the benefit of all.</p>
<p>Eligible Projects:</p>	<p>Promotion of the Tourism Destination Plan and the implementation of identified projects in cooperation with Yarmouth and Acadian Shores and SWSDA.</p> <p>Implementation of a Regional Tourism Promotion Plan with eco-friendly tourism initiatives.</p> <p>Hiring a regional tourism promotion/festival events coordinator.</p> <p>Development of regional tourism promotion materials and advertisements.</p>

Economic Prosperity

Economic Promotion:

<p>Issue:</p>	<p>Lack of industry and well paying jobs.</p> <p>Out migration of our youth.</p> <p>Population decline.</p>
<p>Goal:</p>	<p>Job creation and job promotions.</p> <p>Keeping our youth.</p> <p>Increase population.</p>
<p>Desired Outcome:</p>	<p>Plenty of jobs for all ages.</p>
<p>Action/Strategy:</p>	<p>Working with SWSDA, RDA and the Industrial Commission to promote job creation and employment programs.</p>
<p>Eligible Projects:</p>	<p>Financial incentives for the creation of new jobs.</p> <p>Stabilizing and sustaining the fisheries and Yarmouth’s working waterfront.</p> <p>Affordable housing initiatives to provide additional affordable housing units while creating construction and development skills through community partnerships.</p> <p>Foster Yarmouth as a multicultural learning centre, building upon our ethnic and heritage assets where Yarmouth ethnic heritage can be promoted and enhanced.</p> <p>Promote local businesses and spin-offs through SWSDA, RDA and the Industrial Commission such as farmer’s markets, fish markets, local trade shows and duty free zones.</p> <p>Undertake a regional municipal amalgamation study to determine benefits.</p> <p>Support for traditional and emerging industries (off-shore oil/gas developments).</p> <p>Promote and enhance higher educational facilities.</p>

Economic Prosperity

Opening Land for Development:

Issue:	Lack of developable land.
Goal:	To create an environment where lands can be developed to maximize the use of public infrastructure.
Desired Outcome:	The development of a vibrant and sustainable land use pattern.
Action/Strategy:	<p>To undertake and implement the “Yarmouth North Connector” as envisioned in the “Yarmouth Area Transportation Study” by Atlantic Road and Traffic Management dated April 18th, 2007.</p> <p>Promote and enhance in-fill development to maximize the use of public infrastructure.</p>
Eligible Projects:	<p>Implementation of the “Yarmouth Area Transportation Study” by Atlantic Road and Traffic Management dated April 18th, 2007, including, but not limited to, the connection of the 101 and 103 series highways and the development of the Yarmouth North Connector.</p> <p>Development of a cohesive street network with adequate public infrastructure to support development.</p> <p>Up-grading street infrastructure in line with the street classification pursuant to the Town’s Street Classification Map (local, collector and arterials streets).</p>

Sustainable Transportation

Transportation:

Issue:	Inefficient road transportation network leading to wasted productivity and increased green house gases, negatively impacting on one’s quality of life.
Goal:	To identify and develop an efficient transportation network in terms of reduced idling and reduced time travel.
Desired Outcome:	The elimination of bottlenecks and increase flow of vehicle movements with efficient connections to external transportation networks beyond the Town boundaries.
Action/Strategy:	The implementation of recommendations contained in the “Yarmouth Area Transportation Study” by Atlantic Road and Traffic Management dated April 18th, 2007.
Eligible Projects:	<p>Road improvements that increases the roads efficiencies with particular attention to upgrading the “collector” and “arterial” classified streets to match the “role” of the street.</p> <p>Brooklyn Road north/south connector.</p> <p>The Yarmouth North Collector.</p> <p>Clements Street extension.</p> <p>Connection of 101/103 Highways and associated off-ramps.</p> <p>Development of a “National Highway System” to the Port of Yarmouth.</p> <p>Creation of truck rest stops (ie. Haley Road).</p> <p>Promoting the province’s twinning of the 100 series highways to Halifax.</p> <p>Development of a cohesive transportation network (land, air and sea).</p> <p>Development of complete streets – pedestrian, vehicular and active transportation modes with universal access for the disabled.</p>

Sustainable Transportation

Transit Transportation:

Issue:	Lack of a comprehensive transit system.
Goal:	To create a sustainable transit system with connections beyond Yarmouth County.
Desired Outcome:	To create a self-sufficient multi-functional transit network with connections beyond Yarmouth County.
Action/Strategy:	To undertake a Transit Master Plan to determine the feasibility of establishing a self-sustaining multi-functional transit network.
Eligible Projects:	<p>Transit Master Plan.</p> <p>Establishment of a Regional Transit Authority.</p> <p>Capital and operational funding program.</p> <p>Transit terminals and vehicle maintenance buildings.</p> <p>Park and Ride parking transitional areas.</p>

Sustainable Transportation

International Ferry Terminal and International Airport

<p>Issue:</p>	<p>Lack of a firm commitment for maintaining and enhancing important transportation links – the international ferry, the international airport facilities and the Digby-Saint John’s ferry service.</p>
<p>Goal:</p>	<p>To create a sustainable sea and air transportation network.</p>
<p>Desired Outcome:</p>	<p>To create a positive environment to support the private operation of international transportation links such as the international ferry, air services and the Digby-Saint John’s ferry service.</p>
<p>Action/Strategy:</p>	<p>To undertake a Ferry Terminal Master Plan to determine the feasibility of establishing a sustainable multi-functional “green” ferry terminal building and to undertake an Airport Master Plan to consider its capital and operational activities to go “green” and be self sufficient and sustainable.</p>
<p>Eligible Projects:</p>	<p>Ferry Terminal Master Plan and Airport Master Plan.</p> <p>Construction of a new “green” ferry terminal building complete with a new sustainable ferry with passenger and cargo facilities.</p> <p>Revitalization of Yarmouth International Airport Terminal, complete with a sustainable air service with passenger and cargo facilities.</p> <p>Lobby governments to declare the Yarmouth International Ferry route and the Digby-Saint John’s ferry route as part of the national highway system and grant them the same subsidies on a per km bases as part of the Trans Canada highway system.</p> <p>Implementation of recommendations from the master plans to undertake “green” and “sustainable” initiatives.</p>

Sustainable Transportation

Active Transportation:

Issue:	Unhealthy physical fitness due to the dependency on the automobile.
Goal:	To create new active transportation networks to promote physical activities to get people healthy and to reduce green house gases by offering an alternative mode of transportation.
Desired Outcome:	Active transportation networks throughout Town and beyond.
Action/Strategy:	To undertake and implement an “Active transportation and Connectivity Plan”.
Eligible Projects:	<p>An Active Transportation and Connectivity Plan</p> <p>Implementation of recommendations of the Active Transportation and Connectivity Plan.</p> <p>Trail development including the “rails to trails” program, the Bob Hartlin Waterfront Trail and the proposed Broad Brook Greenway Trail System.</p> <p>Street right-of-way developments including the widening and development of roadways and sidewalks to accommodate the active transportation network.</p> <p>Active Transportation infrastructure projects such as, but not limited to the development of network stations which include such items like bike racks, automobile parking lots, 3 stream receptacles, washroom facilities, benches, landscaping, wayfinding signage, rest stop areas and transfer stations along the active transportation network.</p> <p>Bikes for Kids Program – recycling old bikes for kids.</p> <p>Bike and Ride Program – Bikes for transportation to and from designated bike distribution centres.</p>

Sustainable Public Infrastructure

Street Infrastructure:

Issue:	Lack of street infrastructure hampering development growth along existing streets.
Goal:	To identify where the deficiencies are located and develop through cost sharing initiatives a street improvement plan.
Desired Outcome:	That all public streets have sufficient services to accommodate development.
Action/Strategy:	To prepare an asset inventory of all public streets, identify the deficiencies and develop a plan to upgrade these streets to the appropriate standards to accommodate development.
Eligible Projects:	<p>The development of a Street Infrastructure Asset Management Database of all existing assets, their age, life span, and develop a sustainable infrastructure replacement program.</p> <p>Street Infrastructure Asset Replacement Funding Program.</p> <p>Implementation of wireless broadband throughout the Town.</p>

Sustainable Public Infrastructure

Sewer Works:

Issue:	Treatment of unnecessary storm water run-off. Old sewer systems that may be leaking contaminants.
Goal:	To separate the storm sewer and sanitary sewer systems and to develop a sustainable sewer replacement system that minimizes potential impacts on the environment.
Desired Outcome:	To treat only sanitary sewer effluent and install a water tight system of storm sewers to minimize impacts on the environment.
Action/Strategy:	To separate storm and sanitary systems where practical and most cost effective to reduce treatment of storm water and develop a plan to replace old stone sewers.
Eligible Projects:	Starrs Road storm sewer system. Huntington Street storm sewer system. Replacement of stone sewers throughout the Town at various locations.

Sustainable Public Infrastructure

Water treatment:

<p>Issue:</p>	<p>The high cost of water treatment and inconsistency of water supply quality.</p>
<p>Goal:</p>	<p>To develop an efficient and sustainable water supply system.</p>
<p>Desired Outcome:</p>	<p>To reduce the long term costs of water treatment and to produce a consistent quality of potable water.</p>
<p>Action/Strategy:</p>	<p>Implementation of the Lake George Watershed Management Plan.</p>
<p>Eligible Projects:</p>	<p>Sustainable Yarmouth Water Utility with an infrastructure and enhancement program.</p> <p>Upgrading water distribution lines throughout the system to minimize leaks.</p> <p>Implementation of the Lake George Watershed Management Plan - protection of the potable water supply.</p> <p>Removal and Replacement Program for lead pipes.</p> <p>Promotion of low water/ low energy appliances and facilities.</p>

Sustainable Public Infrastructure

Wastewater treatment:

<p>Issue:</p>	<p>Lack of SCADA wastewater monitoring system and high costs.</p> <p>To minimize adverse affects of waste water effluent on Yarmouth harbour’s ecosystem.</p>
<p>Goal:</p>	<p>To monitor wastewater treatment and reduce costs.</p> <p>To develop a de-chlorination facility.</p>
<p>Desired Outcome:</p>	<p>Reduce costs and the implementation of a SCADA wastewater monitoring system.</p>
<p>Action/Strategy:</p>	<p>The design and installation of a SCADA monitoring system.</p> <p>The design and construction of a de-chlorination facility.</p>
<p>Eligible Projects:</p>	<p>SCADA wastewater monitoring system.</p> <p>New de-chlorination facility.</p> <p>Backup generator for wastewater treatment to minimize untreated waste into Yarmouth’s harbour during power failures.</p> <p>Development of a sustainable waste water treatment facility.</p> <p>Upgrading the primary waste water treatment system to a secondary waste water treatment system.</p>

Sustainable Public Infrastructure

Town Energy Audit:

Issue:	For the Town to promote the concept of sustainability through its efforts to reduce its own carbon footprint.
Goal:	To reduce the Town’s carbon footprint, thereby reducing the production of green house gases and to promote a sustainable “green” municipal operation.
Desired Outcome:	A sustainable “green” municipal operation that minimizes its adverse effect upon the environment.
Action/Strategy:	To undertake a energy audit of all Town facilities and operations and implement a action plan to reduce the Town’s carbon footprint while ensuring a sustainable delivery of municipal services.
Eligible Projects:	<p>Energy Audit and implementations of its recommendations.</p> <p>Implementation of a “green” fleet transition plan.</p> <p>Investigations into new environmentally friendly energy sources such as geothermal heat recovery from Yarmouth’s harbour, the use of Yarmouth’s tide action as a source of energy, the use of Milton Dam as a source of energy and other “green” technologies such as geo-thermal, solar, wind, wave and tidal developments .</p> <p>Electric car plug-in facilities at public parking lots.</p> <p>New public buildings and infrastructure projects that are “green”, including considering adopting LEED certified construction standards for all public buildings.</p> <p>Sustainable Solid Waste Program, Sustainable Waste Diversion Program, Implementation of the three (3) R’s, reduce, reuse and recycle programs and services.</p> <p>Efficient and sustainable management of the construction and demolition debris site.</p>

Sustainable Environmental Initiatives

Coastal Developments:

<p>Issue:</p>	<p>Coastal developments adversely affected by climate change.</p>
<p>Goal:</p>	<p>To identify and protect developments from adverse affects of climate change (sea level rise).</p>
<p>Desired Outcome:</p>	<p>Safe and sustainable development in light of changing environmental conditions.</p>
<p>Action/Strategy:</p>	<p>Call for proposals from consultants to undertake a study to identify areas of the Town that are susceptible to climate change and develop mechanisms/regulations to minimize any potential adverse affects. Conduct storm surge/sea level rise risk assessment and coastal zone mapping/modeling.</p> <p>Identify infrastructure projects that would help to alleviate climate change affects on developments.</p>
<p>Eligible Projects:</p>	<p>Climate Change Study.</p> <p>Storm Surge Risk Assessment Study.</p> <p>Storm and Sanitary Sewer Separation Program.</p> <p>Capacity building – assistance with studies.</p> <p>Storm water retention/detention systems.</p> <p>Emergency infrastructure systems.</p> <p>Development of an ICSP Co-ordinator’s Office to develop, administer, manage, measure and review policies, goals and procedures for a sustainable community.</p>

Sustainable Environmental Initiatives

Air and Water Quality:

Issue:	Lack of statistical information to measure environmental changes and impacts of developments on the environment.
Goal:	Implementation of a Air and Water Quality Program to measure and monitor the changes in the air and water quality.
Desired Outcome:	To be able to determine the effects of development and monitor the relevant changes to our air and water quality over time.
Action/Strategy:	To implement a strategy to collect and monitor air and water quality at strategic locations.
Eligible Projects:	Capital costs of establishing an air and water quality program. Operational costs of collecting and monitoring the air and water quality at strategic locations.

Sustainable Environmental Initiatives

Broad Brook and Yarmouth Harbour:

<p>Issue:</p>	<p>Pollutants from storm water run-off affecting the health of our water bodies.</p>
<p>Goal:</p>	<p>To minimize the effects of water carried pollutants from impacting the health of our natural water resources.</p>
<p>Desired Outcome:</p>	<p>A zero storm water development impact on our water resources.</p>
<p>Action/Strategy:</p>	<p>To identify all Town storm water outfalls and develop a systematic plan to install stormceptors or similar devices to filter out pollutants prior to storm water entering these watercourses.</p>
<p>Eligible Projects:</p>	<p>Implementation of a Stormceptor Installation Program at strategic locations. Develop a plan to identify all storm water outfalls and begin installing stormceptors or similar devices in the most environmental beneficial areas first and then eventually have filtering devices on all Town owned storm water outfalls.</p> <p>When municipalities become mandated to install these stormceptors (filtering devices), Council shall consider cost sharing with property owners to install these filtering devices at strategic locations where there is existing storm water/ surface run-off outfalls that directs water pollutants into either the Broad Brook watershed or Yarmouth’s Harbour watershed.</p> <p>When municipalities become mandated to install these stormceptors (filtering devices), it shall be the intention of Council to require private developers to install them in association with any new developments and consider the feasibility of a cost sharing arrangement.</p> <p>A maintenance and upkeep program to ensure that these systems are maintained in good working order at all times.</p> <p>Periodic review of environmental policies and procedures.</p>

Sustainable Environmental Initiatives

Broad Brook Wetlands Revitalization Project:

<p>Issue:</p>	<p>To reverse the negatives affects of development on the Broad Brook watershed system.</p>
<p>Goal:</p>	<p>To revitalize and create an active ecological system for the inhabitants of Broad Brook’s watershed.</p>
<p>Desired Outcome:</p>	<p>An active restored ecological wetland that supports a variety of life and showcases the restoration as a model conservation wetland revitalization project promoted as an educational and sight seeing ecological nature site in the heart of an urban centre.</p>
<p>Action/Strategy:</p>	<p>To work cooperatively with Wal-mart and the Department of Environment and Labour on the revitalization of the Broad Brook watershed area between Forest Street and South East Street and to enhance and build upon their development throughout the Broad Brook watershed system with walking trails, interpretation panels, outdoor class room facilities and indoor interpretation and support facilities.</p>
<p>Eligible Projects:</p>	<p>Development of an action plan to enhance the over-all health and well being of the Broad Brook watershed system.</p> <p>The creation of the Broad Brook Wetlands Revitalization Interpretation Centre complete with walking trails, interpretation panels, outdoor classroom facilities and support facilities.</p> <p>The revitalization of the Broad Brook wetlands to serve as an active and productive ecological wetland system.</p> <p>The development of the Broad Brook Greenway Trail System as a live educational interpretive nature resource tied to the active transportation and connectivity network.</p> <p>Protection and enhancement of “green” areas.</p>

Sustainable Heritage, Cultural and Social Developments

Social/Cultural Developments:

Issue:	Lack of top notch community facilities.
Goal:	To have community facilities that everyone, visitors and user groups alike can be proud of, that are financially sound, sustainable and open to all.
Desired Outcome:	A new community arts/theatre production facility, a new Y.M.C.A. facility and a new youth centre.
Action/Strategy:	To work cooperatively with organizations to make them a reality.
Eligible Projects:	<p>Promotion of cultural events and institutions in providing public programs.</p> <p>Th'Yarc redevelopment plan.</p> <p>The Y.M.C.A. redevelopment plan.</p> <p>A Youth Cultural Centre.</p> <p>Downtown Public Place Initiative - creating a downtown where people want to go; a people place enabling social interactions with cultural music and art exhibitions - a meeting place for all ages.</p> <p>Promote and enhance Yarmouth's historic working waterfront.</p> <p>Promote and enhance Yarmouth as a regional cultural/social/heritage centre.</p>

Sustainable Heritage, Cultural and Social Developments

Heritage Resources:

Issue:

Loss of heritage resources and the embodied energy that created them.

Goal:

To create an atmosphere that makes it easier and more economical to reuse the Town's existing building stock.

Desired Outcome:

The reuse of existing building stock, reducing the amount of waste entering the construction and demolition debris landfill and to recoup the existing embodied energy of existing building materials.

Action/Strategy:

To develop a adaptable reuse program with financial incentives for heritage resources.

Eligible Projects:

The establishment of a heritage trust fund to provide financial assistance to the private sector for adaptable reuse projects where existing building stock is reused and recycled.

Promote and enhance the retention and redevelopment of heritage resources through facade improvement programs and energy retrofit programs.

Development of a financial incentive program that defers tax assessment increases over a number of years for adaptive reuse projects on registered heritage property.

Adaptable reuse projects of municipality owned properties.

Implementation of a diversion program to reuse and recycle construction and demolition debris materials.

Liveable “Green” Community

Increase Foliage:

Issue:	The lack of foliage to combat green house gases.
Goal:	To create an atmosphere that makes it easier to plant vegetation throughout the Town.
Desired Outcome:	A Town that has lush greenery that is aesthetical pleasing and well maintained.
Action/Strategy:	To develop a “green” policy where property owners may cost share in “green” projects.
Eligible Projects:	<p>The development of a “Green” Trust Fund Program.</p> <p>Development of policies that enable private property owner to access public right-of-way areas to plant greenery.</p> <p>Promotion of “Green” tourism activities and Community Garden Programs.</p> <p>Implementation of bio-swales techniques within existing street right-of-ways to encourage the development of “green” streets with natural vegetation.</p> <p>Implementation of development standards in the Town’s Subdivision By-law to enable the use of alternative “green” technologies.</p>

Liveable “Green” Community

Park Developments:

<p>Issue:</p>	<p>The lack of neighbourhood park infrastructure contributing to the lack of public use of these open space areas.</p>
<p>Goal:</p>	<p>To create standards for neighbourhood parks in consultation with the neighbourhoods and develop open space areas into neighbourhood parks.</p>
<p>Desired Outcome:</p>	<p>That each open space area is developed as a public park in consultation with the neighbourhood in keeping with the neighbourhood park standards.</p>
<p>Action/Strategy:</p>	<p>The identification of these open space areas; the development of a public park standards manual and the implementation of these standards throughout the Town’s public open space park network.</p>
<p>Eligible Projects:</p>	<p>The development of a Public Park Standards Manual in consultation with neighbourhoods.</p> <p>Implementation of public infrastructure to bring these public parks up to the standards.</p> <p>Promote and enhance greenways and their connectivity to trails, parks and educational institutions.</p> <p>Development of a public “green” operation manual.</p> <p>Implementation of regulations respecting the use of pesticides, herbicides and fungicides.</p>

Liveable “Green” Community

Implementing “Green” Technologies

<p>Issue:</p>	<p>The lack of “green” technologies in the Town’s operation.</p>
<p>Goal:</p>	<p>To create standards on all public tender specifications that “green” related technologies will be considered an asset.</p>
<p>Desired Outcome:</p>	<p>That the Town will become a model “green” municipal unit.</p>
<p>Action/Strategy:</p>	<p>The implementation of a public operation manual that promotes the implementation of “green” technologies.</p>
<p>Eligible Projects:</p>	<p>The development of a Public “Green” Operation Manual.</p> <p>Implementation of “green” infrastructure such as geothermal heat recovery initiatives to supply energy to municipal operations and the extension of these services to private operations.</p> <p>Implementation of a “green” fleet transition plan.</p> <p>Implementation of “green” technologies and standards where economically feasible and practical in the preservation or enhancement of our natural and built environments.</p> <p>Promote and enhance “green” infrastructure such as green roofs, LEED certified building design, and environmentally-friendly plan development</p>

Healthy and Safe Community

Medical and Health Promotion:

<p>Issue:</p>	<p>Lack of medical facilities and health promotion activities.</p>
<p>Goal:</p>	<p>To create new medical facilities and to promote active activities for a healthy physical lifestyle environment.</p>
<p>Desired Outcome:</p>	<p>New medical, new active lifestyle and new health promotion facilities and programs.</p>
<p>Action/Strategy:</p>	<p>To work cooperatively with organizations and adjacent municipalities to make it a reality.</p>
<p>Eligible Projects:</p>	<p>Creation of new and the expansion of existing medical facilities: walk-in clinics.</p> <p>Expansion of regional health centre programs and services.</p> <p>Expansion of educational and health awareness programs and services.</p> <p>Creation of healthy activity facilities and programs through the development of the Mariner Centre as a multi-functional regional health and fitness promotion centre; the enhancement of the Y.M.C.A., the promotion of the active transportation initiative, the further development of the Milo Boat Club and Killam Wharf Marina, the Bob Hartlin Trail, the Broad Brook Recreation Complex and Greenway plan; and general recreational programs and services.</p> <p>Promote and enhance active lifestyles and family support programs and services.</p> <p>Promote and enhance regional health and fitness facilities, programs and services. Mariner’s Centre as a multi-functional regional health and fitness promotion centre.</p>

Healthy and Safe Community

Fire Safety and Emergency Protection Services:

Issue:	The age of fire equipment and facilities.
Goal:	To have adequate fire safety equipment and facilities to protect and minimize fire related costs and to provide an adequate level of safety.
Desired Outcome:	Maintenance of adequate fire equipment with an adequate building to address the needs of maintaining the equipment.
Action/Strategy:	To undertake an assessment of the needs of the fire station, its facilities and equipment.
Eligible Projects:	<p>New fire truck.</p> <p>Fire station up-grades and renovations including new roof.</p> <p>Promote and enhance the Regional Emergency Measures Management Plan and its coordination with government, non-government and civic amenities organizations and services.</p> <p>Promote and enhance RCMP, EMO and all regional emergency health services and municipal services for the safety and protection of our citizens.</p> <p>Promotion and enhancement of emergency safe zone shelters which are self-sustainable throughout the duration of an emergency.</p>

Healthy and Safe Community

Police Protection Services – Youth Services:

Issue:	Lack of feeling safe in our own community.
Goal:	To create an atmosphere where people can feel safe and grow without the threat of feeling intimidated or otherwise feeling “not safe” in their own community.
Desired Outcome:	<p>A new accessible police station with community outreach programs.</p> <p>Development of youth outreach programs and services with particular attention to implementation within the community school system.</p> <p>Development of a new community youth centre with community programs and services.</p>
Action/Strategy:	To work cooperatively with organizations to make it a reality.
Eligible Projects:	<p>New accessible police station and a new community youth centre.</p> <p>Development and implementation of public safety initiatives and standards throughout public facilities, public streets and all public areas.</p> <p>Development of public safety development standards for public developments including well lit streets and public areas.</p> <p>Creation of a School Safety Officer Program for Junior and Senior High Schools.</p> <p>Creation of a “Yarmouth Youth Attendance Centre” based on the “Halifax Youth Attendance Centre” and “Centre 24/7” in collaboration with the Annapolis Valley Regional School Board (operated since 1999).</p> <p>Implementation and participation in the Nova Scotia League of Peaceful Schools program, a guide to promoting positive school climates.</p> <p>Development and participation in the School Action For Emergencies (SAFE) program. Promote and enhance educational and youth development programs and services such as the Stepping Stones Program.</p>