

6. Commercial Industrial

Goals – Commercial Industrial Designation

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

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

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

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

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

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

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

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

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

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

General Provisions for the Commercial Industrial Designation

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

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

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

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

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

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

Commercial Industrial (CI-4) Zone

The Hardscratch, Starrs and Haley Road intersection area contains a diverse group of business and manufacturing uses. The area, situated at the terminus of two (2) provincial one hundred series highways, is a prime location for any commercial or industrial use that depends on an efficient transportation network. As the area grew, it developed into a major commercial industrial area. It is the intent of the Municipal Planning Strategy to allow both commercial and industrial uses to expand and

intermix, provided they do not adversely affect adjacent residential areas.

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

As previously stated, the Commercial Industrial (CI-4) Zone list of permitted uses in the Hardscratch, Starrs and Haley Road area differs slightly from the Commercial Industrial (CI-4) Zone list of permitted uses in the former Forest Street Industrial Park area by the exclusion of "taverns, lounges and cabarets" and "medical marihuana facilities within wholly enclosed buildings" uses in the former Forest Street Industrial Park area. It is felt that the inclusion of such uses so close to the high school is not appropriate. In order to ensure that new Commercial Industrial developments do not exceed the capacity of existing road, sewer or water facilities, developments in excess of 4645m² (50,000 ft²) or where an addition to an existing building creates more than 4645m² (50,000 ft²) in gross Commercial Industrial floor area shall be considered only by Development Agreement. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

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

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

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

- 1. This zone shall include the following and other similar types of uses permitted as-of-right: Retail Shops; Community Markets; Convenience and Grocery Stores; Wholesale Shops; Light Service Shops; Personal Service Shops; Internet Web Site Development; Heavy Service Shops; Restaurants (eat-in, drive-in, drive-thru); Automobile Sales Establishments; Automobile Service Stations; Construction Trade and Contractors; Car Wash Facilities (drive-in or drive- thru); Wholesale, Distribution and Warehousing; any Manufacturing or Industrial Assembly operations conducted and contained within wholly-enclosed buildings and which are not obnoxious by reason of sound, odour, dust, fumes or smoke or other obnoxious emissions or refuse matters or water-carried wastes or by reason of unsightly open storage; kennels, boarding and training facilities; Light Industries; Light Service Industries; Fishery-related or Marine-related Industry excluding any use which focuses primarily on Fish or Food processing of raw unprocessed product; Transportation Facilities and uses including airports; Institutional uses; Exhibitions and Fairs; Public Utility Offices and Work Yards; Private Utility Offices and Work Yards; Building Supply and Equipment Depots excluding the bulk storage of sand or gravel; Taxi and Bus Stations; Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings; Sports Complexes; Emergency Response Centers; Laundromats; Parking Lots and Parking Structures; and Open Air Cinema (theatre). Taverns, Lounges and Cabarets shall only be permitted in the Hardscratch, Starrs Road and Haley Road Commercial Industrial (CI-4) Zone. For clarity, Taverns, Lounges and Cabarets uses shall be strictly prohibited in the Forest Street Commercial Industrial (CI-4) zoned (former Forest Street Industrial Park) area and Cultivating and Processing.**
- 2. Notwithstanding the above, It shall be the intention of Council to permit residential units up to a maximum of eight (8) units per lot in the Forest Street Commercial**

Industrial (CI-4) Zone (former Forest Street Industrial Park) area on the same property in combination with the following uses: Retail Shops; Community Markets; Convenience Stores and Grocery Stores; Wholesale Shops; Light Service Shops; Personal Service Shops; Internet Web Site Development; Wholesale, Distribution and Warehousing; Restaurants (eat-in, drive-in, drive-thru); Automobile Sales Establishments; Taxi and Bus Stations; Places of Entertainment, Recreation, Fitness and Assembly within wholly enclosed buildings; and Laundromats.

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

- (1) That the lot meets the minimum lot area and frontage requirements of the CI-4 Zone or is otherwise an existing undersized CI-4 zoned property which is increased in area or frontage or both as a result of subdivision but still remains undersized; and,**
- (2) That the proposal conforms to criteria contained in Implementation Policy 10.7.**

Policy 6.9 It shall be the intention of Council to consider the development of any new Commercial Industrial activity within the CI-4 Zone which exceeds 4645m² (50,000 ft²) of gross commercial industrial floor area or where an addition to an existing building creates more than 4645m² (50,000 ft²) in gross commercial industrial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* subject to a traffic study and general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

Policy 6.10 It shall be the intention of Council when considering proposals for Commercial Industrial (CI-4) developments exceeding 4645m² (50,000 ft²) in gross commercial industrial floor area or where an addition to an existing building creates more than 4645m² (50,000 ft²) in gross commercial industrial floor area by

Development Agreement pursuant to Policy 6.9, to require a 3.0m (10 ft.) wide landscaped strip along the edge of any abutting public right-of- way.

Waterfront Commercial Industrial (WCI-5) Zone

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

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

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

The transition between the commercial activities of the Central Business District and the commercial industrial activities of the Commercial Industrial designation along Water Street can be visualized as one travels through their connecting streets. Brown Street, Central Street and Lovitt Street all serve as strong vehicular and visual connectors between the two. In order to preserve this connection, it shall be the intent to preserve the view

planes of these streets through to Yarmouth's harbour. Therefore, it shall be Council's intent to prohibit new developments within the western prolongation of both street lines of Brown, Central and Lovitt Streets. The alteration of, addition to or change in use of any existing structure shall be exempt from this requirement provided such development does not further protrude into the western prolongation of both street lines of said streets.

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

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

To ensure that new developments do not place undue strain on existing roads, sewer, water, parking or community facilities, any development in excess of 1393.5m² (15,000 ft²) shall be considered by Development Agreement. This requirement shall apply to any new development in excess of 1393.5m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft²) of gross commercial floor area. The alteration of, renovation to or change of use within any existing building shall be exempt from this requirement. The intent is to enable compatible developments to intermix within the Waterfront Commercial Industrial (WCI-5) Zone without hindering each other's interests and without straining public infrastructure and amenities.

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

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

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

will not reduce current berthing space.

Policy 6.13 It shall be the intention of Council to consider the development of any new commercial or industrial activity within the Waterfront Commercial Industrial (WCI-5) Zone which exceeds 1393.5m² (15,000 ft²) of gross commercial floor area or where an addition to an existing building creates more than 1393.5m² (15,000 ft²) in gross commercial floor area by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to general conformity with criteria contained in Implementation Policies 10.8 and 10.9. The alteration of, renovation to or change in use within any existing building shall be exempt from this requirement.

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

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

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

Policy 6.17 It shall be the intention of Council to consider proposals for Waterfront Commercial Industrial (WCI-5) developments on lands designated Commercial Industrial which are not zoned

Waterfront Commercial Industrial (WCI-5) by amendment to the Land Use By-law subject to the following:

- (1) That the lot meets the minimum lot area and frontage requirements of the WCI-5 Zone or is otherwise an existing undersized WCI-5 zoned property which is increased in area or frontage or both as a result of subdivision but still remains undersized; and,**
- (2) That the proposal conforms to criteria contained in Implementation Policy 10.7.**

Policy 6.18 It shall be the intention of Council to enable residential developments containing more than eight (8) residential units per lot in the Waterfront Commercial Industrial (WCI-5) Zone by Development Agreement pursuant to Section 225 of the *Municipal Government Act* and subject to the following:

- (1) that a minimum of 15m² (161.46 ft²) of public amenity space along Yarmouth's harbour with a minimum width of 3m (9.84 ft.) in any one direction is provided for each residential dwelling unit up to a maximum linear distance of Yarmouth's harbour frontage available to the lot. The public amenity space shall be by way of a registered easement granted to the Town of Yarmouth complete with a 3m (9.84 ft.) wide right-of- way easement to Water Street to provide public access to the public amenity space along Yarmouth's Harbour. The 3m (9.84 ft.) wide right-of-way easement to Water Street shall not form part of the required public amenity space along Yarmouth's harbour;**
- (2) that the minimum on-site parking requirements can be met; and,**
- (3) that the proposal conforms to criteria contained in Implementation Policy 10.8.**

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

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

Policy 6.19 It shall be the intention of Council to designate an area at the northern end of Water Street as Waterfront Mixed Use on

the Generalized Land Use Map. This area will be zoned Waterfront Comprehensive Development Zone (WCD). Council intends that this area may be developed by a Development Agreement process which allows for input from stakeholders and members of the public to ensure key concerns can be addressed. The land may subsequently be rezoned to match the eventual use.