

# 1. Introduction

## Preamble

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

## Review Process

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

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

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

## Purpose

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

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

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

### **Goal**

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

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

### **Amendments to the Strategy and By-law**

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

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

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

### **Municipal Planning Strategy Review Process**

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

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

### **Development Approval Options**

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

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

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

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

### **Statements of Community Interest**

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

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

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

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

### **Site Plan Approval**

Site-planning is a development control tool permitted under Section 231(4) of the *Municipal Government Act of Nova Scotia* that enables a municipality, through its planning process, to negotiate certain site specific items with a developer as a condition of receiving a Development Permit. This new method of approvals was introduced to remove the lengthy and sometimes costly process required for Development Agreements. Unlike Development Agreements, site plans are not written contracts, though they do require a signature of agreement by the developer. Site plans involve mainly a drawing that may include written notations. The negotiated plans and notations may deal with the criteria set out in the Municipal Planning Strategy and Land Use By-law but it cannot regulate land-use, the heights of buildings, and hours of operation or required parking. Instead it can regulate such items as buffering, retention of existing vegetation, management of storm or surface water, and so forth, if provided for in the Municipal Planning Strategy and Land Use By-law. Site plan approval is subject to appeal to Council. If the developer fails to comply with the terms of the approval, the municipality is entitled to undertake any of the items promised by the developer, and this would become a first lien on the land. Site Plan Approval is not applicable in every case, especially where Council wishes to have an even greater measure of control, but this plan sets out a number of areas where the Site Plan Approval process will be applicable. Chapter 3 – Statements of Community Interest presents the criteria by which new applications will be judged.

### **Structure of the Strategy**

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

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

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