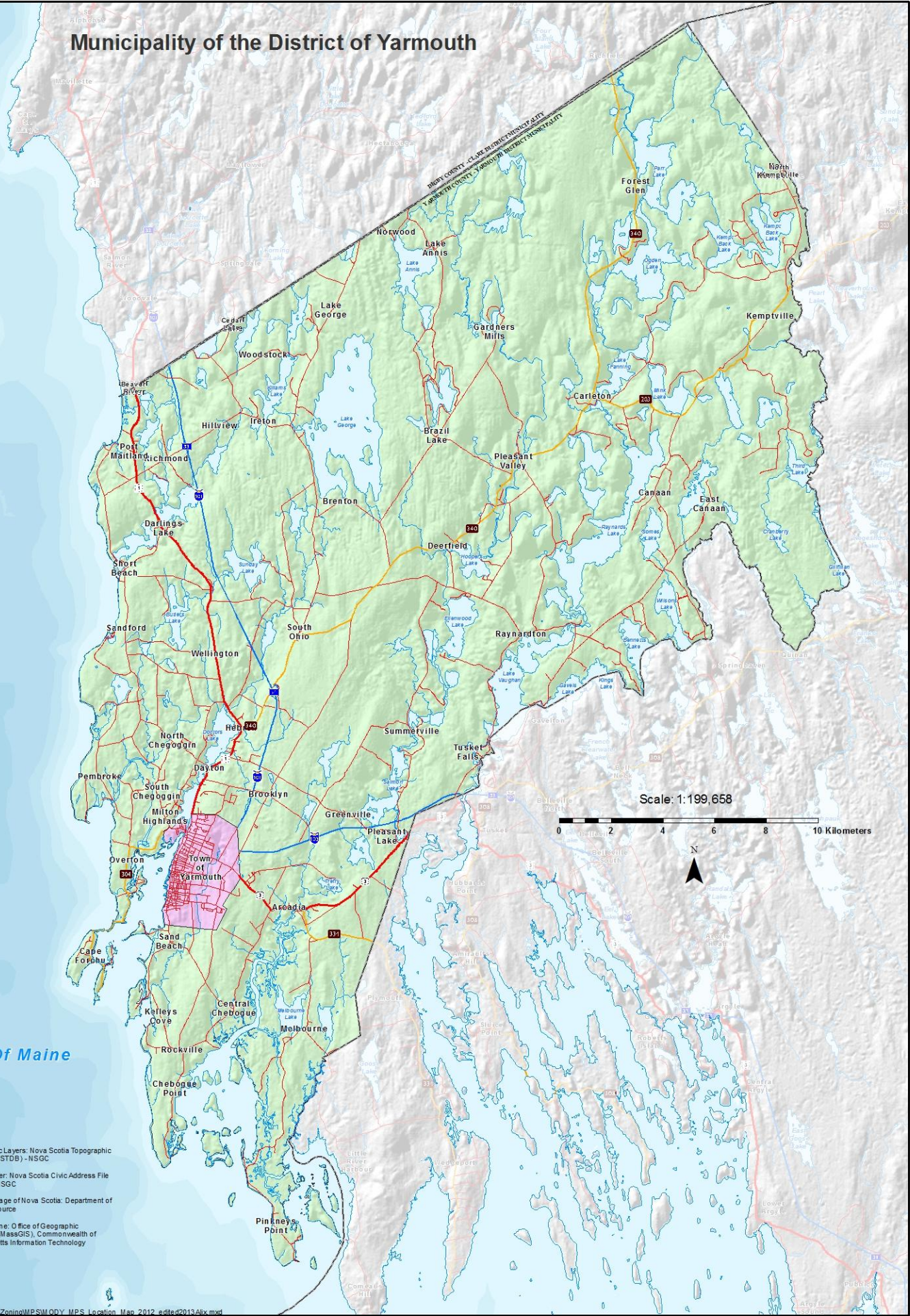


# Municipality of the District of Yarmouth Municipal Planning Strategy



November 18, 2020

# Municipality of the District of Yarmouth



Scale: 1:199,658

0 2 4 6 8 10 Kilometers



Gulf Of Maine

- Sources:
- Topographic Layers: Nova Scotia Topographic Database (NSTDB) - NSGC
  - Roads Layer: Nova Scotia Civic Address File (NSCAF) - NSGC
  - Shaded Image of Nova Scotia: Department of Natural Resource
  - Gulf of Maine: Office of Geographic Information (MassGIS), Commonwealth of Massachusetts Information Technology



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## **PART 1 GENERAL**

### **1.1 HISTORY**

The Mi'kmaq First Nations peoples inhabited this region prior to the European exploration in the early part of the 17<sup>th</sup> Century which resulted in scattered Acadian settlements in this region of Nova Scotia. In the middle of the 18th century following the Acadian expulsion settlements of British loyalists from Massachusetts were started at Chebogue and Forchu. These first settlements on the coast grew into the Township of Yarmouth. A few decades later following the American War of Independence free Black Loyalists settled in Birchtown near Shelburne. Eventually a number of these free Black Loyalists made their way to the Yarmouth area, and following abolition of slavery in the British Empire Black settlement occurred in the Township and later in the community of Greenville.

Over time the need for lumber for housing and shipbuilding led the settlers up the rivers to the interior of the county. Fishing remained the principle occupation of the early inhabitants; however the abundance of lumber soon led to trade with New England and the expansion of the shipbuilding industry. The rapid rise of shipbuilding and trade led to prosperity and growth which led to settlements in the county and the establishment of farming communities and small scale manufacturing to support the expanding population. By the late 1800's many of the communities in the municipality were well established along developed road networks leading inland from the coastal communities. Rail lines north through the Annapolis Valley and along the south shore linked the western portion of Nova Scotia to the rest of the province. The well-established links with New England resulted in regular steamship service to Boston continuing the trading business which had been established in the days of sail. The busy shipping trade with New England spawned Nova Scotia's '*tourist trade*', and the Yarmouth area was dubbed Nova Scotia's Western Gateway. The relatively unspoiled natural beauty and wilderness areas of the county became a destination for New England vacationers and sportsmen. Local hotels and resorts in many of the rural communities catered to the new industry. Agriculture grew in proportion as the shipping and trade industry flourished and the population grew. Mixed farming was common and abundant marshes and dykelands provided fodder crops and pasture lands afforded ample feed for livestock. Dairy farming became a mainstay in the local agricultural industry. Fruit production, most notably strawberries, was also a large export crop. Exports of fish, lobster and timber was balanced with imports of manufactured goods. New economies and modern development shifted trading and centered manufacturing in larger markets and growth in population stabilized. In the twentieth century an airport was established which provides the region with air service. The railway lines were abandoned and removed, replaced with a modern highway system. Ties with New England have been maintained with international transportation links by sea and air. The mainstay of the local economy is now the fishery, principally lobster but also some ground fish. The tourism industry continues to operate and local agriculture continues to develop. Into the future the abundant natural resources continue to support the resourceful character of its communities in meeting their goals of a healthy and sustainable municipality.

**1.2 MUNICIPAL PROFILE**

The Municipality of the District of Yarmouth is located in Yarmouth County and surrounds the Town of Yarmouth. Predominantly rural in nature this municipality is bounded on the east by the Municipality of the District of Argyle and the Tusket River and on the north by the Municipality of the District of Clare, in Digby County. Land development patterns vary in the municipality and range from urban and suburban along the Yarmouth Town boundary to remotely rural in the north. A number of communities are located along coastal areas and further inland along the many lakes and rivers that dominate the landscape. Approximately twenty percent of the Municipality is covered by fresh water bodies. This water is drained by eight rivers with the Tusket and its tributaries, the Carleton and Annis Rivers, being the largest of the eight. Along with these inland waterways the municipality also contains significant coastal wetlands, beaches, waterfowl management areas and the iconic lighthouse at Cape Forchu. Yarmouth Municipality is also contained within the UNESCO designated South West Nova Biosphere Reserve, which encompasses Queens, Shelburne, Yarmouth, Annapolis and Digby Counties.

**1.3 AUTHORITY AND SCOPE**

This Municipal Planning Strategy supersedes the Municipal Planning Strategy approved by the Minister of Service Nova Scotia and Municipal Relations on March 20, 2001.

This Municipal Planning Strategy was adopted by Municipal Council on ....., and became effective ..... It is the product of a review process begun in 2009 under the Municipal Government Act and incorporates the principles and policies of the Integrated Community Sustainability Plan approved by Council on February 24, 2010. The Municipal Planning Strategy provides the policy framework for land use and development control as well as a long range vision for the future to ensure that the communities within Yarmouth Municipality will prosper and thrive for generations to come. This planning document recognizes the integrated and interdependent relationship between the economy, the environment and the social and cultural dimensions of our communities.

The Municipal Government Act provides Council with the power to make statements of policy with respect to a broad range of activities including future development, land use, municipal services, transportation, recreation, municipal development, coordination of public programmes and any other matter related to the physical, social or economic development of the municipality.

This Municipal Planning Strategy for the Municipality of Yarmouth is the policy framework by which Yarmouth Municipal Council will guide and control development, land use and other matters of interest to Council within the terms of the Municipal Government Act.

The Land Use By-law and the Subdivision By-law are companion documents to this Municipal Planning Strategy and are the means by which Council will carry out the intent of the Municipal Planning Strategy as set out in the Municipal Government Act for land use and development purposes.



#### **1.4 INTERPRETATION**

For the purposes of this Municipal Planning Strategy, the planning area of the Municipality of Yarmouth is defined as the entire Municipality of Yarmouth as incorporated in 1879.

This Municipal Planning Strategy is a policy statement of Council and Council shall uphold the policies contained within the Municipal Planning Strategy. No new development can be permitted which is contrary to the policies of the Municipal Planning Strategy.

The Generalized Future Land Use Maps and Existing Land Use Maps appended to this Municipal Planning Strategy form part of the Municipal Planning Strategy.

## PART 2 GOALS AND OBJECTIVES

### 2.1 MUNICIPAL VISION STATEMENT

*THIS VISION FOR THE FUTURE OF YARMOUTH MUNICIPALITY WAS DEVELOPED COLLABORATIVELY WITH RESIDENTS DURING THE PLAN REVIEW PROCESS.*

*Yarmouth Municipality is well connected to land and sea where both conventional and active transportation systems provide efficient access to services, jobs and recreational opportunities. Our municipality values and protects our varied natural assets ranging from coastal resources such as beaches and coastal wetlands to inland lakes, forests and waterways so that they will remain unspoiled for future generations. The community minded and resourceful residents of Yarmouth Municipality enjoy a unique quality of life supported by secure access to local food and energy. Our safe and close knit hamlets, villages and rural communities offer a range of housing options for all ages and incomes while supporting a variety of active volunteer organizations and activities. We value and protect our rich natural, cultural and architectural heritage so that it will be available for future generations. Our youth are empowered by new jobs in the green economy and we all accept responsibility for making decisions that lead to a healthy, equitable and sustainable future.*

### 2.2 FOUNDATION PRINCIPLES

The following foundation principles have been adopted by Council as the foundation building blocks on which the Municipal Planning Strategy is based. The goals, objectives and policies in this Municipal Planning Strategy are influenced and guided by the four foundation (sustainability) principles endorsed by the Planning Advisory Committee and Council on October 28, 2009.

**Natural Environment:** We will protect ecological diversity and prevent damage to our natural assets including our coastal areas, beaches, rivers, lakes, forests, streams and wetlands.

**Resources:** We will reduce pollution and waste and conserve both renewable and non-renewable resources so that these resources remain for future generations.

**Economy:** We will take action to enhance and support our local and regional economy and ensure that future economic development is balanced with social, environmental and cultural concerns.

**People & Communities:** We will work together to maintain and improve the quality of life for all our residents.

## **2.3 LONG TERM SUSTAINABLE GOALS AND OBJECTIVES**

The Municipality of the District of Yarmouth, at the November 2009 Council meeting, approved the following goals and objectives.

Many of the goals and objectives are interrelated and should be considered collectively. These goals combined with the Foundation Principles and the Municipality's new Vision Statement provide guidance and direction for the future development of Yarmouth Municipality in its journey towards becoming a more sustainable municipality. The over-arching goal is to sustain viable and vibrant communities supported by a strong local economy, a versatile cultural and heritage scene, strong social networks and a healthy environment. Clean air, pure water and uncontaminated soil are crucial to the well-being of our economy and the health and quality of life of our citizens.

### **A) Sustainable Development Goal**

To provide a high quality living environment for all residents, both now and in the future, by ensuring that both new and existing development in the Municipality strives to balance the environmental, economic, social and cultural dimensions of the community.

#### **Objectives**

1. To provide a framework and process to guide land use development and accommodate change in land use in the municipality through this Municipal Planning Strategy.
2. To control land use and development in a manner that will minimize conflicts between land uses and ensure that new development is appropriately integrated with the existing natural and built environment.
3. To consider the long term implications of land use planning decisions and weigh environmental, social and economic factors equally in making such decisions.
4. To implement public capital aspects of the Municipal Planning Strategy through the annual capital budget and the long range capital investment plan where possible.
5. To foster citizen participation in the development of land use planning policy.

**B) Environmental Health Goal**

To protect biological diversity and maintain essential ecological processes and natural life support systems in order to maintain and improve environmental air, water and soil quality.

**Objectives**

1. To control land use and development in a manner that will preserve, enhance and protect the natural environment of the Municipality, especially wetlands and watercourses as well as environmentally sensitive areas.
2. To protect, maintain and improve water quality.
3. To protect surface and groundwater resources by discouraging development that would detrimentally affect the quality and quantity of the water.
4. To maintain, improve and expand municipal central sewer services in an environmentally sound and financially sustainable manner.
5. To reduce the volume of solid waste produced and ensure that it is managed in an environmentally sound and sustainable manner.
6. To reduce greenhouse gas emissions and energy consumption throughout Municipal operations and encourage renewable energy sources throughout the Municipality.
7. To investigate the effects of climate change on Yarmouth Municipality especially with respect to a vulnerability assessment in relation to extreme weather events and coastal zone development.
8. To discourage development in environmentally sensitive areas, particularly areas subject to periodic flooding and erosion.

**C) Economic Development Goal**

To encourage the economic growth and diversification of all sectors of the local and regional economy in order to maximize good quality, long term employment opportunities and provide the varied services and amenities required by residents and businesses in a sustainable community.

**Objectives**

1. To encourage the development and expansion of commercial enterprises in order to best serve the needs of the residents of the Municipality.
2. To encourage the development of a sustainable tourism industry.

3. To encourage the sustainable management and diversification of resource based industries.
4. To support economic development initiatives that foster economic self reliance.
5. To support educational services that train and support a skilled work force and to encourage the retention of this skilled work force.

**D) Residential Development Goal**

To promote a variety of housing forms suitable for all ages and incomes that offer residents a choice of accommodation possibilities so that they may remain in their preferred communities throughout their lives.

**Objectives**

1. To encourage the sustainable development of land for a variety of residential purposes.
2. To promote compatible, compact, higher density development in rural growth centres where central services are available.
3. To encourage and support new housing options especially seniors housing.
4. To provide the infrastructure necessary to support and encourage new residential development.

**E) Social/Cultural Development Goal**

To ensure that residents have local access to a range of health care, educational, social, cultural and recreational services and opportunities to improve quality of life and social well-being.

**Objectives**

1. To cooperate with other municipalities and agencies as well as other levels of government to provide the services and amenities necessary for residents to ensure their physical and mental health, welfare, education and safety.
2. To encourage the preservation of the architectural and cultural heritage of the Municipality and minimize the impact of new development on this heritage.
3. To encourage the preservation, maintenance and enhancement of land having inherent natural, biological and recreational value.

4. To encourage and support a variety of volunteer organizations and community based support systems.
5. To encourage and support the delivery of local health care services for all ages.
6. To encourage and support youth retention initiatives that offer additional opportunities and provide for empowerment.
7. To encourage the development of community facilities and programs that are more accessible for persons and families with limited financial resources and persons with physical and cognitive disabilities.

**F) Transportation**

To encourage on both a local and regional level the provision of safe, rapid and efficient transportation systems for the movement of people and goods.

**Objectives**

1. To encourage the maintenance and improvement of all modes of transportation at the local and regional level.
2. To encourage and support the development of active transportation systems within and between communities in the municipality and region.

**G) Agriculture**

To protect productive agricultural land and soils so that residents have secure access to locally grown food.

**Objectives**

1. To encourage the use of land with agricultural capability for agricultural purposes.
2. To encourage and support the establishment of a local farmer's market.
3. To encourage and support the consumption of locally grown food.

**The policies in this Municipal Planning Strategy are designed to support the long term sustainable goals and objectives previously approved by Council.**



## 2.4 REGIONAL SUSTAINABILITY CHALLENGES AND ISSUES

Many issues and challenges concerning the long term viability and vitality of our communities are not restrained by municipal boundaries. In order for communities to become more sustainable municipalities must work collaboratively with one another to address regional issues. As part of the Integrated Community Sustainability Plan (ICSP) development process, the following issues were identified as being common to all municipalities throughout South Western Nova Scotia and best addressed from a regional perspective. The development of common regional indicators is required in order to track and compare progress in individual municipalities and across the region.

### **R1 WATER QUALITY PROTECTION:**

Protecting water quality for residents of both urban and rural areas is a collaborative effort between municipal and provincial governments. There is a need for better management of watershed areas (natural and protected) in order to make sure clean water is available to all our residents. Collaborating regionally to ensure a consistent approach to the issue and to facilitate cooperation with the Province will enable us to better protect this important resource.

### **R2 TRANSPORTATION:**

Development of regional transit systems, active transportation infrastructure and alternative transportation options to connect regions and communities is essential to ensure sustainable access to employment, social services, health care, education and recreation opportunities. We must recognize and plan for the challenge of increasing fuel costs, which may make current transportation models less viable. Local and regional cooperation between municipalities in the design and delivery of transportation solutions is a best practice demonstrated elsewhere in Nova Scotia and Canada.

### **R3 CLIMATE CHANGE ADAPTATION:**

The population in Southwestern Nova Scotia is concentrated in coastal areas, which will be hardest hit by climate change through sea level rise, coastal erosion and increased storm surges. Climate change may also have a significant impact on our natural resource economy in the region. One strategy to reduce vulnerability to the effects of climate change is to anticipate, adapt and mitigate where possible. Cooperation with other municipal units in the region may enhance our capacity for addressing this issue through cooperation in mapping and modeling to help anticipate the impacts, and through coordinated planning and development of appropriate emergency measures.

### **R4 LOCAL FOOD AND SUSTAINABLE AGRICULTURE:**

Most of the food consumed in Nova Scotia is shipped from thousands of kilometers away, and many people can't afford or access healthy food. Changing food consumption patterns to include more local food means supporting local farmers and food producers as well as reducing our impact on the global environment and increasing the security of our food sources. Strategies to promote local food include education, increasing knowledge of self-sufficient food practices, supporting social programs to make healthy food affordable and ensuring sufficient food storage. Cooperation between municipal units on these initiatives means a united voice and message for education and advocacy activities.

**R5 SOLID WASTE MANAGEMENT:**

Municipalities regularly cooperate on a local level to manage solid waste. Reducing and effectively managing solid waste is a balance of education and regulation to influence behaviour. Municipalities need to continue to cooperate on waste management and strive for continuing improvements. Regional cooperation on education and awareness initiatives may also be effective and partnerships for policy development and influencing policy at higher levels of government will also be important in achieving long term sustainability in waste management.

**R6 RENEWABLE ENERGY DEVELOPMENT:**

Our society's dependence on fossil fuels for our energy needs is not sustainable. To meet our energy demands, our society will need to transition from fossil fuels to renewable sources of energy. Nova Scotia has the potential not only to generate renewable energy to meet domestic needs, but also to export energy to the United States. Renewable energy and local economic development are mutually reinforcing goals and renewable energy has the potential to enhance our local economies. To benefit from this opportunity we need to ensure we identify and encourage development of renewable energy projects, and create a facilitative policy environment for these projects. Local and regional collaboration through partnerships and information exchange will help to ensure this development occurs in a way that benefits the entire region.

**R7 EDUCATION FOR SUSTAINABILITY:**

Achieving truly sustainable communities will require participation of the whole community and significant lifestyle changes for our residents. In order to change, people need to know what to do, how to overcome obstacles and practice new behaviours. Action will be individual and collective and people will be committed to new values which align with the requirements of a sustainable community. There is significant advantage to a regional approach to education and awareness initiatives. If municipal governments talk about sustainability using the same language, and encourage the development of the same behaviours and social norms throughout the region, we have a greater likelihood of widespread success.

## **PART 3 CONSERVATION AND ENVIRONMENTAL STEWARDSHIP**

Previous planning documents and studies have recognized that certain landscape features pose specific constraints for development. Coastal salt marshes and beaches were identified as not being suited for development purposes. Yarmouth Municipality contains a number of sand beaches, salt marshes and dykelands along its coastline. Beaches are found along the western coastline and bounded by the gulf of Maine and Yarmouth Sound. Salt marshes are a significant feature of the Chebogue River, the western shore of Little River Harbour and in protected areas along the western coastline. Salt marshes are susceptible to flooding and are an extremely productive ecosystem as they support rich and diverse forms of life and act as the nursery for various fish species important to the fishing industry. They also are valued as habitat and staging areas for both resident and migratory shore birds. Dykelands including the Brown Salt Pond Marsh and Chegoggin Marsh are generally bound by the communities of North Chegoggin, Milton Highlands, Overton and Pembroke and exhibit a year round high water table. Dykelands are valued for agricultural purposes and also provide nesting areas for migratory birds. Beaches are valuable for recreational purposes and often exhibit unstable slopes and soil conditions created by wind and wave erosion and tidal flooding.

Development on floodplains and wetlands can destroy important natural habitat and dramatically effect natural cycles and processes. Site specific constraints to development should be recognized and respected on flood plains and wetlands. Development should be restricted in these environmentally sensitive areas in order to protect the environmental fabric of the landscape and to reduce the risk to human settlement from extreme weather, coastal erosion, flooding and storm surge. The lower Broad Brook floodplain has been identified as an area where the effects of development could detrimentally affect the ability of the natural floodplain to mitigate the effects of flooding during extreme rainfall events.

A strong stewardship program is essential for the conservation of wetlands, watercourses, lakes and sensitive natural environments. Stewardship can be viewed as the wise and ethical management of natural resources by the stakeholders who share a common interest in the sustainable management of the natural resources that occur in the environment.

Yarmouth Municipality is one of sixteen municipalities contained within the five counties (Annapolis, Digby, Queens, Shelburne and Yarmouth) that comprise the UNESCO designated South West Nova Biosphere Reserve. This designation recognizes the unique natural resources and assets contained within the biosphere reserve and supports the concept of conserving and protecting biodiversity and working towards the sustainable management of natural resources and long term sustainable development. The South West Nova Biosphere reserve is one of fifteen biosphere reserves in Canada. Canada ratified the United Nations Convention on Biological Diversity in 1992. The objective of the convention is "*the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits.*" Biological diversity or biodiversity, means the variety of life on earth and includes the entire web of living organisms from soil microbes, plankton, fish and birds to trees, flying squirrels and turtles. Sustainable use is defined in the convention as "*the use of components of biodiversity in a way and at a rate that does not lead to long term decline*" but maintains the "*potential to meet the needs and aspirations of present and future generations.*"

Wetlands, watercourses and undisturbed natural areas are ecologically, economically and socially important. They provide wildlife habitat and in turn play a vital role in the ecological and biological processes that are essential to life itself. Exposure to nature and wildlife enhances our lives and is important in developing an understanding of our role in the web of life and our place in nature. Natural watercourses such as lakes, rivers, streams and wetlands are important to biodiversity and the health of natural communities, both plant and animal. Species at risk are plants and animals that are in trouble and need our help. Species at risk live throughout Nova Scotia in a variety of habitat including forests, wetlands, waterways, lakeshores, barrens, and coastlines.

Yarmouth Municipality is home to several types of Atlantic Coastal Plain Flora that are both threatened and endangered. The plymouth gentian and the pink coreopsis are found on the shoreline of twelve lakes in southwest Nova Scotia, especially in the Tusket River watershed. The water-pennywort occurs on the shoreline of sand or gravel lakeshores and is found submerged or just above the water line. The Tusket River Nature Reserve on Wilson's Lake protects important habitat for this species that is only found on two Nova Scotia lakes throughout Canada.

Cottage development and its associated activities, including shoreline alteration (dock building, mowing, raking, infilling, off highway vehicle use) land clearing and road building can pose a threat to the survival of many plant species as can nutrient, sediment and pesticide runoff from cottages, forestry activities and agricultural operations.

Approximately twenty percent of the Municipality is covered by fresh water bodies. This water is drained by eight rivers with the Tusket and its tributaries, the Carleton and Annis Rivers, being the largest of the eight. Watercourse buffers help protect watercourses from adjacent development. Retaining riparian buffers around watercourses is important to water quality, plant and animal communities and the protection of property from the natural hazards of flooding. In addition to mitigating flood hazard, riparian buffers also reduce the impacts of sedimentation, erosion and nutrient loading on watercourses. They help to regulate the temperature of adjacent watercourses, provide important plant and animal habitat and add aesthetic value to the municipality.

The foundation principles, adopted by Council as part of the Integrated Community Sustainability Plan 2010 identify the need to reduce our encroachment upon nature. They support protection of ecological diversity and damage prevention to our natural assets. This requires the protection of environmentally sensitive areas, such as coastal and inland wetlands, dykelands, beaches, lakes, watercourses and floodplains.

### **3.1 COASTAL WETLAND, DYKELAND AND FLOODPLAIN POLICIES**

***It shall be the policy of Council:***

- 3.1.1 To identify and designate on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy coastal salt marshes and beaches as Coastal Wetlands where development shall be limited to public parks and conservation related uses.
- 3.1.2 To establish a Coastal Wetlands (CW) zone in the Land Use By-law for all lands located within the Coastal Wetlands designation.
- 3.1.3 To permit in the areas zoned Coastal Wetlands (CW) public parks and conservation related uses.
- 3.1.4 To identify and designate on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy existing dykelands as Dykeland (DL) where development shall be restricted to agricultural uses.
- 3.1.5 To establish a Dykeland (DL) zone in the Land Use By-law for all lands located within the Dykeland designation.
- 3.1.6 To permit in the areas zoned Dykeland (DL) agricultural uses excluding buildings and structures.
- 3.1.7 To identify and designate on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy a Broad Brook floodplain area where infilling and construction will be restricted.
- 3.1.8 To establish a Floodplain (FP) zone in the Land Use By-law for the lower Broad Brook floodplain to prohibit infilling and construction within this floodplain.
- 3.1.9 To establish a riparian buffer along all watercourses and wetlands where the erection of structures, removal of vegetation and the altering of land levels will be prohibited or controlled.
- 3.1.10 To manage municipally owned land in an ecologically sustainable manner.
- 3.1.11 To work with other agencies, institutions, organizations and levels of government to ensure the protection of environmentally sensitive and ecologically significant areas.
- 3.1.12 To foster an ethic of environmental stewardship and support and encourage educational initiatives that promote stewardship and conservation of all our natural resources.

### **3.2 CLIMATE CHANGE ADAPTATION**

The majority of the world's scientists agree that the consumption and burning of fossil fuels has contributed to green house gases and resulted in increased temperatures on both land and water throughout the globe. As coastal communities long dependent on natural resources, we must prepare ourselves for the changes that extreme weather events such as hurricanes, storm surges and floods can present for our communities. Emergency measures plans are developed by municipalities as a way of ensuring a timely, co-ordinated and efficient response to emergency situations is facilitated by various organizations and agencies.

Extreme weather can offer a variety of challenges and understanding the implications of sea-level rise, flooding and storm frequency should assist human populations with long term land use planning decisions. Information provided by conducting a vulnerability assessment of existing infrastructure would help to provide a baseline inventory and critical information about the potential problems and risks for our communities from extreme weather events.

#### **3.2.1 Policies**

***It shall be the policy of Council:***

- 3.2.1.1 To work co-operatively with EMO organizations and various levels of government to broaden public understanding about climate change issues.
- 3.2.1.2 To undertake a vulnerability assessment of existing municipal infrastructure in relation to sea level rise, storm surge and flood risk.
- 3.2.1.3 To consider climate change impacts in relation to water resources on a watershed by watershed basis, where appropriate.
- 3.2.1.4 To provide leadership and advocacy for the stewardship role of Municipal government in relation to the protection of environmental resources.

### **3.3 LAKE GEORGE WATERSHED (LGW)**

The Lake George watershed provides a potable water supply for the Town of Yarmouth and several developed areas located in the Municipality of the District of Yarmouth. The entire watershed area is located in the Municipality of the District of Yarmouth. Three hundred and thirty-five rural residents benefit from the central water supply provided by the surface water source of Lake George. The Town of Yarmouth owns and operates the municipal water distribution system as a public utility known as the Yarmouth Water Utility. This public utility dates back to the 1890's when the first water transmission lines were laid in the ground.

The Provincial Department of Environment has jurisdiction for watershed protection in Nova Scotia. Some form of provincial watershed protection, in the form of a designated protected water area, has been in place for the Lake George watershed since 1964. This protection now applies to the whole of the natural watershed and was re-designated in October 2006, following a provincial initiative to have all public water supplies within the province develop Source Water Protection Plans. A joint municipal committee known as the Lake George Watershed Management Committee was involved in the development of new regulations for the prescribed watershed



area that also came into effect in October 2006. Following a detailed study the Province designated the watershed as a Protected Watershed area to protect the quality of the surface and groundwater as a public water supply. The new regulations enacted by the province limit land use activity for all lands both private and public located within the natural watershed of Lake George. Restrictions now apply to a variety of recreational activities ranging from swimming to boating and fishing as well as agricultural and forestry activities within the watershed.

The policies in this Municipal Planning Strategy support the restriction of land use activity within the natural watershed in order to ensure that water quality is protected both now and in the future. The area designated and zoned Lake George Watershed corresponds to the natural topographic drainage area surrounding Lake George.

### **3.3.1 Policies**

#### ***It shall be the policy of Council:***

- 3.3.1.1 To designate all land and islands located within the Lake George natural watershed boundary as the Lake George Watershed Designation on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy in order to restrict land uses located within a provincially designated water supply area.
- 3.3.1.2 To establish a Lake George Watershed (LGW) Zone in the Land Use By-law to correspond to the area designated Lake George Watershed, in order to accommodate a limited variety of land uses and to restrict those uses that could adversely affect water quality.
- 3.3.1.3 To permit the following limited uses in the Lake George Watershed (LGW) Zone:
  - ❖ Single unit dwellings
  - ❖ Conservation-related projects
  - ❖ Household gardens
  - ❖ Non-industrial forestry uses
  - ❖ Limited recreational uses
  - ❖ Utilities excluding wind farms
- 3.3.1.4 To establish special requirements in the Land Use By-law such as large, minimum lot sizes and special separation distances from any water body or watercourse for all new developments excluding water utility buildings and structures, in the Lake George Watershed (LGW) Zone.
- 3.3.1.5 To regard the boundary of the Lake George Watershed Designation as a fixed boundary and to consider amending this boundary only by amendment to this Municipal Planning Strategy where it can be determined by a qualified professional that the land in question is not located within the natural watershed boundary of Lake George.

- 3.3.1.6 To work co-operatively with the Yarmouth Water Utility in developing efficiently planned extensions of the municipal water distribution system in the Municipality where such system is deemed appropriate and financially feasible by both parties.

## **PART 4 CAPE FORCHU LIGHTSTATION HERITAGE PROPERTY**

### **History and Background**

The history and development of Yarmouth Municipality is very closely linked with the sea. Fishing, seafaring and the shipping trade provided the economic and cultural backbone of the region. Lighthouses along the coastline provided vital navigational aid for ships, and maintaining the light beacons to guide sailors and fishermen was an important responsibility for busy coastal communities. The original Cape Forchu Lighthouse situated at the mouth of Yarmouth Harbour was established in 1840, and there has been a working lighthouse on the site from that time to the present.

In the early 1990's the advancement of satellite navigation technology resulted in traditional lighthouses becoming redundant. The Canadian Coast Guard began decommissioning and demolishing its inventory of lighthouses. A concerned group of Yarmouth County Tourist Association board members formed a committee with the goal of trying to save and preserve the Cape Forchu lighthouse. Their efforts resulted in the formation of the registered non-profit society *Friends of the Yarmouth Light*, and a lease was signed with the Coast Guard for the society to operate a museum in the lightkeeper's dwelling in the spring of 1996. Negotiations continued between the Society and the Coast Guard, and in 2000 with the cooperation of the Municipality of Yarmouth acting as a crown agency able to receive the transfer of Federal assets, the Cape Forchu Lightstation became the first lighthouse in Canada to be turned over by the Canadian Government to local authorities. The Friends of the Yarmouth Light Society was given the role of caretakers of the site.

The lighthouse and supporting structures represent the only intact lightstation open to the public in Nova Scotia. It's value as a prime asset in the local tourism industry has long been recognized and large numbers of visitors travel to the site annually. Development of the property since the original 1996 museum opening have included site improvements for parking, access and safety including look-offs with interpretive panels highlighting local history. The property was registered as a Provincial Registered Heritage Property in June 2003. A gift shop and tea room in addition to the museum operate during the summer season. In 2012 the Cape Forchu Lighthouse won the Canadian Institute of Planners national award for being *Canada's Great Public Space*. The award recognizes public spaces which involve the local community in promoting social and economic activities, and which include sustainability goals in their mandate.

### **The Role of the Municipality**

The Municipal Council recognized the importance and value of preserving and maintaining this unique historic property, and has endorsed and supported community efforts, participating in a leading role on oversight and management of the property, promoting continued development supporting long term sustainability and community involvement. The Council stepped forward assisting in securing the site from the Federal Government, and also secured additional lands at the site from the Provincial Government resulting in the current complete 19 acre property. The Municipality undertook a major project in 2010 with assistance from the Federal Government to create new parking and access areas, eliminate overhead power lines, provide site lighting and complete major underground drainage to address storm surge damage caused by storms and

high winds experienced in the area. A project to construct trails and landscaping on the site is to be undertaken in the summer of 2013. These initiatives confirm Council's leadership and commitment to sustainable development in the community.

#### **4.1 POLICIES**

***It shall be the policy of Council:***

- 4.1.1 To liaise with the local tourist association to encourage the development and promotion of social and economic activities reflecting local culture, history and landscape with the goal of preserving, maintaining and utilizing built heritage assets in the Municipality.
- 4.1.2 To designate the Cape Forchu Lightstation properties at Cape Forchu on the Generalized Future Land Use Map 5 as Lightstation Heritage.
- 4.1.3 To zone the Cape Forchu Lightstation properties within the Lightstation Heritage designation as Lightstation Heritage (LH) Zone on Schedule M Zoning Map in the Land Use By-law.
- 4.1.4 To permit uses in the Lightstation Heritage Zone of an institutional nature including but not limited to museums, parks, recreational facilities and interpretation centres.
- 4.1.5 To permit commercial uses in the Lightstation Heritage Zone incidental to the main institutional uses including but not limited to restaurants, gift shops, tour operation facilities and temporary special events.
- 4.1.6 To only require development permits for permanent structures and temporary structures intended for use for a continuous period exceeding 72 hours in the Lightstation Heritage (LH) Zone.

## **PART 5 PROVINCIAL STATEMENTS OF INTEREST**

The Government of Nova Scotia included Statements of Provincial Interest in the Municipal Government Act to protect the Provincial interest in the use and development of land. Statements of Provincial Interest are regulations within the meaning of the Regulations Act, and Section 198 of the MGA requires municipal documents adopted after the adoption of the Statements of Provincial Interest to be reasonably consistent with the Statements of Provincial Interest. The five Statements of Provincial Interest address the issues of Drinking Water, Flood Risk Areas, Agricultural Land, Infrastructure and Housing. The following sections outline how the policy in Council's planning documents are reasonably consistent with the Provincial statements.

### **5.1 STATEMENT OF PROVINCIAL INTEREST REGARDING DRINKING WATER**

The Statement of Provincial Interest on Drinking Water speaks to the goal of protecting the quality of drinking water within municipal water supply watersheds. Within the Municipality of Yarmouth the 'Yarmouth Water Utility' owns and operates a public drinking water supply system for the residents of the Town of Yarmouth as well as a number of residents in the Municipality. The Council has zoned all the lands within the boundaries of the designated protected water area of the Lake George Watershed as defined by the Minister of Environment on Oct. 16, 2006 as the 'Lake George Watershed (LGW) Zone'. Policies are included in this Strategy with corresponding provisions in the Land Use By-law which support the restriction of land use activity within this watershed in order to insure that water quality is protected.

### **5.2 STATEMENT OF PROVINCIAL INTEREST REGARDING FLOOD RISK AREAS**

The Statement of Provincial Interest on Flood Risk Areas is concerned with protecting public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains. Areas in the Municipality immediately south of the Town of Yarmouth in the Broad Brook watershed are prone to flooding, and the Town of Yarmouth has incorporated policies and provisions in their planning documents prohibiting development in a designated Broad Brook Floodplain (FP) zone. The lower Broad Brook floodplain from the Town boundary to the outfall at Kelleys Cove has been identified as a flood risk area in the Municipality. Council developed policy to designate a Broad Brook Floodplain zone in the Municipal Planning Strategy and included corresponding Land Use By-law provisions to restrict development within the designated zone.

### **5.3 STATEMENT OF PROVINCIAL INTEREST REGARDING AGRICULTURAL LAND**

The goal of the Statement of Provincial Interest on Agricultural Land is to protect agricultural land for the development of a viable and sustainable agriculture and food industry. The Canada Land Inventory indicates that approximately 29% of land in Yarmouth Municipality is considered Class 3 and 4. This implies this land is capable of sustained use for cultivated field crops with moderately severe to severe limitations. Dairy farming traditionally has been a dominant sector in local agriculture, and small scale beef production and food crop production have also been maintained. Development pressure in Yarmouth District is not at a level that warrants an expensive mapping program and protective zoning for agricultural lands. Council will continue to monitor the situation and is willing to make changes as necessary. Fur farming has also

developed as a viable industry, with a large presence in the District of Clare, the neighboring Municipality to the north.

In this Strategy Council encourages the growth and development of environmentally sound agricultural operations, especially those that provide food for local consumption. The strategy recognizes and supports the integral accessory components of farm gate sales and small scale abattoirs to farming operations. Intensive livestock operations will be subject to development agreements requiring Environmental Farm Management Plans and Nutrient management Plans to insure these operations address the capability of the land to adequately handle the nutrients produced, and for protection of watercourses to insure water quality is maintained into the future for the benefit of all agricultural endeavours.

#### **5.4 STATEMENT OF PROVINCIAL INTEREST REGARDING INFRASTRUCTURE**

The goal of the Statement of Provincial Interest regarding infrastructure is to make efficient use of municipal water supply and municipal wastewater disposal systems. The Town of Yarmouth 'Yarmouth Water Utility' and the Municipal Council agreed upon a number of joint planning recommendations including preserving and enhancing the watershed environment and the extension of municipal water distribution systems into the Municipality. These policies are mutually beneficial in maintaining water quality and encouraging the maximum use of the existing infrastructure.

The Municipality services the communities of Hebron-Dayton and Arcadia with central sewer, utilizing the Town of Yarmouth Sewage Treatment facility for sewage treatment. This agreement between the Town and Municipality makes efficient use of the existing sewage treatment infrastructure and also enables higher density development in the Municipality communities served by the central sewer collection systems. Strategy policies enable higher density multi-unit residential development and land lease communities in the serviced areas, and policy to enable minimum frontage lots to be subdivided in the serviced areas which will encourage further infilling and utilization of the existing infrastructure. The Municipality addressed a problem in the community of South Ohio which was experiencing difficulties with failing on-site sewage systems for existing development on small lots by establishing a Wastewater Management District as a cost effective alternative to the requirement for new central sewer in the area.

#### **5.5 STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING**

The goal of the Statement of Provincial Interest regarding housing is to provide housing opportunities to meet the needs of all Nova Scotians. This goal incorporates the concept that a wide range of housing types is necessary to meet these needs. The Council includes in its goals and objectives a Sustainable Development Goal which strives to provide a high quality living environment for all residents by ensuring that both new and existing development strives to balance economic and social dimensions in the community. The Residential Development goal promotes a variety of housing forms for all ages and incomes that offer residents a choice of accommodation possibilities. All forms of residential housing including multi-unit dwellings and manufactured housing are included in the lists of permitted uses in the Zones where residential uses are permitted in the By-law.



## **PART 6    HEBRON LAKES AND DISTRICT**

The developed areas of Hebron and Dayton were originally designated as a Hamlet in the original Municipal Planning Strategy of 1984. Significant changes and increased development to these and surrounding communities including portions of Brooklyn and the west side of Lake Milo, Second Lake and Doctor's Lake led to the designation of this area as the Hebron and Lakes District in the 2001 Municipal Planning Strategy. This designation will be retained and expanded on the west side of the lakes to include new residential development that has occurred since 2001. In addition to new residential development on both sides of these lakes the Hebron and Dayton area has been the recipient of new commercial development such as call centres in the business and industrial park, new recreational areas and a new municipal administration building.

Changes in recent economic trends, especially in the tourism sector have resulted in conversions of some fixed roof accommodations in the area to residential accommodations. Commercial activity continues to flourish on the east side of the lakes along the Highway 1 corridor with new businesses and expansions of existing ones. Residential growth has also occurred in the district with new serviced subdivision development and infilling along existing roads.

While the majority of the east side of the Hebron and Lakes District is serviced with central sewer and water systems and exhibits a greater density of development, the west side of the district relies on on-site wells and sewage disposal systems. On-site services necessitate larger lot sizes which results in less intensive development and a more rural development pattern. The presence of central services provides the Municipality with the opportunity to enable smaller lot sizes and encourage both residential, commercial and mixed use development in a manner intended to minimize land use conflict within a more urban context.

Therefore Council will designate the communities of Hebron, Dayton, Milton Highlands, portions of North Chegoggin and Brooklyn as Hebron and Lakes District on the Generalized Future Land Use Map 6 of the Municipal Planning Strategy. Additional designations within this generalized designation will be created to recognize the distinct differences between the east and west sides of the district.

### **6.1    POLICIES**

#### ***It shall be the policy of Council:***

- 6.1.1 To designate the communities of Hebron, Dayton, Milton Highlands, portions of North Chegoggin and Brooklyn as Hebron and Lakes District as shown on the Generalized Future Land Use Map 6 of the Municipal Planning Strategy. This designation is designed to encourage and direct future developments in a manner intended to minimize land use conflict, yet encourage growth and development, especially in the more urban areas where central services are available.
- 6.1.2 To establish a Commercial Development District within the Hebron and Lakes District in the area that is serviced by wastewater facilities and a water system.

## 6.2 RESIDENTIAL GENERAL DESIGNATION AND ZONES

The communities of Hebron, Dayton and portions of Brooklyn comprise the eastern half of the Hebron and Lakes District Designation. This is the most developed and densely populated area of the Municipality. Development is primarily located along Highway #1 and #340, Prospect Street, Brooklyn Road, Greenville Road and the New Road. Except for the areas designated Commercial General (CG) and Business and Industrial Park (BIP), the larger remaining area is predominately residential interspersed with a mixture of land uses that include institutional uses, small scale commercial and industrial uses as well as agricultural uses.

Institutional uses include Maple Grove and Meadowfield Schools, Hebron Residential Centre, churches, two cemeteries and a post office. The Hebron Recreation Complex is immediately adjacent to Maple Grove Education Centre. The new administration building for Yarmouth Municipality is also located in this vicinity adjacent to a newly developed soccer field. Existing commercial uses are small scale in nature and will be recognized and permitted. The Commercial Restricted (CR) Zone will be retained for these existing commercial uses. Many of the fixed roof accommodations in this area have converted from tourist oriented daily or weekly rentals to permanent dwellings or apartment units.

The residential development throughout this area is largely single unit detached dwellings but a mixture of residential developments ranging from seniors housing to grouped dwellings and other types of multi-unit residential dwellings can also be found. Council's intention for this area is to encourage a mixture of types of residential development to accommodate an aging population. Other types of land use compatible with residential uses such as recreational and institutional uses will also be encouraged and enabled in this residential designation. Therefore Council will establish a Residential General (RG) Zone to accommodate residential uses not to exceed four dwelling units, existing uses, recreational and institutional uses.

Higher density residential development can be accommodated within this designation because of the availability of central sewer and water services as well as close proximity to medical and retail services. Therefore multi-unit dwellings with more than four units and homes of special care as well as group dwellings and land leased communities will be permitted by development agreement subject to specific criteria. Existing uses will be recognized and permitted but new industrial uses, fur farms, intensive livestock operations, wind farms and correctional centres will be prohibited.

### 6.2.1 Policies

***It shall be the policy of Council:***

- 6.2.1.1 To designate all lands on the east side of the Lakes including the communities of Hebron, Dayton and portion of Brooklyn as Residential General (RG) on the Generalized Future Land Use Map 6 of the Municipal Planning Strategy excluding those lands designated Commercial General (CG), Business and Industrial Park (BIP) and Recreation (REC).
- 6.2.1.2 To establish a Residential General (RG) Zone in the Land Use By-law to correspond to the area designated Residential General (RG) in the Municipal Planning Strategy with the exception of the areas zoned Commercial Restricted (CR).

- 6.2.1.3 To permit the following uses in the Residential General (RG) Zone:
- ❖ Agricultural uses excluding intensive livestock operations and fur farms
  - ❖ Boarding homes and guest homes
  - ❖ Christmas tree operations
  - ❖ Day nurseries
  - ❖ Dwellings containing not more than four units
  - ❖ Dwelling conversions
  - ❖ Existing bulk fuel storage depots PID # 90133034
  - ❖ Existing multi-unit dwellings PID # 90158676
  - ❖ Fraternal centres
  - ❖ Institutional uses excluding correctional centres
  - ❖ Micro Scale WTG
  - ❖ Public parks and recreational uses, excluding outdoor shooting ranges
  - ❖ Small scale WTG
  - ❖ Special uses on small lots \*
  - ❖ Utilities excluding wind farms

\* Special uses on small lots refers to uses permitted on lots approved under Section 5.06 of the Subdivision By-law (i.e. lots of 465 square metres (5005 sq.ft.) or less in area providing the lot does not contain an existing on-site sewage disposal system or is not to be connected to municipal sewer).

Permitted special uses are:

- ❖ Cenotaphs
- ❖ Christmas tree and outdoor horticultural production
- ❖ Outdoor storage of fishing gear and fishing equipment
- ❖ Private storage buildings
- ❖ Private haulouts and wharfs

- 6.2.1.4 To consider proposals for the expansion of existing multi-unit dwellings, land leased communities, new multi-unit dwellings in excess of four dwelling units, group dwellings and homes for special care by development agreement subject to specific criteria. (See Policy 7.2.1.6)

### **6.3 COMMERCIAL RESTRICTED (CR) ZONE**

There are eleven commercial uses currently located in the Residential General (RG) Designation. These include a motel, tourist cabins, an automobile repair garage, service station and professional offices.

It is Council's desire to see the majority of commercial activity in this district locate in the Commercial General (CG) Designation and Zone along Highway #1 in Dayton and Hebron where commercial development has been concentrated for some time. However, Council does not wish to create non-conforming uses of those existing commercial uses currently located within the Residential General (RG) Designation. Therefore, Council will establish a Commercial Restricted (CR) Zone to accommodate existing commercial uses and enable these uses to change to any other commercial uses permitted in the Commercial General (CG) Zone. Council will also establish

special provisions in the Land Use By-law for commercial uses that abut residential, institutional and recreational uses.

### **6.3.1 Policies**

#### ***It shall be the policy of Council:***

- 6.3.1.1 To establish a Commercial Restricted (CR) Zone in the Land Use By-law to permit existing commercial uses in the Residential General Designation.
- 6.3.1.2 To prohibit the expansion of an existing Commercial Restricted (CR) Zone into any area of the Residential General (RG) Designation in order to maintain and enhance the residential character of this designation.
- 6.3.1.3 To establish special provisions in the Land Use By-law for commercial uses that abut existing residential, institutional and recreational uses.

## **6.4 COMMERCIAL GENERAL DESIGNATION AND ZONE**

A well-defined commercial corridor exists along Highway 1 between the northern tip of Lake Milo and the Greenville Road. This area constitutes the most highly developed commercial area in the municipality where businesses have developed on both sides of Highway #1 in a fairly concentrated area. Businesses, offices, retail stores, restaurants, garden centres, automobile sales and service as well as other commercial enterprises are located in this vicinity. Council anticipates the growth and development of this area as a focal point of commercial activity in the municipality and for predominantly commercial land uses. Central services and close proximity to adjacent residential areas make this general commercial designation well situated to serve the needs of the residents of the district. Although it is Council's intention to accommodate a broad range of commercial uses, some commercial uses will be prohibited because they have the ability to generate noise and nuisance beyond their property boundaries. These uses include drive-in theatres, motor vehicle and animal race tracks, outdoor shooting ranges, kennels and wind farms.

Therefore Council will designate and zone this commercial area as General Commercial (GC). Any proposals for the expansion of existing commercial uses or for new commercial uses beyond the established Commercial General (CG) Zone boundaries into the immediately adjacent Residential General (RG) Zone will be considered only by amendment to the Land Use By-law by rezoning a property from Residential General (RG) to Commercial General (CG) subject to specific criteria.

Council will establish abutting yard requirements in the Land Use By-law for commercial uses that abut existing residential, recreational and institutional uses in the Residential General (RG) Zone. Council will also establish special requirements concerning open storage, outdoor display and service stations as well as a special exemption to reduce the size of minimum side yards where commercial uses abut.

### **6.4.1 Policies**

#### ***It shall be the policy of Council:***

- 6.4.1.1 To designate lands located along Highway 1 from the Villa St. Joseph to the Greenville Road and which are located between the abandoned DAR rail line right-of-way, Second Lake, Doctors' Lake and properties immediately adjacent

Highway 1 as Commercial General (CG) as shown on Generalized Future Land Use Map 6 of the Municipal Planning Strategy.

- 6.4.1.2 To establish a Commercial General (CG) Zone in the Land Use By-law to correspond to the area designated Commercial General (CG) in the Municipal Planning Strategy to permit a broad range of commercial and residential uses.
- 6.4.1.3 To prohibit the following uses in the Commercial General (CG) Zone:
  - ❖ Drive-in theatres
  - ❖ Kennels
  - ❖ Motor vehicle and animal race tracks
  - ❖ Outdoor Shooting Ranges
  - ❖ Wind farms
- 6.4.1.4 To consider development proposals for new commercial uses or the expansion of existing commercial uses beyond the established Commercial General (CG) Zone boundaries into the immediately adjacent Residential General (RG) Zone only by amendment to the Land Use By-law subject to specific criteria.
- 6.4.1.5 To establish special abutting yard requirements in the Land Use By-law for parking, loading, and outdoor storage and display, where yards in the Commercial General (CG) Zone abut existing residential, institutional and recreational uses in the Residential General (RG) Zone.
- 6.4.1.6 To establish a special exception in the Land Use By-law reducing the minimum side yard requirement where Commercial General (CG) uses abut.
- 6.4.1.7 To establish special provisions in the Land Use By-law for service stations, outdoor display and storage as well as commercial yards that abut existing residential, institutional and recreational uses.

## **6.5 RESIDENTIAL LOCAL DESIGNATION AND ZONES**

The western area of the Hebron and Lakes District designation encompasses Milton Highlands and portions of North Chegoggin. It is generally bounded by Main Shore Road, the Peterson Road, Dayton Road and Cedar Drive. Lakeside Road is the main public road that traverses the area from Milton Highlands in the south to its junction with Highway #1 in Hebron at the north end of the district. This western portion of the Hebron and Lakes District is predominantly residential in character and exhibits both a rural and suburban development pattern. Larger lot sizes are required in this area because all development is served with private on-site wells and sewage disposal systems and many lots are bounded by or within close proximity of the lakes. This area has experienced residential growth over the last decade with the development of multi lot residential subdivisions serviced by both public and private roads.

This area is attractive for residential development due to its country setting and water views located in such close proximity to the Town of Yarmouth. Council's primary intention for this area is to accommodate low density residential uses, home occupations, existing commercial uses and new local commercial uses compatible with predominantly residential areas. Therefore Council

will designate the western area of the Hebron and Lakes District as Residential Local. Lands within this designation will be zoned as Residential Local (RL) on Schedule "B" Zoning Map of the Land Use By-law excluding those properties zoned Commercial Local (CL).

Some limited types of home occupations and commercial uses will also be permitted in the Residential Local (RL) Designation. The types of home occupations will be limited to those uses regarded as compatible with residential uses. A small number of light industrial uses are located in this area. Since most industrial uses would not be regarded as compatible with a primarily residential area and in order to protect the residential character of the area, new industrial uses will be prohibited in the Residential Local (RL) Zone.

### **6.5.1 Policies**

#### ***It shall be the policy of Council:***

- 6.5.1.1 To designate all lands on the west side of the Lakes including the community of Milton Highlands and portions of North Chegoggin as Residential Local (RL) on Generalized Future Land Use Map 6 of the Municipal Planning Strategy.
- 6.5.1.2 To establish a Residential Local (RL) Zone in the Land Use By-law that corresponds to the area designated Residential Local (RL) in the Municipal Planning Strategy, with the exception of the areas zoned Commercial Local (CL). This zone is established to recognize the predominantly low density, residential character of the area.
- 6.5.1.3 To permit the following uses in the Residential Local (RL) Zone of the Land Use By-law:
  - ❖ Agriculture uses excluding intensive livestock operations and fur farms
  - ❖ Boarding homes and guest homes
  - ❖ Day care centres
  - ❖ Dwellings containing not more than four units
  - ❖ Dwelling conversions
  - ❖ Existing group dwellings PID # 90173428
  - ❖ Existing Light Industrial uses
  - ❖ Fraternal centres
  - ❖ Home occupations excluding industrial, manufacturing and processing uses
  - ❖ Institutional uses excluding correctional centres
  - ❖ Public parks and recreational uses, excluding outdoor shooting ranges
  - ❖ Special uses on small lots
  - ❖ Utilities excluding wind farms



## 6.6 COMMERCIAL LOCAL (CL) ZONE

While the focal point of commercial activity within the Hebron and Lakes District is the Commercial General (CG) Designation and Zone located on the east side of the lakes, Council will accommodate some limited commercial activity that would be considered compatible with existing residential development in the Residential Local Designation. Commercial uses within the Residential Local Designation will be accommodated by establishing a Commercial Local (CL) Zone in the Land Use By-law. The commercial uses permitted within this zone include business and professional offices, day care centres, fitness clubs, custom workshops, personal service shops, retail sales and tourist establishments. The 2013 land use survey of this residential designation noted two commercial developments in the area, a commercial day care facility and a landscaping and excavation business office accessory to an existing light industrial use.

### 6.6.1 Policies

#### *It shall be the policy of Council:*

- 6.6.1.1 To establish a Commercial Local (CL) Zone in the Land Use By-law to permit a limited variety of commercial and complementary uses including:
- ❖ Business and professional offices excluding kennels
  - ❖ Commercial day care centres and fitness clubs
  - ❖ Custom workshops
  - ❖ Dressmaking and tailoring
  - ❖ Garden and nursery sales and supplies
  - ❖ Personal service shops and photographic studios
  - ❖ Printing establishments
  - ❖ Retail stores
  - ❖ Service shops
  - ❖ Single (1) detached dwelling as a main or accessory to any main commercial use
  - ❖ Single (1) dwelling unit located within any main commercial use
  - ❖ Tourist establishments
- 6.6.1.2 To zone existing commercial uses within the Residential Local Designation as Commercial Local (CL) on Schedule "B" Zoning Map of the Land Use By-law.
- 6.6.1.3 To establish special abutting yard requirements and restrictions in the Land Use By-law for parking, loading, open storage and outdoor display where yards in the Commercial Local (CL) Zone abut existing residential, institutional and recreational uses in any zone.
- 6.6.1.4 To establish a special exemption in the Land Use By-law reducing the minimum side yard requirement where commercial local zone uses abut.

## 6.7 BUSINESS AND INDUSTRIAL PARK

The Hebron Business and Industrial Park is located within the planning area of the Hebron Lakes and District designation and comprises a land area of approximately 150 acres. It is bound by the Greenville Road, Highway #101, the abandoned Dominion Atlantic Railway (DAR) right-of-way and private lands. A public road named County Crescent intersects with the Greenville Road and provides access to the park. RCOM Drive extends from County Crescent and serves the existing businesses located in the park. This developed portion of the park is served with central water and sewer and currently houses an incubator mall, two call centres, an environmental remediation company and warehousing and distribution businesses.

In the interests of promoting business and industrial growth Council will designate these lands as Business and Industrial Park on the Generalized Future Land Use Map 6 of the Municipal Planning Strategy. This designation will accommodate light and heavy industrial uses, commercial uses, emergency services, government buildings and offices (excluding correctional centres) and utilities excluding wind farms. Council does however recognize the park's close proximity to residential development along the Greenville Road and west of the DAR right-of-way and will exclude certain potentially obnoxious heavy industrial uses from "as-of-right" development. These uses will only be accommodated by development agreement.

To permit the "as-of-right" uses, Council will establish a Business and Industrial Park designation in the Municipal Planning Strategy and create a Business and Industrial Park zone in the Land Use By-law. Council will also identify those heavy industrial uses that may only be considered by development agreement. This Municipal Planning Strategy will establish the criteria against which development proposals for these heavy industrial uses, such as asphalt plants, abattoirs, animal rendering plants, salvage yards, etc. will be evaluated.

### 6.7.1 Policies

#### *It shall be the policy of Council:*

- 6.7.1.1 To designate lands of the Municipality of Yarmouth, generally bound by the Greenville Road, Highway 101, the abandoned DAR right-of-way and private lands as Business and Industrial Park on the Generalized Future Land Use Map 6 of the Municipal Planning Strategy to accommodate a wide range of commercial and industrial uses.
- 6.7.1.2 To establish a Business and Industrial Park (BIP) Zone in the Land Use By-law as shown on Schedule "B" Zoning Map to correspond to the area designated Business and Industrial Park in the Municipal Planning Strategy.
- 6.7.1.3 To permit the following uses "as-of-right" in the Business and Industrial Park Zone:
  - ❖ Commercial uses
  - ❖ Government buildings and uses (excluding correctional centres)
  - ❖ Light and heavy industrial uses except those uses identified below as being potentially obnoxious
  - ❖ Utilities (excluding wind farms)

6.7.1.4 To permit the following potentially obnoxious heavy industrial uses only by development agreement in the Business and Industrial Park Designation subject to specific criteria identified in Policy 6.7.1.5 and Section 15.1.9 of this Strategy.

- ❖ Abattoirs
- ❖ Animal rendering plants
- ❖ Concrete plants
- ❖ Food processing plants excluding fish plants incorporating fish reduction as part of their operation
- ❖ Land based closed containment aquaculture operations
- ❖ Permanent asphalt paving plants
- ❖ Salvage yards and scrap yards
- ❖ Topsoil, sand and gravel operations

6.7.1.5. To ensure the following criteria is met when considering development proposals for any of the potentially obnoxious heavy industrial uses, noted above, in the Business and Industrial Park designation by development agreement:

6.7.1.5.1 That the industrial use will not, by way of emissions of odour, dust, smoke, noise or vibrations, disrupt or detrimentally affect abutting or nearby land uses nor be a use characterized by producing wastes that can contaminate soils or watercourses.

6.7.1.5.2 That the industrial use excluding, scrap yards and salvage yards is contained within a wholly enclosed building.

6.7.1.5.3 That adequate screening and buffering is provided to screen storage and work yards of scrap and salvage yards, or other uses with an outdoor storage component, so as not to be visible from abutting properties and uses.

6.7.1.5.4 That all provisions of the Land Use By-law respecting minimum yards, separation distances, parking, loading and unloading requirements are satisfied.

6.7.1.5.5 That the industrial use generally conforms with all relevant criteria of Policies 15.2.1 through 15.2.10 inclusive.

## **PART 7 HAMLETS**

### **7.1 ARCADIA AND PORT MAITLAND**

The communities of Port Maitland and Arcadia are long established communities with a rich and varied history. These communities exhibit a more compact land development pattern than many of the other small rural communities located in Yarmouth Municipality that have developed in a linear fashion along existing public roads. In order to encourage compact and efficient land developments that make the best use of existing public infrastructure Council will designate the communities of Arcadia and Port Maitland as Hamlets on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy. This designation is designed to encourage growth and ensure that future development is harmoniously integrated into these communities in a manner that is compatible with the existing development pattern and sustainable over the long term.

#### **7.1.1 Policies**

***It shall be the policy of Council:***

- 7.1.1.1 To designate the communities of Arcadia and Port Maitland as Hamlet on the Generalized Future Land Use Map 5 to accommodate future development that makes efficient use of land and services and is compatible with the existing character of the community.
- 7.1.1.2 In order to guide and regulate future development in the Generalized Hamlet Designation Council will establish three additional future land use designations within this generalized designation. These include the Hamlet Residential Designation, the Coastal Wetlands Designation and the Marine Industrial Designation which is unique to Port Maitland.

### **7.2 HAMLET RESIDENTIAL DESIGNATION AND ZONES**

Residential development in both hamlets is characterized predominantly by detached single unit dwellings. Some institutional developments such as churches, schools and community halls are interspersed within these residential areas. Agricultural uses are limited in scope and nature to family garden plots, fruit orchards and some pasturing of animals.

Commercial development in each community varies in number and in the range of goods and services provided within the hamlet. Well established fishery resource industries have a long standing history in the vicinity of Shore Road in Port Maitland. Central sewer services are available in both hamlet designations.

The Hamlet Residential Designation will encompass the existing residential areas and vacant lands within the hamlet designation excluding lands designated as Marine Industrial and Coastal Wetlands. This designation is designed to accommodate a variety of residential type uses, commercial uses, existing industrial uses, special uses on small lots and agricultural uses excluding fur farms, intensive livestock operations and wind farms. Within this designation two zones will be established in the Land Use By-law called the Hamlet Residential (HR) Zone and the Hamlet Commercial (HC) Zone. New multi-unit residential developments and land leased communities will be permitted by development agreement subject to specific criteria.

## 7.2.1 Policies

### *It shall be the policy of Council:*

- 7.2.1.1 To designate all lands within the Generalized Hamlet Designation as Hamlet Residential excluding lands designated as Marine Industrial, or Coastal Wetlands, as shown on the Generalized Future Land Use Maps 7 and 8 of the Municipal Planning Strategy. The Hamlet Residential Designation will accommodate low and high density residential development and other compatible uses as well as limited existing commercial uses, existing industrial uses, special uses on small lots, utilities excluding wind farms and limited agricultural uses excluding fur farms and intensive livestock operations.
- 7.2.1.2 To establish a Hamlet Residential (HR) Zone in the Land Use By-law to generally correspond to the areas designated Hamlet Residential, with the exception of areas zoned Hamlet Commercial (HC) and Airport Noise Restriction (ANR).
- 7.2.1.3 To permit the following uses in the Hamlet Residential (HR) Zone:
- ❖ Agricultural uses excluding industrial uses, fur farms and intensive live stock operations
  - ❖ Boarding homes and guest homes
  - ❖ Converted dwellings
  - ❖ Day care centres
  - ❖ Dwellings containing not more than four dwelling units
  - ❖ Existing industrial uses
  - ❖ Existing senior apartments
  - ❖ Fraternal centres
  - ❖ Institutional uses excluding correctional centres
  - ❖ Public parks and recreational uses
  - ❖ Special uses on small lots
  - ❖ Utilities excluding wind farms
- 7.2.1.4 To zone all lands within the Hamlet Residential (HR) Designation as Hamlet Residential (HR) on Schedule "C" and "D" of the Land Use By-law, excluding those lands zoned Hamlet Commercial (HC) and Airport Noise Restriction (ANR).
- 7.2.1.5 To consider proposals for the expansion of existing homes for special care, residential uses containing more than four dwellings units, land leased communities and grouped dwellings by development agreement subject to Policy 7.2.1.6.

- 7.2.1.6 To ensure the following criteria is met when considering development proposals for the expansion of existing homes for special care, residential uses containing more than four dwellings units, land leased communities and grouped dwellings:
- 7.2.1.6.1 The proposed use is located on a public or private designed road and served by a central sewer system.
  - 7.2.1.6.2 For land leased communities a minimum lot size of three (3) acres and the development is in accordance with the Mini/Mobile Home Park By-law M-068-94.
  - 7.2.1.6.3 Public outdoor amenity space is available on the lot.
  - 7.2.1.6.4 The proposed development is in accordance with the policies in Section 15.2.

### 7.3 HAMLET COMMERCIAL (HC) ZONE

Commercial development in the hamlets is generally small scale and distributed throughout the Hamlet Residential Designation. The exception to this is in the vicinity of Highway 3 and the Kinney Hill intersection in Arcadia where commercial development is somewhat concentrated.

Small scale commercial developments located within a hamlet can provide goods and services within walking distance of residential uses and could allow residents to live and work in small communities without the necessity of owning and operating a private automobile. Commercial development on an appropriate scale and that is compatible with the neighbourhood is encouraged within the hamlets.

Existing commercial uses currently located within either Port Maitland or Arcadia will be recognized and zoned Hamlet Commercial (HC) in the Land Use By-law. The Hamlet Commercial (HC) Zone will also enable existing commercially zoned properties to change to some other limited commercial uses. Some types of commercial uses will not be permitted in the Hamlet Commercial Zone as they are not regarded as compatible or appropriate land uses in the context of the existing, predominantly residential character of the hamlets.

#### 7.3.1 Policies

***It shall be the policy of Council:***

- 7.3.1.1 To establish a Hamlet Commercial (HC) Zone in the Land Use By-law to permit existing commercial uses located within the two hamlets, and new commercial uses compatible in a predominantly residential hamlet. The commercial uses that will be **excluded** from the Hamlet Commercial (HC) Zone include:
- ❖ Automobile sales, rentals and car washes
  - ❖ Farm machinery sales and service
  - ❖ Kennels
  - ❖ Outdoor commercial displays
  - ❖ Places of indoor entertainment and recreation
  - ❖ Recreational boat, snowmobile, motor home and travel trailer sales, service and rentals
  - ❖ Shopping centres

- 7.3.1.2 To zone existing commercial uses in the Residential Hamlet (RH) Designation as Hamlet Commercial (HC) on Schedule "C" and "D" of the Land Use By-law.
- 7.3.1.3 To consider proposals for the expansion of existing commercial uses beyond their established zone boundaries by development agreement subject to site specific criteria.
- 7.3.1.4 To consider proposals for new Hamlet Commercial (HC) Zone uses by amendment to the Land Use By-law subject to specific criteria.
- 7.3.1.5 To establish special abutting yard restrictions in the Land Use By-law for parking, loading, open storage and outdoor display where yards in the Hamlet Commercial (HC) Zone abut existing residential, institutional and recreational uses in any zone as well as a special restriction to regulate open storage and outdoor display in front yards.
- 7.3.1.6 To establish a special exception in the Land Use By-law reducing the minimum side yard requirement where Hamlet Commercial (HC) Zone uses abut.

## **PART 8 RURAL DEVELOPMENT**

### **8.1 RURAL DEVELOPMENT DESIGNATIONS AND ZONES**

The extensive rural area of the Municipality of the District of Yarmouth is quite diverse in character and includes small coastal communities, inland communities as well as cottage developments around the numerous lakes scattered throughout the municipality. The majority of this development is located along existing public highways. Although the predominant land use is residential and low density in nature, many mixed land uses, common in rural areas, co-exist with the residential character of the landscape. Land uses such as agriculture, forestry, institutional, recreational, commercial and industrial provide employment for many rural dwellers and complement the vitality of rural areas. The Rural Development Designation covers most of the rural municipality of Yarmouth and in fact covers the largest geographical area in the municipality ranging from inland forests, rivers and lakes to coastal areas.

Past land use planning policies have recognized the mixed use nature of developments that characterize rural areas and permitted a wide range of rural oriented uses. This Municipal Planning Strategy while intending to accommodate a wide range of uses in a variety of zones in the Rural Development Designation will only permit certain types of land uses by site plan approval or development agreement rather than as-of-right. The land uses regarded as requiring additional site specific control are land uses that have the potential for causing conflict with existing uses because of the potential for noise, odour, dust, pollution and other nuisance factors associated with such uses. These uses include but are not limited to large scale wind farms, shooting ranges, motor vehicle race tracks, intensive livestock operations, fur farms, salvage yards and industrial uses with potential to generate noise, odour, dust or pollution.

#### **8.1.1 Policies**

***It shall be the policy of Council:***

- 8.1.1.1 To designate as Rural Development (RD) all lands including coastal islands outside the Hebron and Lakes District, Lake George Watershed, Marine Industrial, Coastal Wetlands, Dykeland and Hamlet designations as shown on Map 5 Generalized Future Land Use of the Municipal Planning Strategy. This Rural Development Designation is intended to accommodate a wide range and mixture of land uses common in rural areas.
- 8.1.1.2 To establish a Rural Development (RD) Zone in the Land Use By-law to correspond to the area designated Rural Development as shown on Schedule "A" Zoning map of the Land Use By-law to accommodate a wide range and mixture of land uses.
- 8.1.1.3 To permit in areas zoned Rural Development (RD):
- ❖ Airport instrument approach and navigational systems
  - ❖ Agricultural and forestry uses excluding intensive livestock operations, fur farms and industrial uses
  - ❖ Communication buildings and structures
  - ❖ Day care centres
  - ❖ Existing fish plants as home occupations
  - ❖ Existing multi-unit dwellings and homes for special care
  - ❖ Existing shooting ranges
  - ❖ Guest homes and boarding homes
  - ❖ Institutional uses excluding correctional centres
  - ❖ Micro scale WTG
  - ❖ Private recreational clubs and fraternal organizations
  - ❖ Public parks and recreational uses excluding shooting ranges
  - ❖ Residential dwellings to a maximum of four dwelling units
  - ❖ Special uses on small lots
  - ❖ Utilities excluding wind farms
- 8.1.1.4 To consider the following uses by Development Agreement in the Rural Development (RD) Zone subject to specific criteria:
- ❖ Asphalt plants
  - ❖ Fish reduction plants
  - ❖ Fur farms (see Policies 10.1.4 and 10.1.5)
  - ❖ Intensive livestock operations (see Policy 10.1.3 and 10.2.1)
  - ❖ Motor vehicle race tracks
  - ❖ Residential developments containing more than four (4) dwelling units
  - ❖ Residential developments containing group dwellings and their supporting uses
  - ❖ Salvage yards and scrap yards
  - ❖ Shooting ranges
  - ❖ Wind farms (see policy 11.1.1.3)



## 8.2 CARLETON VILLAGE

In Margaret Hilton's "*History of Carleton 1833-1948*" she refers to Carleton as an early Nova Scotia village. The Hilton farm built around 1840 was noted by Margaret as the oldest house in Carleton. Situated on both sides of the Carleton River, Carleton is located eighteen miles from the sea. Although Carleton was not the first name given to the village it was changed to Carleton after Lake Carleton which is located below Nine Partner Falls. Carleton Lake was named after Sir Guy Carleton a once Governor of Nova Scotia. The river was the highway for the Mi'kmaq, the first inhabitants of the area, and was also the main transportation route for settlers who came to the area in the 1830's. First settlements occurred near the lake and in close proximity to water. The first settlers were attracted to the area by the timber stands and water resources that could be harnessed by mills to produce lumber. As early as 1815 nine men from Tusket formed a partnership for Nine Partner Falls to erect a mill below the lower lake. They cleared land for the venture but then abandoned the effort. In 1835 permanent settlers with a view to clear land, make farms, build homes and establish a permanent settlement came from Cheboque by way of the Carleton Branch of the Tusket River. Blazed trails and inland roads were a later development.

During the nineteenth century Carleton was a bustling village with a school, two churches, a blacksmith shop, a wheelwright, a general store and a thriving lumbering industry that supported a furniture factory as well as a chair and barrel factory. Numerous farms dotted the landscape including the 150 acre Club Farm that in 1880 had 30 acres in cultivation and boasted 800 apple trees. The community had a mail service by approximately 1850 and the Carleton Telephone Company provided one phone to service the community by 1884.

By the end of the nineteenth century three sawmills and a woodworking factory operated in the area. Lumber was often rafted down river to Tusket. The early twentieth century saw the construction of the Carleton Power Dam that provided electricity to the Yarmouth Light and Power Company until it burned in the early 1920's. During this time period the Carleton Hotel operated and the community could access rail service from the DAR station five miles away at Brazil Lake. The Durkee Library was created in 1938 and the mid 1940's saw the creation of the local fire department. Carleton has a long standing history as a village and community that has exhibited over time a variety of land uses including agricultural, residential, commercial and industrial. The creation of a new rural residential zone for the village of Carleton is designed to protect the existing predominantly residential character of the community and encourage new developments that are compatible with these uses.

Carleton today is a vibrant rural community with a recently refurbished elementary school, a modern volunteer community fire hall and a convenience store and gas bar in the core village area. A library and churches are also located in the community. An automotive repair business and contracting businesses as well as smaller home based businesses provide local employment. A decline in the long standing forestry and mixed farming economy has resulted in the transformation of the community into a centre for rural lifestyle living supporting both full time residents and seasonal based recreational developments. Carleton's location between the urban centre of Yarmouth Town and the well developed cottage country areas in the interior of the county has enabled the community to continue to thrive as a rural centre serving the social and economic needs of its residents and the broader rural area.

### **8.2.1 Policies**

#### ***It shall be the policy of Council:***

- 8.2.1.1 To establish a Carleton Village (CV) Zone for the planning area of the community of Carleton within the Rural Development Designation as shown on Generalized Future Land Use Map 5 and on Schedule "E" Zoning Map of the Land Use By-law. This zone is established to protect the predominantly residential and local commercial nature of the community and restrict industrial type uses which have the potential to create nuisance and alter the established character of the village.
- 8.2.1.2 To permit the following uses in the Carleton Village (CV) Zone:
- ❖ Residential uses not exceeding four (4) dwelling units
  - ❖ Home occupations
  - ❖ Agricultural uses excluding intensive livestock operations and fur farms
  - ❖ Existing uses
  - ❖ Institutional uses
  - ❖ Local commercial uses
  - ❖ Recreational uses
  - ❖ Micro scale WTG
  - ❖ Utilities, excluding wind farms
- 8.2.1.3 To consider proposals for certain home occupations by site-plan approval subject to Policy 15.1.8.1
- 8.2.1.4 To consider proposals for light industrial uses, residential developments containing more than four (4) dwelling units and Residential developments containing group dwellings and their supporting uses by development agreement.
- 8.2.1.5 To ensure, in addition to the requirements of this strategy for development agreements, the following criteria is met when considering development proposals for light industrial uses:
- 8.2.1.5.1 That the proposed development is located on a public road, private road or private right-of-way

## **8.3 RURAL COMMERCIAL**

### **EXISTING LAND USES**

While most of the concentration of commercial activity in Yarmouth Municipality is located in close proximity to the Town of Yarmouth, within the Hebron and Lakes District, some commercial activity is scattered along arterial and collector public roads throughout the Rural Development (RD) Designation. These commercial land uses provide employment and help to diversify the municipal tax base. Most of these commercial developments are small scale in nature and often begin as home occupations. Commercial activity in conjunction with an owner occupied residential use is not uncommon in mixed use rural areas of this region. Generally speaking most of these uses are unobtrusive and do not cause serious conflict with adjacent uses.

Current Rural Commercial activities include campgrounds, automobile service related businesses, community convenience stores and gas bars, retailers and antique outlets are examples of small scale commercial activities which continue to be active in the areas remote from the Yarmouth urban centre. The population which continues to choose a lifestyle in the rural areas of the municipality will require and support small scale commercial enterprises into the future.

Proposals for new commercial uses or the expansion of existing commercial uses will be considered by either site plan approval or by amendment to the Land Use By-law from the Rural Development (RD) Zone to the Rural Commercial (RC) Zone subject to specific criteria. Council will also establish special requirements in the Land Use By-law regulating parking, loading, open storage and outdoor display where commercial uses abut residential, institutional and recreational uses in any zone.

### **8.3.1 Policies**

#### ***It shall be the policy of Council:***

- 8.3.1.1 To establish a Rural Commercial (RC) Zone in the Land Use By-law to accommodate a wide range of commercial uses and other compatible uses in the Rural Development (RD) Designation.
- 8.3.1.2 To zone existing commercial uses in the Rural Development (RD) Designation as Rural Commercial (RC) as shown on Schedule "P" of the Land Use By-law.
- 8.3.1.3 To consider development proposals for the expansion of existing commercial uses beyond their established zone boundaries or proposals for some new commercial uses only by site plan approval subject to specific criteria.
- 8.3.1.4 To consider development proposals for some new commercial uses in the Rural Development designation only by amendment to the Land Use By-law subject to specific criteria.
- 8.3.1.5 To establish special abutting yard requirements in the Land Use By-law for parking, loading, open storage and outdoor display where yards in the Rural Commercial (RC) Zone abut existing residential, institutional and recreational uses in any zone.

## **8.4 RURAL INDUSTRIAL**

A wide range of both light and heavy industrial land use activity is dispersed throughout the Municipality in the Rural Development (RD) Designation. This type of industrial land use ranges from light industrial uses such as auto body and engine repair shops, lobster pounds and auto repair to heavy industrial type uses such as sawmills, boat shops, salvage yards, fish plants and bulk fuel storage depots. Many of these uses are located in less densely populated areas of the Municipality on large parcels of land. Approximately fifty properties scattered throughout the municipality, are currently zoned Rural Industrial (RI).

Many industrial uses produce noise, odour, dust and other emissions that may render them undesirable neighbours if located in too close proximity to more densely populated residential areas. Therefore Council will permit the location of industrial uses on private roads and private

right-of-ways as well as public roads to enable these uses to locate in more remote rural areas of the municipality where they may be sufficiently separated from residential development.

Council anticipates that some future industrial development will locate in the Rural Development Designation. Therefore, Council will establish a Rural Industrial (RI) Zone in the Land Use By-law to permit a wide range of light and heavy industrial uses, commercial uses, as well as single detached dwellings as a main or accessory use to an industrial or commercial use. Council recognizes that fish reduction plants and fish plants have the potential to generate odours which are a nuisance to residential development. These uses, excluding new fish plants in the Bunker Island Rural Industrial (RI) Zone and existing fish plants located elsewhere in the Rural Development Designation, will not be permitted in the Rural Industrial (RI) Zone. Some industrial uses including bulk petroleum storage, asphalt paving plants, recycling depots, salvage and/or scrap yards, sawmills and planer mills and land based closed containment aquaculture operations are recognized as having the potential for environmental impacts or may create conflict with adjacent existing uses. These uses will be permitted in the Rural Industrial zone by development agreement.

Existing industrial uses located within the Rural Development (RD) designation will be zoned as Rural Industrial (RI) with the exception of those lands zoned as Airport (AP) and Airport Noise Restriction (ANR). Additionally, lands generally adjacent to the municipal boundary between the Town of Yarmouth and the Municipality, in the vicinity of Highway 3 and the Hardscratch Road will be zoned as Rural Industrial (RI) to enable the further development in this area of industrial uses and to complement the existing Commercial Industrial designation in the Town of Yarmouth planning documents.

#### **8.4.1 Policies**

##### ***It shall be the policy of Council:***

- 8.4.1.1 To establish a Rural Industrial (RI) Zone in the By-law to permit light and heavy industrial uses and commercial uses as well as single detached dwellings as a main or accessory use thereof in the Rural Development designation excluding new fish reduction plants and new fish plants (Refer to Policies 8.1.1.4 and 9.1.3)
- 8.4.1.2 Excluding lands zoned Airport (AP) and Airport Noise Restriction (ANR), Council will zone all other existing light and heavy industrial uses (including existing fish plants) and lands generally adjacent the Municipality and Town boundary abutting or having access to Highway 3 or the Hardscratch Road within the Rural Development Designation as Rural Industrial (RI) on Schedule "P" Zoning Map of the Land Use By-law.
- 8.4.1.3 To consider proposals for the expansion of existing Rural Industrial (RI) Zone uses beyond the established zone boundaries or for new uses only by amendment to the By-law from the Rural Development (RD) Zone to the Rural Industrial (RI) Zone subject to satisfying the following criteria:
  - 8.4.1.3.1 the compatibility of the proposed development on adjacent uses in the area with particular regard to the scale and bulk of the proposed buildings or structures
  - 8.4.1.3.2 that the proposed development will not, by way of emissions of

odour, dust, smoke, noise or vibration; disrupt or detrimentally affect adjacent land uses nor be a use characterized by producing wastes that can contaminate soils or watercourses or be incompatible by reason of traffic generation

- 8.4.1.3.3 that the proposed use conforms with all relevant criteria of policies 15.1.7.1 through 15.1.7.4 inclusive in the Implementation Chapter.
- 8.4.1.4 To establish a special requirement in the By-law that new industrial uses or the expansion of existing industrial uses in the Rural Industrial (RI) Zone be screened from abutting residential, institutional or recreational uses in any zone by natural landforms, existing or planted vegetation, an opaque fence or other method of landscaping or a combination of such method of screening to minimize visual incompatibility.
- 8.4.1.5 To establish special abutting yard restrictions in the By-law for parking, loading, open storage and outdoor display where yards in the Rural Industrial (RI) Zone abut existing residential, institutional or recreational uses in any zone and special restrictions for open storage or outdoor display in front yards.
- 8.4.1.6 To establish a special exemption in the By-law reducing the minimum side yard requirement where Rural Industrial (RI) uses abut.
- 8.4.1.7 To establish a requirement in the Land Use By-law to permit bulk petroleum storage, asphalt paving plants, recycling depots, salvage and/or scrap yards, sawmills and planer mills and land based closed containment aquaculture operations in the Rural Industrial zone by development agreement in accordance with the policies in Section 15.1.9 of this Strategy.

Bunker Island is located on the eastern shoreline of Yarmouth Harbour south of the Town. It is connected to the mainland by a public road. For many years, it has been the location of a bulk fuel storage depot with a wharf facility. Given the Island's unique setting, it is a location where Council will permit new fish plants. Indeed, Council will permit any Marine Industrial (MI) Zone use subject to MI Zone provisions and requirements.

- 8.4.1.8 To permit Marine Industrial (MI) Zone uses within the Bunker Island Rural Industrial (RI) Zone subject to the provisions and requirements of the Marine Industrial (MI) Zone. (Refer to Policies 9.1.3 and 9.1.7 through 9.1.11 inclusive).

## **8.5 AIRPORT (AP) ZONE**

A major portion of the Yarmouth Airport is located in the Municipality. The airport is owned and operated by the Yarmouth International Airport Corporation. Aside from airport facilities, there is an aviation club building, an electrical contracting business and a recycling depot. To facilitate future development of airport lands, Council will establish an Airport (AP) Zone in the By-law. Uses permitted include airport and associated uses, aircraft parts and aircraft assembly plants, aviation clubs, call centres, other telecommunications uses, utilities, government buildings and offices excluding correctional centres. Council will also permit Rural Industrial (RI) Zone light industrial uses and Rural Commercial (RC) Zone uses excluding any dwelling type as a main or

accessory use. Additionally, industrial uses are not to be obnoxious in terms of sound, odour, fumes, smoke or other obnoxious emissions. Council will zone all airports lands generally bound by Highway 3, the abandoned CNR right-of-way, Lewis Road, Ellis Road and the Municipality and Town of Yarmouth boundary line as Airport (AP) on Schedule "L" of the Land Use By-law.

### **8.5.1 Policies**

#### ***It shall be the policy of Council:***

8.5.1.1 To establish an Airport (AP) Zone in the Land Use By-law to permit the following uses:

- ❖ Airport and associated uses
- ❖ Aircraft parts and aircraft assembly plants
- ❖ Aviation clubs
- ❖ Rural Commercial (RC) Zone uses excluding any dwelling type as a main or accessory use
- ❖ Call centres and other telecommunication uses
- ❖ Utilities
- ❖ Rural Industrial (RI) Zone light industrial uses excluding any dwelling as a main or accessory use and which are not obnoxious by reason of sound, odour, fumes, smoke or other obnoxious emissions
- ❖ Government buildings and offices excluding correctional centres.

8.5.1.2 To zone all airport lands generally bound by Highway 3, the abandoned CNR right-of-way, Lewis Road, Ellis Road and the Municipality and Town of Yarmouth boundary line within the Rural Development Designation as Airport (AP) on Schedule "L" of the Land Use By-law.

## **8.6 AIRPORT NOISE RESTRICTION (ANR) ZONE**

In the Hamlet of Arcadia, Council established an Airport Noise Restriction (ANR) Zone. The Airport Noise Exposure Forecast (NEF) contour of 35 or more in value delineates this zone boundary. Within this zone, certain uses are permitted excluding any type of residential use. This exclusion is due to the possible adverse effects of aircraft noise within this NEF contour (zone boundary). For this same reason, Council will establish an Airport Noise Restriction (ANR) Zone in the By-law and zone all lands within the Rural Development Designation where the NEF/NEP [noise exposure forecast/noise exposure projections] contour is 35 or more in value as Airport Noise Restriction (ANR) on Schedule "L" of the Land Use By-law. Where this NEF contour line is near a property line, the zone boundary will follow the property line. Uses permitted in this zone will include airport navigation systems, commercial uses and light industrial uses and Rural Development (RD) uses excluding any new dwelling type as a main or accessory use thereof. Existing residential uses will also be permitted and will be identified by property identification number (PID) and civic address in the Land Use By-law.

### **8.6.1 Policies**

#### ***It shall be the policy of Council:***

8.6.1.1 To establish an Airport Noise Restriction (ANR) Zone in the Land Use By-law to

permit the following uses:

- ❖ Airport navigation systems
- ❖ Commercial uses and light industrial uses
- ❖ Rural Development (RD) uses (excluding any type of new dwelling as a main or accessory use)
- ❖ Existing residential uses.

8.6.1.2 To zone all lands within the Rural Development Designation where the NEF contour is 35 or more in value as Airport Noise Restriction (ANR) in Schedule "L" of the Land Use By-law to permit the uses identified in Policy 8.6.1.1. Where the NEF contour line is near a property line, the zone boundary shall follow the property line.

8.6.1.3 To permit existing dwellings in the Airport Noise Restriction (ANR) Zone and identify them by property identification number (PID) and civic address in the Land Use By-law.

## **8.7 AIRPORT HEIGHT REGULATIONS**

**The Aeronautics Act of Canada** has established the **Yarmouth Airport Zoning Regulations**. These Regulations control the height of buildings and structures to be erected within specified areas of airport runways. The Municipality has no jurisdiction in this matter as the Regulations are administered by Transport Canada. However, Council will direct persons interested in developing near the airport to this authority for clarification of the **Yarmouth Airport Zoning Regulations**.

### **8.7.1 Policies**

***It shall be the policy of Council:***

8.7.1.1 To direct persons interested in developing lands in the vicinity of the Yarmouth Airport to Transport Canada for clarification of the Federal zoning regulations pertaining to the Yarmouth Airport.

## **8.8 HOME OCCUPATIONS**

Home occupations and the ability to create self-employment opportunities and work from home have a long standing tradition in the Municipality. These types of uses have included business and professional uses, offices, artisan workshops and studios, catering establishments, hairdressing salons, day care centres, guest homes, retail stores, repair shops as well as some light industrial uses. Council will permit a wide range of occupations, excluding fish plants, to operate from a residence or accessory building on a residential property in any residential, Rural Development (RD) or Lake George Watershed (LGW) Zone. Fish coolers, fish freezers and lobster holding facilities will be prohibited in any residential zone or the Lake George Watershed zone.

Council will establish general requirements in the Land Use By-law to regulate home occupations. The definition of home occupation is quite broad in nature and does permit a wide range of commercial and light industrial uses. Some of these uses do have a history of generating conflict

with adjacent residential uses and therefore will only be permitted in certain zones and will require a site plan approval process subject to more stringent setback and screening requirements than would apply to other types of home occupations. Automotive repair and body shops, small gas engine shops, portable sawmills, large volume firewood operations, kennels, recycling depots and construction and recycled building materials operations will be permitted and controlled through site plan approval.

**8.8.1 Policies**

***It shall be the policy of Council:***

- 8.8.1.1 To permit a wide range of home occupations excluding fish plants in the Rural Development (RD), Lake George Watershed (LGW) Zones and any residential zone.
- 8.8.1.2 To prohibit fish plants, fish coolers, fish freezers and lobster holding facilities as home occupations in any residential zone or Lake George Watershed (LGW) Zone.
- 8.8.1.3 To establish general requirements in the Land Use By-law to regulate and control home occupations.
- 8.8.1.4 To establish specific site plan approval requirements in the Land Use By-law that will apply to certain types of home occupations with the potential to cause conflict with adjacent residential uses. (See Policy 15.1.8.1)



## **PART 9 MARINE INDUSTRIAL**

The fishery and marine-related industries are the economic backbone of South Western Nova Scotia and generate both seasonal and permanent employment. The coastal settlement pattern in the municipality is directly related to the inshore fishery which is based upon a decentralized wharf system. These wharves now operated by local harbour authorities are located at Port Maitland, Short Beach, Sandford, Chegoggin Point, Pembroke, Yarmouth Bar, Kelly's Cove, Town Point and Pinkneys Point. In addition to these wharves a lobster pound is located south and across from Yarmouth Bar at Potato Field Point. Most of these wharves are located in relatively isolated areas away from the mainstream of community land uses. Port Maitland is the exception to this since the wharf and marine industrial uses are located in close proximity to existing residential uses.

It is anticipated that some expansion will occur in the fishery and its marine related industries. Future growth and expansion will be encouraged and enabled in the existing Marine Industrial Designation located in the vicinity of these wharves and the lobster pound at Potato Field Point. This designation is created to accommodate fishery and marine related industry. New industrial marine areas may only be created as an expansion of an existing industrial marine zone. Any proposals for the expansion of existing uses beyond their established industrial marine zone boundaries or for new uses adjacent to the existing Marine Industrial zone boundary will only be considered by amendment to the Land Use By-law subject to specific criteria.

Fish reduction plants may be permitted by development agreement in existing marine industrial zones, excluding Port Maitland, subject to site specific criteria.

### **9.1 POLICIES**

***It shall be the policy of Council:***

- 9.1.1 To designate lands in the vicinity of existing wharves at Port Maitland, Short Beach, Sanford, Pembroke, Chegoggin Point, Yarmouth Bar, Kelly's Cove, Town Point, Pinkneys Point and the lobster pound facility at Potato Field Point as Marine Industrial (MI) on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy to primarily accommodate fishery and marine related industrial uses, specific commercial uses, special uses on small lots and dwelling units located within any main permitted use.
- 9.1.2 To establish a Marine Industrial (MI) Zone in the Land Use By-law to correspond to the areas designated Marine Industrial in the Municipal Planning Strategy.

- 9.1.3 To permit in the Marine Industrial (MI) Zone:
- ❖ Fish processing plants
  - ❖ Fishery and marine related industrial uses such as boat shops, indoor and outdoor aquaculture, lobster pounds and holding facilities
  - ❖ Bulk petroleum storage depots
  - ❖ Marinas, marine railway facilities, slip ways and wharves, parking lots and outdoor storage
  - ❖ Fishery and marine related museums
  - ❖ Fishery and marine related service industries and equipment storage buildings including waste oil facilities
  - ❖ Existing fish reduction plants
  - ❖ Business and commercial uses in conjunction with fishery and marine related uses
  - ❖ Government fishery and marine related buildings and structures
  - ❖ Restaurants, retail and wholesale sport fishing equipment, recreational watercraft sales, services and rentals and sport fishing outfitters
  - ❖ Private fishery fraternal organizations and buildings
  - ❖ Dwelling units located within any main permitted use
  - ❖ Utilities excluding wind farms
  - ❖ Small scale WTG
  - ❖ Micro scale WTG
- 9.1.4 To consider proposals for the expansion of existing uses beyond the established Marine Industrial (MI) Zone boundaries or for new marine industrial uses into the immediately adjacent Rural Development (RD) Zone by amendment to the Land Use By-law subject to specific criteria.
- 9.1.5 To consider proposals for the expansion of existing uses beyond the established Marine Industrial (MI) Zone boundaries or for new marine industrial uses into the immediately adjacent Hamlet Residential (HR) Zone (in the case of Port Maitland) by amendment to the Land Use By-law subject to specific criteria.
- 9.1.6 To consider proposals for new fish reduction plants or expansion of existing fish reduction plants (excluding Port Maitland) by development agreement subject to site specific criteria.

To minimize visual incompatibility of the Marine Industrial (MI) Zone uses with abutting residential, institutional and recreational uses, Council will establish special requirements for screening and yard restrictions for new or expanding uses in the Marine Industrial (MI) Zone. Council will also establish special yard exemptions where the Marine Industrial (MI) Zone uses abut; where their yards abut the coastal shoreline and; where these uses locate on wharfs.

***It shall be the policy of Council:***

- 9.1.7 To establish a special requirement in the Land Use By-law that new uses or the expansion of existing uses in the Marine Industrial (MI) Zone be screened from abutting residential, institutional or recreational uses in any zone by natural landforms, existing or planted vegetation, an opaque fence or other method of landscaping or a combination of such method of screening to minimize visual incompatibility.
- 9.1.8 To establish special abutting yard restrictions in the Land Use By-law for parking, loading, and open storage where yards in the Marine Industrial (MI) Zone abut residential, institutional or recreational uses in any zone.
- 9.1.9 To establish a special exemption in the Land Use By-law reducing the minimum side yard requirement where Marine Industrial (MI) Zone uses abut.
- 9.1.10 To establish a special exemption in the Land Use By-law waiving the minimum yard requirement for permitted uses in the Marine Industrial (MI) Zone where yards abut the coastal shoreline.
- 9.1.11 To establish a waiver of lot requirements in the By-law where permitted uses in the Marine Industrial (MI) Zone locate on wharves provided that parking and loading spaces are located within a specific distance of the wharf.

## **PART 10 AGRICULTURE**

Although the face of agriculture has changed in Yarmouth Municipality over the last ten years there are signs of a renewed public interest in locally grown food, organic methods and community supported agriculture. Almost one third of the land area in Yarmouth Municipality is considered Class 3 or 4 by the Canada Land Inventory with respect to agricultural capability. This means that although there are limitations, there are soils with agricultural potential, located within many areas of the municipality. Over the last thirty years dairy farms have dominated the agricultural scene in the municipality.

Small scale agricultural operations that once produced food for the New England market have a long standing history in Yarmouth Municipality and are encouraged throughout the municipality. Issues of food quality, food security and access to healthy, locally grown food have resulted in the recent revival in local farmer markets, community gardens and the home garden plot. Farming as an occupation and lifestyle presents a variety of challenges in the twenty-first century. Land use activities involved in food production will be controlled differently than land use activities involved in fur production. The land use control mechanism for large scale intensive live stock operations and fur farms will be the legally binding, development agreement that will impose development restrictions appropriate to the size and scale of the operation and in a manner that recognizes the potential environmental impact of the land use activity.

Agricultural activities have an inherent impact on the environment that is not always positive. Fertilizer and pesticide use, soil erosion and compaction as well as habitat loss are frequently documented as negative consequences to farm practices. While the Nova Scotia Department of Agriculture has jurisdiction over agricultural operations and establishes guidelines and plans for nutrient management and environmental farm plans, a Municipal Planning Strategy can establish local land use policy to control certain types and sizes of agricultural operations and restrict non-food agriculture to certain zones.

Only in the Lake George Watershed designation will food agriculture be restricted to household gardens in an effort to limit agricultural activities and protect the water quality of this provincially designated public water supply. In all other areas of the municipality food agriculture is encouraged and supported in an attempt to ensure that locally grown food is available for local consumption and that the use of land with agricultural capability is used for agricultural purposes.

Fur farming has been a prominent issue in the south western region of the province in recent years. The centre of the fur industry activity is located in Clare and Digby municipalities. One of the primary watersheds in this area is the Carleton River which flows southward through Yarmouth Municipality joining the Tuskent River at Gavelton. In 2008 the Department of Environment undertook a study to evaluate the water quality of lakes within the watershed. Subsequent water quality studies were carried out in 2009 and 2010. The most recent study dated January 12, 2011 concluded the most probable source of nutrients leading to the decline in water quality are those originating from the activities of the mink farms highly concentrated in the study area. The Department of Agriculture developed new Fur Industry Act Regulations in 2013 to focus on environmental management of the fur industry to enable the industry to grow and be good stewards of the environment. The Council supports the Province in its efforts to adopt fur industry regulations and will adopt policy and provisions in its Planning Strategy and Land Use By-law to restrict fur farming to the Rural Development (RD) Zone, to require

development agreements for new fur farms and expansions to existing farms and will establish setback distances for fur operations from watercourses and separation distances to existing residential, institutional and recreational uses.

## **10.1 POLICIES**

### ***It shall be the policy of Council:***

- 10.1.1 To encourage the growth and development of environmentally sound agricultural operations throughout the municipality, especially those operations that provide food for local consumption.
- 10.1.2 To recognize value added issues such as farm gate sales and small scale abattoir as integral components of small scale farming operations as accessory uses to food agriculture operations.
- 10.1.3 To define and regulate intensive livestock operations by development agreement in terms of the intensity of the operations relative to the capability of the land base to handle the nutrients produced by the farming operation and to require Environmental Farm Management Plans and Nutrient Management Plans approved by the Department of Agriculture for all new intensive livestock operations.
- 10.1.4 To define and regulate fur farming operations by development agreement and to require Environmental Farm Management Plans and Nutrient Management Plans approved by the Department of Agriculture for all new fur farms and expansion of existing farms.
- 10.1.5 To regulate setback distance requirements between fur industry operations ad watercourses to not less than 152 metres, and separation distances to existing residences, institutional and recreational uses to not less than 805 metres.

## **10.2 DEVELOPMENT AGREEMENT CRITERIA**

- 10.2.1. When considering a development agreement for an intensive livestock operation, in addition to all other requirements of this Municipal Planning Strategy and Land Use By-law Council shall require:
  - 10.2.1.1 That the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Municipal By-laws and regulations.
  - 10.2.1.2 That a Nutrient Management Plan as defined by the Nova Scotia Department of Agriculture from time to time has been developed and adopted by the owner/operator of the farm.
  - 10.2.1.3 That an Environmental Farm Plan as defined by the Nova Scotia Department of Agriculture from time to time has been developed and adopted by the owner/operator of the farm.
  - 10.2.1.4 That the proposed development is in accordance with the provisions of Policy 15.2.

## **PART 11 RENEWABLE ENERGY**

### **11.1 WIND TURBINE GENERATORS (WTG)**

A primary objective of the 2007 Nova Scotia Environmental Goals and Sustainable Prosperity Act was to achieve one of the cleanest and most sustainable environments in the world by the year 2020. The 2009 Nova Scotia Energy Strategy and subsequent development of Renewable Energy Standards and more recently the Renewable Electricity Plan of 2010 including its Community Based Feed-In Tariff program have provided incentives for alternate energy producers. The Nova Scotia Wind Atlas revealed an abundance of wind energy resources in South West Nova Scotia. A 17 turbine 30 MW wind farm was developed in West Pubnico in Argyle Municipality in 2004 and a 20 turbine 30 MW wind farm was developed on Digby Neck in Digby Municipality in 2010. It is evident there is potential for both large and small scale wind turbine generator developments in the South Western part of the province and Council recognizes the need to incorporate policies to address wind turbine generator development in the Municipality. Council recognizes that wind energy technology is developing rapidly and there will be a need to be flexible to accommodate changes in the industry in the future. For this reason Council will re-evaluate the wind energy development policies from time to time.

The long term sustainable goals and objectives of the Municipality incorporate principles of reducing pollution and encouraging development of renewable energy sources. The primary sustainable development goal is to ensure that new and existing development strives to balance the environmental, economic, social and cultural dimensions of the community. Large scale wind turbine generators (WTG) in groups, small scale turbines in groups and single turbines, and micro scale turbines all have the potential to have impacts on adjacent land uses. Council recognizes the need to balance the importance of encouraging and promoting development of alternate energy solutions and the responsibility to minimize the impacts such developments may have on communities and its citizens, and to establish appropriate development control mechanisms and By-law provisions for the different scales of wind turbine development. Large Scale WTG developments and Small Scale WTG developments are not considered appropriate in the environmentally sensitive Coastal Wetlands (CW), Dykelands (DL) and Broad Brook Floodplain (BF) Zones or in the built up residential areas of Hebron Lakes District or in the Hamlets of Arcadia or Port Maitland.

Large scale multiple generator wind farms which generate electric power for the power grid are recognized as having the potential to create impacts on adjacent communities. A separation distance in the order of one (1) kilometre between wind farms and residences has been generally recognized around the Province as an industry standard. Council intends to limit Large Scale WTG development to the Rural Development designation only and to require a development agreement approval process for their use. Small Scale WTG developments are also recognized as having the potential to create impacts on adjacent land uses, but to a lesser extent than large groups of turbines. Council intends to enable Small Scale WTG use in all areas of the municipality except in the Hebron and Lakes District, the Hamlet designations of Arcadia and Port Maitland, Coastal Wetlands (CW), Dykeland (DL) and Broad Brook Floodplain (BF) Zones and to require a site plan approval process for their use. Recognizing that some existing land parcel configurations in the municipality may cause siting constraints for WTG, Council intends to incorporate special

waiver provisions from yard and setback requirements in the Land Use By-law to accommodate such developments where affected abutting property owners enter into legal agreements for the purpose of enabling the wind turbine development. Council intends to enable Micro Scale WTG in all zones except the Coastal Wetlands (CW) and Dykelands (DL) zones using a development permit process to regulate their use.

#### **11.1.1 Policies**

##### ***It shall be the policy of Council:***

- 11.1.1.1 To encourage the growth and development of alternate energy resources including wind turbine generators and to establish policy framework and Land Use By-law provisions to enable the development of varying sizes and scales of wind turbine generators in the Municipality.
- 11.1.1.2 To establish in the Land Use By-law definitions of and provisions for regulating the use and location of Large Scale, Small Scale and Micro Scale wind turbine generators.
- 11.1.1.3 To establish in the Land Use By-law provisions for regulating the use and location of Large Scale WTG in the Rural Development (RD) Zone and to require a Development Agreement to enable their use.
- 11.1.1.4 To establish in the Land Use By-law provisions for regulating the use and location of Small Scale WTG in all zones except: the Hebron and Lakes designation, Arcadia and Port Maitland Hamlet designations, Coastal Wetlands (CW), Dykelands (DL), Lightstation Heritage (LH) and Broad Brook Floodplain (FP) Zones; and to require a site-plan approval to enable their use.
- 11.1.1.5 To establish in the Land Use By-law provisions for regulating the use and location of Micro Scale WTG in all zones except the Coastal Wetlands (CW), Dykelands (DL), and Broad Brook Floodplain (FP) Zones and to require a development permit approval to enable their use.
- 11.1.1.6 To establish in the Land Use By-Law special waivers from yard, setback and separation distance requirements for WTG and to enable development permits to be issued for their use where the developer obtains registered legal agreements for the siting of the WTG from affected adjacent dwelling owners and property owners.
- 11.1.1.7 To review the policies and provisions regulating the use of wind turbine generators in the municipality from time to time.

- 11.1.1.8 To consider the following criteria prior to entering into a development agreement for Large Scale wind turbine generator developments:
  - 11.1.1.8.1 That wind turbine generators be separated from habitable dwellings a minimum of one (1) kilometre.
  - 11.1.1.8.2 That mitigation of noise, visual impacts, shadow effects and environmental impacts of wind turbines is undertaken to minimize any potential negative effects of the development on the community.
  - 11.1.1.8.3 That safety concerns are addressed both on site and off site for matters of electrical safety, ice throw, blade throw, turbine collapse, and emergency response.
  - 11.1.1.8.4 That all documentation required for the Canadian Environmental Assessment Act and the Nova Scotia Environment Act for the proposal is included in the documentation submitted by the proponent.
  - 11.1.1.8.5 That all documentation required by the Department of National Defence, Environment Canada, Navigation Canada, Transport Canada, Canadian Coast Guard, Royal Canadian Mounted Police and Nova Scotia Department of Natural Resources is included in the documentation submitted by the proponent.
  - 11.1.1.8.6 That a decommissioning plan be included in the development agreement to be enacted after two years of the cessation of electrical power generation on the site.
  - 11.1.1.8.7 That no commercial advertising other than the manufacturer's name be permitted on any WTG or accessory structures.
  - 11.1.1.8.8 That the proposed development is in accordance with Sections 15.1.9 and 15.2 in Part 15 the Implementation Chapter of this Strategy.
- 11.1.1.9. To consider the following criteria prior to approving a site plan for Small Scale WTG developments:
  - 11.1.1.9.1 That wind turbine generators be separated from dwellings a minimum of 200 metres.
  - 11.1.1.9.2 That notification of the site plan approval be sent by regular mail to all owners of habitable dwellings within 500 metres (1640 feet) of the WTG. The costs associated with this notification shall be the responsibility of the applicant.



- 11.1.1.9.3 That mitigation of noise, visual impacts, shadow effects and environmental impacts of wind turbines is undertaken to minimize any potential negative effects of the development on adjacent uses.
- 11.1.1.9.4 That all documentation required by the Department of National Defence, Environment Canada, Navigation Canada, Transport Canada, Canadian Coast Guard, Royal Canadian Mounted Police and Nova Scotia Department of Natural Resources is included in the documentation submitted by the proponent.
- 11.1.1.9.5 That no commercial advertising other than the manufacturer's name be permitted on any WTG or accessory structures.

## **PART 12 SUBDIVISION OF LAND AND LOT ACCESS**

The subdivision of land is closely related to the provision of streets and services and the orderly progression of land development. The land development pattern that results from the division of property is greatly influenced by the location of roads and services. These factors can often determine or constrain future growth and development if they are not properly planned from the beginning.

Council recognizes the direct relationship between land division and the subsequent development of newly created lots. Therefore the rules governing land division need to be closely linked to the rules that govern land use and development. One of the requirements for dividing land concerns lot access on either a private road, public road or private right-of-way. The current requirements do not adequately address municipal public roads, nor provide up-to-date standards for the design and construction of public roads or private roads, new policies will be established in this Municipal Planning Strategy to enable these future amendments to the Subdivision By-law. This Municipal Planning Strategy serves as the policy document that supports the requirements contained in both the Land Use By-law (LUB) and Subdivision By-law (SUB) of the Municipality of the District of Yarmouth.

Existing undersized vacant or developed lots may not be capable of satisfying the minimum requirements for lot area and/or frontage. Existing developed lots may also not satisfy any one or more minimum yard requirements of the By-law. Any increase in area and/or frontage is an improvement although the increase may not result in meeting the minimum requirements of the By-law. Council will establish a general provision in the By-law applicable to all areas of the Municipality to continue to treat these lots as existing undersized lots. Furthermore Council will permit the change of use of existing development on these lots and consider the rezoning of any such lots subject to satisfying all other provisions of the Strategy and By-law excluding lots within the Lake George Watershed designation.

Some form of subdivision regulation has been in place in Yarmouth Municipality since 1979. Council adopted a Subdivision By-law in 1998 recognizing the need to better integrate planning and development and the subdivision process, especially in matters concerning public and private roads as well as central sewer services. The Municipal Government Act stipulates the matters which Council may address in its Subdivision By-law. A review of the Subdivision By-law has not occurred in 13 years and is required in order to clarify policy and provide current standards related to roads and central sewer and water services. Council understands the importance of this issue and will request the Planning Advisory Committee (PAC) to undertake a full review of the Subdivision By-law following the completion of the Municipal Planning Strategy and Land Use By-law review.

Efficient utilization of all existing land, especially in the serviced areas of the Municipality, is seen as both a benefit to the residents and to the Municipality as a whole in increasing the overall tax base. To this end Council will allow for the subdivision of minimum frontage lots in all zones. Minimum frontages will be established by the minimum width of the right-of-way easement as required by the Subdivision By-law except for lots for commercial uses in the Commercial General (CG), Commercial Local (CL), Commercial Hamlet (CH), Rural Commercial (RC), Airport Noise Restriction (ANR) and Business and Industrial Park (BIP) zones.

## 12.1 POLICIES

### *It shall be the policy of Council:*

- 12.1.1 To establish general provisions in the By-law to continue to treat as existing undersized lots any lots which have had increases in frontage and/or area and permitting the use of such lots which may continue to be undersized in frontage and/or area, except for lots in the Lake George Watershed (LGW) Zone.
- 12.1.2 To enable the change in use of an existing undersized developed lot where minimum yard setbacks do not meet the requirements of the By-law and to consider the rezoning of such lots provided all other requirements of the Strategy and By-law are met, except for lots within the Lake George Watershed (LGW) Zone.
- 12.1.3 To enable the approval of a Final Plan of Subdivision where the Department of Environment has approved the lots for the installation of on-site sewage disposal systems, and such lots shall be deemed to meet the minimum lot area requirements of the By-law.
- 12.1.4 To enable the Development Officer to approve the subdivision of a maximum of two lots having no less than 90% of the required minimum frontage and/or area required by the By-law in accordance with the Subdivision By-law and Section 279 of the Municipal Government Act, provided the Department of Environment has approved the lots and all other requirements of the By-law are satisfied. Such lots shall be deemed to meet the minimum lot area requirements of the By-law.
- 12.1.5 To enable the creation of lots of 465 square metres (5005 sq.ft.) or less in area, except in the Lake George Watershed (LGW) Zone, where the development is not proposed to be connected to municipal sanitary sewer or an on-site sewage disposal system, and to issue development permits for special uses only as identified in Policy 6.2.1.3 and listed in the By-law.
- 12.1.6 To establish a general provision in the By-law to require all development to locate on lots which abut and front on a public listed maintained road.
- 12.1.7 Notwithstanding Policy 12.1.6 Council will establish a general provision in the By-law exempting certain types of development in specific areas of the municipality from public listed maintained road frontage requirements. The exemptions for single unit detached dwellings are:
- 12.1.7.1 Where lots abut and front on Candy Lane, Fuller Lane, Maple Hill Lane, Spruce Lane and Breakwater Wharf Road; or
  - 12.1.7.2 Where lots abut and front on an existing private road; or
  - 12.1.7.3 Where existing lots are served by a right-of-way and where new lots are served by rights-of-way created pursuant to the requirements of the Subdivision By-law; or

- 12.1.7.4 Where existing lots or lots created pursuant to the Subdivision By-law have water access only.
- 12.1.8 Excluding commercial uses as main uses, any other use in any zone where the lot abuts an existing private road or the lot is served by an existing right-of-way or a new right-of-way is created pursuant to the Subdivision By-law.
- 12.1.9 To enable the subdivision of lands where a development component of a permanent nature such as a building, structure, well, on-site sewage disposal system or driveway is encroaching in or upon an immediately adjacent area of land, to the extent necessary to remove the encroachment; and
- 12.1.10 To set out provisions in the Land Use By-law to allow development to occur on any such resulting lot; and
- 12.1.11 To undertake a comprehensive review of the Subdivision By-law once the review of the MPS and LUB is completed; and
- 12.1.12 To include in the Subdivision By-law specifications for the construction of public and private roads to service new lots created by the subdivision of land; and
- 12.1.13 To require that new municipal public roads be designed to accommodate sidewalks and bike lanes within the designed right-of-way where possible; and
- 12.1.14 To require that private roads be constructed within the designed right-of-way and essentially concentric with that right-of-way, and that only clean fill and no organics be used in the road bed; and
- 12.1.15 To include in the Subdivision By-law specifications for the construction of sanitary sewers, storm water drainage and potable water supply systems to service new lots created by the subdivision of land; and
- 12.1.16 To require the developer to bear the costs of road construction (including paving) for new public roads in areas with central services; and
- 11.1.17 To require the developer to bear the costs of road construction for both public and private roads; and
- 12.1.18 To require the developer to bear the costs of providing sewer and/or water services in accordance with Subdivision By-law specifications (where applicable); and
- 12.1.19 To enable minimum frontage lots in all zones.

- 12.1.20 To require the developer to convey the Municipality for public use 5% of the developed land shown on the final plan of subdivision, other equivalent land, or the equivalent cash-in-lieu based on the assessed value of the developed land.

## **PART 13 TRANSPORTATION**

Land development patterns and economic development are strongly influenced by transportation networks. Transportation by land, water or air is a key element in ensuring economic viability and long term sustainability of the southwest region of Nova Scotia.

### **13.1 ROADS**

The road network in the Municipality of Yarmouth is well established and includes four classifications of provincially owned public roads. Included are controlled access Highways 101 and 103; arterial highways 1 and 3; collector roads such as Routes 334 and 340 and numerous local roads. All new local public roads created in the municipality are now required to be owned and maintained by the local municipal government. A variety of private roads also exist in the municipality and service both year round and seasonal dwellings. Council recognizes the need to review the current Subdivision By-law and adopt appropriate construction standards for the construction of new public and private roads located within the Municipality. Policies concerning land division and access can be found in the Subdivision and Lot Access section of this Municipal Planning Strategy. In order to facilitate repair and maintenance of provincially owned public roads Council will liaise with the Nova Scotia Department of Transportation and Infrastructure Renewal (NSDTIR) in identifying and resolving public highway issues.

#### **13.1.1 Policies**

***It shall be the policy of Council:***

- 13.1.1.1 To work in co-operation with NSDTIR to resolve issues of mutual concern regarding road conditions and hazards as well as the repair, maintenance and upgrading of provincial public roads.
- 13.1.1.2 To work collaboratively with other municipalities and the provincial and federal governments to ensure the completion of the hundred series highway in the southwest region of the province.

### **13.2 ACTIVE TRANSPORTATION**

Alternate and active (self-propelled) modes of transportation are important considerations for the growth and development of healthy and active communities. Active modes of transportation reduce fuel consumption, improve air quality and promote a healthy and active lifestyle. The provision of transportation infrastructure must consider the needs of all users including drivers, cyclists and pedestrians. The provision of sidewalks at the community level is one example of Council's commitment to active transportation. In 2010 Council approved an Active Transportation Plan that was developed in conjunction with the Town of Yarmouth. Sidewalks have been established in the communities of Arcadia, Brooklyn, Carleton, Hebron, Kemptville, Milton Highlands, Port Maitland and South Ohio. These sidewalks form an important part of the community's public infrastructure. The provision of safe bike lanes, in conjunction with provincially owned public roads, is also recognized as an important component of the active transportation network in the Municipality. Other policies concerning active transportation can also be found in the Recreation section of this Municipal Planning Strategy.

### **13.2.1 Policies**

#### ***It shall be the policy of Council:***

- 13.2.1.1 To recognize the importance of sidewalks, trails and bike lanes to the health and well-being of local communities.
- 13.2.1.2 To work co-operatively with communities and organizations to identify and prioritize areas of the municipality that would benefit from the construction of new sidewalks.
- 13.2.1.3 To liaise with NSDTIR in indentifying areas in the municipality that could benefit from the provision of bicycle lanes in conjunction with capital improvement projects to public roads.

## **13.3 WATER TRANSPORTATION**

A ferry service between Yarmouth and New England has existed since 1855 providing an international transportation link between Canada and the United States. In 2009 the international ferry service brought approximately 41,000 people to the area. Eighty percent of those ferry travellers were American residents. The ferry service generated approximately nineteen million dollars worth of tourism receipts for the region in 2009. Council strongly supports the restoration of the international ferry service between New England and Nova Scotia. A study commissioned in 2010 to analyze the economic case for restoring the service found it to be a crucial part of the transportation infrastructure for this region and province. This study also substantiated a strong economic argument in favour of government support for the restoration of the ferry service.

### **13.3.1 Policies**

#### ***It shall be the policy of Council:***

- 13.3.1.1 To support the restoration and maintenance of a year round ferry service between Yarmouth and New England.

## **13.4 AIR TRANSPORTATION**

The Yarmouth International Airport Corporation is cooperatively run by three municipalities in the region to provide passenger and airfreight service from Yarmouth. The Municipality of Yarmouth is one of the municipal owners of the airport facility and supports the air transportation link and the service it provides to the region and beyond. The role of the Corporation is to seek ways and means to upgrade the level of services and facilities and to promote the benefits of both air and ground side locations for the public sector and private enterprise. Council will encourage the Corporation in these matters for the benefit of the Municipality and the Region as a whole.

### **13.4.1 Policies**

***It shall be the policy of Council:***

- 13.4.1.1 To support the Yarmouth International Airport Corporation in its efforts to maintain and upgrade the level of passenger and airfreight services and facilities at the Yarmouth airport.
- 13.4.1.2 To support the Yarmouth International Airport Corporation in its efforts to develop new public sector and private sector enterprises to utilize the resources of the airport.



## **PART 14 GOVERNMENT SERVICES**

### **14.1 RECREATION, HERITAGE & CULTURE**

Recreation and culture are important components of community life and contribute to quality of life and social interaction. Both recreational events and facilities generate economic spin-offs by attracting new residents, businesses, competitions and tourists as well as helping to retain our youth. The Yarmouth area supports a wide range of recreational facilities and cultural institutions. Volunteers and community groups and the facilities they use are the community's building blocks and Council recognizes the importance of the volunteer sector and the services they provide.

The Municipality of the District of Yarmouth and the Town of Yarmouth cost share the provision of recreational services for residents of both the town and the municipality. The recreation department provides both passive and active recreational programs and activities to all ages at the community level. A variety of public and private recreational facilities such as the Mariners Centre, the YMCA, the Milo Aquatic Club and the Hebron Recreational Complex exist in the area and provide diverse opportunities for the pursuit of recreational activities.

The Recreation Department maintains and operates the Hebron Recreation Complex which includes three ball diamonds, four tennis courts, walking trails, a playground and the Rotary Centre. The Department maintains all ball fields located throughout the Municipality and the Town and also oversees the operation of the Milo Aquatic Club.

The new Mariners Centre is owned by both the Town and Municipality of Yarmouth and managed by a separate management board. This year round multi-purpose facility contains two ice arenas and multipurpose space for trade shows, conventions, exhibitions and concerts.

A number of cultural institutions such as the Yarmouth County Museum, the Y'ARC, the Nova Scotia Art Gallery and the Western Counties Regional Library help to create the cultural landscape available to residents and visitors alike.

Council has long supported programs that provide financial assistance to local groups and organizations in promoting recreation and culture. The municipality's Hebron Recreation Complex is a significant public asset. In recognition of the importance of this facility and other municipally owned park and recreation facilities Council will designate these municipally owned properties as Recreation on the Generalized Future Land Use Map 5 of the Municipal Planning Strategy. A new zone in the Land Use By-law will be created to correspond to the area designated Recreation and this new zone will be reflected on the Zoning Map Schedules in the Land Use By-law. This designation and zone are created to recognize the current use of these properties for recreational purposes and to protect the public nature of these existing facilities for recreational use in the future.

### **14.1.1 Policies**

#### ***It shall be the policy of Council:***

- 14.1.1.1 To designate as Recreation those lands owned by the Municipality of Yarmouth and used for park or recreational purposes as shown on Generalized Future Land Use Maps 5 and 6 of the Municipal Planning Strategy.
- 14.1.1.2 To establish a Recreation Zone (REC) in the Land Use By-law, as shown on the Schedule "A" and Schedule "B" Zoning Map of the Land Use By-law to correspond to the areas designated Recreation.
- 14.1.1.3 To permit the following uses in the Recreation Zone:
  - ❖ Recreation facilities and uses
  - ❖ Sports Fields
  - ❖ Parks and playgrounds
  - ❖ Trails
  - ❖ Community gardens
- 14.1.1.4 To permit the development and use of land in all zones for park, recreation and open space uses.
- 14.1.1.5 To encourage and support the activities of the Yarmouth County Trails Development Association in their ongoing work of creating and maintaining the rail trail throughout Yarmouth County.
- 14.1.1.6 To work in cooperation with community organizations and government bodies in the provision of recreation and cultural services and facilities.
- 14.1.1.7 To support the local, regional and provincial library networks by continuing to fund library operating costs in accordance with the formula as established from time to time.
- 13.1.1.8 To encourage awareness of Yarmouth's natural, built and cultural heritage through support of facilities, collections and programs of the local museums, historical societies and art councils.
- 14.1.1.9 To encourage and support physical activity and a healthy lifestyle for all residents of Yarmouth County by supporting active transportation initiatives and infrastructure.
- 14.1.1.10 To maintain municipal recreational facilities as healthy, safe environments for all users.
- 14.1.1.11 To establish an Active Transportation Committee that is interdisciplinary in nature to work with Council and the community to implement the recently approved Active Transportation Plan.

## **14.2 POLICE**

Police protection in the Municipality is handled by the Royal Canadian Mounted Police.

## **14.3 FIRE**

There are seven fire departments providing fire protection service in the Municipality. They include Port Maitland, Lakes and District, Lake Vaughan, Valley and District, Carleton, Kemptville and the Town of Yarmouth. All are comprised of volunteers with the exception of the Yarmouth Fire Department which has several full time staff in addition to a core of volunteers. Fire fighting equipment varies between departments. Departments in the Municipality are financed either by donations, fund raising events or, in some case, by area rates which are charged to the residents. When there are area rates, the Municipality provides financial assistance in the form of an operating grant calculated on a per capita basis. Each department also receives municipal funding for capital programs. Other problems with providing fire protection to various areas of the Municipality include the replacement of old equipment, road conditions, adequate water supply and lack of new volunteers. Some problems are beyond the ability of the Municipality to resolve but others should be studied.

### **14.3.1 Policies**

#### ***It shall be the policy of Council:***

- 14.3.1.1 It shall be the intention of Council to liaise with the fire departments in the Municipality in order to resolve problems of mutual concern, particularly the lack of volunteers.

## **14.4 EDUCATION**

The Municipality is included in the Tri-County Regional School Board composed of elected members from Yarmouth, Digby and Shelburne Counties. While these Boards have jurisdiction over all facets of education, Council will monitor the educational needs of residents.

### **14.4.1 Policies**

#### ***It shall be the policy of Council:***

- 14.4.1.1 It shall be the intention of Council to monitor the educational needs of residents and to liaise with the Tri-County Regional School Board to encourage the provision of educational facilities and programs to meet these needs.

## **PART 15 IMPLEMENTATION**

This Municipal Planning Strategy is the main policy document through which the growth and development of the municipality shall be encouraged, co-ordinated and controlled. The policies of this Municipal Planning Strategy will be implemented through the powers provided Council in the Municipal Government Act and other relevant statutes. The main regulatory documents used to implement the policies of the Municipal Planning Strategy are the Land Use By-law and the Subdivision By-law.

This Municipal Planning Strategy and any subsequent amendments shall be reviewed pursuant to Subsection 214(2) of the Municipal Government Act when deemed necessary by the Minister of Service Nova Scotia and Municipal Relations(SNSMR) or by Council within 5 to 10 years of it coming into force and effect.

The Municipal Planning Strategy approved by the Minister on March 20, 2001 and subsequent amendments thereto is repealed upon the date of coming into force and effect of this Municipal Planning Strategy.

### **15.1 POLICIES**

In order to implement the Municipal Planning Strategy and ensure clarity,

***It shall be the policy of Council:***

#### **15.1.1 Planning Advisory Committee**

- 15.1.1.1 To maintain an ongoing, comprehensive community planning program with advice and assistance from the Planning Advisory Committee;
- 15.1.1.2 To undertake a regular review of the Municipal Planning Strategy and Land Use By-law within five to ten years from the date of its coming into force or the date of the last review.

#### **15.1.2 Administration**

- 15.1.2.1 To appoint a Development Officer to administer the Land Use By-law, development agreements, and the Subdivision By-law and to issue site plan approvals or deny permits and approvals under the terms of these By-laws and agreements.

#### **15.1.3 Development Permits**

- 15.1.3.1 To require that any development permit issued shall specify, in addition to the development, the period for implementation. Any development permit shall lapse, becoming null and void, if the development has not commenced within one (1) year of the date of issue of the permit.

- 15.1.3.2 Any development permit issued may be revoked by the Development Officer where there is reason to believe that the development permit was issued as a result of mistaken or false information.

#### **15.1.4 Variances**

- 15.1.4.1 In accordance with Municipal Government Act Section 235(2) the Development Officer may vary parking requirements for multi unit residential developments where appropriate.

#### **15.1.5 Public Hearing**

- 15.1.5.1 To hold a public hearing in accordance with the Municipal Government Act, prior to approval of any amendment to the Municipal Planning Strategy and Land Use By-law or entering into a development agreement.

#### **15.1.6 Municipal Planning Strategy Amendments**

- 15.1.6.1 To require an amendment to the Municipal Planning Strategy:
  - 15.1.6.1.1 where any policy intent is to be altered; or
  - 15.1.6.1.2 where a text or map amendment to the Land Use By-law would conflict with the text or maps of the Municipal Planning Strategy; or
  - 15.1.6.1.3 where an amendment to the Subdivision By-law would conflict with the text of the Municipal Planning Strategy.
- 15.1.6.2 An amendment to the Municipal Planning Strategy shall not be required to rezone areas immediately adjacent to a given land use designation to a zone established by policies for that designation provided all other relevant policies of this Municipal Planning Strategy are satisfied.

#### **15.1.7 Land Use By-law Amendments**

- 15.1.7.1 To amend the Land Use By-law provided the amendment reflects the intent of the Municipal Planning Strategy.
- 15.1.7.2 To consider an application for amendment to the Land Use By-law only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.

- 15.1.7.3 To consider an application for amendment to the Land Use By-law only if the site meets all of the lot size and zone standards for the zone sought, with the following exceptions:
  - 15.1.7.3.1 A rezoning may be granted for a lot or lots which meet all zone standards but has less than the required frontage or area specified for the zone sought; or
  - 15.1.7.3.2 A rezoning may be granted for a lot or lots with a building or buildings on it, which meets all other zone requirements except minimum lot area, frontage, setback or yard standards specified for the zone sought. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard standard.
- 15.1.7.4 To notify land owners within 305 metres (1000') of the subject property by direct mail of the proposed by-law amendment. A minimum of fifty (50) property owners shall be notified, and the minimum notification distance shall be increased beyond 305 metres (1000 ft.) until the required minimum number of property owners are notified. The costs associated with this notification shall be the responsibility of the applicant.
- 15.1.7.5 That the proposal will not significantly alter the character or stability of the surrounding adjacent uses.

#### **15.1.8 Site-Plan Approvals**

- 15.1.8.1 To use the Municipal Government Act 'site-plan approval' process to enable home occupations for automotive repair shops, small gas engine repair, portable sawmill operations, kennels, recycling depots, firewood operations and construction and recycled building material operations. Also Small Scale WTG developments will be dealt with by site-plan approval.
- 15.1.8.2 To permit 'site-plan approval' process to enable home occupations for portable sawmill operations, kennels, recycling depots, firewood operations and construction and recycled building material operations in all zones except the Commercial General, Commercial Local, Commercial Restricted, Residential General, Residential Local, Hamlet Commercial and Hamlet residential zones.
- 15.1.8.3 When granting a site-plan approval for small scale WTG development to adhere to Policy 11.1.1.9 of this Strategy.
- 15.1.8.4 When granting a site-plan approval for small scale WTG development to notify land owners within 152 metres (500') of the subject property by direct

mail of the site-plan approval. The costs associated with this notification shall be the responsibility of the applicant.

- 15.1.8.5 To establish criteria for the Development Officer to consider prior to granting site-plan approval.
- 15.1.8.6 To consider the following criteria prior to granting a site-plan approval:
  - 15.1.8.6.1 That the development does not create or worsen a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses.
  - 15.1.8.6.2 That the proposal provides adequate off street parking to prevent congestion, nuisance and inconvenience in the area.
  - 15.1.8.6.3 That adequate screening by natural landforms or opaque fencing is provided to screen outdoor storage areas so as not to be visible from abutting residential, institutional or recreational uses.
  - 15.1.8.6.4 That mitigation of noise, visual impacts, and environmental impacts of the operation is undertaken to minimize any potential negative effects of the development on adjacent uses.
  - 15.1.8.6.5 That the proposal will not substantially alter the character or stability of the adjacent uses.

### **15.1.9 Development Agreements**

- 15.1.9.1 To enter into a development agreement pursuant to the Municipal Government Act on the terms and conditions set forth in this Municipal Planning Strategy a development agreement shall:
  - 15.1.9.1.1 specify the development, expansion, alteration, or change permitted; and
  - 15.1.9.1.2 specify the conditions under which the development may occur; and
  - 15.1.9.1.3 set forth the terms by which Council may terminate the agreement and
  - 15.1.9.1.4 identify those matters which are to be considered substantive changes to the agreement

- 15.1.9.2 A public information meeting on a proposed Development Agreement shall be held by the Planning Advisory Committee prior to the Public Hearing of Council required by Section 230(2) of the Municipal Government Act.
- 15.1.9.3 When considering a development agreement proposal, to notify land owners within 305 metres (1000') of the subject property by direct mail of the proposed development agreement. A minimum of fifty (50) property owners shall be notified, and the minimum notification distance shall be increased beyond 305 metres (1000 ft.) until the required minimum number of property owners are notified. The costs associated with this notification shall be the responsibility of the applicant.
- 15.1.9.4 The provisions of the Land Use By-law shall prevail after discharge of any agreement.

## **15.2 CRITERIA FOR DEVELOPMENT AGREEMENTS AND LAND USE BY-LAW AMENDMENTS**

- 15.2.1 To consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy when considering amendments to the Land Use By-law or proposals for development agreements:
  - 15.2.2 That a development permit may be issued for any existing use on the lot for which the development agreement or amendment has been requested; and
  - 15.2.3 That the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Municipal By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and
  - 15.2.4 That the proposal is not in conflict with Municipal or Provincial programs in effect in the municipality; and
  - 15.2.5 That the proposal is not premature or inappropriate by reason of:
    - 15.2.5.1 financial ability of the municipality to absorb costs related to the development; or
    - 15.2.5.2 adequacy of sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or
    - 15.2.5.3 creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or



- 15.2.5.4 adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem; or
  - 15.2.5.5 suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; or
  - 15.2.5.6 adequacy and proximity of school, recreation and other community facilities; or
  - 15.2.5.7 adequacy of road networks in, nearby, and leading to the development, regarding congestion and traffic hazards; and
- 15.2.6 That the setback and separation distances between the proposed development and existing dwellings are adequate to minimize any potential nuisance effects of the development or proposed operations.
- 15.2.7 That the proposal doesn't generate excessive noise, dust, odour or other pollution; and
- 15.2.8 That the proposal provides adequate off street parking to prevent traffic congestion, nuisance and inconvenience in the area; and
- 15.2.9 The hours of operation are appropriate considering the effects on adjacent uses; and
- 15.2.10 That the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape, and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and
- 15.2.11 That the proposal will not substantially alter the character or stability of the surrounding adjacent uses.

### **15.3 COST OF ADVERTISING**

***It shall be the policy of Council:***

- 15.3.1 To require any person who wishes to obtain an amendment to the Land Use By-law or enter into a development agreement or an amendment thereto to pay all the costs of advertising in accordance with Section 220 of the Municipal Government Act.

## **15.4 CAPITAL PROGRAM**

In addition to regulating private development, Council may undertake programs of its own to encourage development in certain areas to enhance, improve or protect the environment of the municipality, or to provide a greater range of social, recreational or cultural facilities and activities. As part of the Federal Gas Tax agreement Council is required to develop five year capital investment plans outlining how they intend to expend gas tax revenues on capital projects that improve the long term sustainability of the municipality.

### **15.4.1 Policy**

***It shall be the policy of Council:***

- 15.4.1.1 To incorporate the policies and provisions of this Municipal Planning Strategy into the five year capital investment plan and annual budget of the municipality wherever possible.

## **15.5 RADIOCOMMUNICATION AND BROADCASTING ANTENNA SYSTEMS SITING PROTOCOL**

Communities and industries are investing in wireless information communication technologies, and the demand for wireless device and cellular phone coverage is being experienced in virtually all areas of the Municipality. Wireless communication, whether it is cell phone, radio, or wireless internet, is playing an increasingly important role in the development of communities striving for sustainability and the ability to support modern business communication requirements into the future.

The Municipality has experienced a steady increase in requests to develop radio communication towers, especially in areas close to population centres and highways. Wireless device communications systems require antenna tower structures to be located in the same areas where the population uses the services. The authority for siting radio communication infrastructure lies with the federal government department of Industry Canada. Within the Industry Canada antenna siting protocols the concerns of land use authorities are considered important elements to be considered by proponents. Land use authorities are encouraged by Industry Canada to establish policies within their jurisdiction on preferred locations for towers and community planning consultation processes to facilitate the siting of antenna systems.

To establish clear and effective guidelines for the siting of radio communication towers Council will adopt policies in the Municipal Planning Strategy which outline preferred locations for new antenna structures, preferred types of towers, concerns for preservation of environmentally and culturally sensitive areas of the Municipality and concerns for public safety. For towers intended to be located in the preferred locations notification will not be required by the Municipal protocol. Timely consultation with proponents seeking to locate towers in the Municipality will also be a policy of Council. Council will adopt policy to support new antennas to be co-located on existing towers where possible, to utilize existing built structures to support new antennas and to maintain appropriate tower separation distances from residences, community gathering areas and schools and public institutions. In the more densely populated areas of the Hebron and Lakes District and the Hamlets of Arcadia and Port Maitland Council policy will also support minimizing the visual effect and profile of towers. Public consultation policy will establish Council's concern

for adequate notification and public consultation requirements from proponents seeking to install new towers.

The Municipality is also concerned with maintaining cultural and environmental sensitivities of the residents, particularly in the more built up residential areas of the Hebron and Lakes District and the Hamlets of Arcadia and Port Maitland. The objective of establishing policies and protocol is to provide proponents of tower installations the opportunity to have a clear understanding of the concerns of the Municipality at the onset of the siting process, and for the Municipality to benefit from the cooperation of the proponents respecting the Municipal policies and protocol established for the installation of telecommunications infrastructure.

The Council of the Municipality of Yarmouth has the responsibility for safeguarding the concerns of its residents through its land use policies and provisions as enabled by Provincial and Federal legislation. In accordance with the Radiocommunications Act of Canada it is understood Industry Canada is the authority responsible for authorization of all Radiocommunications apparatus in Canada.

### **15.5.1 Policy**

#### ***It shall be the policy of Council:***

- 15.5.1.1 To establish policies for an antenna siting protocol for Radiocommunication and Broadcasting Antenna Systems within the Municipality.
- 15.5.1.2 To include in the Municipal tower siting protocol a preliminary consultation procedure for tower proponents to meet with Municipal officials to discuss Municipal concerns at the earliest opportunity to facilitate tower siting. Proponents are requested to contact the Municipal Development Office to discuss their proposals and to obtain information from the Municipality on the Municipal protocol for Radiocommunication and Broadcasting Antenna Systems within the Municipality. Proponents are requested to provide information on the proposal to the Municipality as per Appendix 1 of Industry Canada's CPC-2-0-03 as amended from time to time.
- 15.5.1.3 That proponents co-locate of new antennas on existing tower structures and on existing built infrastructure where possible.
- 15.5.1.4 That the siting of new towers be undertaken in existing commercial and industrial zones in the Municipality including the Business and Industrial Park (BIP) Zone, Rural Commercial (RC), Rural Industrial (RI) and Marine Industrial (MI) zones.
- 15.5.1.5 To not require any Municipal public consultation for proposed Radiocommunication and Broadcasting Antenna Systems to be located within the Business and Industrial Park (BIP) Zone and Marine Industrial (MI) Zones.
- 15.5.1.6 To require the Default Public Consultation Process as outlined in Section 4.2 of Industry Canada's document CPC-2-0-03 as amended from time to time for

Radiocommunication and Broadcasting Antenna Systems within the rural Commercial (RC), Rural Industrial (RI) and Rural Development (RD) Zones.

- 15.5.1.7 That proponents site towers in less densely populated residential areas where possible in the Rural Development (RD) Zone.
- 15.5.1.8 That proponents utilize stealth tower design and location choice to minimize the visual and aesthetic impacts of new antenna towers in the Hebron and Lakes District and Hamlets of Arcadia and Port Maitland and within three times the height of the proposed tower from the boundary of the Hebron and Lakes District and Hamlets of Arcadia and Port Maitland.
- 15.5.1.9 That new towers in the Hebron and Lakes District and Hamlets of Arcadia and Port Maitland and within three times the height of the proposed tower from the boundary of the Hebron and Lakes District and Hamlets of Arcadia and Port Maitland be not greater than 45 metres in height.
- 15.5.1.10 To include in Municipal protocol the requirement to notify property owners in writing as per Appendix 1 of Industry Canada's CPC-2-0-03 as amended from time to time within a radius of 300 metres of proposed tower sites where the towers are to be located in the Hebron and Lakes District and Hamlets of Arcadia and Port Maitland and within three times the height of the proposed tower from the boundary of the Hebron and Lakes District and Hamlets of Arcadia and Port Maitland.
- 15.5.1.11 That towers not be sited in the Coastal Wetlands (CW), Dykelands (DL), Floodplain (FP) and Lightstation Heritage (LH) zones.
- 15.5.1.12 To indicate final concurrence, final concurrence with conditions or non-concurrence of the proposal by resolution within 30 days of the conclusion of the public consultation process as per Industry Canada's CPC-2-0-03 as amended from time to time.

## **PART 16 MAPS**

### **MUNICIPAL PLANNING STRATEGY MAPS**

Maps 1 through 9 attached hereto are the Maps which form part of the Municipal Planning Strategy.

Map 1	Existing Land Use Map – Hebron and Lakes District
Map 2	Existing Land Use Map – Hamlet of Port Maitland
Map 3	Existing Land Use Map – Hamlet of Arcadia
Map 4	Existing Land Use Map – Village of Carleton
Map 5	Generalized Future Land Use Map – District of the Municipality of Yarmouth
Map 6	Generalized Future Land Use Map – Hebron and Lakes District
Map 7	Generalized Future Land Use Map – Hamlet of Port Maitland
Map 8	Generalized Future Land Use Map – Hamlet of Arcadia
Map 9	Generalized Future Land Use Map – Village of Carleton