Municipality of the District of Yarmouth

Municipal Planning Strategy

Approved by Council: November 15, 2023
Effective Date: January 25, 2024
Amended to: October 2, 2026

This is **not an official copy** of the Municipal Planning Strategy. It has been consolidated for convenience to include all amendments in effect as of the date shown below. Where any inconsistency exists, the original adopted documents and amending documents shall take precedence.

Amendment Log:

Amendment no.	Effective Date	Affected Sections	Description of Amendment
CHG-03-25	06.26.2025	• 4.7.8	Amended to allow specific types of short-term rentals in all residential zones.
CHG-07-25	05.25.2026	• 4.13 • 4.13A1 • 4-13A2	Text changes to align requirements for wind turbines with those established by the Province. Addition of policies 4-13A1 & 4-13A2 pertaining to wind turbine separation requirements.
CHG-13-26	10.02.2026	• Future Land Use Map 1 • Future Land Use Map 2	Corrective redesignation in the areas of North Chegoggin, South Chegoggin and Miltons Highlands from Serviced Residential (SR) to Rural Development (RD) to match text of document.

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1 INTRODUCTION

1.1 Introduction

The Municipality of the District of Yarmouth ("MODY") covers an area of 587 square kilometres at the southwestern tip of Nova Scotia. The municipality is bounded on the east by the Municipality of the District of Argyle and the Tusket River, on the south by the Town of Yarmouth, and on the north by the Municipality of the District of Clare. The Acadia First Nation's Yarmouth Reserve is the Nation's largest community, and its borders fall within the Municipality of the District of Yarmouth.

The municipality had a population density of 17.2 people per square kilometre in 2021, or slightly more than 10,000 people total. Much of the population is in the compact coastal Hamlets of Arcadia and Port Maitland; the inland Hamlet of South Ohio; the Hebron and Lakes District, which flanks the Town of Yarmouth to the north; the Hamlet of Carleton, located almost 30 kilometres inland; and linear rural areas that have developed along the existing road network. Much of the inland areas of the municipality are undeveloped, with large areas of forestry lands, nature reserves, wilderness areas, and crown lands.

1.2 About this Municipal Planning Strategy

This Municipal Planning Strategy is the Municipality of the District of Yarmouth's overarching policy document for guiding development in the municipality. It includes context about the municipality and the vision of residents and Council for the future of development in the municipality. Importantly, it includes policies about the types of development that are appropriate within the municipality, and the appropriate locations and expected standards for such development. In other words, this Municipal Planning Strategy is primarily concerned with topics such as land use, servicing, and building forms. The primary tools for carrying out the policies in this Municipal Planning Strategy are the Land Use By-law and the Subdivision By-law, documents that include the specific regulations for development and the legal subdivision of land.

This Municipal Planning Strategy is not the only document or framework that will shape the future of the municipality. Indeed, the scope of a Municipal Planning Strategy is limited by the *Municipal Government Act*, and the task of tackling issues outside this scope is handled by other programs and legislation, such as provincial environmental legislation. Council has also adopted a Strategic Plan for 2021-2025, which focused more on the programming and partnership side of future growth in the municipality.

1.3 Yarmouth Context

1.3.1 A Brief History of Yarmouth

The Mi'kmaq have inhabited Nova Scotia for more than 10,000 years, and archaeological evidence from the Yarmouth area has confirmed human presence 6,000 years ago in Milton, Pleasant Lake, Tusket River, Bunker Island, and Chegoggin.

Historically, the Mi'kmaq were nomadic, moving along established routes between camps that they would return to year after year in the pursuit of fish and game. Families would typically travel between summer fishing villages set up along rivers and coastal areas, and smaller winter camps situated inland where game was more abundant.

The first European settlers to arrive in the Yarmouth area were Catholic French. These settlers came to southwestern Nova Scotia at the beginning of the 17th Century, forming l'Acadie, which encompassed all of Nova Scotia, New Brunswick, and Prince Edward Island, as well as eastern Quebec and a portion of New England in the northeastern United States.

European settlement gradually encroached upon traditional Mi'kmaw territory, particularly along the resource-rich coastline. This resulted in a long and painful history including widespread depopulation of the Mi'kmaq through the introduction of new diseases, as well as socio-cultural disruptions to the Mi'kmaw way of life, including European occupation of unceded land and loss of traditional resources.

By the 18th Century, the Mi'kmaq had established a permanent settlement at Milton while Acadian settlers continued to reside in the Yarmouth area. In 1756, England officially declared war on France and British forces began arriving in the Yarmouth area to expel any Acadians residing there, under what is known today as The Great Expulsion. Following this period of upheaval, the Nova Scotia government was looking to repopulate the area with people loyal to the Crown, and many New Englanders from Massachusetts began settling in Chebogue and Forchu, enticed by free land grants. Some African Nova Scotians were also found to be living in the area at the time, having immigrated as enslaved people along with settlers from New England.

The American War of Independence reached a tipping point in the summer of 1782, when it became clear the British were losing. During the war, Britain had promised protection, freedom, and land to any enslaved residents of African descent who would fight for them. As the British forces retreated, they transported more than 3,500 Black Loyalists to Nova Scotia and New Brunswick, some of whom eventually made their way to the Yarmouth area. However, the harsh climate, poor soils, high unemployment, and their ongoing exploitation led almost 1,200 of these recent immigrants to depart for Sierra Leonne in 1792. In 1820, a number of the remaining Black Loyalists settled in the African Nova Scotian community of Greenville, a tiny village once also known as Salmon River and Riverdale.

Today, Yarmouth is part of the Mi'kmaq District of Kespu'kwitk which includes all of southwestern Nova Scotia west of the La Have River. The name Kespu'kwitk means "lands end" or "end of flow".

Economy

The municipality's economic history has been shaped by periods of both development and decline. In its heyday, Yarmouth linked New England and Nova Scotia both economically and culturally. As the area grew, fishing, shipbuilding, shipping, forestry, agriculture, and tourism all became important industries in the local economy.

Throughout the 20th century, the Yarmouth area became well established as a summer destination for many New Englanders, and today there remains a lasting connection with New England culture. However, the closure of the railway and the loss of domestic air service have impacted tourism in the area. As of 2023, the region is linked to New England via a ferry from the Town of Yarmouth to Bar Harbour in Maine. This service is important to the economic well-being of the region, but its history has been tumultuous, with periods where the service was not running due to lack of provincial funding commitments.

Technological advancements in shipbuilding and the cod moratorium of 1992 both impacted the coastal economy significantly. While shipping and shipbuilding activity has slowed, the area is still home to several working wharves that support active groundfish and lobster fisheries. The development of offshore oil and overfishing are ongoing concerns as the fisheries bring wealth and job security and are the lifeblood of the community. Forestry and mining remain important industries in the area, and a limited amount of farming activity continues.

Despite the dramatic economic shifts in Yarmouth, the area has endured, and continues to function as a regional financial, business, education, and lifestyle centre for the tri-counties of Yarmouth, Digby, and Shelburne. Looking to the future, the Municipality continues to support traditional industries, while embracing new opportunities such as green energy development, diversified tourism offerings, and research and development in fields such as fishery waste management and industry efficiency.

1.3.2 Demographics

The Municipality of the District of Yarmouth has been subject to various demographic pressures and trends over the years. Over the past 25 years in particular, the municipality has experienced a shift towards smaller household sizes and a shrinking population. These continue to be challenges in planning for growth and sustainability in the municipality.

Today, the Municipality finds itself seeking to enhance the high quality of life its current residents enjoy while also attracting new residents, businesses, and innovative partnerships to create new opportunities.

Population Trends

In the decade between 2006 and 2016, the municipality's population declined at a rate of around 2% per census period. This amounted to a cumulative loss of approximately 460 residents over that ten-year timeframe. However, this trend reversed between 2016 and 2021 with a growth of 222 residents, primarily in the retirement and elderly populations.

Table 1: Municipal population by age cohort, 2006 through 2021

	2006	2011	2016	2021
Total	10,304	10,105	9,845	10,067
Young (0-19)	2,435	2,220	1,975	1,900
Working Age (20-64)	6,335	6,070	5,660	5,565
Retirement Age (65-79)	1,125	1,380	1,750	2,090
Elderly (80+)	420	425	460	515

Source: Statistics Canada

The factors driving population change in the Municipality of the District of Yarmouth show a similar pattern to those in the surrounding municipalities: births trailing deaths, low international migration trends, and a history of net negative migration within Nova Scotia being the most influential migration drivers. On the other hand, net interprovincial migration played an important role in the municipality's population growth in 2021, again mirroring the pattern seen in surrounding municipalities.

One major trend that does not show up fully in the 2021 Census data (which had its enumeration day in May of 2021) is the impact of extensive in-migration of residents from other provinces during the COVID-19 pandemic. Quarterly population estimates produced by the Nova Scotia Department of Finance suggest that the population of the Municipality had grown to 10,544 by July 1st, 2022, a staggering 4.7% growth over a period of just 14 months. Whether this trend continues at this magnitude remains to be seen, but it does emphasize the need to plan for a changing population.

It is also important to note that census data is based on place of primary residence, and does not count seasonal residents, temporary workers, or post-secondary students who are from elsewhere. As a result, census counts miss accounting for the effect that these residents have on the needs of the population in terms of housing, commercial services, and more. Historically, the Yarmouth area has been—and continues to be—a popular location for recreational and seasonal residences. This includes coastal areas, as well as around the inland lake systems.

1.3.3 Planning in Yarmouth

This Municipal Planning Strategy ("MPS" or "Plan") provides the policy framework for land use and development control in the Municipality of the District of Yarmouth. It also articulates the Municipality's vision and guiding principles, which are intended to ensure that the communities within the municipality will prosper and thrive for generations to come.

The Land Use By-law and the Subdivision By-law are companion documents to this MPS and are the primary tools Council will use to carry out the intent of the Plan, as set out in the *Municipal Government Act* (the "Act"). Together, these planning documents shape our communities by determining what types of land use and development can happen where.

This Plan and its associated Land Use By-law build on the extensive work conducted to develop the previous planning documents, which were adopted in 2013. Starting in 2009, Municipal Council undertook an extensive review process to bring comprehensive land use policies and regulations to all lands within the municipality. This review incorporated the principles and policies of the Integrated Community Sustainability Plan, approved by Council on February 24, 2010.

These extensive efforts were ultimately successful, and the 2013 planning documents brought a consistent approach to planning throughout the municipality. Now, in 2023, the communities of the Municipality of the District of Yarmouth have more than ten years of experience with planning which has helped to inform the contemporary issues to address, and the planning policies with which to address them.

1.4 Statements of Provincial Interest

Planning in Nova Scotia is enabled and guided by Part VIII and Part IX of the *Municipal Government Act*. In addition to a long list of criteria for responsible planning, the Act contains five "Statements of Provincial Interest". These broad statements are related to issues that affect all Nova Scotians: drinking water, flood risk areas, agricultural land, infrastructure, and housing. The Act requires that municipal planning documents be reasonably consistent with these Statements of Provincial Interest.

The following tables provides a brief overview of each Statement of Provincial Interest, and an outline of which policies in this Plan support each statement.

Statement 1: Drinking Water

GOAL: To protect the quality of drinking water within municipal water supply watersheds.

A clean source of drinking water is an essential component of modern civilization. The Statement of Provincial Interest Regarding Drinking Water recognizes this and requires municipal planning documents to address the protection of municipal water supplies. The Municipality of the District of Yarmouth has one designated municipal water supply, Lake George, which supplies drinking water to the Town of Yarmouth and the surrounding communities of Dayton, Hebron, South Ohio, and parts of Arcadia. The Town of Yarmouth is responsible for maintenance of the Lake George Reservoir and for supplying water to the Town and to some residences in the Municipality of the District of Yarmouth. Together, the Town and the Provincial Department of Natural Resources own most of the land within the lake's watershed. This Plan has identified and protected this source of drinking water by establishing the Source Water Protection Zone. This zone is explicitly meant for the protection of drinking water sources, and limits permitted uses within the watershed to ensure development does not impact the quality of drinking water.

Applicable MPS Policies: 5-40 through 5-44

Statement 2: Flood Risk Areas

GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

The Statement of Provincial Interest Regarding Flood Risk Areas specifically applies to areas designated under the Canada-Nova Scotia Flood Damage Program and to areas with locally-known floodplains. There is one such mapped floodplain, the Broad Brook floodplain, from the Town boundary to the outfall at Kelleys Cove. Council recognizes this as a flood risk area and has created the Floodplain Zone to limit development in this area.

Applicable MPS Policies: 5-52 through 5-54

Statement 3: Agricultural Land

GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

The Statement of Provincial Interest Regarding Agricultural Land specifically aims to protect lands with soils classified as Class 2, Class 3, or actively farmed Class 4 lands under the Canada Land Inventory (there are no Class 1 soils in Nova Scotia). Class 3 and 4 soils are present in approximately 29% of the municipality, and while these are considered good agricultural soils, they can present limitations for the range and productivity of crops. This means there is potential for agriculture in the municipality; however, there is very little crop-based agriculture taking place. Most agricultural land uses here are currently related to livestock operations, which are not reliant on soil classes and can be appropriate in several zones. As such, there is no specific agriculture zone defined in these documents. Instead, this Plan identifies Class 3 and 4 soils and the policies in this Plan are designed to be very flexible for rural agricultural uses, seeking to strike a reasonable balance between permissiveness and control while enhancing and encouraging local food supply.

Applicable MPS Policies: 4-33; 4-63 through 4-68; 5-19; Schedule 'B'

Statement 4: Infrastructure

GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.

Infrastructure is foundational to our communities. It is also a major municipal and provincial expense. The Statement of Provincial Interest Regarding Infrastructure encourages efficient use of existing infrastructure and careful consideration when expanding infrastructure. This Plan supports sustainable infrastructure investments by directing the bulk of growth to existing serviced areas and by be thoughtful about how and where central water and sewer services are permitted to expand. Additionally, this Plan considers the areas where new private roads are desirable and acceptable.

Applicable MPS Policies: 4-20 through 4-23; 4-34; 4-40

Statement 5: Housing

GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.

Housing is a basic need for every person, and all residents of the Municipality of the District of Yarmouth deserve a home that provides adequate shelter that meets their needs. The Statement of Provincial Interest Regarding Housing encourages planning approaches that enable and promote a wide range of housing types to meet these varying needs. This Plan supports diversity in housing by enabling a variety of housing forms, densities, and tenures in each community, reducing lot requirements in serviced areas, and avoiding barriers to supportive housing and manufactured housing. This Plan also includes policy support for a future “inclusionary zoning” program.

Applicable MPS Policies: 4-20; 4-53 through 4-59; 4-62

2 DEVELOPING THE PLAN

2.1 The Planning Process

The Municipality of the District of Yarmouth's Municipal Planning Strategy outlines the vision and principles that guide future development of all communities in the municipality and sets out the policies to guide the municipality towards this vision. It builds on the extensive work completed to develop the 2013 MPS.

Over the course of more than two years the project team reviewed the strengths and gaps in the 2013 planning documents; conducted background analysis of current issues and trends; engaged with residents, visitors, business owners, and other stakeholders; and developed drafts of the new planning documents.

This process was guided by the Municipality's Planning Advisory Committee ("PAC"), a volunteer body made up of Councillors and residents. PAC oversaw the formation of the project team; provided direct support for engagement activities; promoted "Plan MODY: Building our Community Together" in the community; and put in many, many hours reviewing and improving the background analysis, policy direction, and draft planning documents.

2.2 Analysis

The development of this Plan was informed by extensive background analysis, which took place over the summer and autumn of 2021. The result of this analysis was a report on seven discussion topics:

- Environment
- History and Culture
- Socioeconomics
- Land Use
- Transportation
- Infrastructure
- Zoning
- Existing Documents

To develop a well-rounded picture of present-day Yarmouth, this report made use of data from a variety of sources including the Census, Geographic Information Systems (GIS), and more. The report identified some of the emerging issues facing the municipality, including riparian buffers, drinking water, accessibility, and housing. Consideration was also given to several ways in which land use has changed in the municipality over the course of the last ten years, along with suggestions for how the content of the existing documents should be updated to reflect that.

2.3 Public Engagement

In undertaking this Plan Review, the project team sought to gather input from residents and stakeholders to determine their perspectives and insights on land use and development in the Municipality of the District of Yarmouth. This engagement took place during the ongoing COVID-19 pandemic. As a result, opportunities for in-person engagements were limited due to public health restrictions. This posed challenges for reaching certain demographics of the population, such as seniors or low-income residents without consistent internet access.

It is important to note that while much of the feedback received through the engagement process was used to inform policy in this Plan, some topics were brought up that relate to matters outside of the Municipality's jurisdiction. The following is a brief and non-exhaustive list of what the *Municipal Government Act* enables municipalities to control through the MPS and LUB:

- Uses permitted on land
- Lot standards, building size and placement
- Location of services such as sewer and water
- Processes required for certain types of development
- Limitations on development in environmentally sensitive areas, or where hazards exist

2.3.1 Promotions

Over the course of several months, the project team deployed a set of online engagement tools to generate interest in the project. These included:

- Information about the Plan Review on the Municipality's website and social media channels
- Printed postcards with project information about upcoming engagement activities
- Postings in the local newspaper
- A new project website (www.planmody.ca)

2.3.2 Map and Surveys

Along with general information about the project, the project website also featured an interactive map of the municipality, developed as an online tool to prompt visitors to make comments on the current zoning map. The online map attracted more than 500 webpage visits from 183 unique visitors who left a total of 91 comments.

Two surveys were developed to engage residents and business owners during the Plan Review process. This included a public survey (made available online and by hard copy upon request) which attracted 61 responses, and a business owners survey (available online) which drew a total of 4 responses.

2.3.3 Pop-up events

To build public awareness of the Plan Review, the project team held two pop-up engagement sessions in the community, one at the Mariner's Centre and another at Dayton Red & White. In total, 81 citizens were engaged through the pop-up events.

2.3.4 Municipal Council & Staff Workshops

Two workshops were held, one with Municipal Staff and another with Municipal Council and the Planning Advisory Committee.

2.3.5 Stakeholder Interviews

The project team contacted more than 50 individual stakeholders, leading to interviews with 19 different groups and individuals including:

- Five local business owners
- Two local seafood and fisheries companies
- The Town of Yarmouth
- Municipality of Argyle
- Tusket River Environmental Protection Association (TREPA)
- Southwest Nova Biosphere Reserve Association
- Yarmouth and County Trail Development Association
- Mersey Tobiatic Research Institute
- Canadian Wildlife Service
- The Mariner's Centre
- A local property manager
- A local realtor
- A former warden of MODY

2.4 Issues & Trends

Over the course of the background analysis and initial engagement several broad issues and trends for the future of the Municipality of the District of Yarmouth were raised by participants. These issues and trends informed all the work that went into the updated planning documents.

2.4.1 Natural Environment

The location of settlement in the Municipality of the District of Yarmouth has been influenced by the topography of the terrain and the availability of clean drinking water and other natural resources. These natural landscape features affect the suitability of land for development and play an important role in shaping the local economy. Balancing development with the need to ensure a healthy environment is critical as the Municipality plans for the future.

There is a growing awareness that the natural environment can present risks to human development, particularly in the context of a changing climate. Human development can also pose risks to the natural environment, and land use policies must be thoughtful to protect both the built and natural environments. This includes consideration of climate change impacts, as well as the impacts of development on sensitive environments like the coastline, riparian areas, and steep slopes.

2.4.2 Changing Demographics

Like much of Atlantic Canada, the Municipality of the District of Yarmouth has historically experienced a declining and aging permanent population. This changed during the COVID-19 pandemic, as work-from-home opportunities and high real estate prices in other provinces and major cities encouraged Canadians to seek out land in Nova Scotia, including the Municipality of the District of Yarmouth. The impact of these trends are changes in the types of housing, services, and recreation opportunities needed to serve the community, as well as the supporting infrastructure.

2.4.3 Housing

As the population ages there is a general need for different forms of housing, including smaller units, barrier-free options, and supportive living. Many people who participated in engagement events noted a need for affordable, well-maintained housing in the municipality, and greater access to quality rental properties. The Municipality's immigration strategy helps provide housing options for seasonal workers and current partnerships aim to bridge gaps in the housing market.

2.4.4 Economy

Land use planning does not directly create economic development, but it does support economic diversity and acts as a catalyst for good, sustainable economic activity. While traditional industries of fisheries, marine and industrial uses continue to play a key role in the municipality's economy, there was interest throughout consultation in encouraging greater economic diversity.

2.5 Draft Engagement

In the spring of 2023, the project team released the first public drafts of the planning documents. This phase of gave the public another opportunity to enrich the planning process with their input and expertise.

To ensure that the results accurately represented the diverse population of the municipality, multiple methods of engagement were used, including:

- Updates and documents posted to the project website
- An online presentation and discussion with 3 attendees
- A recording of the online presentation and discussion with 20 views
- An in-person presentation and discussion with 66 attendees
- An online feedback form with 12 submissions

- Letters to adjacent municipalities

These activities were promoted through:

- The Municipality's website
- The project website (www.planmody.ca)
- The Municipality's social media
- The local newspaper
- Email updates

Several recurring issues emerged throughout the draft engagement phase. Some of the feedback related to typographical errors in the documents or areas where the language of the documents lack clarity. Some feedback also related to topics that are outside the direct scope of land use planning documents or are beyond the powers granted to municipalities through the *Municipal Government Act*.

The remainder of the feedback related to specific policy directions in the drafts, primarily related to the following topics:

- Coastal development
- Watercourse buffers
- Wind energy
- Dark skies and illumination
- Waste and recycling
- Housing diversity
- Aquaculture
- Sensitive Environment zoning
- Consultation with adjacent municipalities
- Industrial zoning
- Lake George watershed

3 VISION & PRINCIPLES

3.1 Vision

This vision for the future of the Municipality of the District of Yarmouth was developed by Council for the Municipality as part of their 2021-2025 Strategic Plan.

The Municipality of the District of Yarmouth supports and grows thriving, resilient, and welcoming communities known for their resourceful and innovative people; embrace of diversity and inclusion; connectivity and openness to new ideas and opportunities; and attention to the Municipality's natural beauty, heritage, and architecture.

3.2 Guiding Principles

The following guiding principles lay the foundation upon which the Municipal Planning Strategy and Land Use By-law are based, and they have influenced the goals, objectives, and policies in this Plan.

3.2.1 Environment

We guide the growth and development of our community in a manner that protects the ecological integrity of the landscape, and avoid development in areas where the natural environment could risk human health and safety. We celebrate our natural assets, including our coastal areas, beaches, rivers, lakes, streams, wetlands, and forests, and enable opportunities to work and play in these landscapes.

3.2.2 People & Communities

We enhance the quality of life for all residents by encouraging the provision of diverse housing options through policies that prioritize affordability and sustainability. We strive to attract and retain a growing workforce with a range of employment opportunities and high quality recreational and cultural amenities that draw attention to the beauty and character of our individual communities. Our governance model is transparent, accessible, and cooperative, and we use a light touch for the regulation of development.

3.2.3 Infrastructure

We maintain our transportation network and create new connections for active transportation so that all residents and visitors can get where they are going safely and efficiently. We make careful, efficient investments in servicing where development makes sense, and encourage development in areas where services already exist. We support the thoughtful expansion of renewable infrastructure and energy sources to ensure a green and connected future.

3.2.4 Economic Development

We take action to enhance and support our local and regional economy and ensure that future economic development is built on a foundation of social, environmental, and cultural sustainability. We manage resources sustainably, so that these resources remain for future generations and provide the capital and creativity required to support a thriving economy that meets the wants and needs of our diverse population.

4 GUIDING THE MUNICIPALITY

4.1 Introduction

The Municipality of the District of Yarmouth encompasses many diverse landscapes, each with their own planning issues. These require careful thought to address land use concerns and conflicts in a sustainable manner. Many of these opportunities and challenges are specific to certain landscapes or areas, while others are more general and apply across the municipality. This chapter deals with the policies that guide those shared issues.

4.2 Community Design

4.2.1 Community Design

Community design has a big impact on the feel and character of a community. Two key factors of community design are the size of lots, and the size and location of buildings on a lot. Larger buildings set close to the street and located on smaller lots create a more urban or village feel, while buildings located far back from the street on larger lots tend to feel more rural or suburban. While aesthetic features change regularly, the size of lots and the location of buildings change slowly, if at all.

Lot size is also influenced by servicing, since on-site sewer systems typically require larger land area to disperse effluent effectively, while central sewer servicing eliminates this requirement.

Council wants to guide the design and feel of communities by adopting lot and building standards appropriate to each area. Council also recognizes that some flexibility is required to ensure development is possible on undersized lots which were legally and in good faith created before this Plan came into effect but may not be able to accommodate development under current regulations.

Policy 4-1 *Council shall, through the Land Use By-law, regulate the size, location, and number of buildings on a lot to carry out the intent of each community classification and land use zone.*

Policy 4-2 *Council shall, through the Land Use By-law and Subdivision By-law, regulate the size of created lots in keeping with the intent of each community classification and land use zone, and consistent with the availability of central services.*

Policy 4-3 *Council may, through the Land Use By-law, relax lot area and frontage requirements on existing undersized lots.*

4.2.2 Non-conforming Uses & Structures

Non-conforming uses and structures are those that were legally developed under an older Land Use By-law (or prior to any land use regulation) but would not be permitted if the owner tried to develop them under the current Land Use By-law. The *Municipal Government Act* provides certain protections and flexibilities to these uses and structures in recognition of the good faith investment that property owners put into them. These flexibilities include allowing the uses to continue, allowing the reconstruction of structures after partial destruction (*e.g.* due to fire), and allowing residential structures to expand as long as they do not further increase non-conformities. The Act allows municipalities to provide further flexibility for non-conforming uses and/or structures if the Municipal Planning Strategy outlines these relaxations. Council intends to provide additional flexibility for non-conforming uses and structures.

Policy 4-4 *Council shall, through the Land Use By-law:*

a) extend the time period before which a non-conforming use is considered discontinued;
b) allow the expansion of non-conforming non-residential structures, in addition to residential structures, as long as they do not further increase non-conformities; and
c) enable the expansion of non-conforming uses by site plan approval, with controls to limit the impacts of any such expansions.

4.3 Environment

4.3.1 Context

The natural environment shapes the communities of the Municipality of the District of Yarmouth, and it dictates what development is suitable where. The natural beauty draws residents and visitors to the municipality, and the coastline and lakes attract recreation and development. The Municipality of the District of Yarmouth 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 municipality is home to many beaches, lakes, rivers, streams, and wetlands that are essential to biodiversity and the health of natural communities, both plant and animal. Approximately 20 percent of the municipality's land is covered by freshwater bodies, and the water is drained by eight rivers—the largest being the Tusket and its tributaries (the Carleton and Annis Rivers). The municipality also features several types of Atlantic Coastal Plain flora that are both threatened and endangered, including the plymouth gentian and the pink coreopsis (found on the shoreline of twelve lakes in southwest Nova Scotia, especially in the Tusket River watershed) and the water-pennywort (occurs on the shoreline of sand or gravel lakeshores).

As climate change continues to affect our communities, we will experience sea level rise, more frequent and severe storms, erosion, and flooding, and we need to respond by adapting our development patterns, infrastructure, and buildings. This requires careful consideration about where future investment will be most suitable and sustainable.

Development impacts the health of the natural environment which in turn affects not only the services and resources we take from it, but also the more intangible value that we see in it. Strong stewardship 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. Choices about roads, servicing, density, and land uses all make a difference in protecting habitat, limiting pollutants, and more.

4.3.2 Goals & Objectives

To promote stewardship of biological diversity, essential ecological processes, and natural life support systems to maintain and improve environmental air, water, and soil quality, and:

a) to control land use and development in a manner that mitigates negative effects on the natural environment within the municipality, especially wetlands, watercourses, and other environmentally sensitive areas;
b) to protect and maintain the quality of public drinking water supplies;
c) to limit negative impacts on surface and groundwater resources by discouraging development that would detrimentally affect the quality and quantity of the water;
d) to reduce greenhouse gas emissions and energy consumption throughout municipal operations and encourage renewable energy sources throughout the municipality;
e) to discourage development in environmentally sensitive areas, particularly areas subject to periodic flooding and erosion.

4.3.3 Coastal Development

Although shorelines are widely seen as attractive places to develop, they are also sensitive landscapes and their development comes with inherent risks such as coastal flooding and erosion. Coastal development can also increase the volume of runoff and surface pollutants and negatively impact essential habitats for many species. These risks are increasing as sea levels rise, and modeling shows that many coastal areas across the province are at risk of flooding in the coming years.

The Government of Nova Scotia has acted on developing a province-wide approach to development regulation in coastal areas through the passing of the *Coastal Protection Act* in 2019. As of summer, 2023 that Act has not yet been implemented through regulations. However, it is expected that such regulations will include a minimum vertical elevation for development and provisions for establishing site-specific horizontal setbacks within a defined coastal zone. Considering the forthcoming provincial regulations, Council has decided not to implement a separate set of municipal regulations. When the provincial legislation comes into effect, Council will update this Plan and the associated Land Use By-law if necessary to defer to any relevant provincial documents.

Policy 4-5 *Council shall, upon the Province's adoption of any regulations related to the Coastal Protection Act, amend, if necessary, this Plan and the associated Land Use By-law to reference and implement provincial coastal setbacks.*

4.3.4 Watercourse buffers

The natural areas where the land meets water (the "riparian zone") are incredibly important as natural habitat, as natural filters to stop pollutants before they enter waterways, and as buffers against flooding. For example, many fish species depend on the riparian zone as a safe space for young to grow, sheltered from predators. The riparian zone also helps to regulate the temperature of adjacent watercourses and provides aesthetic value to the municipality. Development that harms the riparian zone can cause serious damage to the health of our waterways. Watercourse buffers help protect watercourses from adjacent development, and protect development from flooding in areas where it occurs. 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.

Policy 4-6 *Council shall, through the Land Use By-law, prohibit development within 12 horizontal metres from the high-water mark of watercourses, with some exceptions for uses and structures that require direct access to the water.*

4.3.5 Dark Skies

Yarmouth and the Acadian Shores have some of the darkest, clearest skies in North America, and the region has been designated as the continent's first Starlight Reserve. However, with the growth of human developments has come an increase in exterior lighting. Abundant street and property lighting make it easier to navigate at night, provide a sense of safety and security, enhance architectural designs, and can allow outdoor facilities (such as sports fields or wharves) to be used into the night. Despite these benefits, lighting can have negative consequences by obscuring clear views of the night sky and by disrupting animal migration patterns.

A growing awareness of these consequences has led to options for lighting designs that minimize such "light pollution", and the establishment of "dark sky" programs to identify areas with exceptional night skies. The Municipality of the District of Yarmouth, as part of its Street Lighting Policy, has a Dark Skies initiative for municipal streetlights, which aims to limit intrusions on the night sky by using "dark skies friendly" streetlights.

Council recognizes the value of dark skies for preserving our connection to nature, providing animals with natural lighting cycles and navigation landmarks, and attracting visitors seeking an awe-inspiring night-time experience. Council supports efforts to reduce light pollution, and to explore ways in which to improve lighting design in municipal operations and in private development.

Policy 4-7 *Council shall evaluate discretionary development proposals (development agreements and Land Use By-law amendments) for their potential impact on light pollution and dark night skies, as set out in the evaluation criteria of Section 6.6 of this Plan.*

Policy 4-8 *Council shall, through the Land Use By-law, require dark-sky-friendly lighting for developments occurring via the site plan approval process.*

Policy 4-9 *Council shall, through the Land Use By-law, require outdoor lighting plans for new commercial main buildings, new industrial main buildings, and new dwellings with more than five dwelling units on a lot.*

4.3.6 Wind Energy

Wind turbine generators harness the movement of the wind to generate electricity. Wind turbine generators can be constructed on a range of scales, from small turbines powering an off-grid cabin up to collections of multiple turbines 100+ metres tall. There is an abundance of wind energy resources in South West Nova Scotia, and some wind turbines have already been developed in the wider region, while one has been developed within the municipality.

As of 2023, wind development in Nova Scotia is currently on the cusp of a resurgence, and the Province recently announced a new round of procurement for five developments featuring large-scale wind turbine generators, though none are within the municipality's boundaries.

Council recognizes that the economic and environmental benefits of wind turbine generators can be significant, and the long-term goals of the Municipality incorporate principles of sustainability through pollution reduction and renewable energy. However, there are also potential negative impacts that need to be addressed for larger systems, including noise, visual impacts, and blade and ice throw. Council feels that careful consideration is required to limit the potential impacts on the surrounding area.

Policy 4-10 *Council shall, through the Land Use By-law, define three categories of wind turbine generators:*

a) micro scale wind turbine generators, which are very limited in scale and intended to generate electricity only for on-site uses or are mechanical in nature and intended to pump water;
b) small scale wind turbine generators, which are limited in scale and generally intended to meet the electricity needs of on-site uses, but may export energy to the grid through "net-metering" programs; and
c) large scale wind turbine generators, which are intended for commercial supply of electricity to the grid and may be built individually or in a collective "wind farm".

Policy 4-11 *Council shall, through the Land Use By-law, permit micro scale wind turbine generators in all zones except the Floodplain Zone.*

Policy 4-12 *Council shall, through the Land Use By-law, permit small scale wind turbine generators by site plan approval in the Rural Development, Hamlet Commercial, Rural Commercial, General Industrial, Watershed, Marine Industrial, Business and Industrial Park, and Lakeside Residential Zones, subject to evaluation criteria.*

Policy 4-13 *Council shall consider proposals for large-scale wind turbines within the Rural Development Zone only by development agreement, subject to the following: (CHG-07-25):*

General Requirements:

a) *no commercial advertising other than the manufacturer's name shall be permitted on any of the proposed wind turbine generator or accessories; (CHG-07-25)*
b) *safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;*
c) *the project proponent shall provide within the proposal all documentation required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;*
d) *the project proponent shall provide sound and topography modeling for the proposed site;*
e) *the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after of the closure of the site, which will become part of the development agreement; and*
f) *the project proponent shall establish a project website or webpage, which shall, at a minimum:*

    i. *identify the lands subject to the proposal;*
    ii. *identify the make and model of proposed wind turbine generators; (CHG-07-25)*
    iii. *provide a phone number, email address, or contact form to connect members of the public with the project proponents;*
    iv. *where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance; and*

g) *the proposal shall meet the specific policies for Wind Turbine Separation established in policy 4-13A; and* (CHG-07-25)

h) *the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.*

Policy 4-13A Wind Turbine Separation Requirement

4.13A.1 *The minimum setback required between a residential dwelling and a wind turbine shall be the greater of the following:*

(a) 4 times the wind turbine height;

OR

(b) the distance required to ensure that:

(i) sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and

(ii) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.

4.13A.2 *For the purposes of this section, wind turbine height is measured as the distance from:*

(a) for a wind turbine other than a roof-mounted wind turbine, the average finished grade of the wind turbine to one (1) of the following:

(i) the highest point of the wind turbine rotor;

OR

(ii) the tip of the wind turbine blade when it reaches its highest elevation;

(b) for a roof-mounted wind turbine, the building's average finished grade to one (1) of the following:

(i) the highest point of the wind turbine rotor,

(ii) the tip of the wind turbine blade when it reaches its highest elevation.

(CHG-07-25)

Policy 4-14 *Council recognizes that wind energy technology is rapidly developing and commits to regular reviews of these wind energy policies and regulations.*

4.3.7 Solar Energy

Solar collector systems enable the generation of electricity from the sun's rays through technologies such as photovoltaics, or the collection of heat energy for space heating or domestic hot water through technologies such as evacuated tubes. Like wind turbine systems, solar power generation can occur on a wide range of scales, from single panels on a homeowner's roof, all the way up to multiple-hectare "farms" producing power directly for the electricity grid.

Council supports solar collector systems as a sustainable source of energy and recognizes the opportunity such systems offer to property owners to take control of meeting their own energy needs. The Land Use By-law will be flexible in permitting smaller solar collector systems. At the same time, Council recognizes that commercial-scale solar collector systems can require a significant area of land, which may be more suited to unserviced rural areas and industrial lands.

Policy 4-15 *Council shall, through the Land Use By-law, permit solar collectors as an accessory use within all zones, and provide exemptions from maximum building height limits.*

Policy 4-16 *Council shall, through the Land Use By-law, permit commercial solar collectors as a main use in the Hamlet Commercial, Rural Development, Rural Commercial, Airport, Airport Noise Restriction, Business and Industrial Park, and General Industrial Zones, with controls for screening and outdoor lighting.*

4.3.8 Stormwater Management

Development often involves the conversion of "soft" landscapes to "hard" landscapes, such as buildings and paved areas. This can reduce the capacity of the landscape to absorb rainwater, leading to stormwater runoff. When poorly managed, stormwater runoff can cause environmental issues including erosion, sedimentation, and contamination of local waterways. It is, therefore, important to appropriately manage stormwater in a manner that reduces flow speeds and volumes, and filters potential pollutants. This can be done through traditional "hard" infrastructure, such as piping and retention ponds, or through "soft" infrastructure like rain gardens, green roofs, bioswales, and tree planting. As the scale of a development grows, the potential for stormwater impacts (and the need to mitigate) also grows.

Policy 4-17 *Council may, through the Subdivision By-law, require stormwater management plans for the subdivision of land intended for any of the following land uses with over 70% lot coverage:*

a) commercial;
b) industrial; or
c) automobile parking as a main use.

Policy 4-18 *Council shall, through the Land Use By-law, require stormwater management plans for any use permitted by site plan approval.*

Policy 4-19 *Council shall, through the Land Use By-law, establish standards for the development of stormwater management plans.*

4.4 Infrastructure

4.4.1 Context

Infrastructure, whether public or private, forms the basis of our communities. We build it to provide drinking water, remove our waste, power our homes and businesses, facilitate communications, and enable the transportation of people and goods.

Infrastructure is also one of the largest public costs; building and maintaining these essential amenities comes with a large financial and environmental burden. As the world's climate changes, there is also a risk for these costs to increase when existing infrastructure is damaged or is no longer adequate to accommodate new demands, such as higher stormwater flows from frequent, intense storms.

In planning for the future, it is important for the functionality and financial stability of our communities to consider how to best use existing infrastructure, how to protect and adapt existing infrastructure to a changing climate, and how to ensure new infrastructure best meets the existing and future needs of the municipality's residents and businesses.

4.4.2 Goals & Objectives

a) To protect, maintain, and improve water quality.
b) To maintain, improve, and expand municipal central sewer services in an environmentally sound and financially sustainable manner.
c) To reduce the volume of solid waste produced and ensure that it is managed in an environmentally sound and sustainable manner.

4.4.3 Central Servicing

Central services include sanitary sewer systems and piped potable water.

Central sanitary sewer systems work by using a network of pipes to transfer sewage to a central treatment plant. The simplest and most cost-efficient systems use the force of gravity to move the sewage to a treatment plant located at the low point of the community. However, topography sometimes requires the use of lift stations (pumps) and force mains (pressurized pipes) to move the sewage uphill. These situations require more complicated (and expensive) mechanical systems and maintenance.

Hebron, Dayton, and Arcadia are all linked by a sewer line to the Town treatment plant located at the south end of Water Street. Sewage from Dayton and Hebron has been pumped to the Town treatment plant since 1989, resulting in cleaner, safer water in Lake Milo. The sewer line installed to connect Arcadia to the treatment plant is the longest sewer pressure line in Nova Scotia.

Most of the other households in the municipality are responsible for disposal of their own wastewater and sewage, typically via septic systems. However, there is a traditional sewage treatment plant in Port Maitland, which has been in operation since 2005. Arcadia pumps their wastewater through a large forcemain, and South Ohio uses double bed community on-site sewage treatment systems. However, one densely settled part of that community has been designated as a Wastewater and Sewage Management District. There, the Municipality has installed a cluster system of sewage pipes, and maintains the beds.

Piped potable water in the municipality is supplied from Lake George, 15 kilometres northeast of the Town boundary. The system supplies water to the communities of Dayton, Hebron, South Ohio, and parts of Arcadia, as well as the Town of Yarmouth. The Town of Yarmouth is responsible for the supply of water, and for maintenance of the Lake George Reservoir. Residents not covered by the reach of this centralized water system typically rely on drilled or dug wells for their water supply.

Policy 4-20 *Council shall, through the Land Use By-law, encourage the efficient use of central services by permitting smaller lot sizes and lot frontages in areas where central sewer is present.*

Policy 4-21 *Council shall, through the Land Use By-law, require new developments to connect to central sewer in areas where such services are available.*

Policy 4-22 *Council shall consider requests for the extension or expansion of sewer and water services on a case-by-case basis. In evaluating such requests, Council shall establish that there is a clear benefit to the Municipality if the extension or expansion is to be permitted. Such benefits may include, but are not limited to:*

a) solving a health or environmental risk created by the failure of on-site sewage systems;
b) enabling the continuation of sustainable development patterns; or
c) enabling the establishment of a major employer.

Policy 4-23 *In considering expansions of public sewer or water systems as provided for in Policy 4-22, Council shall have regard for cost recovery to the Municipality for both capital and operational costs.*

4.4.4 Onsite Services

In many areas of the municipality, residents and businesses depend on on-site systems to provide water and/or dispose of sewage.

In Nova Scotia, subdivision of unserviced lots generally requires the subdivider to test the soils for their ability to accommodate a septic system, and then size the lot(s) accordingly. However, there is no such provincial requirement for establishing a source of potable water prior to subdivision.

Council is concerned about recent issues with groundwater quantity and dry wells creating barriers to drinking water supply. Therefore, Council is interested in requiring additional documentation to ensure new subdivisions in areas with a history of groundwater supply issues have adequate access to water and will not cause problems for water supply on adjacent properties.

Policy 4-24 *Council may, through the Subdivision By-law, establish requirements for proponents to provide a well water quantity study completed by a qualified professional within any subdivision application.*

4.4.5 Utilities

Utilities such as telephone systems, power lines, and substations are essential to the functioning of modern society and can be found throughout the municipality. Such utilities have different land use needs than most other uses. Recognizing their essential function, Council wishes to be clear that utility infrastructure is permitted.

Policy 4-25 *Council shall, through the Land Use By-law, permit utility uses in all zones and shall exempt such uses from zone requirements. For greater clarity, these exemptions shall only apply to the utility infrastructure itself, and not related uses like utility company offices or maintenance depots.*

4.4.6 Telecommunications Systems

Telecommunication towers provide broadcast facilities for radio, television, internet, and cellular phone services. With the growth in cellular services, new technologies such as 5G, and public demand for extensive coverage and bandwidth, the number of telecommunications towers continues to grow in virtually all areas of the municipality. These systems are playing an increasingly important role in the development of communities striving to support modern business communication requirements into the future.

The development of telecommunication towers in Canada is governed by the *Radiocommunications Act* and supersedes local land use planning. However, municipalities are considered a key stakeholder and their input into proposed towers is often considered, either proactively by the proponent or reactively as part of the Industry Canada approval.

The *Radiocommunications Act* also includes a requirement for public consultation before the development of new telecommunications towers. Municipalities may elect to implement their own consultation protocol. In areas where there is no municipal protocol, consultation occurs under the Industry Canada Default Public Consultation Process. Council has elected to implement a municipal protocol.

Policy 4-26 *Council shall not support the locating of telecommunications towers in the Floodplain, Dykeland, Sensitive Environment, and Lightstation Heritage Zones.*

Policy 4-27 *Council shall encourage proponents to site towers in less densely populated residential areas, where possible, in the Rural Development Zone.*

Policy 4-28 *Council shall encourage proponents to 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, Port Maitland, and South Ohio and within three times the height of the proposed tower from the boundary of the Hebron and Lakes District and Hamlets of Arcadia, Port Maitland, and South Ohio.*

Policy 4-29 *Council shall not support telecommunications towers within the Hebron and Lakes District and Hamlets of Arcadia, Port Maitland, and South Ohio if they are greater than 45 metres in height.*

Policy 4-30 *Council shall encourage proponents to co-locate new antennas on existing tower structures and on existing built infrastructure where possible.*

Policy 4-31 *Council shall require proponents for telecommunication towers in the Hebron and Lakes District and Hamlets of Arcadia, Port Maitland, and South Ohio to host a public meeting to hear comments from the public. The proponent shall:*

a) provide notification in writing as per Appendix 1 of Industry Canada's CPC-2-0-03 to all property owners within 300 metres of the site where the towers are proposed to be located;
b) indicate final concurrence, final concurrence with conditions, or nonconcurrence 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.

Policy 4-32 *Council shall require proponents for telecommunication towers to meet with Municipal officials to discuss Municipal concerns at the earliest opportunity to facilitate tower siting. Proponents shall be requested to:*

a) 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; and
b) provide information on their proposal to the Municipality as per Appendix 1 of Industry Canada's CPC-2-0-03, as amended from time to time.

4.4.7 Waste & Recycling

Modern society produces a significant amount of solid waste that must be recycled, composted, or otherwise disposed of. For many people, such disposal is "out of sight, out of mind", yet the reality is that solid waste handling is essential infrastructure.

The first step in the process is typically collection at some form of transfer station or recycling depot, where solid waste is collected and sorted before being transferred for processing or disposal. Such facilities can have impacts on neighbouring areas but, due to the short-term nature of their waste holdings, do not have the same land area requirements or environmental risks as the disposal steps. Uses such as transfer stations and recycling depots will be permitted in the appropriate zones.

Disposal facilities, along with asphalt yards, typically require large areas of land to be taken out of use indefinitely (at least in terms of practical planning time periods), and thus their location must be carefully considered. They also have the potential for environmental impacts and require careful design and monitoring. While such requirements are typically handled by provincial and federal legislation, there are other impacts such as truck traffic that need to be considered in siting such facilities. As a result, Council intends to consider these uses only by development agreement.

Policy 4-33 *Council shall consider by development agreement salvage yards, scrap yards, and solid waste disposal facilities only on lots larger than 10,000 square metres in the Rural Development Zone and General Industrial Zone, subject to the following requirements:*

a) if the proposal is located on Class 3 agricultural soils, as identified on Schedule 'B', the applicant shall provide an agrologist's report indicating that the lands are not suitable for agriculture; and
b) the proposal shall comply with the policies of Section 6.6.

4.5 Transportation

4.5.1 Context

Transportation plays a vital role in the Municipality of the District of Yarmouth. It connects people and places, and it influences our quality of life, the environment, and the economy. However, many people in the southwest region of Nova Scotia continue to face travel barriers. Council sees the importance of better serving the diverse needs in the municipality, and the need to address inequities in transportation service provision, safety, and accessibility.

Policy 4-34 *Council shall, through the placement of land use zoning, aim to locate shops, services, businesses, and diverse housing types in areas that can be well-served by walking, rolling, and cycling to increase walkability and access to jobs and key destinations across the municipality, reduce the need to drive, and decrease carbon emissions.*

Policy 4-35 *Council shall collaborate with the Acadia First Nation and the African Nova Scotian community of Greenville to improve transportation options to these communities, including better active travel and transit connections.*

Policy 4-36 *Council shall work to identify and address the needs of equity-denied communities in transportation planning, design, and operations, improving access to destinations and opportunities.*

Policy 4-37 *Council shall plan for emerging mobility-related technologies, such as electric vehicles and shared mobility.*

4.5.2 Goals & Objectives

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, and:

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

4.5.3 Public Roads

Prior to 1995, all new public subdivision roads (*i.e.* local roads) became the property and responsibility of the Province. However, since that time servicing adjustments have changed the relationship between the Province and municipalities, and new public subdivision roads now become the responsibility of municipalities. Today, most roadways within the municipality are owned and maintained by the Province, although the Municipality does own and maintain approximately three kilometres of roadway in the vicinity of Hebron and Darlings Lake.

Policy 4-38 *Council intends to work in co-operation with the Nova Scotia Department of Public Works to resolve issues of mutual concern regarding road conditions and hazards as well as the repair, maintenance and upgrading of provincial public roads.*

Policy 4-39 *Council intends 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.*

4.5.4 Private Roads

Roads can be developed with the ownership and maintenance responsibilities held by a private entity, such as a "road owners' association". These private roads are common in areas where the cost of roads developed to a public standard would be prohibitive, such as cottage areas around lakes. There are quite a few private roadways in the eastern half of the municipality, between Arcadia and North Kemptville. From a municipal perspective, private roads can be beneficial because they allow development in these areas without requiring the Municipality to own and maintain roads in far-flung areas.

At the same time, private roads can create challenges. In the past, the Municipality did not have design and construction standards for private roads. Private roads could be built to a low quality, with higher ongoing maintenance costs for the eventual owners, and potential access limitations for emergency vehicles. Residents on private roads pay municipal taxes, yet may not receive many of the municipal services provided to residents on public roads (such as plowing and solid waste collection). Finally, organizing residents to pay dues and maintain a private road can be difficult, especially if there is a mix of permanent and seasonal residents on the road with different expectations for level of maintenance. As a result, Council believes development on private roads should only be permitted in areas where the benefit outweighs these challenges.

Policy 4-40 *Council shall, through the Land Use By-law, prohibit development on new private roads in the Low Density Residential Zone, Residential General Zone, Multi Unit Zone, and Commercial General Zone.*

4.5.5 Parking

Minimum parking requirements are intended to reduce the risk of overflow parking and limit traffic impacts on surrounding neighbourhoods. However, parking standards must be carefully considered, because requiring too much automobile parking can also have negative effects, including additional costs to landowners to construct the parking, increased stormwater runoff, and the impact that large parking areas have on the look and feel of a community. Furthermore, developers often have their own incentives to ensure adequate parking for customers, and access to design professionals who can calculate the appropriate amount of parking to fit the specific context.

Council, therefore, has established minimum automobile parking requirements for some uses to reduce the impacts of parking overflow. However, these minimums were established at a level to reduce impacts at most times of the year, and not to completely eliminate parking overflow at extreme peak times.

In the Municipality of the District of Yarmouth there is also a growing awareness of the need to provide secure, functional parking areas for bicycles. Council does not wish to require bicycle parking at this time, but intends to incentivise developers to provide bicycle parking.

Policy 4-41 *Council shall, through the Land Use By-law, establish minimum automobile parking standards aimed at reducing the impacts of parking overflow on neighbouring streets during typical volumes, but not necessarily during times of peak demand.*

Policy 4-42 *Council shall, through the Land Use By-law, allow bicycle parking in lieu of automobile parking within the Hamlet Residential, Residential General, Commercial General, and Hamlet Commercial Zones, at the discretion of the property owner.*

Policy 4-43 *Council shall, through the Land Use By-law, establish design guidelines for bicycle parking which ensure that the amenity is usable, high quality, and consistent. This includes guidelines for the type, dimensions, material, and placement of a bike rack, as well as the surrounding surface.*

Policy 4-44 *Council shall, through the Land Use By-law, establish driveway standards which refer to standards set out in the Nova Scotia Building Code.*

4.5.6 Electric Vehicles

Electric vehicles are growing in popularity and have notable environmental benefits in comparison to standard vehicles. However, they will need additional charging infrastructure to enable growth in public adoption.

Policy 4-45 *Council shall, through the Land Use By-law, allow electric vehicle charging stations as an accessory use in all zones.*

Policy 4-46 *Council shall, through the Land Use By-law, allow electric vehicle charging as a main use in the Commercial General, Hamlet Commercial, Rural Commercial, Airport, Business and Industrial Park, and General Industrial Zones.*

4.5.7 Active Transportation

The term "active transportation" refers to all forms of human-powered transportation, such as walking, rolling, and cycling. In the Municipality of the District of Yarmouth, the network of dedicated active transportation routes consists of several sections of sidewalk and numerous trails, including the Yarmouth County Rail Trail which follows the old railway line through the municipality, spanning 87 km from Lower East Pubnico to Norwood. The Yarmouth County Trails Development Association is the primary organization for creating and maintaining trails within the municipality, and Council encourages and is supportive of their work.

As of 2023, existing sidewalks in the municipality are located within the cores of Port Maitland, Carleton, Arcadia, South Ohio, and Hebron, and in the vicinity of Meadowfields Community School and the Dalhousie School of Nursing. Currently, the sidewalk network does not extend to the entirety of any of these communities.

Dedicated active transportation routes help to ensure active transportation is safe and accessible. This is particularly important in areas that could see a high volume of people using active transportation, such as around schools, retirement homes, recreation facilities, commercial areas, and locations with smaller lots or multi-unit dwellings. Beyond these areas, active transportation routes can still be important as a tool for promoting active living and the health and sustainability benefits that come with that.

Policy 4-47 *Council may, through the Subdivision By-law, require developers to include sidewalks when new streets are constructed in the Hamlet Residential, Hamlet Commercial, and Residential General Zones.*

Policy 4-48 *Council may, through the Subdivision By-law, require connections to existing active transportation routes for all new residential subdivisions, where possible. This requirement shall apply to sidewalks, bicycle lanes, trails, and multi-use pathways.*

Policy 4-49 *Council shall, through the Land Use By-law, require that parking lots for four or more spaces provide an accessible pedestrian connection between the street and the building's main entrance, where applicable. The required pedestrian connection shall meet requirements for geometry and surfacing, as established in the Land Use By-law.*

Policy 4-50 *Council shall, through the development agreement criteria of Section 6.6, require retrofitted sidewalks for discretionary approvals in areas where sidewalks would be appropriate but are not currently present.*

Policy 4-51 *Council shall, through the Land Use By-law, permit trails throughout all zones.*

4.5.8 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 2018 the ferry's lease with the City of Portland expired, and service was suspended for the following few years due to construction delays and Covid-19 restrictions. The ferry returned in 2022, running between Yarmouth and Bar Harbour, Maine. A study commissioned in 2010 found the ferry service to be a crucial part of the transportation infrastructure for the municipality and the province of Nova Scotia as a whole.

Policy 4-52 *Council supports the maintenance of a year-round ferry service between the Municipality and New England.*

4.6 Housing

4.6.1 Context

All residents need housing that is affordable, in good condition, and suitable for the size of their household and their life stage. They also want housing that fits the location, size, form, and amenities that they are looking for. A diversity of housing options and community types are needed to fit the needs of people of all lifestyles, ages, income levels, household sizes, and household types.

Providing a sustainable and suitable range of housing will require development that fits the style and character of the municipality's urban, hamlet, and rural communities. It will also require intensification of existing communities close to amenities through density like infill development, conversion of existing buildings, and careful expansion of residential areas.

4.6.2 Goals & Objectives

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, and:

a) to encourage the sustainable development of land for a variety of residential purposes;
b) to promote compatible, compact, higher-density development where central services are available;
c) to encourage and support new housing options, especially supportive housing; and
d) to ensure the infrastructure necessary to support and encourage new residential development is in place.

4.6.3 Housing Diversity

The main form of housing in the municipality is owner-occupied, single-detached homes. However, demographic changes show an aging population and a shift to smaller household sizes, which suggests that new housing options are needed.

The density and scale of housing change the shape of a community and affect the cost and availability of dwellings. Council wishes to enable a range of housing suited to the scale and form of each community, with denser housing mainly directed to urban serviced areas, where amenities are available. Some higher-density forms of housing should also be permitted in small rural communities to support smaller, affordable housing options.

Where Council wants a higher degree of control, some higher-density development will be permitted by site plan approval or development agreement to ensure the development is carefully designed to fit the community.

Policy 4-53 *Council shall, in the permitted uses in each zone of the Land Use By-law, tailor the types and densities of residential uses to the classification of community in which the zone is intended to be used. Rural development areas shall be limited to a lower density of development, hamlets shall generally be lower in density with an opportunity for medium densities with careful oversight, and more urban serviced areas shall be the focus of higher densities of residential development.*

4.6.4 Higher-density Dwellings

With a shortage of housing options in the municipality (particularly for more affordable dwellings), encouraging higher densities of dwellings will help address this gap in the existing stock.

Higher-density residential development may take the form of traditional multi-unit buildings, or as "grouped" dwellings where multiple buildings are located on one lot. Grouped dwellings can be owned by one landowner with residential units rented out to individual households, or the land can be owned in common through mechanisms such as condominiums or cooperative housing trusts. In rural unserviced areas, this approach to residential development allows for the creation of semi-public services (shared septic systems, shared wells, shared amenities, shared "roads", *etc.*) while at the same time implementing an ownership structure that assigns responsibility for the long-term, sustainable upkeep of these services.

Policy 4-54 *Council shall, through the Land Use By-law, permit dwellings with 3 or 4 units on a lot within residential zones, with exception of the Watershed Zone and Lakeside Residential Zone.*

Policy 4-55 *Council shall, through the Land Use By-law, permit dwellings with 5 to 10 units on a lot within the Multiple Unit Residential Zone.*

Policy 4-56 *Council shall consider proposals for dwellings with over 10 units on a lot in the Multiple Unit Residential Zone; over 4 units on a lot in the Residential General Zone, Commercial General Zone, Rural Development Zone, Rural Commercial Zone, Hamlet Residential Zone, and Hamlet Commercial Zone; or over 2 units in the Lakeside Residential Zone by development agreement subject to the following requirements:*

a) if shared on-site services are proposed, the development agreement shall contain a provision that absolves the Municipality from any responsibility for the ownership or maintenance of these services;
b) the scale and layout of dwellings is suitable and appropriate to the zone in which the proposal is located;
c) if the proposal is in the Lakeside Residential Zone, the placement of dwellings, services, driveways, parking areas, landscaping, and amenities is in a manner that preserves as much of the natural landscape as possible and mitigates the impacts of the development on watercourses; and
d) the proposal meets the policies of Section 6.6 of this Plan.

4.6.5 Accessory Dwellings

Accessory dwellings are a type of housing form that provides a second dwelling unit that is located on the same lot as a primary dwelling. Examples include “granny flats”, “in-law suites”, “secondary suites”, carriage houses, and laneway housing. These dwellings must be secondary to the main dwelling and can be located within the primary dwelling or as part or all of an accessory building such as a garage, studio, carriage house, or a purpose-built dwelling. This form of housing allows for lower-impact intensification of existing neighbourhoods and helps contribute to housing affordability by adding to the rental market stock and providing a second income stream for homeowners.

Policy 4-57 *Council shall, through the Land Use By-law, permit accessory dwellings in all zones that permit low-density dwellings, except for the Watershed Zone and Lakeside Residential Zone, subject to requirements for lot coverage, floor area, and servicing.*

4.6.6 Special Care Homes & Supportive Housing

Special care homes include supportive residential facilities such as nursing homes, long-term care, small options homes, or transitional housing. In order to promote equity and ensure these uses are not excluded from communities, such uses are best regulated by size, so that any facility is treated the same as a dwelling of similar size.

Council believes that all residents deserve housing arrangements that meet their needs in a location convenient to them.

Policy 4-58 *Council shall, through the Land Use By-law, permit special care homes, including supportive housing and emergency shelters, in any zone that permits residential development and to a scale similar to the other residential uses permitted in those zones.*

4.6.7 Employee Housing

Many of the industries and businesses within the municipality depend on temporary workforces during periods of high productivity. This workforce needs appropriate housing, which in some cases can be accommodated on-site. Many zones would allow such a use through the dwelling provisions of the main uses permitted in the zone. However, industrial zones are not appropriate zones to allow standalone residential uses, so dwellings are prohibited as a main use. As a result, there is a need to explicitly permit employee housing as an accessory use in industrial zones.

Policy 4-59 *Council shall, through the Land Use By-law, enable employee housing as an accessory use in industrial zones.*

4.6.8 Recreational Vehicles and RV Parks

Recreational vehicles include any vehicle that provides facilities for sleeping and other amenities, intended to be used for short periods of time. This can include campers, trailers, or motor homes. This is separate from mobile homes, which are transportable dwellings fixed in a grounded foundation and intended for long-term use. Recreational vehicles are particularly popular on the municipality's lakefront properties.

Council recognizes that recreational vehicles are popular in the municipality and wishes to accommodate their use. However, at a certain scale the impacts of multiple recreational vehicles must be appropriately managed.

Policy 4-60 *Council shall, through the Land Use By-law, define more than two recreational vehicles on a lot as an "RV park".*

Policy 4-61 *Council shall, through the Land Use By-law, permit RV parks by site plan approval in the Hamlet Commercial Zone, Rural Development Zone, Rural Commercial Zone, Lakeside Residential Zone, and Recreation Zone.*

4.6.9 Affordable Housing

Land use planning documents traditionally have limited control over housing costs, and instead encourage affordable housing by allowing a diversity of housing forms, such as accessory dwellings and special care homes. Recent amendments to provincial legislation, however, have provided municipalities with new tools to manage the affordability of residential developments.

The Province recently amended the *Municipal Government Act* to allow municipalities to make use of inclusionary zoning, a planning tool which, if implemented in planning documents, requires new residential developments to provide a certain portion of affordable units. Inclusionary zoning has, conceptually, increased in popularity recently for its potential to help to establish new affordable housing stock. However, this tool is very new in Nova Scotia and municipalities are currently exploring the best ways to properly monitor and administer any affordable housing created using this tool to ensure it remains affordable.

Council recognizes the urgent need for affordable housing options but wishes to conduct further research into the feasibility and enforcement of inclusionary zoning before implementing the tool.

Policy 4-62 *Council may, through the Land Use By-law and following the completion of a feasibility study, implement inclusionary zoning to require a portion of affordable units within all new residential developments or within residential developments of a certain scale.*

4.7 Economic Development

4.7.1 Context

Land use planning and economic development are separate yet complimentary endeavors. Land use planning does not directly create new businesses or jobs, but good planning shapes communities so they are attractive to company owners and staff, ensures a ready supply of employment lands in appropriate locations, makes efficient use of public and private resources, and protects existing businesses from conflicting land uses that could limit their operational activities (such as new homes moving in next to an established airport). Conversely, all the best plans in the world will fail if economic development efforts do not support an environment in which diverse people can find meaningful employment.

Technological advancements in shipbuilding and the cod moratorium of 1992 both impacted the coastal economy significantly. While shipping activity has slowed, the area is still home to several working wharves that support active groundfish and lobster fisheries. The development of offshore oil and overfishing are ongoing concerns as the fisheries bring wealth and job security and are the lifeblood of the community. Forestry and mining remain important industries in the area, and a limited amount of farming activity continues.

Economic diversity is necessary to establish a sustainable and resilient future for the Municipality of the District of Yarmouth. Opportunities for economic development include both location-specific industries (such as tourism, local manufacturing, resource extraction), and remote work industries which rely on good cell service, internet, and a high quality of life to attract workers and businesses.

4.7.2 Goals & Objectives

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, and:

a) to encourage the development and expansion of commercial enterprises to best serve the needs of the residents of the municipality;
b) to encourage the development of a sustainable tourism industry;
c) to encourage the sustainable management and diversification of resource-based industries;
d) to support economic development initiatives that foster economic self-reliance;
e) to support educational services that train and support a skilled work force and to encourage the retention of this skilled work force; and
f) to encourage the use of land with agricultural capability for agricultural purposes so that residents have access to locally grown food.

4.7.3 Internet & Cellular Service

Reliable high-speed internet and cellular service are crucial infrastructure for most businesses in the modern economy. This infrastructure is patchy in the more rural areas of the municipality, which can be a major deterrent to business and potential residents. Council has been working to improve rural internet access and cellular service in the municipality, and these infrastructure expansions continue to be a priority.

4.7.4 Agriculture

Approximately 29% of the Municipality of the District of Yarmouth is considered Class 3 or 4 agricultural land by the Canada Land Inventory (see Schedule 'B'), which indicates that fair to moderately high productivity is possible in some areas, but that limitations can be severe. As a result, most agricultural activity is related to dairy, cattle, hog, and sheep. Mink farming has traditionally been an important agricultural activity in the municipality, but changes in the global fur market have caused a steep decline in the industry in recent years.

Today, crop cultivation is mostly limited to berries and forage crops. Most of the land used for agriculture is in the vicinity of Chegoggin, Chebogue, Port Maitland, and Wellington, with some agriculture located around South Ohio and Carlton.

While agricultural land uses have been limited in the municipality over the past decade, there is a renewed public interest in locally grown food, organic methods, and community-supported agriculture. This has led to increased popularity of farmers' markets, community gardens, and home gardens.

Council wishes to encourage crop-based agricultural activities throughout the municipality, except for in the Watershed and Lakeside Residential Zones. Livestock-based agriculture also plays an important role in the economy, and will be permitted in hamlet and rural areas, with restrictions on the scope of operations to control environmental risks and odours associated with manure storage. Intensive livestock operations and fur farming have the potential to impact the surrounding environment if not properly managed. Intensive livestock operations and fur farms will be restricted to the Rural Development Zone and Airport Noise Restriction Zones by development agreement, with established watercourse setbacks and separation distances from existing uses.

Policy 4-63 *Council shall, through the Land Use By-law, permit agriculture-related uses in hamlets, Rural Development Zone, Rural Commercial Zone, Airport Noise Restriction Zone, Business and Industrial Park Zone, and General Industrial Zone.*

Policy 4-64 *Council shall, through the Land Use By-law, permit land uses related to the production of cannabis products as an agriculture-related use.*

Policy 4-65 *Council shall, through the Land Use By-law, permit farmers' markets in the Commercial General Zone, Hamlet Commercial Zone, Rural Development Zone, and Rural Commercial Zone.*

Policy 4-66 *Council shall, through the Land Use By-law, permit small structures for the sale of farm, fish, and forestry products as an accessory use in all zones.*

Policy 4-67 *Council shall, through the Land Use By-law, permit household scale livestock operations in zones that permit low-density residential dwellings, except the Watershed Zone and Lakeside Residential Zone, with controls on manure storage, buffering, structure dimensions, and quantities.*

Policy 4-68 *Council shall consider intensive livestock operations and fur farm operations by development agreement in the Rural Development and Airport Noise Restriction Zones, subject to the following requirements:*

a) lots shall be a minimum area of 4 hectares;
b) animal housing facilities shall be more than 340 square metres gross floor area;
c) intensive livestock buildings shall be set back a minimum of 100 metres from an existing off-farm dwelling, off-farm well, or institutional use;
d) intensive livestock buildings shall be set back from property lines a minimum of 50 metres;
e) intensive livestock buildings shall be set back a minimum of 100 metres from watercourses;
f) storage of waste from an intensive livestock operation shall not be located within 100 metres from a watercourse, well, or an adjacent residential or institutional use;
g) fur farm operations shall be set back not less than 152 metres from watercourses and 805 metres from existing residential, institutional, and recreational uses; and
h) the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.

4.7.5 Aquaculture

Aquaculture includes the farming of fish, shellfish, and aquatic plants, and there are many different forms of aquaculture development—all with their own benefits and challenges. Each year more fish products come from aquaculture. This is an emerging land use in the municipality, and as of summer, 2023 there is one development agreement signed for a proposal located in the Business and Industrial Park Zone.

There are two main approaches to aquaculture—land-based and water-based operations. While water-based aquaculture is regulated by the Nova Scotia Department of Fisheries and Aquaculture, the Municipality can regulate on-shore components associated with water-based systems and can also regulate land-based systems.

With constantly evolving technologies, aquaculture systems vary greatly, and each operation may use a combination of various processes and methods. The two main types of land-based aquaculture are flowthrough systems, in which no water is recirculated within the facility, and recirculating aquaculture systems, in which water is treated and reused. The degree of recirculation may vary from project to project depending on the system design.

In light of community concerns about the potential for impacts on the marine environment from aquaculture effluent, Council has elected to only consider proposals for recirculating aquaculture systems that do not discharge waste products to the ocean. Additionally, in order to appropriately regulate this complex land use, Council wishes to ensure proponents provide all information necessary for Council to make an informed and thoughtful decision.

Policy 4-69 *Council shall consider approval of recirculating land-based aquaculture operations in the Business and Industrial Park Zone, Marine Industrial Zone, and General Industrial Zones by development agreement, subject to the following requirements:*

a) the project proponent shall provide a site plan which shall show:

i. location and dimensions of existing and proposed property lines;
ii. topography;
iii. location of zoning boundaries;
iv. existing and proposed watercourses and wetlands;
v. location and dimensions of driveways, parking lots, and parking spaces;
vi. type and amount of site clearing, if any;
vii. location of buffers;
viii. location of utilities;
ix. location of any on-site water source(s) to be used;
x. location of any on-site effluent discharge;
xi. location of each type of aquaculture system to be used; and
xii. location of any proposed screening and lighting;

b) the project proponent shall provide a stormwater management plan, prepared by a Professional Engineer or a Landscape Architect licensed to practice in Nova Scotia;

c) the project proponent shall establish a project website or webpage, which shall, at a minimum:

i. identify the lands subject to the proposal;
ii. identify whether the proposal includes a flowthrough or recirculating aquaculture system;
iii. for recirculating systems, identify the percentage of water to be recirculated within the facility;
iv. identify the water source(s) to be used within the system;
v. identify the destination(s) of effluent discharge;
vi. identify all treatment and filtration processes to be used;
vii. identify the species to be cultured, and their life stages;
viii. identify any potential impacts on surrounding properties, including those related to noise, odour, or traffic; and
ix. provide a phone number, email address, or contact form to connect members of the public with project proponents;

d) the proposal shall not discharge waste products to the marine environment; and

e) the proposal shall meet the policies for considering development agreements outlined in Section 6.6.

4.7.6 Home Occupations

Home occupations or home-based businesses provide an opportunity for homeowners to start a business with low overhead, and to serve surrounding areas where dedicated commercial properties may not be viable or permitted. At the same time, home occupations can create some neighbourhood impacts (like additional traffic).

In 2016, the Province amended the Building Code Regulations to exempt home occupations under 25% of the home area and 50 square metres from certain requirements, such as the requirement to have a barrier-free customer washroom. This has made it much more affordable for home occupations that meet these criteria.

Council is supportive of home occupations and wishes to support this land use while establishing controls to limit impacts on the surrounding neighbourhood.

Policy 4-70 *Council shall, through the Land Use By-law, permit low-impact home occupations within all zones that permit dwellings, with controls around parking, signage, and floor area.*

Policy 4-71 *Council shall, through the Land Use By-law, permit intensive home occupations by site plan approval in the Hamlet Residential Zone, Hamlet Commercial Zone, Rural Development Zone, and Rural Commercial Zone.*

4.7.7 Signage

Signage is important for identifying points-of-interest and attracting customers to businesses. However, unrestricted signage can create visual crowding and reduce the effectiveness of signs. Additionally, an overabundance of signage can have a negative effect on the aesthetics of communities. Council wishes to ensure that signage is effective and safe, without having negative impacts on the aesthetics of the surrounding area.

Policy 4-72 *Council shall, through the Land Use By-law, establish signage regulations to promote safe and well-maintained signs in all zones.*

4.7.8 Accommodations

Accommodations for travellers are important for supporting the local economy, whether through tourism or visitors on business travel. Most of the larger hotels that serve the greater Yarmouth area are within the Town, though a hotel recently open on the lands of the Acadia First Nation. Accommodations are limited within the municipality but include businesses spread throughout the municipality, including several motels. There are several private and Provincial campgrounds in the municipality. Council will continue to support such uses in appropriate locations.

Policy 4-73 *Council shall, through the Land Use By-law, permit small-scale accommodations as a home occupation.*

Policy 4-74 *Council shall, through the Land Use By-law, permit traditional tourist accommodations as a main use in zones that permit commercial uses as a primary intent of the zone. (CHG-3-25)*

Policy 4-74A *Council shall, through the Land Use By-law, permit Primary and Non-Primary residence Short Term Rentals as a main use in zones that permit residential uses as a primary intent of the zone, subject to the same requirements as a dwelling. (CHG-3-25).*

Policy 4-75 *Council shall, through the Land Use By-law, permit campgrounds within the Commercial General Zone, Hamlet Commercial Zone, Rural Development Zone, Rural Commercial Zone, and Recreation Zone.*

4.7.9 Commercial Development Districts

Section 71C of the *Municipal Government Act* enables municipalities to establish, by by-law, "commercial development districts". This tool enables tax incentives to help support commercial development. The Municipality currently has a Commercial Development District Improvement Plan By-law which includes commercial development districts in Hebron, Dayton, and Arcadia. The Municipality is also considering establishing a commercial development district in South Ohio.

Policy 4-76 *Council may, through the Commercial Development District Improvement Plan By-law, establish commercial development districts in the serviced areas of Hebron, Dayton, Arcadia, and South Ohio.*

4.8 Recreation & Open Space

4.8.1 Goals & Objectives

To ensure that residents have local access to a range of recreational services and opportunities to improve quality of life and social well-being, and:

a) 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;
b) to encourage the preservation, maintenance and enhancement of land having inherent natural, biological, and recreational value; and
c) to encourage the development of community facilities and programs that are more accessible for persons with disabilities.

4.8.2 Context

Recreation is an important part of community life and plays a big part in the quality of life in the municipality, with mental, physical, and emotional benefits for residents. Recreational facilities and programs also create economic benefits by attracting and retaining residents, visitors, and businesses. The Municipality of the District of Yarmouth supports a wide range of recreational facilities, and volunteers and community groups also play an essential role in keeping these facilities running.

Facilities include a mix of public and privately-owned options throughout the municipality.

Policy 4-77 *Council shall, on the zoning map of the Land Use By-law, permit the Recreation Zone in all designations except the Airport Designation, Watershed Designation, and Sensitive Environment Designation.*

Policy 4-78 *Council shall, through the Land Use By-law, permit the development of parks and playgrounds in any zone except the Marine Industrial, Watershed, and Dykelands Zones.*

Policy 4-79 *Council may work in cooperation with community organizations and government bodies in the provision of recreation and services and facilities.*

4.8.3 Parkland Dedication

One of the primary ways municipalities in Nova Scotia develop public recreation lands is through the subdivision process. The *Municipal Government Act* allows Council's Subdivision By-law to require subdividers to transfer up to five percent of the land area (or equivalent value as cash-in-lieu) to the Municipality for open space (parkland) purposes. This can be increased to ten percent if the Municipal Planning Strategy includes this requirement and the rationale for including it.

Policy 4-80 *Council may, through the Subdivision By-law, require a parkland dedication of usable land equaling at least 5% of the subdivision area, cash-in-lieu equivalent to 5% of market value, or a combination of the two as determined by the Municipality.*

Policy 4-81 *Council may, through the Subdivision By-law, exempt certain classes of subdivision from parkland dedication. Such exemptions may include, but are not limited to, boundary adjustments, lot consolidation, and subdivisions for municipal purposes.*

4.9 Culture & Heritage

4.9.1 Context

The culture and heritage of the municipality is evident in the landscape, buildings, facilities, and events of the community. Historic and cultural resources give a clear understanding of the community and its evolution, and these assets draw people to the municipality.

The Mi'kmaq were the first to live in the region, having inhabited Nova Scotia for more than 10,000 years. Archaeological evidence from the Yarmouth area has confirmed human presence at least 6,000 years ago in Milton, Pleasant Lake, Tusket River, Bunker Island, and Chegoggin. Today, the municipality has a diverse cultural makeup that goes back to the roots of its Mi'kmaq inhabitants as well as Acadian, European, and Loyalist settlers, including those who settled in what is now known as the African Nova Scotian community of Greenville.

Council recognizes the significance of what heritage and culture mean as a reflection of ourselves, and of the opportunity to share our rich heritage to attract travelers to our area. Several cultural institutions such as museums, art galleries, and libraries help to create the cultural landscape available to residents and visitors alike. Council intends to build upon this local strength by protecting and enhancing heritage assets, and by working with diverse community groups to support a flourishing arts and culture industry.

4.9.2 Goals & Objectives

a) To ensure that residents have local access to a range of cultural services and opportunities to improve quality of life; and,
b) to encourage the preservation of the architectural and cultural heritage of the municipality and minimize the impact of new development on this heritage.

4.9.3 Heritage Properties

As of 2023, the National Historic Register lists 30 registered heritage properties within the municipality. In addition to these recognized buildings, there are likely many more properties in the Municipality of the District of Yarmouth with features or historic connections that could justify a heritage designation or that simply contribute to the historic context of the municipality.

Owning a heritage property is often considered an honour, but it can also be a financial burden for property owners to maintain the properties to heritage standards. Council believes planning policies should help encourage reinvestment in existing registered heritage properties and should spark desire from property owners to seek new registration for other properties with heritage value.

Policy 4-82 *Council shall, through the Land Use By-law, relax certain By-law requirements—such as, but not limited to, parking requirements—on federally-, provincially-, and municipally-registered heritage properties as an incentive for registration.*

Policy 4-83 *Council shall consider, by development agreement, proposals for structures or land uses that would not otherwise be permitted in the zone, on properties that are federally-, provincially-, or municipally-registered heritage properties. In considering such proposals, Council shall be satisfied:*

a) the proposal respects and enhances the heritage value of the property, and particularly those aspects of the property identified as Character Defining Elements in the property's Statement of Heritage Value;
b) the use and any structural additions are appropriate to the surrounding context, either by their nature or by the conditions placed upon them in the development agreement; and
c) the polices of Section 6.6 of this Plan are met.

4.9.4 Arts & Culture

The Municipality of the District of Yarmouth is home to a strong arts and culture community, from small private studios to the Yarmouth location of the Art Gallery of Nova Scotia and the Yarmouth Arts Regional Centre. Council believes it is important to enable arts and cultural uses to establish in a wide range of areas and at different scales. As a result, the Land Use By-law will generally be accommodating of arts and cultural uses.

Policy 4-84 *Council shall, through the Land Use By-law, permit art gallery sales, craft workshops, and the teaching of students in activities such as dance, art, and music as home occupations.*

Policy 4-85 *Council shall, through the Land Use By-law, permit cultural uses such as, but not limited to, theatres and museums, in a wide range of zones that prioritize commercial or institutional uses.*

Policy 4-86 *Council may support work in cooperation with community organizations and government bodies in the provision of cultural services and facilities.*

4.9.5 Institutional Uses

The municipality hosts a wide variety of institutional uses including government buildings, two public schools, sports and recreation uses, and cultural uses. Institutional uses provide essential public services, and Council wishes to allow them broadly throughout the municipality.

Policy 4-87 *Council shall, through the Land Use By-law, permit institutional uses in all zones except industrial zones, the Airport Noise Restriction Zone, the Dykeland Zone, the Watershed Zone, the Floodplain Zone, and the Sensitive Environment Zone.*

Policy 4-88 *Council shall consider proposals to repurpose vacant institutional buildings for uses not otherwise permitted in the zone by development agreement. In considering such proposals, Council shall be satisfied:*

a) the proposal respects and enhances the history of the building;
b) the use and any structural additions are appropriate to the surrounding context and the zone in which they are located, either by their nature or by the conditions placed upon them in the development agreement; and
c) the polices of Section 6.6 of this Plan are met.

4.9.6 Places of Worship

Council recognizes that places of worship for all religions and denominations are an integral part of any community. These spaces have a long history of integration into neighbourhoods of all types, and Council does not wish to create unnecessary barriers to the siting of future places of worship.

Policy 4-89 *Council shall, through the Land Use By-law, permit places of worship in all zones that permit institutional uses.*

4.9.7 Cemeteries

For many people, cemeteries are important places for reflection and respect. They are also an important historical record of the past, and several of the municipality's registered heritage properties are cemeteries, including Greenville Church Cemetery and Chebogue Cemetery.

Many cemeteries were developed prior to land use controls. Where new cemeteries are developed, they tend to have different land requirements and impacts than other uses, with low daily traffic in relation to the area of land. Council recognizes the importance of cemeteries to the culture and heritage of the municipality, and the need for flexibility in regulating them.

Policy 4-90 *Council shall, through the Land Use By-law, permit new cemeteries in most zones except those where the larger cleared areas required for a cemetery could raise environmental concerns or displace limited lands reserved for other purposes.*

Policy 4-91 *Council shall, through the Land Use By-law, implement lot size and frontage requirements specific to cemeteries.*

5 DESIGNATIONS & ZONES

5.1 Introduction

Land use designations are broad categories for identifying the intended use of land. They establish the spatial framework for achieving the vision and objectives of this Plan. Sometimes a land use designation reflects the current situation on the ground, such as an established residential neighbourhood designated as "Serviced Residential". In other situations, a land use designation identifies, broadly, the future plans for that land. An example would be undeveloped forested lands designated as "Serviced Commercial".

These designations then have specific policies in this Plan and zones in the Land Use By-law that control development to carry out the intent of each designation. This chapter establishes the land use designations and the specific policies for each designation.

5.2 Serviced Residential Designation

5.2.1 Serviced Residential Designation

The communities of Hebron, Dayton, Brooklyn, Milton, and North Chegoggin feature more urban residential neighbourhoods with varying densities. They can be characterized by central services and smaller lot sizes, and some have urban amenities like parks and sidewalks. These areas are primarily residential, but many also contain institutional uses like schools, places of worship, and small-scale commercial uses.

Policy 5-1 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Serviced Residential" lands with central services intended to give priority to residential development.*

Policy 5-2 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Serviced Residential Designation:*

a) Residential General Zone
b) Low-density Residential Zone
c) Multiple Unit Residential Zone
d) Recreation Zone

5.2.2 Residential General Zone

The Residential General Zone covers the communities of Hebron, Dayton, and portions of Brooklyn. These are the most developed and dense areas of the municipality, focused around the major roads. While the primary land use in this zone is residential, there are also institutional, small-scale commercial, industrial, and agricultural uses mixed in.

The existing residential development is primarily made up of single-detached dwellings, though there are also some grouped dwellings, special care homes for seniors, and multi-unit dwellings in the communities. Council wishes to encourage a diversity of housing types and institutional and recreational amenities in this zone to ensure there are options available for every life stage and household type.

Policy 5-3 *Council shall, through the Land Use By-law, establish the Residential General Zone. This zone is intended to accommodate a range of residential uses, as well as institutional and recreational uses in the residential area of Dayton on the west side of Lake Milo and Doctor's Lake.*

5.2.1 Low-density Residential Zone

The Low-density Residential Zone covers the Milton Highlands and portions of North Chegoggin communities. This area is primarily residential in character, with rural and suburban development patterns and on-site servicing. The residential neighbourhoods have larger lot sizes and much of the development is built up around the lakes.

Policy 5-4 *Council shall, through the Land Use By-law, establish the Low-density Residential Zone. This zone is intended to accommodate a range of lower density residential uses, as well as institutional and recreational uses in the residential areas of Milton Highlands and portions of North Chegoggin.*

Policy 5-5 *Council may consider service extensions to the Low-density Residential Zone, where demand is identified.*

5.2.2 Multiple Unit Residential Zone

The Multiple Unit Residential Zone covers a portion of Dayton. While some residential development exists in the municipality already, this neighbourhood is ideal for multi-unit infill development as it is close to amenities and has access to parks, small-scale institutional and commercial uses, and some active transportation routes. Council may also consider future areas of Multiple Unit Residential Zone via amendments to the Zoning Map.

Council wishes to encourage higher density multiple unit residential development in this zone to address the shortage of housing options, particularly for smaller, affordable, and rental housing.

Policy 5-6 *Council shall, through the Land Use By-law, establish the Multiple Unit Residential Zone. This zone is intended primarily for multiple unit dwellings.*

5.3 Serviced Commercial Designation

5.3.1 Serviced Commercial Designation

The Serviced Commercial Designation covers a well-defined commercial corridor along Highway 1 between the northern tip of Lake Milo and Greenville Road. This is the most developed and dense commercial area in the municipality, and includes offices, retail stores, restaurants, and auto sales and services. Central servicing and the proximity of higher density residential development positions this commercial area well for future growth. Council wishes to support existing uses in this corridor and encourage further commercial development with a range of uses.

To prevent negative impacts on the surrounding residential areas, Council will establish zone requirements for open storage, outdoor display, and service stations, as well as requirements for yards abutting non-commercial uses.

Policy 5-7 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Serviced Commercial" lands with central services intended to give priority to commercial development.*

Policy 5-8 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Serviced Commercial Designation:*

a) Commercial General Zone
b) Recreation Zone

5.3.2 Commercial General Zone

Policy 5-9 *Council shall, through the Land Use By-law, establish the Commercial General Zone. This zone is intended to accommodate a wide range of commercial uses along Highway 1, between the north tip of Lake Milo and Greenville Road. Light industrial uses and recycling depots shall be permitted by site plan approval.*

Policy 5-10 *Council shall, through the Land Use By-law, establish regulations in the Commercial General Zone to prevent negative impacts on surrounding non-commercial uses, including requirements for open storage, outdoor display, and standards for service stations.*

Policy 5-11 *Council shall, through the Land Use By-law, establish requirements for yards abutting non-commercial uses, including parking, loading, and outdoor storage and display within the Commercial General Zone.*

5.4 Hamlet Designation

5.4.1 Hamlet Designation

The communities of Port Maitland, Arcadia, South Ohio, and Carleton are long-established communities characterized by a compact, semi-urban development pattern with walkable neighbourhoods served by amenities like community facilities and businesses. These hamlets serve as hubs for their communities, and contain traditional resource-based industries, including some fisheries and agricultural uses.

The hamlets are made up primarily of single-detached dwellings and are serviced by a mix of central sewer services and on-site sewer, while they rely on private wells for water supply.

Policy 5-12 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Hamlet" lands intended to act as community hubs, with mixed residential densities and some limited opportunities for commercial, institutional, and resource uses.*

Policy 5-13 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Hamlet Designation:*

a) Hamlet Residential Zone
b) Hamlet Commercial Zone
c) Recreation Zone

5.4.2 Hamlet Residential Zone

The Hamlet Residential Zone is applied to established residential areas of the hamlets. This zone is intended primarily to accommodate residential uses, while it also permits a range of agricultural, institutional, parks, and existing industrial uses.

Policy 5-14 *Council shall, through the Land Use By-law, establish the Hamlet Residential Zone. This zone is intended to primarily accommodate the mixed residential density neighbourhoods in hamlets, with some opportunities for agricultural and institutional development.*

5.4.3 Hamlet Commercial Zone

Commercial development within the hamlet zones is small-scale and distributed throughout the hamlets. The exception to this is the Highway 3 and Kinney Hill intersection in Arcadia, where commercial development is somewhat concentrated. Council wishes to enable walkable communities by encouraging small-scale commercial uses within this zone, where they are compatible with the neighbourhood.

Policy 5-15 *Council shall, through the Land Use By-law, establish the Hamlet Commercial Zone. This zone is intended to accommodate small-scale commercial development in hamlets. Light industrial uses and recycling depots shall be permitted by site plan approval.*

5.5 Rural Development Designation

5.5.1 Rural Development Designation

Most of the municipality is rural in nature, and rural development is diverse in character, with coastal communities, inland communities, and cottage developments. Rural development is mainly concentrated along public highways, with low-density and larger lot sizes. This designation is primarily comprised of single-unit residential dwellings, but the mix of uses includes agriculture, forestry, institutional uses, recreational, commercial, and industrial development. This range of uses provides employment for many residents and Council wishes to support the mixed land uses of rural areas while requiring further oversight on land uses with the potential to cause conflicts.

Policy 5-16 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Rural Development" lands without central services intended to give priority to a wide range of rural land uses.*

Policy 5-17 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Rural Development Designation:*

a) Rural Development Zone
b) Rural Commercial Zone
c) Recreation Zone
d) General Industrial Zone
e) Marine Industrial Zone

5.5.2 Rural Development Zone

Most of the land area in the municipality is zoned Rural Development, and this zone applies to lands that are rural in nature and feature a wide range of land uses. Council wishes to support the traditional rural character of these communities by encouraging a mix of residential, agricultural, forestry, industrial, institutional, and recreational uses within this zone.

Policy 5-18 *Council shall, through the Land Use By-law, establish the Rural Development Zone. This zone is intended to accommodate a range of lower density rural development throughout the rural areas of the municipality.*

Policy 5-19 *Council shall, through the Land Use By-law, seek to avoid potential conflicts with adjacent residential and institutional uses by only considering the following uses by development agreement within the Rural Development Zone, subject to the requirements of Section 6.6 and, if the proposal is located on Class 3 agricultural soils as indicated on Schedule 'B', to the provision of an agrologist's report indicating that the land is not suitable for agriculture:*

a) fish reduction operations
b) permanent asphalt paving plants;
c) racing tracks; and
d) shooting ranges.

5.5.3 Rural Commercial Zone

While much of the municipality's commercial activity is located close to the Town of Yarmouth, along the Hebron strip, or within hamlets, commercial activity is also located along arterial and collector roads throughout the Rural Development Designation. These commercial land uses provide important employment opportunities, provide services to the surrounding area, and diversify the municipality's tax base. Most of these commercial operations are small-scale and often begin as home occupations. Current rural commercial uses include campgrounds, automobile services, gas stations, and retail stores.

Policy 5-20 *Council shall, through the Land Use By-law, establish the Rural Commercial Zone. This zone is intended to accommodate a range of small-scale commercial uses within the Rural Development Designation.*

5.5.4 Zoning Map Amendments for Industrial Zones in the Rural Development Designation

In general, potential areas of industrial uses should be clearly communicated through the placement of the Industrial Designation and appropriate industrial zones. However, there may be times where proposals for industrial uses come forward in rural areas that, due to their location in relation to other uses, may not be particularly at risk of creating land use conflicts. In such cases, requiring an amendment to the Future Land Use Map would be an unnecessary burden. As a result, Council is prepared to consider proposals for industrial zoning in the Rural Development Designation, with consideration for its impacts on surrounding uses.

Policy 5-21 *Council shall consider proposals to amend the Zoning Map of the Land Use By-law to place the General Industrial Zone or Marine Industrial Zone on lands within the Rural Development Designation. Council shall not approve such an amendment unless Council is satisfied:*

a) the risk of land use conflicts between industrial uses permitted in the zone and surrounding land uses is low, including, but not limited to, conflicts due to heavy equipment traffic, noise, odour, dust, light emissions, or visual impacts; and
b) the proposal meets the criteria of Section 6.6 of this Plan.

5.6 Airport Designation

5.6.1 Airport Designation

A major portion of the Yarmouth Airport is located within the municipality. The airport is owned and operated by the Yarmouth International Airport Corporation, and airport lands are regulated by Transport Canada.

Through this zone, Council wishes to facilitate future development of airport lands and will permit airport-related uses, aircraft and assembly plants, aviation clubs, telecommunications uses, utilities, some institutional uses, small-scale commercial, and industrial uses.

Policy 5-22 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Airport" lands at the Yarmouth Airport intended for airport development.*

Policy 5-23 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Airport Designation:*

a) Airport Zone

5.6.2 Airport Zone

Policy 5-24 *Council shall, through the Land Use By-law, establish the Airport Zone. This zone is intended to facilitate the future development of airport lands, and shall allow a range of airport-related, industrial, commercial, telecommunication, and utility uses. Bulk petroleum storage depots, light industrial uses, and recycling depots shall be permitted by site plan approval.*

5.7 Airport Noise Restriction Designation

5.7.1 Airport Noise Restriction Designation

The Airport Noise Restriction Designation is in the Hamlet of Arcadia and uses Transport Canada's Noise Exposure Forecast ("NEF") metric to delineate the boundary of this designation. Transport Canada reports that areas with a NEF rating over 35 are likely to draw a high number of complaints from surrounding residents and community members. This metric draws on loudness, frequency, duration, timing, and tone of airport noise, and is intended to be used for land use planning purposes. To limit land use conflicts caused by aircraft noise, Council will limit the land uses permitted within this designation and will not allow new residential development.

The *Aeronautics Act of Canada* established Yarmouth Airport Zoning Regulations, administered by Transport Canada, which control the height of buildings and structures allowed within specific areas of airport runways. The Municipality has no jurisdiction over the regulations but will direct anyone interested in developing near the airport to the appropriate authority.

Policy 5-25 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Airport Noise" lands within the 35 NEF contour surrounding the Yarmouth Airport, intended to reduce potential land use conflicts with aircraft travel.*

Policy 5-26 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Airport Noise Restriction Designation:*

a) Airport Noise Restriction Zone
b) Recreation Zone

Policy 5-27 *Council shall direct any person interested in developing lands within the general vicinity of the Yarmouth Airport to Transport Canada for clarification of Federal zoning regulations related to the Yarmouth Airport.*

5.7.2 Airport Noise Restriction Zone

Policy 5-28 *Council shall, through the Land Use By-law, establish the Airport Noise Restriction Zone. This zone is intended to limit disturbances caused by aircraft noise and applies to all lands with a Noise Exposure Forecast over 35.*

Policy 5-29 *Council shall, through the Land Use By-law, prohibit new residential development within the Airport Noise Restriction Zone.*

Policy 5-30 *Council shall, through the Land Use By-law, seek to avoid potential conflicts with adjacent residential and institutional uses by only considering the following uses by development agreement within the Airport Noise Restriction Zone, subject to the requirements of Section 6.6:*

a) racing tracks; and
b) shooting ranges.

5.8 Industrial Designation

5.8.1 Industrial Designation

The Municipality of the District of Yarmouth has a long history of industrial activities related to resource industries, such as sawmills and fish storage, as well as manufacturing operations. These remain an important part of the municipality's economy and culture.

While some communities grew up around an industrial use, new industrial uses or expansions of existing industrial operations can raise concerns about pollution, noise, traffic, and odours. Council wishes to accommodate existing industrial uses and provide an adequate supply of industrial-zoned land to direct new uses to areas where impacts on adjacent uses can be minimized.

Policy 5-31 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Industrial" lands intended to give priority to industrial development.*

Policy 5-32 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Industrial Designation:*

a) Business & Industrial Park Zone
b) Marine Industrial Zone
c) General Industrial Zone
d) Recreation Zone

5.8.2 Business & Industrial Park Zone

The Nova West Regional Business Park is approximately 150 acres in total, and is bound by Greenville Rd, Highway 101, and the abandoned Dominion Atlantic Railway. The developed portion of the park is serviced by central water and sewer and houses a mix of businesses.

Council wishes to promote economic growth in the municipality by accommodating both light industrial uses and commercial uses, emergency services, some institutional uses, and utilities.

Policy 5-33 *Council shall, through the Land Use By-law, establish the Business & Industrial Park Zone. This zone is intended to accommodate a range of light industrial, commercial, institutional, utility, and emergency services uses. Aggregate-related industries, food processing plants, and recycling depots shall only be permitted by site plan approval.*

5.8.3 Marine Industrial Zone

The Municipality of the District of Yarmouth has strong ties to the fishing industry and marine sectors, and the municipality's coastal communities are deeply connected to the sea. Many of the municipality's communities were first established as fishing villages along rivers and the coast. As the economic backbone of the region, marine industries create both seasonal and year-round employment for residents.

Wharves operated by local harbour authorities are located in Port Maitland, Short Beach, Sandford, Chegoggin Point, Pembroke, Yarmouth Bar, Kelly's Cove, Town Point, and Pinkneys Point. Council wishes to support the ongoing use of these marine industrial areas and encourage expansion of these sites where needed.

To limit potential impacts on adjacent uses and the environment, Council will permit fish reduction plants only by development agreement.

Policy 5-34 *Council shall, through the Land Use By-law, establish the Marine Industrial Zone. This zone is intended to accommodate fishery and marine-related industrial and commercial uses in the vicinity of existing wharves at Port Maitland, Short Beach, Sandford, Chegoggin Point, Pembroke, Yarmouth Bar, Kelly's Cove, Town Point, Pinkneys Point, as well as any additional areas suitable for marine industrial uses. Food processing plants shall be permitted by site plan approval.*

Policy 5-35 *Council shall, through the Land Use By-law, establish restrictions on yards and screening requirements for developments abutting adjacent uses within the Marine Industrial Zone.*

Policy 5-36 *Council shall consider proposals for fish reduction operations in the Marine Industrial Zone by development agreement, subject to the policies of Section 6.6.*

5.8.4 General Industrial Zone

A wide range of light and heavy industrial uses are dispersed throughout the municipality. Many of these uses are located within less densely populated areas on large parcels of land. Council also wishes to establish an area of land along Hardscratch Road that is "pre-zoned" to accommodate future industrial growth.

Council will permit a range of industrial and commercial uses within this zone. Some uses will only be permitted by development agreement to give Council more control over their form and operation.

Policy 5-37 *Council shall, through the Land Use By-law, establish the General Industrial Zone. This zone is intended to permit a range of industrial and commercial uses in rural and serviced areas of the municipality. Aggregate-related industries, bulk petroleum storage depots, food processing plants, and recycling depots shall only be permitted by site plan approval.*

Policy 5-38 *Council shall, through the Land Use By-law, seek to avoid potential conflicts with adjacent residential and institutional uses by only considering the following industrial uses by development agreement within the General Industrial Zone, subject to the requirements of Section 6.6:*

a) abattoirs with a gross floor area larger than 400 square metres;
b) animal rendering plants;
c) permanent asphalt paving plants; and
d) fish reduction operations.

5.9 Watershed Designation

5.9.1 Watershed Designation

The Lake George watershed provides a potable water supply for the Town of Yarmouth and several developed areas of the municipality. The watershed is located within the municipality, while the Town of Yarmouth owns and operates the central water servicing system as the Yarmouth Water Utility.

The Provincial Department of Environment and Climate Change has jurisdiction of watershed management in Nova Scotia. A Source Water Protection Plan is in place for the watershed, and Lake George is designated as a Protected Watershed area. These provincial regulations limit land use activity on all lands located within the watershed and restrict resource extraction and recreational such as swimming and boating. Council wishes to ensure the Lake George watershed and any backup water supplies designated in the future are protected and will support provincial regulations through the municipality's land use policies.

Policy 5-40 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Watershed" lands within the designated Protected Watershed area intended to protect water quality.*

Policy 5-41 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Watershed Designation:*

a) Watershed Zone

5.9.2 Watershed Zone

Policy 5-42 *Council shall, through the Land Use By-law, establish the Watershed Zone within the designated Protected Watershed area. This zone is intended to protect water quality for the municipality.*

Policy 5-43 *Council shall, through the Land Use By-law, establish requirements including but not limited to minimum lot sizes and separation distances from any water body within the Watershed Zone.*

Policy 5-44 *The boundaries of the Watershed Zone shall only be adjusted in compliance with the boundaries of the Protected Watershed area.*

5.10 Lakeside Residential Designation

5.10.1 Lakeside Residential Designation

The Municipality of the District of Yarmouth's lakes are a fundamental part of the municipality's community identity, and the lakes draw residents and visitors to their shores. There is strong development pressure for residential development, including dwelling and cottage uses, along the municipality's lakes, and recent years have seen an increase in the rate of lakeside residential development.

Lakeside residential development and its associated activities, including shoreline alteration, land clearing, and road building can impact the environment of lakes, as well as the aesthetic qualities that attract people to lakes in the first place. Council wishes to protect these watercourses while retaining the usability of the land and supporting residential uses in the vicinity of the municipality's lakes. The Lakeside Residential Designation is intended to provide this protection while promoting an attractive environment for recreation and living on lakes that are not in serviced areas (Lake Milo and Doctors Lake) or otherwise covered by other protective zoning, such as the Watershed Zone around Lake George.

Extended watercourse setbacks will be established within this designation to protect the vulnerable natural environment from the potential negative impacts of development.

Policy 5-45 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Lakeside Residential" lands generally within 200 metres of major lakes, excluding Lake Milo and Doctor's Lake and lakes covered by other protective zoning, with adjustments to align with roads and property lines, to give priority to sustainable residential development.*

Policy 5-46 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Lakeside Residential Designation:*

a) Lakeside Residential Zone
b) Recreation Zone

5.10.2 Lakeside Residential Zone

Policy 5-47 *Council shall, through the Land Use By-law, establish the Lakeside Residential Zone to apply to lands within the Lakeside Residential Designation, to give priority to sustainable residential development. Boarding houses, dwellings with one or two units, small options homes, and special care homes shall be permitted only by site plan approval.*

Policy 5-48 *Council shall, through the Land Use By-law, prohibit development within 15 metres of watercourses within the Lakeside Residential Zone, with exceptions for structures such as boathouses and wharves, which must be located in close proximity to watercourses.*

Policy 5-49 *Council may, through the Land Use By-law, allow a reduction in other yard setbacks to accommodate development on existing lots that cannot meet the 15-metre watercourse setback.*

5.11 Sensitive Environment Designation

5.11.1 Sensitive Environment Designation

The communities within the municipality are home to many natural features with important ecological value. These include the wetlands, sensitive coastal habitat, floodplains, dykeland, wilderness areas, beaches, and nature reserves, among others. While many of these features are protected by other legislation or by ownership, it is important to communicate the value these lands have for a sustainable future. As a result, Council has established the Sensitive Environment Designation to apply to these areas.

Policy 5-50 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Sensitive Environment" lands intended to protect the natural environment.*

Policy 5-51 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Sensitive Environment Designation:*

a) Floodplain Zone
b) Dykelands Zone
c) Sensitive Environment Zone

5.11.2 Floodplain Zone

The lower Broad Brook floodplain is located between the Town boundary and its outfall at Kelleys Cove. This 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.

Council wishes to protect community members, the built environment, and the natural environment from potential flooding by limiting development within the Broad Brook floodplain.

Policy 5-52 *Council shall, through the Land Use By-law, establish the Floodplain Zone within the Broad Brook floodplain. This zone is intended to protect the natural floodplain and mitigate negative impacts of potential flooding.*

Policy 5-53 *Council shall, through the Land Use By-law, prohibit development within the Floodplain Zone, except for nature trails.*

Policy 5-54 *Council shall, through the Land Use By-law, prohibit the removal of soils and infilling within the Floodplain Zone.*

5.11.3 Dykeland Zone

Dykelands are developed from rich salt marshes and have roots in Acadian farmland. They are valued for agricultural purposes and also provide important nesting areas for migratory birds. Dykelands in the municipality include the Brown Salt Pond Marsh and Chegoggin Marsh, generally bound by the communities of North Cheboggin, Milton Highlands, Overton, and Pembroke.

Council recognizes the value of these dykelands and wishes to protect this unique environment by limiting development to agricultural uses.

Policy 5-55 *Council shall, through the Land Use By-law, establish the Dykeland Zone for dykelands in the municipality. This zone is intended to permit agricultural uses.*

Policy 5-56 *Council shall, through the Land Use By-law, prohibit the development of any building within the Dykeland Zone.*

5.11.4 Sensitive Environment Zone

The municipality's coastline is an essential part of the community's character, and the diverse habitats and ecosystem systems present in coastal areas provide important ecological services. Coastal wetlands, marshes, and beaches are particularly sensitive to the impacts of human development. Recognizing the importance of environmental stewardship, Council wishes to limit the types of uses permitted in these areas.

Policy 5-57 *Council shall, through the Land Use By-law, establish the Sensitive Environment Zone to be applied to coastal wetlands, salt marshes, and beaches in the municipality. This zone is intended to protect the sensitive habitat of coastal areas and limit any potential negative impacts of development.*

Policy 5-58 *Council shall, through the Land Use By-law, permit public parks and conservation uses within the Sensitive Environment Zone.*

Policy 5-59 *Council may, through the Land Use By-law, waive the requirement for public road frontage for any use within the Sensitive Environment Zone provided other requirements and provisions in the zone are satisfied.*

5.12 **Lightstation Heritage Designation**

5.12.1 Lightstation Heritage Designation

The Cape Forchu Lightstation is a registered heritage property located at the mouth of the Yarmouth Harbour and originally established in 1840. The lighthouse has been preserved and working since that year, becoming the only intact publicly accessible lightstation in Nova Scotia. The lighthouse has since become a major tourist destination in the municipality.

Council recognizes the importance of preserving and maintaining this unique historic property and may work to encourage preservation through the Land Use By-law.

Policy 5-60 *Council shall, on Schedule 'A', the Future Land Use Map, designate as "Lightstation Heritage" lands surrounding the Cape Forchu lightstation intended for cultural and institutional uses.*

Policy 5-61 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Lightstation Heritage Designation:*

a) Lightstation Heritage Zone
b) Recreation Zone

5.12.2 Lightstation Heritage Zone

Policy 5-62 *Council shall, through the Land Use By-law, establish the Lightstation Heritage Zone on the lands surrounding the Cape Forchu lightstation. This zone is intended to permit cultural, recreational, and institutional uses in the area, and accessory commercial uses.*

Policy 5-63 *Council may, through the Land Use By-law, encourage the preservation, maintenance, and use of the lightstation.*

6 IMPLEMENTATION & REVIEW

6.1 Administration

6.1.1 Context

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Municipality of the District of Yarmouth. This Plan and its associated By-laws are enabled by, and are consistent with, Parts VIII and IX of the *Municipal Government Act.*

6.1.2 Document Administration

This document and the Land Use By-law are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

1 – Chapter

1.1 – Section

1.1.1 – Subsection

1.1.1 (a) – Clause

1.1.1 (a) (i) – Subclause

When amending this Plan or the text of the Land Use By-law, the Municipality will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the end of each Chapter.
- Each record in the changelog will be given a reference number prefaced with the letters, "CHG".
- Deleted text will be replaced with the text, "DELETED" and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be bolded with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the "highway interchange" system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.

6.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text, "POLICY #-#". All contents of this Plan not contained within a Policy are considered preamble and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

Policy 6-1 *Official Council Policies are denoted in this Plan by the text, "POLICY #-#", with the number signs replaced by the appropriate policy number.*

6.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

Policy 6-2 *In this Plan, the word "shall" takes the imperative, and indicates a duty to act. The word "may" takes the permissive and indicates permission to act.*

6.1.5 Effective Date

Policy 6-3 *This Municipal Planning Strategy and implementing Land Use By-law shall come into effect on the date that a notice is published in a newspaper, circulating in the Municipality, informing the public that the planning documents are in effect.*

6.2 Regional Cooperation

6.2.1 Consultation with Adjacent Municipalities

This Municipal Planning Strategy and its associated By-laws apply only to lands within the Municipality of the District of Yarmouth. However, activities that occur within the municipality have the potential to affect adjacent municipalities. This may be direct, such as the generation of traffic or trespass of noise or odours across borders. It may also be indirect, such as through effects on the market for various types of development in neighbouring areas, or environmental impacts.

The Municipality currently has a Public Participation Program Policy. However, as of summer 2023 it does not contain provisions related to consultation with adjacent municipalities. Council believes that it is important to consider the input of adjacent municipalities when considering amendments to this Municipal Planning Strategy or when adopting a new Municipal Planning Strategy, and will update the Public Participation Program Policy to reflect this. However, until this occurs Council has adopted a consultation policy in this Municipal Planning Strategy as an interim policy.

Policy 6-4 *Council shall notify adjacent municipalities and the Acadia First Nation and provide opportunity for comment when:*

a) adopting a new Municipal Planning Strategy to replace this one; and
b) when considering amendments to this Municipal Planning Strategy that would affect lands within 500 metres of the adjacent municipalities or Acadia First Nation.

Policy 6-5 *Consultation undertaken through Policy 6-4 shall:*

a) invite comment on matters of municipal interest;
b) invite comment in relation to Statements of Provincial Interest;
c) be considered by Council or the Planning Advisory Committee as its designate as part of the body of feedback received on the proposed amendment or new Municipal Planning Strategy; and
d) be completed prior to Council publishing its first notice for a Public Hearing on the proposed amendment or new Municipal Planning Strategy.

Policy 6-6 *Policy 6-4 and Policy 6-5 shall become inactive at such time Council adopts amendments to its Public Participation Program Policy to include procedures for consulting with adjacent municipalities that meet the requirements of the Engagement Programs Content Regulations made under the Municipal Government Act.*

6.3 Land Use By-law and Subdivision By-law

6.3.1 Adoption

The land use policies in this Municipal Planning Strategy are implemented through a Land Use By-law. This By-law sets out zones, the permitted uses for each zone, development standards for each zone and/or for certain types of uses, and the uses and circumstances for development by development agreement and site plan approval. In doing this, the By-law reflects the policies of the Municipal Planning Strategy. Council approves the Land Use By-law at the same time this Plan is approved.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

The Land Use By-law and Subdivision By-law are administered by a Development Officer appointed by the Municipality of the District of Yarmouth. The Development Officer is responsible for issuing development permits in accordance with the By-law.

Policy 6-7 *Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.*

Policy 6-8 *Council shall appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these By-laws.*

Policy 6-9 *The Subdivision By-law shall:*

a) apply to the whole of the Municipality;
b) ensure that any subdivision, with the exception of lots created using the variance provisions of Part IX of the Municipal Government Act, conforms with the lot requirements contained in the Land Use By-law;
c) establish locations and standards for the development of public and private roads, central services, and other publicly owned infrastructure;
d) contain provisions intended to ensure that lots are suitable for onsite sewage disposal where there is no central sewer system;
e) contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;
f) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
g) contain any other provisions needed to fulfill the intent of this Plan.

6.3.2 Variances

Section 235 of the *Municipal Government Act* gives the Development Officer the power to grant "variances" from the requirements of the Land Use By-law. The Act sets out the circumstances when such variances may be granted, the Land Use By-law provisions for which variances may be granted, and the process for granting such variances.

Policy 6-10 *Council shall, in accordance with Section 235 of the Municipal Government Act, permit the Development Officer to vary:*

a) the percentage of land that may be built upon;
b) the size or other requirements relating to setbacks;
c) lot frontage;
d) lot area;
e) location and number of parking spaces and loading spaces required;
f) ground area of a structure;
g) height of a structure;
h) floor area occupied by a home-based business; and/or
i) height and area of a sign.

6.3.3 Amending the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the municipality in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors do not reflect the policies in this Plan and thus will be corrected by By-law amendments.

Policy 6-11 *Council shall consider proposals to amend the text of the Land Use By-law but shall not make such amendments unless Council is satisfied the proposed amendment meets the general criteria set out in Policy 6-21.*

Policy 6-12 *Council shall consider amendments to the map of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following three conditions is true:*

a) the proposed zone is enabled by this Plan for use within the same designation;
b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or

c) *notwithstanding the zones permitted within a designation, the land to be rezoned is under 5 hectares in area and is adjacent to a designation that permits the proposed zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be adjacent to the designation on the other side of the right-of-way.*

Policy 6-13 *Council shall not amend the map of the Land Use By-law if the lot and existing buildings do not meet the requirements of the proposed zone.*

Policy 6-14 *Council shall not amend the map of the Land Use By-law unless Council is satisfied that:*

a) *the proposal meets any applicable zone placement criteria set out in policies, elsewhere in this Plan, applicable to the proposed zone; and*
b) *the proposed zone and the uses it permits meet the general criteria set out in Policy 6-21.*

6.4 Development Agreements

6.4.1 Context

A development agreement is a written legal agreement between Council and a property owner. It "runs with the land"; hence, the terms of the agreement do not cease if the land is sold or if the property owner dies.

The development agreement is a mechanism through which Council can oversee the implementation of a development proposal that would not otherwise be permitted by the standards established in the applicable zone. This can allow a proposal to better fit the specific constraints or opportunities provided by a site.

A development agreement allows or limits the development to the use or types of uses proposed and outlined in the agreement. This allows Council to have a finer-grained level of control over the proposed development, and to implement specific measures to mitigate potential impacts. To change the development to another use that is not listed in the development agreement would require an amendment to the agreement, which would be evaluated against the policies in this Plan.

In accordance with the *Municipal Government Act*, the types of development that may be considered by a development agreement must be clearly identified in the Plan.

6.4.2 Adopting and Amending Development Agreements

Policy 6-15 *Council shall consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement shall:*

a) specify the development, expansion, alteration, or change permitted;
b) specify the conditions under which the development may occur;
c) set terms by which Council may amend or terminate and discharge the agreement; and
d) where a development agreement is to be amended, identify those matters considered substantive changes to the agreement.

Policy 6-16 *Council shall not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Section 6.6.*

Policy 6-17 *Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Section 6.6. Such conditions may include, but are not limited to, controls regarding:*

a) servicing;
b) the type, location, and orientation of structures;
c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
d) the provision of open space and amenities;
e) the type, size, and location of signage;
f) the type and orientation of exterior lighting;
g) management of solid waste, compost, and recycling;
h) pedestrian, bicycle, and vehicular circulation;
i) connections to existing or planned pedestrian, bicycle, and vehicular networks;
j) the location and number of bicycle and vehicular parking and loading spaces;
k) access for emergency vehicles;
l) the location and type of landscaping, including fences and other forms of screening;
m) stormwater management;
n) groundwater conditions;
o) grading and erosion control;
p) the emission of noise, odour, light, liquids, gases, and dust;
q) the type of materials stored and/or sold on site;
r) hours of operation;

s) the phasing of development;
t) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
u) mitigation measures for construction impacts;
v) time limits for the initiation and/or completion of development; and
w) all other matters enabled in Section 227 of the Municipal Government Act.

6.4.3 Development Agreements instead of Map Amendments

Occasionally a landowner will seek to rezone their land to permit a specific proposal that is a smaller scale or less intensive use than the full range of intensity and uses the proposed zone would allow. For example, a proponent might request industrial zoning to enable a light industrial use, even though the proposed zone would also permit heavy industrial uses. However, once the zoning is approved there are no controls to limit development on the site to anything other than the maximum permitted by the zone. This can create a situation where the community is not concerned about the specific proposal but is concerned about the potential for maximum development on the site. In such a situation, the landowner may voluntarily opt to use a development agreement to limit development rights to the scale and intensity of the specific proposal.

Policy 6-18 *Council shall consider proposals for developments by development agreement in lieu of an amendment to the Zoning Map. In considering such proposals, Council shall be satisfied that an amendment to the Zoning Map that would accommodate the proposed development would be enabled by the policies of this Plan and that the proposal meets the requirements of Section 6.6 of this Plan.*

6.5 Site Plan Agreements

6.5.1 Site Plan Agreements

Site plan approval is a development approval process in which applicants must meet an additional set of criteria set out in the Land Use By-law. Unlike standard development permitting, these criteria are not necessarily numerical in nature, and can involve a negotiation between the applicant and the Development Officer to determine compliance with these criteria. The outcome of site plan approval is a site plan agreement. This tool is useful for approvals that might require an additional level of oversight or flexibility in the ways impacts on neighbours are reduced, but that do not necessarily need to go through the complex and time-consuming process required for a development agreement.

Policy 6-19 *Council shall, through the Land Use By-law, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is benefit to providing flexibility in the ways land use controls are implemented.*

Policy 6-20 *Council shall, through the Land Use By-law, establish a notification area of 152 metres for site plan agreements involving small-scale wind turbine generators and 30 metres for all other site plan agreements.*

6.6 General Criteria

6.6.1 Amending the Land Use By-law & Adopting Development Agreements

Amendments to the Land Use By-law and the adoption of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-21 *Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:*

a) is consistent with the intent of this Municipal Planning Strategy;
b) does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the municipality;
c) is not premature or inappropriate due to:

i. the ability of the Municipality to absorb public costs related to the proposal;
ii. impacts on existing drinking water supplies, both private and public;
iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;

iv. *the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;*
v. *the adequacy of fire protection services and equipment;*
vi. *the adequacy and proximity of schools, recreation facilities, and other community facilities;*
vii. *the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;*
viii. *site-specific climate change risks;*
ix. *the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;*
x. *impacts on known habitat for species at risk;*
xi. *light pollution and impacts on dark sky views;*
xii. *the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and*
xiii. *the potential to create excessive noise or odour.*

6.7 **Notification**

Policy 6-22 *Where Council has given notice of its intent to adopt an amendment to the Land Use By-law that is not general in nature but is in direct response to a specific development proposal, or Council has given notice of its intent to adopt a development agreement, notification of the amendment or development agreement shall be served upon all assessed property owners within the following specified distance of the subject property:*

a) 500 metres for rural designations; and
b) 300 metres for serviced areas and hamlets.

Policy 6-23 *Where Council has given notice of its intent to adopt a zoning amendment or development agreement for a property fronting onto a lake, notification shall be served upon all assessed property owners fronting onto the same lake, in addition to the requirements of Policy 6-22.*

Policy 6-24 *Notification of a development agreement or amendment to the Land Use By-law shall:*

a) outline the proposed amendment or development agreement;
b) identify the property(s) subject to the proposed amendment or development agreement; and
c) state the time, date, and place of a public hearing regarding the proposed amendment or development agreement.

6.8 Monitoring, Reviewing, and Updating this Plan

6.8.1 Plan Updates

Good plans are not set in stone. While every effort has been made to be thorough in the preparation of this Municipal Planning Strategy, things can change. The assumptions under which this plan was made, the technologies and land use issues of the day, and the values of community members will all change over time. This Plan must be monitored and periodically reviewed and updated to remain effective.

Policy 6-25 *Council shall initiate a housekeeping review of this Plan no later than two years following adoption of the Plan. The intent of this review is to identify errors, omissions, or ways to streamline the Plan.*

Policy 6-26 *Council shall initiate an interim review of this Plan within five years from the initial adoption of this Plan. The intent of this review is to identify emerging policy issues and gaps in the Plan and adopt new or modified Plan policies to address these issues and gaps.*

Policy 6-27 *Council shall initiate a comprehensive review of this Plan within 10 years of adopting this Plan. The intent of this review is to conduct extensive public consultation, review the Vision and Goals of the Plan, and update or replace components of the Plan as necessary to support the new Vision and Goals.*

6.8.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of adjacent municipalities, First Nations, and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and the approval of the Province. The specific process is set out in the *Municipal Government Act.* Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to consider or approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

Policy 6-28 *Council shall consider an amendment to this Municipal Planning Strategy when:*

a) any policy intent is to be changed;
b) a zoning amendment conflicts with this Plan and there are valid reasons for the amendment;
c) an amendment to the Subdivision By-law conflicts with this Plan and there are valid reasons for the amendment;
d) incorporation of a detailed secondary area strategy into this Plan is desired; or
e) when this Municipal Planning Strategy is inconsistent with Statements of Provincial Interest.

7 SCHEDULES

Schedule A – Future Land Use Map
Schedule B – Canada Land Inventory (CLI) Soil Capability Classes

See pdf document **MPS Schedules A & B**
Available on the Municipality of the District of Yarmouth Website alongside this document at:
https://munyarmouth.ca/government/by-laws
https://munyarmouth.ca/services/development-inspection/land-development-zoning