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1

INTRODUCTION**1. TITLE**

This By-law shall be known as the “Land-Use By-law” for the Town of Pictou, or the short form, Pictou Land Use By-law and shall apply to all the lands within the boundaries of the Town of Pictou.

2. PURPOSE

The Town of Pictou’s Land Use By-law is adopted in accordance with the Province of Nova Scotia’s Municipal Government Act. The Pictou Land Use By-law is intended to implement the policies contained within the Town’s Municipal Planning Strategy by establishing regulations with respect to the use and development of land. The Municipal Government Act also enables the Town of Pictou to adopt a Subdivision By-law to control the division of land. These three documents provide the framework for planning and development in Pictou.

3. DEVELOPMENT PERMIT APPLICATIONS**1. Prescribed Information**

- a) Every application for a development permit submitted to the Municipal Development Officer shall clearly state the following:
 - i) current and proposed use(s);
 - ii) the setbacks of existing or proposed buildings;
 - iii) the location and size of proposed signs;
 - iv) all other information necessary in order that the Municipal Development Officer can determine whether or not the application is in conformance with the requirement of this By-law.
- b) Development Permit Application, shall require plans in duplicate, drawn to an appropriate scale, and showing:
 - i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - ii) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied for;
 - iii) the proposed location of every building or structure already erected on or partly on such lot, and the approximate location of every building upon contiguous lots;
 - iv) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
 - v) other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.

2. Other Information

When the Development Officer is unable to determine whether the proposed development conforms to this By-law and other By-laws and Regulations in force which affect the proposed development, they may require the applicant to provide:

- a) the plans submitted under Section 3(b) of this Part to be based upon an actual plan of survey prepared by a Nova Scotia Land Surveyor;
- b) where parking areas with more than four (4) spaces is required under Part 3, Section 5.1. (e) of this By-law, a sketch or plot plan of the property showing, with accurate dimensions, the building location and the required parking spaces

including parking and loading spaces, driveways and ingress and egress points to public streets.

3. Signature for Application

The development permit application shall be signed by the registered owner of the land or by the owner's agent duly authorized thereunto in writing.

4. BY-LAW ENFORCEMENT

Pictou Council shall be responsible for the enforcement of this By-law. The Municipal Development Officer shall be required to inform Council in writing of suspected violations of the provisions in the Land-Use By-law. Council shall, from time to time by resolution, adopt practices and procedures to guide the administration and enforcement of this By-law.

5. EFFECTIVE DATE OF BY-LAW

This By-law shall take effect on the date of publication. The former Land-Use By-law, approved by the Minister of Municipal Affairs on June 3rd, 1994 and any subsequent amendments thereto is repealed effective on the date of the approval of the Minister of Municipal Affairs of this Land-Use By-law.

6. ZONING

1. Zoning Classification

This By-law applies to all lands located within the boundaries of the Town of Pictou and for the purposes of this By-law, the Town of Pictou is divided into specific zone classifications, the boundaries of which are shown on the Zoning Map. Such zones may be referred to by the appropriate symbols as follows:

ZONE CLASSIFICATION	SYMBOL
Residential	R1
Rural Residential	R2
Waterfront	W
Neighbourhood Commercial	C2
Highway Commercial	C3
Industrial	IND
Institutional	I
Recreation	P
Downtown Business	C1
Watersupply	H2O

2. Zoning Map

The map attached as Schedule "B" to this By-law is labelled as the Pictou Land Use By-law Zoning Map and is hereby declared to form part of this By-law.

3. Interpretation of Zone Boundaries

Boundaries between zones shall be determined as follows:

- a) where a zone boundary is indicated as following a street or highway, railway right-of-way, electrical transmission line right-of-way or watercourse the boundary shall be the center line of the right-of-way or the top of the bank of the watercourse;
- b) where a zone boundary is indicated as approximately following lot lines the boundary shall follow such lot lines;

- c) where a zone boundary is indicated as following the limits of the Town of Pictou, the limits shall be the boundary;
- d) where a zone boundary is indicated as following the shore line of an ocean or harbor the zone boundary shall follow the actual "mean high water line".
- e) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

7. CERTAIN WORDS

In this By-law, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word "used" includes "arranged to be used"; 'designed to be used' or 'intended to be used' and the word "shall" is mandatory and not permissive.

8. PERMITTED USES

1. Use Prohibited Unless Listed as a Permitted Use

In this By-law, any use not listed as a permitted use in a zone, is prohibited in that zone unless otherwise indicated.

2. Inclusion of Similar Uses

Where a permitted use within any zone is defined in Part 2: Definitions, the uses permitted within that zone shall include any similar uses which satisfy such definition, except where a definition specifically excludes any similar uses.

9. AMENDMENT OF THE BY-LAW AND DEVELOPMENT AGREEMENTS

1. When Considered

Amendments to this By-law may be considered for the following, in conformity with the Municipal Planning Strategy:

- a) addition or deletion of a permitted use within a zone;
- b) amendment of the zone requirements of a zone;
- c) amendment of the general provisions of the By-law;
- d) amendment to the Zoning Map.

Development agreements may be considered for the uses listed in Part 4 of this By-law, in conformity with the Municipal Planning Strategy.

2. Application Procedures and Fees

Any person who wishes to obtain an amendment of this By-law or a development agreement shall submit an application in writing to the Clerk of the Town of Pictou.

- a) The applicant shall deposit an amount sufficient to pay the cost of advertising required by the *Municipal Government Act*. The remaining portion of the deposit shall be returned to the applicant.
- b) Applications for development agreements will require a deposit sufficient to cover both the cost of advertising and registration of the development agreement as required by the *Municipal Government Act*. The portion of the remaining deposit shall be returned to the applicant.

2

DEFINITIONS

The purpose of this section is to define words, terms, and phrases which are necessary for the understanding, administration and enforcement of this By-law and which are not part of the common English language. To determine the meaning of words not defined in this Section, reference shall be made to the following sources: *The Zoning Dictionary* and *The Illustrated Book of Development Definitions*. Words, terms and phrases neither defined in this section, nor in the reference sources cited shall be given their usual and customary meaning. The use of illustrations in this part are intended for clarification and convenience and do not form part of this By-law.

Accessory Building means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use. It does not include a building attached to the main building, swimming pool, or fence.

Accessory Use means a use subordinate and incidental to and exclusively devoted to a main use of land or building and located on the same lot.

Act means the Municipal Government Act.

Agricultural Animal means an animal kept for purposes of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, fixes, chinchillas, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish, and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be household pets.

All Age Teen Club means a commercial establishment targeted towards teens but includes all ages and is primarily a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to the Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages.

Alter means any change to the structural component of a building, or any increase to the volume of a building or structure and may also refer to a change in use.

Amenity Space means on-site outdoor space designed for active or passive recreational use.

Animal Hospital means a facility for the temporary treatment of animals or birds for monetary gain.

Apartment means one or more rooms with private bath and kitchen facilities comprising an independent self contained dwelling unit in a building containing more than two dwelling units.

Assembly Use means a use involving the putting together of parts to make a product. The parts shall be pre-manufactured off-site and the assembly process shall not be deemed obnoxious.

Automobile Sales Establishment means a building or part of a building or a clearly defined space on a lot used for the retail sale of automobiles or trucks, automobile parts and accessories, and may include the servicing and repairing of motor vehicles.

Bed and Breakfast Establishment means an owner-occupied, single detached unit dwelling in which the resident supplies, for compensation up to four (4) rooms available for rent for the temporary accommodation of travelers and may be licensed by the Tourist Accommodation Act and regulations made thereto.

Boarding or Rooming House means a single unit dwelling in which the resident-supplies either room or room and board for up to a maximum of four (4) rooms for compensation on a weekly or monthly basis, and which is not open to the traveling public.

Buffer Strip means a landscaped area intended to separate and/or wholly or partially obstruct the view of two adjacent land uses or properties from one another.

Buildable Area means the portion of a lot remaining after required yards have been provided.

Building Line means a line regulating the position of a building or structure on a lot. The minimum building line is established by the depth of the yard required for the zone in which the lot is located, except where an existing building is located closer than the lot than the required depth. The latter is considered an established building line and is measured at the main wall of an existing main building.

Building means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. This definition does not include a mobile/modular building with a main wall with a width of 20 feet or less.

Building Inspector means the building inspector appointed by the Town of Pictou.

Bulk Storage Facility means a lot used for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain, with or without buildings.

Business Office means a room where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.

By-law means this By-law which is the Land Use By-law for the Town of Pictou.

Carpport means a building or structure which is without walls on at least two sides and is used for the parking and storage of a motor vehicle and for the purpose of the By-law a carport with an enclosed second story which is attached to the main dwelling.

Cemetery means a burial place or ground other than a church yard which may include a mausoleum vault for the storage of remains and a chapel used for interment services.

Church means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and daycare-operated by the church.

Clinic means a building used for the medical, dental, surgical, or therapeutic treatment of human patients does not include an overnight facility and does not include a professional office of a doctor located in his or her residence.

Commercial Club means a club operated for gain other than a community centre.

Commercial means any use by which retail or wholesale trade is carried on, and may include other uses involving sale of goods, materials, and services.

Commercial Motor Vehicle means any motor vehicle having permanently attached thereto a truck or delivery body or materials handling equipment and includes taxi, delivery van, ambulance, hearse, motor bus and highway tractor trailer combination.

Commercial Recreation means a building or lot or part thereof used solely for recreation or entertainment purposes for profit or gain, and, without limiting the generality of the foregoing, may include such establishments as dance halls, theaters, cinemas, billiard or pool halls, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and discos, campgrounds, and arcades for pinball and other game machines and amusements.

Commercial School means a school of seven or more pupils conducted for compensation, and includes a privately operated secretarial school, language school, driving school but does not include a daycare or university.

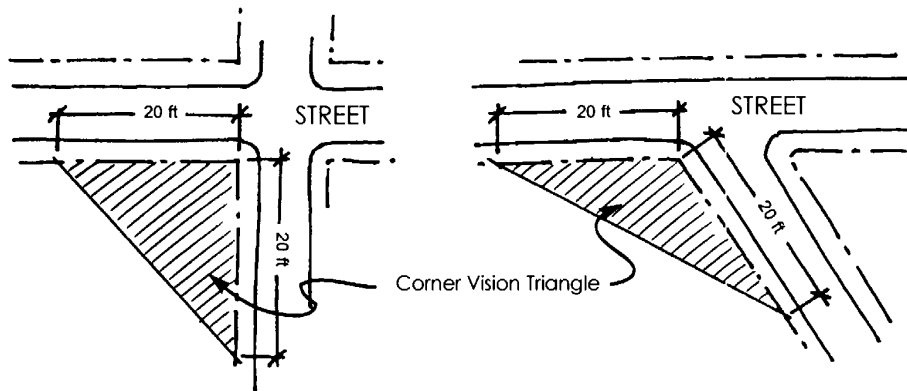
Commercial Uses Utilizing Heavy Equipment and/or Heavy Vehicles means a commercial use, that as part of its function, utilizes heavy equipment and/or vehicles which are stored on the same property such as: tractors, excavators, oil delivery trucks, transport trucks and/or trailers, dump trucks, buses, and cube vans. But shall not include panel vans, ambulances, hearses, or regular pick up trucks.

Community Centre means a building or buildings, or any part of any buildings used for recreational, social, educational and cultural activities, owned and operated by a public or non-profit group or agency.

Construction Industry means any use primarily involving the erection, development, redevelopment, or rehabilitation of residential, commercial, institutional (non-residential) and industrial buildings and real estate and including road building and such uses are often characterized by the outdoor storage of equipment, machines, vehicles and building supplies.

Corner Vision Triangle means that area of a corner lot which is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line and the two sides of which are 20 feet (6 metres) in length measured from the abutting street line of each street a distance of 20 feet (6 metres) from their point of intersection. The triangular shaped land between the intersecting lines and the straight line joining the points at the required distance along the street lines shall be known as the "corner-vision triangle".

Corner Vision Triangle



Cottage means a freestanding rental unit for the use of the traveling or vacationing public, containing a maximum of three bedrooms, a bathroom, as well as a kitchen and/or living room.

Country Inn means a building, originally built as a single family dwelling, that may have historical and/or architectural significance, and which is converted to a tourist establishment with 4 or more rooms for rent for overnight sleeping accommodations for the traveling public. This type of inn may also include a restaurant and/or residential accommodation for the owner or caretaker.

Court means an open uncovered and unoccupied space appurtenant to a building and bounded on two or more sides by walls of a building.

Cultural use means any use of a building or land for uses such as theatres, auditoriums, art galleries, libraries, museums and similar uses.

Custom workshop means a building or part of a building used by a trade, craft, or guild for the manufacture of small custom ordered quantities (including repair) of articles and goods, for sale on or off premises, including upholstering, repair, refinishing of antiques and other art objects, but **excluding** the repair or manufacturing of motor vehicles or their parts or accessories.

Day Care Facility means a premises where children are cared for on a temporary basis without overnight accommodation

Day Care Facility (Non-Residential) means a place, not in a residential dwelling, where pre-school children are cared for without overnight accommodation, but does not include a school. This definition shall also apply to a day care facility located in a residential dwelling which accommodates nine or more preschool children.

Day Care Facility (Residential) means that portion of a residential dwelling which is used to accommodate more than three but fewer than nine preschool children who are looked after during the daytime hours and who are not provided with overnight accommodation.

Deck means a structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Development includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land, buildings or structures.

Development Officer means the development officer appointed by the Town of Pictou in accordance with the Act and charged with the duty of administering the provisions of this By-law.

Development Permit means a permit other than a building permit issued by the Municipal Development Officer indicating that a proposed development complies with the provisions of a Land-Use By-law.

Dormitory means a building used as group living quarters for a student body as an accessory use for a college, university, boarding school or similar institutional use.

Dry Cleaning or Laundry Distribution Station or Depot means a building used for the purpose of receiving articles or goods of fabric to be subjected to dry cleaning, dry dyeing or cleaning else where and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

Dwelling Converted means a building converted to contain a greater number of dwelling units than the building contained prior to the conversion.

Dwelling means a building, occupied or capable of being occupied as a home residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel or a motel or apartment hotel or a travel trailer or other recreation vehicle.

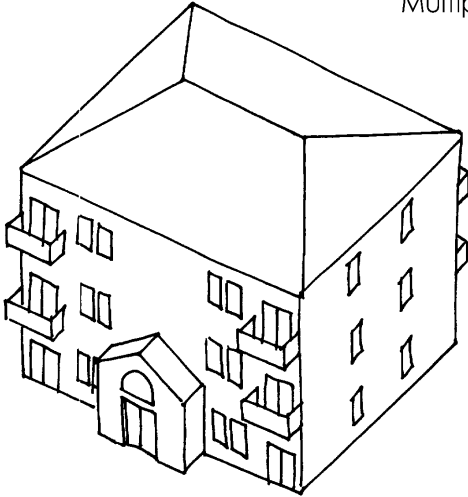
Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Dwelling, Double means a dwelling containing two dwelling units including dwellings converted to two units and duplex dwellings.

Dwelling, Duplex means a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule.

Dwelling, Mini-Home means a pre-manufactured home, transportable as a single unit to the site and containing CAN/CSA – A277-90 (or later) or CSA Z240 MH Series 92 (or later) Stamps; and has a length to width ratio of 3:1 or greater.

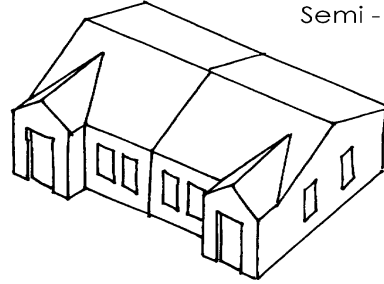
Multiple Unit



Dwelling, Multiple Unit means a building which contains three or more dwelling units, which have a common entrance from the street level.

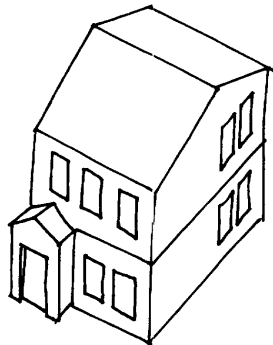
Dwelling, Semi-Detached means a building which is divided vertically into two dwelling units each of which has an independent entrance.

Semi - Detached

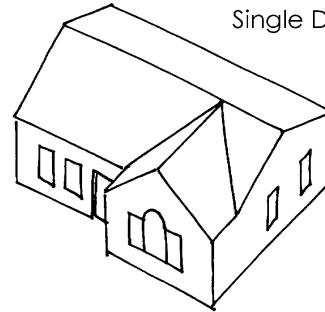


Dwelling, Single Detached means a completely detached building containing one dwelling unit. The structure is constructed wholly on the site from basic materials or from components transported to the site, which is not intended or designed to be removed from the site.

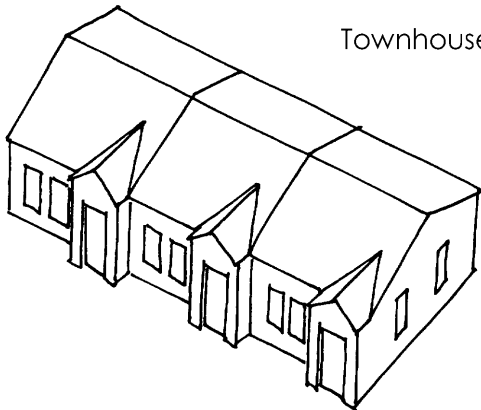
Duplex



Single Detached



Townhouse



Dwelling, Townhouse or Row House means a building that is divided vertically into three or more dwelling units, each with separate entrances, constructed side by side and separated by common vertical walls.

Dwelling, Group Care Facility means a building for the accommodation and treatment of persons, and which is licensed by the provincial or federal government and includes a hospital, nursing home, or a place where special care is provided under

government sanction to the physically or mentally ill, disabled or handicapped or persons needing physical or emotional rehabilitation.

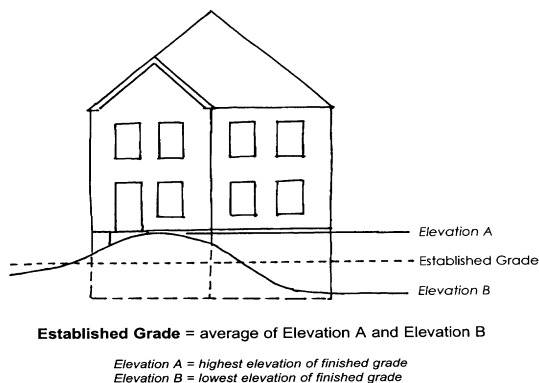
Erect means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Enriched Seniors Residence means a residence providing accommodations for senior citizens, containing independent dwelling units, and associated with an adjacent nursing home that provides its services to the inhabitants of the residence.

Established Grade means when used in reference to a building, the average elevation of all the finished surfaces of the ground adjoining each exterior wall of a building, exclusive of any localized depressions such as vehicle or pedestrian entrances.

Existing means in existence on the effective date of this By-law.

Existing Multiple Residential Dwelling means a converted dwelling containing three or more dwelling units or apartment building containing three or more dwelling units in existence prior to the effective date of this by law. The existing residential multiple dwelling shall be determined to be in existence if verified by way of assessment records or other means as determined by the development officer.



Established Building Line means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.

Fence means an artificially constructed barrier of any material or combination of materials (may include landscaping, berms, etc.) erected to enclose or screen areas of land, to prevent entrance, to confine, or to mark a boundary.

Fill means material deposited on a lot to alter the land level of the lot.

Fishery Use means a use supportive of the fishery, including general storage, docks, boat launches and sales of fish.

Floor Area means the total area of floor space contained within the exterior faces of the exterior walls of a building;

WITH REFERENCE TO A DWELLING means the maximum area contained within the outside walls **excluding** any attached garage, porch, verandah, unfinished attic or basement or other room not habitable at all seasons of the year.

WITH REFERENCE TO A DWELLING UNIT where more than one unit is contained within a dwelling, means the maximum floor area contained within the finished wall surfaces of an individual dwelling unit, **excluding** closets, built-in cabinets and storage areas, and balconies.

Floor Area, Net means the total floor area within a building used or capable of being used for commercial purposes, such as sales, display, storage and offices, but excludes common areas such as washrooms, public walkways, malls, furnace and utility rooms and common walls between stores.

Floor Area, Gross means the total floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but exclusive of any unfinished basement or cellar, and any floor area used for building maintenance and service equipment, loading, or the storage or parking of motor vehicles.

Forestry Uses means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use that does not require a structure.

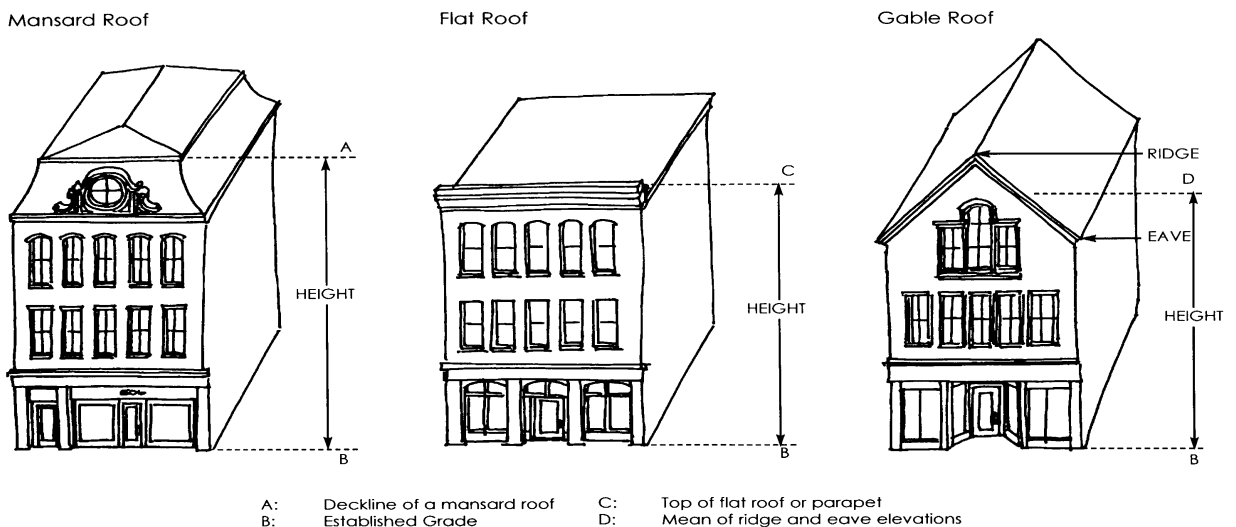
Garage means an enclosed or partially enclosed attached or detached accessory building, used for the storage or one or more vehicles, in which no business is conducted or services performed for profit unless otherwise permitted by this By-law.

Game Machine means any pinboard, pinball, film machine, or electronic game machine, and includes any other mechanical, electrical, or electro-mechanical machine or device operating in the nature of a game, and used for the purpose of entertainment or amusement.

Ground Floor means the first floor of a building first above the established grade.

Height means, when used with reference to a building, the vertical distance between the established grade, and the mean level between the eaves and the ridge of a gabled, hip, gambrel or other such pitched roof, the highest point of the roof surface or the parapet of a flat roof (whichever is greater), or the deck line of a mansard roof, but shall not include any accessory roof construction used as ornament or the mechanical operation of the building such as a chimney, tower, cupola, steeple or antenna.

Illustration of Building Height Calculations



Hobby Farm means a parcel of land upon which the predominant activity is farming but that the income resulting from its operation is not the main source of income for the property owner.

Home Occupation means an accessory use of a dwelling for gainful employment involving the provision or sale of goods and/or services and includes a business or professional office, domestic and household arts (including retail sales of items), food preparation services, personal service shop, household article repair shop, photographic studio, music recording studio, residential group care facility, taxicab (dispatch operation), residential day care facilities and custom workshops. This definition excludes auto repair, welding shops, as well as hobbies of an individual resident.

Hostel means a building, which may or may not be owner occupied, with individual rooms or dormitory style overnight accommodations available to the travelling public where common domiciliary (kitchen, bathroom etc.) facilities are available for the use of quest. A hostel does not include a rooming/boarding house, group home, hotel or motel, bed and breakfast or country inn.

Hotel means a building or buildings used to accommodate the traveling public for compensation by supplying them with sleeping accommodations and accessory services such as restaurants, cooking facilities and licensed liquor establishments in any of the following types of tourist establishments: guest house, cabins, motel, auto court, tourist home, hotel or inn.

Housekeeping Unit means any rental unit within a roofed accommodation where guests are permitted to prepare food, and equipment such as a microwave and/or stove, refrigerator, sink, and cooking and eating utensils are provided.

Industry, Heavy means any use of land or building for the basic processing and manufacturing of large volumes of materials, predominantly from extracted or raw materials, or a use engaged in the storage of or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light means any use of land or building for the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Institutional Use means any use of land or building for non-commercial purposes by an organized body or society for promoting a particular objective. This may include a service having a health, educational or religious purpose such as those provided for at hospitals, residential care facilities, museums, libraries, schools, universities, or churches; and includes the activities of those organizations incorporated under the Societies Act; and also includes those facilities providing emergency services such as police, fire and ambulance.

Intensive Livestock Operation means a livestock operation comprised of agricultural animals confined in one location which consists of five (5) or more animal units. The following chart calculates the total animal units; animals not listed shall be treated according to the approximate equivalent of their body weight as a mature animal:

Animal Units

Type of Animal	Number Equal to One Animal Unit
Cattle, Horses	1
Sheep, Goats, Ponies	2
Chickens, Ducks, Pheasants	10
Swine	2
Turkeys, Geese, Mink, Foxes	10
Rabbits	10

Kennel or Animal Care Service means a building or structure used for the enclosure of animals, birds, or livestock which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without care.

Landscaped Open Space means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them but shall not include any access driveway, ramp, parking lot, or loading spaces.

Licensed Liquor Establishment means a liquor establishment licensed by the Nova Scotia Liquor Licensing Board under the *Liquor Control Act*. Such establishments shall include those licensed as a club, beverage room, lounge, tavern, or cabaret.

Loading Space means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

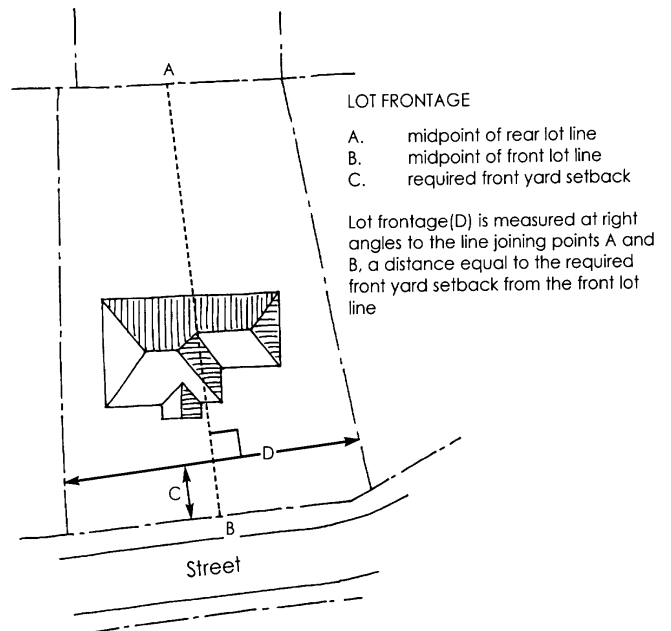
Lot means any parcel of land described in a deed or as shown on a registered plan of subdivision.

Lot Line means a boundary line of a lot.

Lot Area means the total horizontal area within the lot lines of a lot.

Lot Coverage means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features.

Lot Frontage means the length of a line joining the side lot lines and parallel to the front lot line. Calculation of Lot Frontage for irregularly shaped lots shall be the



horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the mid-point of the rear lot line and the mid-point of the front lot line at a point equal to the required front yard. In determining yard measurements the minimum horizontal distance from the respective lot lines to the building shall be used. Calculation of lot frontage for corner lots shall be the horizontal distance between the side lot line and the flanking lot line.

Lot Line, Flanking means the side lot line which abuts the street on a corner lot.

Lot Line, Front means the lot line dividing the lot from the street; in the case of a corner lot either boundary line abutting the street can be considered the front lot line, as is the case for a through lot except that there shall not be through access from street to street. In the case of a lot with no street frontage, in existence prior to the effective date of the original Land-Use By-law, the lot line which most closely parallels the nearest street line where access is provided shall be the front lot line.

Lot Line, Rear means the lot line furthest from or opposite to the front lot line.

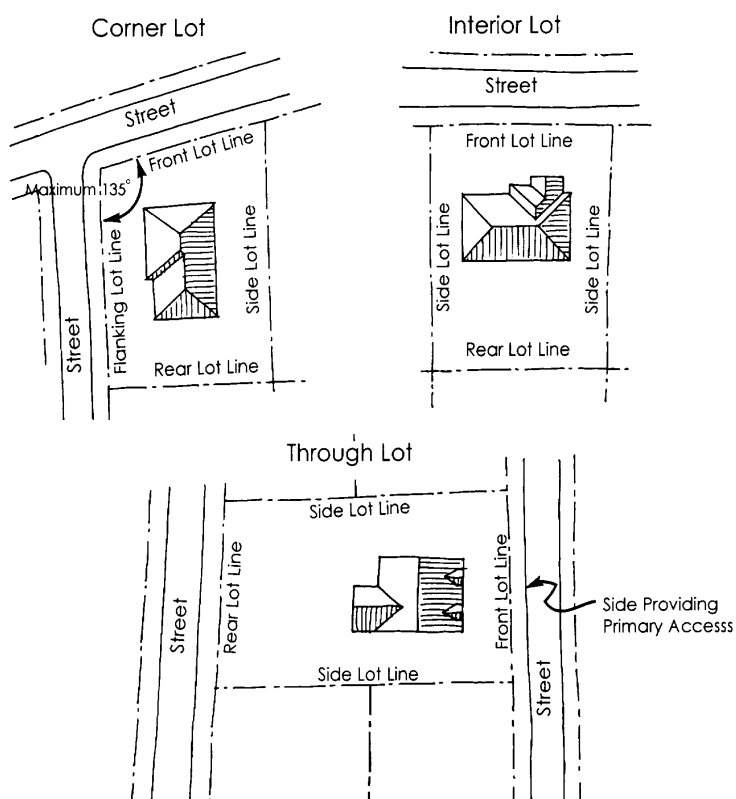
Lot Line, Side means a lot line other than a front or rear lot line, which is not a flanking lot line.

Lot, Corner means a lot situated at the intersection of and abutting on two or more streets; or provided the angle of intersection of the two streets is no more than 135° . One street shall be deemed the front line and the other(s) shall be the flanking street(s) for the purpose of determining setback requirements.

Lot, Interior means a lot situated between two lots and having access to one street.

Lot, Through means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

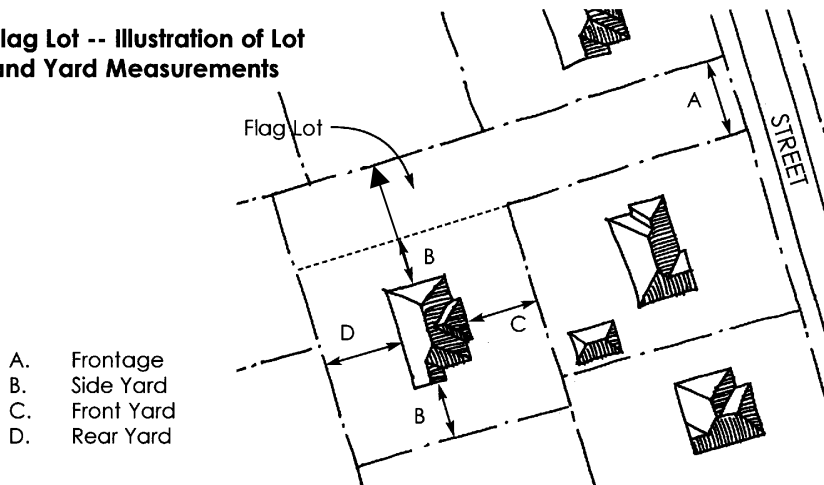
Illustration of Lot and Lot Line Definitions



Lot Depth means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth is equivalent to the length of a line joining the mid points of the front and rear lot lines.

Lot, Flag means a lot situated generally at the rear of another lot or lots and which is accessed by a narrow frontage from a public street.

Flag Lot -- Illustration of Lot and Yard Measurements



Main Building means any building in which is carried on the principal purpose for which the lot is used.

Main Wall means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.

Mini-Home see **Dwelling, Mini Home**

Medical Practitioner means a doctor, dentist, chiropractor, osteopath, optometrist, or oculist.

Mini Home Park means an establishment comprising land or premises under single ownership, designed and intended for use for ten or more mini homes exclusively but does not include campgrounds designed for seasonal use.

Mini Home Space or Lot means a parcel of land intended to be used by one mini home within a mini home park.

Motel means a building or buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments.

Motor Vehicle Service Station means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile car wash or convenience store, or both, but does not include an automobile body shop.

Neighbourhood Commercial Use means any building or land used for commercial, retail, and service purpose, which is intended to serve the needs of the residential neighbourhood.

Nursing Care means the use of methods, procedures and techniques employed by persons with technical nursing training.

Nursing Home means a building in which accommodation is provided or is available to the aged, the disabled, or other persons requiring or receiving skilled nursing care and does not include a place maintained by a person to whom the residents are related by blood or marriage, nor shall it include a Senior's Residential Complex as defined in this By-law.

Obnoxious Use means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste or other material.

Office means a business or professional office where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product, the offices of medical practitioners or the on-site retailing or selling of goods.

Open Space means an area of land which is left in its natural biological state and topography.

Outdoor Display means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.

Outdoor Storage means the storage of merchandise, goods, inventory materials or equipment or other items which are not intended for immediate sale, other than within a building.

Outdoor wood furnace means an accessory building or structure which operates as a heat source for an adjacent main structure or dwelling."

Park and Recreational Uses means the use of land for parks, playgrounds, open space recreation, open space conservation, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, band shells, pavilions, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings and structures, excluding a track for the racing of animals, or any form of motorized vehicles.

Parking Area/Lot means an open area of land other than a street or an area within a structure for the parking of vehicles. Parking areas shall consist of parking spaces for individual vehicles, driveways or aisles for access to parking areas from a public street and for vehicle maneuvering, and loading spaces in specified circumstances.

Parking Space means an area, the minimum dimensions of which are indicated in the General Provisions Section, for the temporary parking or storage of motor vehicles, which has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles or maneuvering areas.

Paved means an area whereon the surface has been permanently hardened by application of asphalt, concrete, or by similar means, but shall not include a surface composed solely of gravel, sand, or soil, whether completed or not, and shall not include a surface temporarily hardened by application of a stabilizing agent such as oil, ashes, cinders, or a combination thereof.

Person includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

Personal Care means the provision of room, board and supervision of, and assistance with, the daily activities of a person who is aged, disabled, or convalescing from illness or injury.

Personal Service Shop means a commercial establishment in which persons are employed in furnishing services and administering to the individual and personal needs of a person. A personal service establishment shall include, but not be limited to, the premises of a barber, hairdresser, beautician, aesthetician, tailor, seamstress, shoemaker, and tanning salon, depots for collecting dry cleaning and laundry and similar uses, but excludes any manufacturing or fabrication of goods for sale and shall not include a massage or adult entertainment parlour.

Pet Grooming Establishment means a business which is associated with grooming of animals or birds.

Pet Shop means a business where animals or birds for use as pets are sold, kept for sale or groomed, but does not include a shop or place for the breeding or overnight boarding of pets.

Premises means an area of land with or without buildings or structures.

Private Club means a building used as a meeting place for members of an organization and may include a lodge, a service club, a fraternity or sorority house, and a labor union hall.

Public Authority means any Board, Commission, or Committee of the Town of Pictou established or exercising any power or authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by the Town.

Public Building means a building of a public authority, of the Government of Canada, of the Province of Nova Scotia, or of the Town.

Public Utility means a closely regulated private enterprise with an exclusive franchise for providing a public service.

Race Track means a track for the racing of animals or any form of motorized vehicles.

Recreation Facility means a place publicly or privately owned, designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities including but not limited to fitness centres, spas, gymnasiums, arenas, and swimming pools.

Recreation, Passive means space, which is designed to be used for relatively inactive pursuits such as trails, picnic areas, open space, conservation areas, and does not include uses requiring buildings or land intensive activities.

Recreational Use means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, and similar uses but does not include a track for the racing of animals or any form of motorized vehicles.

Recycling Depot means premises on which recoverable materials such as newspaper, glassware, plastics, and metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard.

Registered Deed means a deed recorded at the Registry of Deeds in Pictou, Nova Scotia.

Registered Plan means a subdivision or survey plan recorded at the Registry of Deeds in Pictou, Nova Scotia.

Rent Shop means a building or area of land where small scale residential, commercial and industrial equipment is kept for rental to individuals for residential property needs and includes lawn & garden tools, floor & carpet cleaning equipment, painting & decorating equipment, moving tools, plumbing tools and masonry tools.

Residential Group Care Facility means any building where temporary or permanent accommodations and supervisory care of up to four (4) persons is provided in a single family residential home.

Restaurant means a building where food and drink is served to the public primarily for consumption within the building and may include a licensed eating establishment as defined by the *Liquor Control Act*.

Restaurant Take-out means a building where food and drink is served to the public for consumption exclusively off-site and not for consumption in parking areas adjacent to the building.

Restaurant, Drive-in means a building where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building; commonly known as a fast food restaurant and may include a drive-thru car pick-up.

Retail Store means a building in which goods, wares, merchandise, substances, food articles or things are offered or kept for sale directly to the ultimate consumer for personal or household uses.

Right-of-way means an area of land that is legally described in a registered deed for the provision of private or public access of passage.

Scrap Yard or Salvage Yard means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.

Screen means a physical obstruction between incompatible land uses; a screen may include one or a combination of retained vegetation, fences, walls, berms, and/or newly landscaped areas.

Secondary Structure means a subordinate building or structure on the abutting lot of a primary, single unit residential building and devoted exclusively to a secondary use.

Secondary Use means a use subordinate and incidental to and exclusively devoted to a primary, single unit residential building and located on an abutting lot.

Senior's Residential Complex means a multiple unit building constructed and maintained by a public housing authority or non-profit organization and consisting of independent housekeeping units designed or intended to be occupied by senior citizens. A senior's residential complex shall have common facilities for dining, recreation, leisure and may also include services such as housekeeping, security, personal care, physiotherapy, and activity programs. Such a development will not be intended for use as, nor easily converted to, a multiple unit dwelling.

Separation Distance means that portion of a lot which is required to physically separate incompatible land uses. A separation distance is a horizontal distance and may include a required front, side and/or rear yard.

Service Industry means the processing of foodstuffs, a printing establishment, photography studio, a laundry or dry cleaning establishment, a paint shop, equipment rental shop, plumbing /electrical supply, sheet metal shop, autobody repair shop, and similar uses.

Service or Repair Shop means a building used for the sale or repair of household articles and may include electronic equipment, appliance, and furniture repair shops but shall not include industrial, (including welding or machine shops) or manufacturing or automobile service stations.

Service Station Canopy means a permanent roofed structure open on all sides, except where attached to a service station building, and used to provide shelter for service station fuel pumps.

Setback means the distance between the property line and the nearest wall of any building or structure and extending the full width or length of the lot. (See Bldg. Line).

Shopping Center or Mall means a building or building complex on a lot designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants containing a group of commercial uses and distinguished from a business area comprising unrelated individual uses and characterized by sharing of common parking area and driveways.

Sign Area means the area of the display surface, but not including any portion of the support structure, or:

- a) where a sign has more than two sides, or is conical, spherical, or tubular, sign area shall mean one half of the sum of the area of all display surfaces;
- b) where a sign has two sides, sign area shall mean one-half the sum of the area of all display surfaces;
- c) where a sign is composed of freestanding characters or shapes, sign area shall mean the area of the smallest quadrangle which encloses the characters or shapes comprising the sign.

Sign means a structure, device, light or natural object including the ground itself, or any part, or any device attached, or painted or represented on which shall be used, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" does not include signs which are located inside of or on windows and glass doors of commercial activities.



Sign, Display Surface means that portion of a sign, including any trim and moulding, which forms the surface upon which elements are organized, related, and composed to form a unit which conveys a message.

Sign (Directory) means a sign erected or authorized to be erected by Council that may be erected on public property listing the names and locations of local businesses.

Sign, Facial Wall means a sign which is attached to and supported by a wall of a building and where the face is approximately parallel the wall.

Sign, Flashing means a sign which by means of electrical devices which gives the effect of a intermittent movement or changes to give two or more visual effects, or alternates with a lit and unlit effect.

Sign, Ground means a sign supported by one or more uprights, poles or braces placed in or upon the ground, designed with the intent to be permanently affixed in one location.

Sign, Illuminated means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

Signs, Number of means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign, Portable means a sign designed to be easily transported and which is not permanently affixed to the ground, including but not limited to sandwich board signs.

Sign, Projecting Wall means a sign which is supported by and projects from a wall of a building a minimum of 30.5 centimetres (12 inches).

Sign, Roof means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.

Sign, Special Event means a sign supported on a moveable structure or a banner which is displayed only a temporary basis in conjunction with a special event, festival, holiday, business opening or closing.

Sign, Third Party means any sign intended to advertise a business which is at a different location than where the sign is located. For the purposes of this by-law, the business must be located in the same zone as the third party sign.

Special Care Facility means a building where accommodations and supervisory care or personal care are provided to four or more persons, including group homes, sheltered housing, foster homes, half-way houses, and may include incidental counselling and support services but shall not include the provision of skilled nursing care. A special care facility does not include a place maintained by a person to whom the residents are related by blood or marriage.

Steep means a slope gradient of 25 percent or greater.

Storey means that portion of a building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. The first storey of a building means the uppermost storey having its floor level not more than 2 metres above established grade.

Strategy means the Municipal Planning Strategy for the Town of Pictou.

Street Line means the boundary line of a right-of-way of a street.

Street means any road or highway owned and maintained by the Town of Pictou or the Province of Nova Scotia.

Street, Arterial means a roadway used primarily for through traffic to carry large volumes of all types of vehicular traffic moving at medium to high speeds. Arterials typically connect with collectors and other arterials, carrying through traffic between major land uses. The amount of direct access to adjacent development is limited on arterial roads. Generally, there are controlled pedestrian crossings on arterials and a clear separation between pedestrian and vehicular traffic.

Street, Collector means a roadway which provides land access and traffic movement with equal importance. Collectors typically carry traffic moving at moderate speeds, between local and arterials. Collectors also serve traffic from neighbourhood to neighbourhood and secondary traffic generators such as community centres, schools, and neighbourhood commercial uses. Generally, sidewalks separate vehicular and pedestrian traffic on collectors.

Street, Highway means a major transportation route (i.e. Trans-Canada Highway) under the jurisdiction of the Province.

Street, Local means a roadway whose primary function is to provide direct access to individual properties. Locals are typically designed to carry low traffic volumes, moving at slow speeds for short distances. They normally connect to other locals and collectors and serve residential land uses. Generally local streets do not have sidewalks, vehicular and pedestrian traffic share the same right-of-way.

Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes but is not limited to buildings, signs, pools and fences.

Studio means the working space of a creative person.

Swimming Pool means a water-filled enclosure or structure, permanently constructed or portable, whether above ground or in-ground having a depth of more than 0.61 m (2 ft.) used and maintained for swimming and bathing. This definition of SWIMMING POOL includes reflecting pools and other such structures used as part of the landscaping of a property. For the purposes of this By-law, Swimming Pools shall not be considered to be an accessory structure.

Town means the Town of Pictou.

Town Engineer means the Engineer or Superintendent of Public Works appointed by the Town of Pictou.

Traffic Authority means the Traffic Authority for the Town of Pictou appointed by Council under the provisions of the Motor Vehicle Act.

Temporary Building/Structure means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary building/structure was erected has passed.

Temporary Use means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Tourist/Guest Home means an establishment providing accommodation for the use of the travelling or vacationing public, containing a maximum of four rental units (bedrooms) and a common living room in a private home which may provide breakfast as an additional cost to the accommodation.

Utility means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public, and is not considered obnoxious, as defined by this By-law.

Use means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Useable land means land capable of passive recreational uses such as walking and/or hiking trails, walkways, and passive park areas, active recreational uses such as sport field and other playgrounds and environmentally sensitive areas or significant features to be used for interpretative purposes; and land of significant historical or cultural value and is accessible by all residents through direct road frontage or through access by public right of way.

Variance means a relaxation of the terms of the Land Use By-law, particularly in reference to yards, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement in the ordinance would result in unnecessary and undue hardship.

Verandah means a roofed or open structure, which may be glazed or screened, attached to a building.

Video Outlet/Rental Shop means a building or part thereof used for the sale, leasing or rental of video programs and videocassette recorders and related accessories.

Veterinarian means an individual licensed in the medical care and treatment of animals.

Veterinary Clinic means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.

Warehouse means a building used primarily for the storage and distribution of goods and materials and may include wholesale or retail activity, provided such activity is subordinate to the main use.

Watercourse means any lake, river, stream, ocean or other body of water.

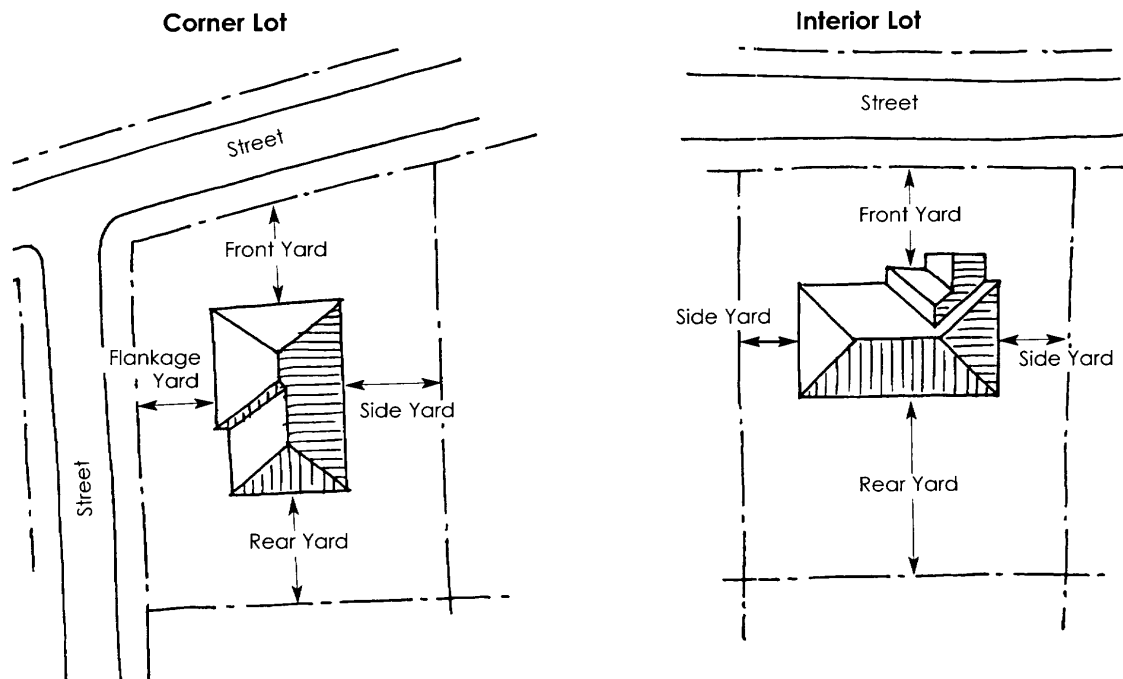
Wholesale Establishment means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use.

Wireless Telecommunication Tower means a licensed, unstaffed facility, including tower and accessory structures, used for the transmission and reception of radio signals as defined by the Radiocommunication Act R-2; 1989.

Yard means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines to the building shall be used.

Yard, Abutting means a yard which is contiguous with or extends across one or more zone boundaries.

Illustration of Yard Definitions



Yard, Flankage means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.

Yard, Front means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot and a 'minimum' front yard means the minimum depth allowed by this By-law for a front yard.

Yard, Rear means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot and 'minimum' rear yard means the minimum depth allowed by this By-law for a rear yard.

Yard, Side means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any main building or structure on the lot and 'minimum' side yard means the minimum width allowed by this By-law for a side yard.

Youth Centre means a building or part of a building, which provides youth, oriented activities owned and/or operated by a community non-profit organization or as a private business in association with a community centre.

Zone means a designated area of land shown on the Zoning Map of this By-law.

3

GENERAL PROVISIONS**1. DEVELOPMENT PERMITS****1. Development Permit Needed**

- a) No building or structure shall hereafter be erected, or any increase/decrease made in the size or the volume of a building or structure, or the use of any building or land changed unless a development permit has been issued by the Municipal Development Officer in accordance with the provisions of this By-law.
- b) No person shall move any building or structure within or into the area covered by this By-law without first obtaining a development permit from the Development Officer.
- c) Applications for development permits shall comply with the provisions set out in Part 1, Section 3.
- d) Any person who violates a provision of this By-law shall be subject to prosecution as provided for under the Municipal Government Act.

2. Licenses, Permits and Compliance with Other By-laws

- a) Nothing in this By-law exempts a person from complying with any other By-law in force within the Town or from obtaining the necessary permits or licenses required by any other By-law of the Town.
- b) Where the provisions of this By-law conflict with those of any other municipal or provincial, legislation, the higher or more stringent regulations shall prevail.

2. PERMITTED USES**1. Multiple Uses**

In any zone where any land or building is used for more than one use, all provisions of this By-law relating to each use shall be satisfied. Standards for the provisions of parking spaces shall be deemed to be cumulative so that the requirement will be the sum of the number of spaces required by each use. Where there is a conflict, such as in the case of lot size or frontage, the higher or more stringent standard shall prevail.

2. Accessory Uses Permitted

Accessory uses shall be permitted for any use that conforms with the zone in which it is located as long as the accessory use is subordinate to and associated with the principal permitted use, and does not operate independently from the principal permitted use on the property. Home occupations and agricultural uses accessory to a residential use in a residential zone shall be subject to the limitations set out for home occupations and the keeping of agricultural animals.

3. Non-Conforming Uses

Any use of land, a building, or a structure that does not conform to the requirements of this By-law, or where construction has begun on a such a use, building, or structure on or before the effective date of this By-law, said use, building or structure shall be subject to the provisions of Sections 238 to 242 of the *Municipal Government Act* respecting non-conforming uses and structures.

4. Changes to Non-Conforming Uses or Structures

Notwithstanding Section 2(3) of this Part, the following may be considered by development agreement in accordance with the *Municipal Government Act*:

- a) the alteration of non-conforming structures or structures containing non-conforming uses;
- b) the rebuilding of a non-conforming structure or a structure containing a non-conforming use, after destruction;
- c) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a period of more than six months;
- d) the change in use of a non-conforming structure to another use in the non-conforming structure;
- e) the change of use of a non-conforming use of land or a structure to another non-conforming use; and
- f) the expansions of non-conforming uses will not be permitted by development agreement.

5. Temporary/Special Uses and Structures

Nothing in this By-law shall prevent the temporary use or erection of a building, structure or sign, including:

- a) a use or structure incidental to construction in progress (including scaffolding, offices which may include a mobile structure, sheds, work camps or similar uses) provided the use does not remain in place for more than 30 days after construction is completed or discontinued and provided a development permit has been issued;
- b) a use or structure erected for a special occasion or holiday such as midways, circuses, fairs, festivals, or special promotions provided that such uses remain in place no longer than fifteen (15) days. For these special uses no development permit shall be required. (See Part 7, Section 3(4), Part 12, Section 2(2) and Part 13, Section 2(2).)
- c) a use of land or the use or erection of a building or structure for a sales or rental office incidental to construction in progress in a reasonable and safe manner until such construction has been finished or discontinued for a period of sixty (60) days or unless no development permit is in force.

6. Swimming Pools (outdoor)

A swimming pool shall conform to the requirements of Town of Pictou's Swimming Pool By-law; and

- a). a swimming pool, or the yard in which it is located, shall be enclosed by a fence or combination of buildings and fences. In the case of an in-ground pool, the fence shall not be situated within 4 feet (1.2 metres) of the inside edge of the pool. In residential zones a swimming pool shall not be permitted in a required front yard;
- b). a fence enclosing a swimming pool shall have a minimum height of 5 feet (1.5 metres) and comply with the setback requirements as set out in Section 2(7) and Section 3(12) of this Part;
- c). in commercial, institutional, or recreational zones, the minimum setback for a swimming pool from any lot line shall be 20 feet (6.1 metres), measured from the property line to the inside edge of the swimming pool;
- d). swimming pools shall be located a minimum of 2 m (7 ft.) from the property lines measured from the inside edge of the pool; and
- e). swimming pools shall be located behind the minimum setback line from the street specified elsewhere in this bylaw for main buildings in the zone in which the pool is to be located.

7. Fence Regulations

Notwithstanding anything else in this By-law, a development permit shall not be required for the erection of a fence. Where a fence is required in this by-law, it shall comply with the following:

- a). shall not exceed 8 ft.(2.5 m) in height;
- b). notwithstanding the above provisions, fences shall not exceed 2 ft (0.6m) in height within a corner vision triangle, as provided for in Section 3(11) of this Part.

8. Public Uses and Utilities

Nothing in this By-law shall prevent or restrict the use of land or the use, construction, or reconstruction of any building or structure for the purpose of the provision of public services by the Town of Pictou, utility company, or any department of the Provincial or Federal Government.

9. Truck, Bus and Coach Bodies

No truck, bus, coach, street car body, recreational trailer or vehicle, or structure of any kind whether or not same is mounted on wheels, other than a mobile/mini-home or dwelling unit erected and used in accordance with this and all other By-laws of the Town shall be used for human habitation within the Town.

10. Outdoor Wood Furnaces

Notwithstanding any other provision of this By-law, an outdoor wood furnace or structure containing an outdoor wood furnace shall:

- a) only be permitted to be located within the Rural Residential (R2) Zone
- b) be located in the rear yard, and at least 60 m from the nearest lot line; and, have a chimney stack or exhaust at least 1.8 m above the peak of the roof of the structure that the furnace is intended to heat.

3. LOT, YARD AND OTHER DEVELOPMENT STANDARDS

1. Frontage on Street

No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street except for those circumstances set out in Section 3(17) of this Part.

2. One Main Building on a Lot

No person shall erect more than one (1) main building on a lot except for:

- a) buildings located in the Downtown Commercial (C-1), Highway Commercial (C-3), Waterfront (W), Institutional (I) or Industrial (IND) Zones;
- b) non-residential buildings located in a Rural Residential (R-2) Zone; and
- c) existing and new multi-dwelling buildings located in the Residential (R-1) Zone.

3. Building to Be Erected on a Lot

No person shall:

- a) erect or use any building unless such building is erected on a lot;
- b) erect a building so that it crosses a lot line, as defined herein.

4. Existing Buildings/Use

- a) An existing building or use, having been erected or commenced on or before the effective date of this By-law, which does not meet the requirements of this By-law respecting lot area, frontage or setbacks (front yard, side yard, rear yard), may be enlarged, reconstructed, repaired or renovated provided:
 - i) the activity does not further reduce the setback that does not conform to this By-law; and
 - ii) all other applicable provisions of this By-law are satisfied.
- b) The use of an existing building erected on or before the effective date of this By-law and which does not meet the requirements of this By-law respecting lot area, frontage, setbacks, or parking may be changed to a use permitted in the zone in which the lot is located provided that all other applicable provisions in this By-law are satisfied.

5. Existing Undersized Lots

- a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels in existence prior to the adoption date of this By-law, having less than the minimum lot frontage or area or both required by this By-law, may be:
- i) used for a purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied and;
 - ii) increased in area or frontage or both, pursuant to Section 9(5) of the Town's Subdivision By-law.
- b) In addition to Section 3(5)(a), where such lots are increased in size but remain undersized, they are still deemed to be existing undersized lots.

6. Conformance with Existing Setbacks

- a) Notwithstanding anything else in this By-law, when structures are built between existing structures in any Zone, the setbacks from the public right of way shall be the greater of:
- i) a distance equal to the average setback (front or flankage yard setback) of any adjacent buildings situated within 200 feet (61 metres) of the proposed structure; or
 - ii) 10 feet (3 metres).
- b) Where the setback requirement calculated in Clause (a) is greater than the prescribed setbacks for the respective zone, the latter shall apply.

7 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided in the case of a non-conforming use the provisions of the Municipal Government Act of Nova Scotia shall prevail.

8 Permitted Encroachments in Yards

Except for accessory buildings every part of any yard required by this by-law shall be open and unobstructed by any structure, except those structures listed in the following table, which shall be permitted to project for the specified distances into the yards indicated as follows:

TABLE 3.1
Permitted Encroachments in Yards

STRUCTURE	YARD PERMITTED	MAXIMUM PROJECTION
Belt courses, cornices, eaves, gutters, chimneys, sills, or pilasters	any yard	2 feet (0.6 m)
Window bays	any yard	3 feet (0.9 m) with a maximum width of 10 feet (3.0 m).
Steps, fire escapes stairways	Rear and side yard	8 feet (2.5m) but can not be within 3 ft of lot line.
Porches (not exceeding 1 storey), uncovered decks, verandahs, balconies, terraces	Front, rear and flankage yard	8 feet (2.5 m) including eaves and cornices. No encroachment shall be permitted within 4 feet (1.2 m) of the lot line.
Carports, attached garages	rear, side yard	8 feet (2.5 m)
Structures for barrier free access	any yard	to lot line.

9. Height Regulations

- a) The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, emergency signal structures, flagpoles, television, telephone or radio antennae, wireless telecommunication towers, barns, ventilators, skylights, chimneys, clock towers, windmills, solar collectors or satellite dishes or any mechanical or ornamental roof construction.
- b) The height of a building shall be determined by calculating the vertical distance of a building between the established grade and:
 - i) the highest point of the roof or the parapet of a flat roof, whichever is the greater;
 - ii) the decline of a mansard roof; or
 - iii) the mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

10. Illumination

No person shall erect any illuminated sign or illuminate an area outside a building with outdoor lighting unless such illumination is directed away from adjoining properties and streets.

11. Corner Vision Triangle

- a) Notwithstanding anything else in this By-law, on a corner lot except in the Downtown Commercial (C-1) or Waterfront (W) Zone, a fence, sign, hedge, shrub bush or tree or any structure or vegetation shall not be erected or permitted to grow to a height exceeding 2 feet (0.6 metres) above the grade level of the abutting streets in the triangular area measured along the abutting street line of each street, a distance of 20 feet (6.1 metres) from their point of intersection.
- b) Notwithstanding anything else in this section, where turning lanes have been installed and cut through the intended corner vision triangle, development exceeding the height limitation of two feet shall be permitted.

12. Side Yards on Corner Lots

Unless otherwise permitted by this By-law, no part of any building, accessory building, secondary structure, fence that exceeds 4 feet (1.2 metres) in height, or swimming pool situated on a corner lot shall be closer to the right-of-way of the flanking street than 15 feet (4.6 metres).

13. Yard and Density Exceptions

- a) Where a front, side, or rear yard are required in this By-law, and part of the area is usually covered by water, or is beyond the rim of a riverbank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the rim of said riverbank or watercourse, or to the top or toe of said embankment if such area is closer than the lot lines.
- b) The areas mentioned above shall also be excluded for purposes of calculating permissible densities for apartments and other multi-dwelling units.

14. Watercourse Protection

Notwithstanding anything else in this By-law, no structure, building or accessory building or structure shall be erected within 7.6 m (25 ft.) of the edge (mean high water mark) of any watercourse excluding Pictou Harbour.

15. Calculation of Lot Frontage

Lot frontage shall be determined by the following:

- a. in the case of regularly shaped lots, lot frontage shall be measured as a straight line between the points where the two (2) side lot lines meet the front lot line;
- b. in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the minimum applicable front yard.

16. Through Lots

In the case of a through lot;

- a) the front yard shall be any yard which abuts either of the two opposite streets; and
- b) notwithstanding the other requirements of this By-law, not more than one drive way access may be permitted and no such accesses shall be connected in such a way as to permit continuous access through the lot.

17. Existing Lots with no Street Frontage

Notwithstanding the other requirements of this By-law, a lot in existence on or before the effective date of this By-law, held in separate ownership from adjoining parcels, which does not meet the requirements of this By-law with respect to the provision of frontage on a public street, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided:

- a) that if the lot is located in either the R-1 or R-2 Zone, and the lot is used or shall be used for a R-1 Zone use only and be subject to the R-1 Zone requirements; or
- b) if the lot is located in the Waterfront (W) Zone and the lot is used or shall be used for a W Zone use only and be subject to the W Zone requirements; or
- c) the lot is located in the Industrial (IND) Zone and the lot is used or shall be used for an IND Zone use only and be subject to the IND Zone requirements; and
- d) that any main building to be erected on any such lot shall be located a minimum of 6 m (20 ft.) from the front or rear lot line and a minimum of 3 m (10 ft.) from the side lot lines; and
- e) that the lot is serviced by an easement for right-of-way and access to a public street, which has a minimum width of 6m (20 ft.) and has been clearly granted by deed in favour of the owner, registered in the Pictou Registry of Deeds; and
- f) that all other applicable requirements of this By-law are satisfied.

18. Change of Use on Undersized Existing Lots

Notwithstanding the other requirements of this By-law, the use of a building existing on a lot on or before the effective date of this By-law which does not meet the requirements of the By-law respecting lot area, frontage or setbacks (front yard, side yard, rear yard) may be changed to a use permitted in the zone in which the lot is located.

19. Reduced Lots Requirement

Notwithstanding the other requirements of this By-law, development permits shall be issued for development on lots created pursuant to the Town's Subdivision By-law, namely:

- a) Section 9.4 which deals with creating lots around existing main buildings, where existing main buildings are those buildings placed on the land prior to August 6th, 1984; and

- b) Section 9.6 which deals with creating lots that have less than the required frontage or area or both provided neither reduction is less than 90% of that set out in the By-law; and
- c) all other applicable provisions of this By-law are satisfied.

In addition to the above, where an undersized lot has been created through a plan of subdivision in accordance with Sections 9.4 and 9.6 of the Subdivision By-law for the Town of Pictou, these lots shall be considered to be existing undersized lots.

20. Harbour or Coastal Infilling

Land created by harbour or coastal infilling along the Town's shoreline, beyond the zoning boundaries on the zoning map, shall be interpreted as having the same zoning as the immediately adjacent lands.

4. ACCESSORY BUILDINGS, STRUCTURES AND USES

1. Not for Human Habitation

An accessory building or structure shall not be used for human habitation or a dwelling unit except where a dwelling is a permitted accessory use.

2. Yard Requirements

An accessory building, structure, or use shall not:

- a) in all cases no accessory building shall be built within the corner sight triangle
- b) be located within the required front yard of a lot;
- c) be built closer to a street than the required yard setback;
- d) be erected closer to the lot line of the flanking street than 15 feet (4.6 metres);
- e) be built within 6 feet (1.8 metres) of the main building;
- f) exceed 15 feet (4.6 metres) in height except in the Industrial (Ind) or Rural Residential (R2) Zone where no maximum height shall apply;
- g) be built closer than 4 feet (1.2 metres) to a lot line except that;
 - i) common semi-detached garages may be centred on the mutual side lot line; and
 - ii) in the Residential (RI) Zone, accessory buildings with no windows or openings on the side of the building which faces said lot line, may be located a minimum of 2 feet (0.6 metres) from said lot line;
- h) have any eaves or cornice projecting within the setbacks prescribed in this Section.

3. Where Permitted

An accessory building, structure, or use shall not:

- a) be permitted on a lot separate from the main building or use;
- b) be permitted if a main building or use is not on the lot;
- c) be considered an accessory building if attached to the main building in any way;
- d) be considered an accessory structure if completely underground.

4. Maximum Building Footprint

An accessory building or structure, shall not cover more than 10% of the lot, except on an existing undersized lot where a maximum of 69.7m (750 sq. ft.) in floor area may be permitted in the Residential (R-1) Zone and to a maximum of 4,300 sq. ft. in the Rural Residential (R2) Zone. In the Rural Residential (R2) Zone, Agriculture uses and Exhibition Grounds shall be exempt from this maximum requirement. Accessory buildings in the Industrial (IND) Zone shall have no maximum size.

5. Certain Structures Exempt

Drop awnings, clothes poles, garden trellises fences, and retaining walls, satellite receiving dishes, dog houses and wood piles shall be exempt from any requirements under this Section.

6. Secondary Structures

Secondary structures, as defined in Part 2: Definitions are permitted only within the Residential (R1) Zone and are subject to those regulations found in Part 5 Residential (R1) Zone.

5. PARKING AND LOADING REQUIREMENTS

1. Off-Street Parking Design Standards

Every building or structure to be erected or enlarged, off-street parking shall be located within 92m (302 ft.) of the location which it is intended to serve and subject to the following;

- a) Be situated in the same zone as the use;
- b) Have unobstructed access to a public street.
- c) Parking areas shall consist of parking spaces for individual vehicles, driveways or aisles for access to parking spaces from a public street and for vehicle maneuvering, and loading spaces in specified circumstances.
- d) Where the number of parking spaces required are calculated according to a formula in this By-law, the results of such calculation shall be rounded up to the nearest whole number and where parking spaces are required for a multiple use the requirement of Section 4 of this Part shall prevail.
- e) Where parking for more than four (4) vehicles are required the following requirements also apply:
 - i) the parking area shall be paved or built of a compacted granular material which will prevent the raising of dust or loose particles;
 - ii) the lights used for illumination of the parking area shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
 - iii) a structure, not more than 4.5m (15 ft.) in height and not more than 5 sq. m (54 sq. ft.) in area may be erected in the parking area for the use of attendants;
 - iv) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot except in a (C-3) or (IND) Zone;
 - v) the location of driveways shall be no closer than 15 m (49 ft.) from the limits of the right-of-way at a street intersection;
 - vi) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of 3 m (10 ft.) if for one way traffic, and a minimum width of 6 m (20 ft.) if for two way traffic, and the maximum width of a driveway shall be 7.6 m (25 ft.). Driveways or aisles shall be to permit ingress and egress from that parking area, and two-way driveways leading to and from the same parking area shall be at least 30 m (98 ft.) apart;
 - vii) driveways to a parking area shall be defined by a curb and the limits of the parking area shall be defined by a curb or other suitable obstruction designed to provide a neat appearance, and
 - viii) where the parking area abuts a Residential (R-1) Zone, at least one live evergreen tree, a minimum of 1.5 metres (4.9 ft.) in height is to be planted for every 6.0 linear metres (19.7 ft.) of abutting perimeter. Existing trees shall be encouraged to be retained and shall be accounted for in this formula. All areas not covered by parking area must be landscaped.

- f) Notwithstanding the parking requirements and standards of Subsection 4 of this Section, a maximum of twenty percent (20%) of the total spaces required may have a downsized stall size for small cars.
- g) Parking spaces for small cars shall be a minimum of 4.6 m (15 ft.) in length and 2.3 m (8 ft.) in width for 90 degrees parking angle, except that where any space abuts any portion of a fence or structure and additional width is required to facilitate the opening of vehicle doors, the minimum width shall be 2.6 m (9 ft.).
- h) For every fifty (50) off-street parking spaces, one large parking space shall be provided. Each large space shall be 4m. (13 ft.) in width and shall be the closest parking space(s) relative to the main building entrance(s).

2. Off-Street Parking and Directional Parking Signs

Off-street parking shall, for both residential and commercial uses, be provided in accordance to the schedule set out elsewhere in this By-law. Where required parking in a Neighbourhood Commercial (C-2) Zone is provided in any rear or side yard, a directional parking sign may be provided.

3. Parking for Bed and Breakfast Establishments

In addition to the applicable Parking Requirements and Standards of this Section, the following additional requirements shall apply:

- 1. the parking area shall be paved or built of a compact granular material which will prevent the raising of dust or loose particles;
- 2. the parking area shall not be located within the front yard;
- 3. the parking area shall provide a minimum setback of 1.5 metres (5 ft.) from an abutting side or rear yard, and when located within 3 metres (10 ft.) of a property line, the parking area shall be screened by a 1.5 metre (5 ft.) opaque fence or natural planting of sufficient height and density to screen the parking area; and.
- 4. the parking area shall not exceed 50% of the required rear yard.

4. Parking spaces and parking lots shall conform to the following standards:

Table 3.2

Parking Angle in Degrees	0 Degrees	45 Degrees	90 Degrees
Width of Stall	2.75 m (9 ft.)	2.75 m (9 ft.)	2.75 m (9 ft.)
Depth of stall Perpendicular to Maneuvering Aisle	2.75 m (9 ft.)	5.79m (19 ft.)	6.1 m (20 ft.)
Width of Stall Parallel to Maneuvering Aisle	7.01 m (23 ft.)	3.66m (12 ft.)	2.75 m (9 ft.)
Overall Depth	9.15m (30 ft.)	15.42m (50 ft.)	18.29m (60 ft.)

5. Off-Street Parking Requirements

- a) Parking for the physically challenged shall be provided at a ratio of 1 space for each 100 required parking spaces or part thereof.
- b) Parking requirements for mixed use developments shall be determined by calculating the sum of the parking requirements for each use.

Parking spaces and areas shall be provided and maintained in conformity with the following requirements:

Table 3.3
Parking Requirements for Residential Uses

Type of Building or Use	Parking Required
-------------------------	------------------

A residential dwelling containing not more than two (2) dwelling units	1 space for each dwelling unit
All other residential dwellings	1.5 parking spaces for each dwelling unit.
Senior's Residential Complex	1 space for two (2) dwelling units

Table 3.4
Parking Requirements for Commercial Uses

Type of Building or Use	Parking Required
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Boarding and rooming houses, bed & breakfast establishments.	1 space for the proprietor, plus 1 space for every 2 rooms available for rent.
Auto repair, service stations, car washes	4 parking spaces for each bay, or 7 waiting spaces per bay for an automatic car wash.
Hotels, motels, tourist cabins	1 parking space for each suite or rental unit, plus 1 parking space for each 5 sq. m (54 sq. ft.) of net floor area.
Offices	1 parking space for every 28 sq. m (301 sq. ft.) of floor area.
Day Care Center	1 parking space for every 500 sq. ft. (46 sq. m) of floor area, in addition to those required by the residential unit if applicable.
Regional Shopping Center (9,300 sq. ft. - 93,000 sq. m of net floor area)	1 parking space/18.5 sq. m (199.1 sq. ft.) of net floor area.
Neighborhood Shopping Center (less than 9300 sq. m (100,000 sq ft.) of net floor area)	1 parking space/20.4 sq. m (219.6 sq. ft.) of net floor area.
Convenience Shopping Center	1 parking space/24 sq. m (259 sq. ft.) of net floor area or 1 parking space for every 28 sq. m (301.4 sq. ft.) of gross floor area.
Supermarkets	1 parking space for every 28 sq. m (301.4 sq. ft.) of gross floor area.
Medical/Dental practitioner's office, medical/dental clinics	5 parking spaces for each practitioner.

Personal Service Shops	2 parking spaces for each chair, or 1 parking space for each 300 sq. ft. (28m ²) of floor area, whichever is greater.
Banks and Trust Companies	1 space for every 17 sq. m (183 sq. ft.) of net floor area.
Restaurants	
Full Service Restaurants	1 space for every 4.6 sq. m (50 sq. ft.) of net floor area.
Drive-in/fast-food	1 space for every 3.5 sq. m (38 sq. ft.) of net floor area.
Take-out/deli	1 space for every 6.1 sq. m (66 sq. ft.) of gross floor area.
Funeral Homes	1 parking space for each 5 seats in the chapel plus 1 space for every 4.2 sq. m (45 sq. ft.) of net floor area devoted to public use with a minimum of 10 spaces.
Theatres	1 parking space for every 6 seats.
Veterinary Clinic	1 parking space for every 300 ft ² (28 m ²) of floor area.
All other commercial uses	1 parking space for every 300 ft ² (28 m ²) of floor area.
Mixed use	Sum of separate requirements.
Special industrial uses (artisan, other tourist related industrial uses)	1 parking space for every 28 sq. m (301 sq. ft.) of gross floor area.

TABLE 3.4
Parking Requirements for Institutional Uses

Type of Building or Use	Parking Required
Churches, church halls, auditoria, arenas, halls, & other places of assembly	1 space for every 4 seats or 2.5m (8 ft.) of bench space. Where there are no fixed seats 1 parking space for each 5 sq. m (54 sq. ft.) of floor area for public use.
Elementary schools	1.5 parking spaces for each teaching classroom.
High schools	4 parking spaces for each teaching classroom.
Hospitals	1 parking space for each 40 sq. m (431 sq. ft.) of gross floor area or 1 space for every 2 beds.
Homes for special care and other group care facilities	1 parking space for every 2 beds, or 1 space for every 431 ft ² (40m ²).
Nursing homes	2 parking spaces for every 5 beds.

TABLE 3.5
Parking Requirements for Industrial Uses

Type of Building or Use	Parking Required
All Industrial uses	1 parking space for each 2000 ft ² (186 m ²) of floor area plus parking required for offices and other uses in the facility.

6. Cash-in-Lieu of Required Parking

Notwithstanding the above parking requirements, Council may accept cash-in-lieu of required on-site parking or a combination of parking spaces and cash for the balance of the required parking spaces for all uses in the Downtown Commercial (C-1) Zone. The cash-in-lieu contribution shall be calculated according to the following formula:

Where: $C = S + (L \times U) \times R + Z$

C = cash-in-lieu;

S = the current estimated structural cost of one parking space as established by a resolution of Council;

L = the current assessed value of land per square meter or square foot;

U = the area of a unit parking space plus an area factor (1.6) to allow for vehicle turn around and access corridor;

R = the number of parking spaces for which payment in lieu is required by the developer;

Z = cost of landscaping and maintaining the parking area for a five year period (to be calculated as 5% of the assessed value of the parking area.).

7. Loading Spaces

- a) In any zone, any buildings, structure, which entails the regular shipping, loading and unloading of persons, animals, goods or materials shall be required to maintain, on the same premises with every building structure, or use, 1 off-street space for, standing, loading and unloading for every 2500 sq. m (26,911 sq. ft.) or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.
- b) In any zone, any use of land which entails the regular shipping, loading and unloading of persons, animals, goods or materials shall be required to maintain, on the same premises with every building structure, or use, 1 off-street space for, standing, loading and unloading for every 2500 sq. m (26,911 sq. ft.) or fraction thereof of building floor area used for any such purpose to a maximum of six (6) loading spaces.
- c) Small berth uses (retail and service commercial uses, financial and personal service and multiple family with small business) floor areas shall require a berth size of 3m (10 ft.) by 9m (30 ft.) with a minimum of 3.7m (12 ft.) height clearance.
- d) Large berth uses (industrial uses, large product commercial uses, major appliances and furniture sales, warehousing, shopping centers and large office buildings) shall require a berth size of 4.2m (14 ft.) by 13.7m (45 ft.) with a minimum of 4.2m (14 ft.) height clearance.
- e) Ingress and egress, to and from the required loading space areas shall be provided by means of unobstructed driveways with a minimum width of 3 m (10 ft.) if for one-way traffic or a minimum width of 6 m (20 ft.) if for two-way traffic. The maximum width of any driveway shall be 7.6 m (25 ft.).
- f) Loading space areas, including driveways leading thereto, shall be clearly marked, constructed and maintained with a stable all-weather surface which is treated to prevent the raising of dust or loose particles.

- g) No such loading spaces shall be located within any required front yard or be located within any yard which abuts a Residential or Park and Recreation Zone.
- h) The provision of a loading space for any building with less than 167.3 sq. m (1800 sq. ft.) shall be optional.
- i) Notwithstanding anything in this section, an undersized vacant lot in the Downtown Commercial (C-1) Zone which can not comply with the loading standards shall be exempt from the requirement.

8. Parking and Storage of Commercial Vehicles in Residential Zones

- a) Parking or storage of vehicles used for a commercial purpose and exceeding 680.4 kg (1500 lbs.) in rated capacity shall:
 - i) be prohibited within the Residential (R1) Zone;
 - ii) be permitted in the Rural Residential (R2) Zone, to a maximum of two vehicle per property.
- b) Vehicles loaded with materials considered to be obnoxious (including cargoes identified by labels as required by Federal Regulations under the Transportation of Dangerous Goods Act) shall not be parked or stored within any residential zone.

9. Motor Vehicle Service Stations

The following requirements apply to motor vehicle service stations where permitted by this By-law:

- a) the lot frontage shall be a minimum of 45.7 meters (150 ft.) or, in the case of a corner lot both the front and flanking lot lines shall be a minimum of 30.5 meters (100 ft.);
- b) the minimum distance between ramps or driveways shall not be less than 9, meters (30 ft.);
- c) the minimum distance from a ramp or driveway to a street intersection shall be 15.2 meters (50 ft.);
- d) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees and the maximum angle of intersection shall be ninety (90) degrees;
- e) the minimum width of a ramp shall be 7.6 meters (25 ft.); and
- f) the minimum height of any canopy or cover over a pump island shall be 4.3 meters (14 ft.);
- g) no part of any canopy or cover over a pump island shall be closer than 3 meters (10 ft.) from any street line; and
- h) where the business operation includes an automobile washing establishment, separate ramps shall be provided for the washing establishments and no cleaning operations of any sort shall be carried on outside of the building.

6. GENERAL REQUIREMENTS FOR SIGNS

1. Sign Requirements

All signs to be erected, replaced, or relocated in Pictou shall be subject to the following requirements:

- a) Where sign requirements of the By-law are inconsistent with the regulations respecting advertising signs on or near public highways administered by the Province of Nova Scotia, the more restrictive regulations shall apply.
- b) No person shall erect, repair or enlarge, a sign without first obtaining a development permit and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.
- c) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building code.

- d) All signs and all parts thereof, shall be kept in a good state of repair and maintenance.

2. Number of Signs

The following shall apply when calculating the total number of signs:

- a) where a building is occupied by more than one business, each business area shall be considered as a separate premise;
- b) window signs shall not be counted;
- c) signs permitted under Section 6.3 of this Part shall not be counted;
- d) canopies incorporating signage shall be counted;
- e) when matter is displayed in a random manner without organized relationship or elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign;
- f) two (2) signs may be erected on any premise at any one time, except for corner lots, where the maximum number may be increased to three (3) signs, provided that:
 - i) a multi-faced sign shall count as a single sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area;
 - ii) 1 ground sign shall be permitted on a lot except in the Downtown Commercial (C-1) Zone or Highway Commercial (C-3) Zone where a maximum of two (2) are permitted;
 - iii) 1 facial wall sign shall be permitted for each business premises, except in the case of a corner lot or through lot, where a maximum of two (2) facial wall signs shall be permitted, with one sign permitted on each side of the building facing a public street or public right of way;
 - iv) one (1) projecting wall sign shall be permitted for each business premises;
 - v) temporary signs used for the advertisement of special events or occasions, sales, relocation's and similar purposes shall be placed not more than two (2) weeks prior to the occasion and shall be removed within forty-eight (48) hours of the completion of the occasion and shall be limited to no more than three such signs in any premises and shall not be counted in addition to other signs permitted in accordance with the other requirements of this Section;
 - vi) third party signs are not permitted anywhere in the Town except where provided for as a directory sign;

3. Signs Permitted In All Zones

The following signs are permitted in all zones. No development permit shall be required for the following signs:

- a) signs identifying the name and address of residential and non-residential buildings, and not more than .2 sq. m (2 sq. ft.) in sign area;
- b) real estate signs such as "For Sale" or "For Rent" not exceeding .6 sq. m (7 sq. ft.) in sign area in any residential zone, and 1.5 sq. m (16 sq. ft.) in other zones, which advertise the sale, rental or lease of the premises;
- c) signs erected by a governmental body or under the direction of such a body; (e.g. traffic signs, event signs, public election lists and directory signs identifying the names and locations of local businesses, or organizations railroad crossings and safety signs);
- d) signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction to or function of various parts of a building or premises provided that such signs are less than .5 sq. m (5 sq. ft.) in area each;
- e) memorial signs or tablets, signs denoting the history of a site or the date of erection of a structure and the flag, pennant or insignia of any government; provided that such signs are less than .5 sq. m (5 sq. ft.) in area;

- f) the flag, pennant, or banner of any religious, charitable or fraternal or corporate organization but not be located on public property at the rotary entrance of Town except as under the direction of subsection (c) above or section 4(i) of this Part;
- g) signs having an area of not more than 10 sq. m (108 sq. ft.) and which is incidental to construction and within the area designated for such purposes. Such signs must be removed within 30 days of completion of construction;
- h) signs that constitute an integral part of a vending machine, telephone booth, devices that indicate time, date or weather conditions, or similar device whose principal function is not to convey an advertising message;
- i) signs erected on public property or public right-of-way under the direction of Council provided that the proposed sign(s):
 - i) is a directional or identification sign affecting public property;
 - ii) has the approval of the Traffic Authority;
 - iii) is in accordance with any provincial regulations respecting signs along roadways; and
 - iv) advertises a non-profit organization or service club.

4. Signs Prohibited In All Zones

The following signs are prohibited in any zone:

- a) Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in color and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by any manner whatsoever.
- b) Signs advertising the name of a business or establishment not located in the premises.
- c) Signs which are attached directly to or painted upon a roof of a building.
- d) Any sign which constitutes a hazard to public safety or health.
- e) Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets, or roads, or driveways.
- f) Any signs which obstruct free ingress to or egress from a fire escape door, window, or other required exit-way.
- g) Any sign painted on, or attached to or supported by a tree, stone, cliff, or other natural object.
- h) Any sign which advertises a business no longer in operation, or a product which is no longer sold.
- i) Signs not erected by a governmental authority which make use of words such as "STOP", "LOOK", "ONE WAY", "YIELD", or any singular words, phrases, symbols, lights, characters, or colors such as directional arrows in such a manner or location as to interfere with, mislead, or confuse traffic along a public road.
- j) Signs not erected by a governmental authority on public property or a public right-of-way unless erected by a governmental authority or unless required to be so located by order of government authority, or unless specifically permitted by a governmental authority.
- k) Signs located at or near sharp road curves, below the crest of a steep road grade or either be located or project into a corner sight triangle, and which thereby may restrict the vision of drivers on public streets.
- l) Signs painted on, attached to, or supported by a tree, shrub, hedge or any other vegetation.
- m) Searchlights, flares, open flames, spinners, and streamers, except for occasions such as grand openings or other festive occasions.
- n) Signs which are mounted on a building and which project above the elevation of the highest point of the building roof at that part of the building.

5. Safety And External Appearance Of Signs

All signs and all parts thereof shall be kept in a good state of repair and maintenance.

6. Facial Wall Signs

No facial wall sign shall:

- a) cover more than 0.1 sq. m per lineal meter (1 sq. ft. per lineal foot) of the wall on which the sign is affixed with proportional allocation for each business premises in the case of multiple occupancy buildings. In no case, however, shall the total area of a facial wall sign for each business premise exceed 9.3 sq. m (100 sq. ft.);
- b) extend above the top of the wall upon which the facial wall sign is attached to;
- c) extend beyond the extremities of the wall upon which the facial wall sign is attached to; and
- d) project more than 0.3 m (1 ft.) from the wall upon which the facial wall sign is attached to.
- e) notwithstanding the above requirements, any number of facial wall signs in the Highway Commercial (C-3) Zone shall be permitted provided that they do not exceed the following requirements:
 - i) not cover more than .3 sq. m. per lineal meter (4 sq. ft. per lineal foot) of the wall on which the sign is affixed
 - ii) in the case of a multiple occupancy building, the number of signs shall be limited to a maximum of three (3) per business establishment;
 - iii) in the case of a commercial building, whether situated separately or attached to a shopping mall or plaza, that maintains a minimum gross floor area of 1,114 square metres (12,000 square feet), and where a minimum of 75% of the gross floor area is occupied by the main business occupant:
 - a) no more than four (4) of the facial wall signs may display the name of the main occupant, and the remaining signs may only advertise the subordinate services, goods, occupants, or related themes and concepts, available within the building to a maximum of one (1) sign for each service, good, occupant, or related theme or concept;
 - b) where attached to a shopping mall or plaza, the limitations of this section shall only apply to the subject commercial building, and not to the remaining mall or plaza for each business premise in the case of multiple occupancy buildings.

7. Projecting Wall Signs

No projecting wall sign shall:

- a) exceed 1.9 sq. m (21 sq. ft.) in sign area;
- b) project more than 2 m (7 ft.) from the wall upon which the projecting wall sign is attached or to .45 m (148 ft.) from the curb, which ever is less;
- c) project over any public property, except with permission of Council as provided for in Section 6(4)(j) of this Part;
- d) project over a corner sight triangle;
- e) project above the top of the wall upon which the projecting wall sign is attached to;
- f) be permitted to swing, in a manner that which is in the opinion of the Development Officer is unsafe; and
- g) be erected below a height of 3 m (10 ft.) above grade except for canopies and awnings which are regulated in Section 6(7)(h) below.

- h) Notwithstanding the other requirements contained in 6(b) above, canopies or awnings attached to a building may be used as projecting wall signs provided that the total area of the sign surface does not exceed that provided for in 6(a) above, and that such signs shall not be permitted to be erected below a height of 2.5 m (8 ft.) above grade.

8. Ground Signs

No ground sign shall:

- a) exceed 4.6 sq. m (50 sq. ft.) in sign area except in the Industrial (IND) Zone where a ground sign shall not exceed 9.3 sq. m (100 sq. ft.) in sign area;
- b) exceed a height of 6 m (20 ft.) from grade level to the highest part of the sign structure;
- c) project beyond a property line, into a corner sight triangle over any public property, driveway, entrance or exit access or ramp or parking aisle or area; and
- d) have more than one sign on a supporting structure.
- e) notwithstanding the requirements 8(a),(b) and (c), a ground sign such as a folding or sandwich sign shall not:
 - i) be located on public property unless except as under the direction of section 3(d) or 4(j) of this Part;
 - ii) exceed 1.9 sq. m (21 sq. ft.) in sign area for a double faced sign or exceed 1.0 sq. m (11 sq. ft.) in sign area for a single faced sign;
 - iii) be placed in a corner sight triangle; and
 - iv) exceed a maximum height of 1.2 m (4 ft.) above grade.
- f) notwithstanding the above requirements, a ground sign located in the Highway Commercial (C3) Zone shall not:
 - ii) exceed 37.2 sq. m (400sq. ft.) in sign area for a double faced sign or exceed 18.58 sq. m (200 sq. ft.) in sign area for a single faced sign;
 - iii) be placed in a corner sight triangle; and
 - iv) exceed a maximum height of m (40 ft.) above grade.

7. ADDITIONAL REQUIREMENTS FOR SIGNS

1. Signs in all Residential (R1 and R2) Zones

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Residential (R1), Rural Residential (R2), to a maximum of one sign per property. No sign in any Residential Zone shall:

- a) exceed .2 sq. m (22 sq. ft.) in sign area;
- b) be illuminated except by lighting devices accessory to the main use of the lot;
- c) exceed a height of 1.5 m (5 ft.) in the case of a ground sign; and
- d) be located above a height of 3 m (10 ft.) above the grade at the wall upon which it is affixed, in the case of a projecting or facial wall sign.
- e) Notwithstanding the provision of subsection 1(a) above, no sign in the Rural Residential (R2) Zone shall exceed 2.5 sq. m (27 sq. ft.) in sign area.

2. Signs in the Neighbourhood Commercial (C2) Zone

Unless otherwise regulated in this By-law, a development permit may be issued for a sign in the Neighbourhood Commercial (C2) Zone provided:

- a) a facial wall sign shall not exceed 1.5 sq. m (16 sq. ft.);
- b) a projecting wall sign shall not exceed 1 sq. m (11 sq. ft.);
- c) ground signs shall not be permitted in the C-2 Zone except those otherwise permitted in a Residential Zone; and
- d) all signs shall be non-illuminated.

- e) not more than one (1) facial wall sign or projecting wall sign shall be permitted on a commercial building in the Neighbourhood Commercial(C-2) Zone.

6. Signs In The Waterfront (W) Zone

Reference shall be made to Part 7, for special requirements for signs in the Waterfront (W) Zone.

8. CANOPIES AND AWNINGS

1. Development Permit Required

A development permit may be issued for a canopy or awning provided that:

- a) the canopy or awning does not project out from the wall to which it is attached more than 7 feet (1.2 metres) for a stationary canopy or awning or a maximum of 8 feet (2.4 metres) for a retractable awning; and
- b) the canopy or awning is placed on the building a minimum height of 8 feet (2.5 metres) above the sidewalk or established grade.

2. Maintenance and Repair

- a) All canopies and awnings, and all parts thereof, shall be kept in a good state of repair and maintenance.

3. Canopies or Awnings Extending Over a Public Right of Way

- a) A development permit may be issued for a canopy or awning which extends over the public right of way provided that the requirements of this Part are met.

4. Canopies or Awnings Incorporating Signage

- a) A development permit may be issued for a canopy or awning incorporating signage provided that all applicable requirements of this Part are satisfied.
- b) A canopy or awning incorporating signage shall be included in the calculation of the maximum permitted number of signs per lot or per premise.

9. HOME OCCUPATIONS

1. Home Occupations Permitted

Nothing in this By-law shall prevent the use of a single detached dwelling, accessory building, or attached garage, for a home occupation provided that the building meets the setback, parking, and other applicable requirements of the relevant zone, in addition to meeting the following requirements for home occupations as set out in this Section. These regulations shall not apply to the hobbies of an individual family member or other resident in the dwelling unit.

2. Undesirable Home Occupations

Home occupation shall not be considered to be auto repair shops, welding shops or anything that could be considered to be obnoxious.

3. Regulations Respecting Home Occupations

Nothing in this By-law shall prevent the use of a residential dwelling in the Residential (R1 and R2) Zone as a home occupation as herein defined provided that:

- a) the home occupation is wholly contained within the residential dwelling unit, attached garage, and accessory building and that the home occupation is operated solely by the person(s) living in the dwelling unit;
- b) the external appearance of the residence containing the home occupation is not altered except to meet fire safety, structural safety or health regulations;

- c) not more than twenty-five (25%) percent of the total floor area of the dwelling, attached garage, and accessory buildings in the Residential (R1) Zone and thirty (30%) percent of the total floor area of the dwelling, attached garage, and accessory buildings in the Rural Residential (R2) Zone is devoted to the home occupation;
- d) there are not more than two (2) employees employed by the home occupation who are not residents of the dwelling;
- e) that one (1) off-street customer/client parking space, other than required for the residential use, is provided for every 20 sq. m (215 sq. ft.) of commercial floor space occupied by the home occupation; or 1 off-street parking space for 1 taxi or delivery vehicle. Required parking for the home occupation that exceeds 3 spaces must be screened from the road and adjacent properties by a fence and/or vegetation;
- f) that there is no outdoor storage or display;
- g) that there is no advertising other than a business identification plate or sign with a maximum sign area of 2.5 sq. m (5 sq. ft.) and it is attached to the main building and provided that the provisions of Part 6 of this By-law are met; and
- h) that the home occupation does not make use of equipment which is obnoxious by virtue of dust, odor, smoke, noise, vibration, or other emissions.

4. Bed and Breakfast Establishments

A development permit may be issued for a bed and breakfast establishment in a Residential (R1) and Rural Residential (R2) Zone provided:

- a) the bed and breakfast is in conformance with the regulations respecting signs in residential (R1 and R2) Zones as set out in Section 7(1).
- b) parking requirements as specified in Section 5 of this part are met; and
- c) a maximum of four bedrooms are used as sleeping accommodations for paying guest.

5. Day Care Facilities

A development permit may be issued for a day care facility in a Residential (R1) Zone provided:

- a) the maximum number of children being cared for shall not exceed 9;

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DEVELOPMENT AGREEMENTS**1. DEVELOPMENTS SUBJECT TO DEVELOPMENT AGREEMENT**

Pursuant to Section 225 of the *Municipal Government Act* the following developments shall be permitted only by development agreement:

1. innovative housing and site design developments in the MPS FLUM "Residential" designation as provided for in the Municipal Planning Strategy (**Policy R-15**);
2. new, and expansions to existing, multiple unit residential dwellings within the MPS FLUM "Residential" designations, as provided for in the Municipal Planning Strategy (**Policy R-14**);
3. new multi-unit residential development (without ground floor commercial) in the Multi-unit Residential Area of the Generalized Future Land Use Map Downtown Commercial designation, conversions of existing commercial/residential mix buildings to full multi-unit residential in the Multi-unit Residential Area of the Generalized Future Land Use Map Downtown Commercial designation, new multi-unit residential development (with ground floor commercial), the expansion of existing single, double or multi-unit residential development as provided for on the Municipal Planning Strategy (**Policy C-3**);
4. within all designations, alterations, excluding expansions; rebuilding; recommencement and change of use of non-conforming structures or non-conforming uses of land in accordance with the Municipal Planning Strategy (**Policy G-23**);
5. development of Bed and Breakfast establishments that rent out five or more rooms in the MPS FLUM "Residential" designation as provided for in the Municipal Planning Strategy (**Policy R-5**);
6. development of Country Inn establishments in the MPS FLUM "Residential" designation as provided for in the Municipal Planning Strategy (**Policy R-7**);
7. any new commercial development or the expansion of existing commercial development in the MPS FLUM "West River Road Corridor" designation as provided for in the Municipal Planning Strategy (**Policy C-7**);
8. the expansion of Neighbourhood (C2) Zone uses beyond the maximum allowable floor area in the "Residential" designation in accordance with (**Policy IMP-12**) of the MPS.
9. development of custom workshops, hotels, shopping centers, mixed-use residential/commercial/office uses and multi unit residential uses in the MPS FLUM "Waterfront" designation as provided for in the Municipal Planning Strategy (**Policy W-3**);
10. development of new mixed use residential/commercial/office developments in the MPS FLUM "Waterfront" designation as provided for in the Municipal Planning Strategy (**Policy W-4**);

11. the establishment of Mini-Home Parks in the MPS FLUM “Residential” designation as provided for in the Municipal Planning Strategy (**Policy R-16**);
12. expansion of existing multiple unit residential dwelling developments in the MPS FLUM “Waterfront” designation as provided for in the Municipal Planning Strategy (**Policy W-5**);
13. expansion of the existing Northumberland Cabinets Woodworking Shop (LRIS PID #98 1696) in the MPS FLUM “Water Supply” designation as provided for in the Municipal Planning Strategy (**Policy E-5**);
14. development of new multi-unit residential dwellings within the MPS FLUM “Waterfront” designation as provided for in the Municipal Planning Strategy (**Policy W-6**);
15. in all designations, the development of off-premise parking lots where not otherwise permitted as provided for in the Municipal Planning Strategy (**Policy G-13**);
16. development of new, permitted commercial uses in the MPS FLUM “Downtown” commercial designation that by their nature require space for outdoor storage and display as provided for in the Municipal Planning Strategy (**Policy C-3**).
17. comprehensive development districts Residential Designation of the Generalized Future Land Use Map and in accordance with Policy R-5 of the Municipal Planning Strategy

5 RESIDENTIAL (R1) ZONE

1. PERMITTED USES

No development permit shall be issued in a Residential (R1) Zone except for one or more of the following uses:

1. Residential Uses

- single detached dwellings
- two unit dwellings, including duplex dwellings
- mini-homes
- bed and breakfast establishments with not more than four rooms to let
- residential group care facilities
- senior citizen apartment dwellings
- boarding houses, rooming houses
- convents
- converted dwellings
- residential day care centers
- existing multiple unit dwellings

2. Non-Residential Uses

- home occupations, subject to the requirements of Part 3, Section 9
- tourist accommodations, to include cottages, housekeeping units and tourist/guest homes, limited to the main building on the lot.
- uses permitted in the Recreation (P) Zone subject to the requirements of that zone
- any structures and/or uses accessory to the foregoing
- secondary structures

3. Uses Permitted by Development Agreement

- expansion or redevelopment of existing multiple unit residential dwellings
- development of new multiple unit dwellings
- development of Bed and Breakfast establishments that rent out five or more rooms
- development of Country Inns negotiated in accordance with Policy R-7, of the MPS.
- innovative housing and site design developments

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 5.1
Residential (R1) Zone Requirements

Minimum Lot Area	5005 ft ² (465 m ²)
Minimum Lot Frontage	50 feet (15.2 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear Yard	20 feet (6.1 m)
Minimum Side Yard (one side)	8 feet (2.5 m)
Minimum Side Yard (other side)	10 feet (3 m)
Maximum Height	35 feet (10.7m)

2. Yard Requirements for Buildings over 25 feet (7.6 m) in Height

The minimum side yard requirements set out in Table 5.1 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

3. Conformance with Existing Setbacks

Notwithstanding anything else in this By-law; in the Residential Single Unit (R1) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

- a) a distance equal to the average setback (front or flankage yard setback) of any main building(s) sharing a common street right-of-way and situated within 100 feet (30.5 metres) of the proposed structure; or
- b) the setback prescribed in accordance with the specific zone.

4. Municipal Services

A development permit shall only be issued in the Residential (R1) Zone where the development is to be serviced by Municipal Water and Sewer.

3. SPECIAL REQUIREMENTS--MINI-HOMES

1. Building Requirements

In addition to the lot, yard, and height requirements set out in Section 2 and, where applicable, Section 6 of this Part, no development permit shall be issued for a mini-home in the Residential (R1) Zone except in conformity with the following requirements:

- a) a mini-home shall be placed on a fixed masonry or cement foundation and in no instance shall the undercarriage of the mini home be visible;
- b) a mini-home shall be oriented parallel to its frontage on an abutting street;
- c) a mini-home shall meet its definition in Part 2 of this Land Use By-law.

4. SPECIAL REQUIREMENT: DOUBLE AND DUPLEX DWELLINGS

No double dwelling or duplex dwelling development permit shall be issued except in conformity with the following requirements:

Table 5.2

Minimum Lot Area	278.7 sq. m (3,000 sq. ft.) per dwelling unit
Minimum Lot Frontage	7.65 m (25 ft.) per dwelling unit
Minimum Front Yard	6 m (20 ft.)
Minimum Rear Yard	6 m (20 ft.)
Minimum Side Yard	
i. One Side	3 m (10 ft.)
ii. Other Side	3 m (10 ft.) or
where other side is the common wall between units	0 m(0 ft)
Maximum Height of Main Building	10.7 m (35 ft.)

A lot containing a semi-detached double dwelling can be subdivided into two lots with one dwelling unit on each lot.

5. **SPECIAL REQUIREMENT: RESIDENTIAL GROUP CARE FACILITIES AND SENIOR CITIZEN MULTI-UNIT DWELLINGS**

No development permit shall be issued for a senior citizen multi unit dwelling or a residential group care facility except in conformity with the following requirements:

Table 5.3

Minimum Lot Area	1000 sq. m (10,764 sq. ft.) for the first 4 dwelling units plus 100 sq. m (1076 sq. ft.) for each additional unit
Minimum Lot Frontage	20 m (66 ft.)
Minimum Front Yard	6 m (20 ft.)
Minimum Rear Yard	6 m (20 ft.)
Minimum Side Yard	At least 3 m (10 ft.) on each side and a total of 8 m (26 ft.) for the two side yards combined
Maximum Height of Main Building	10.7 m (35 ft.)

Notwithstanding anything else in this By-law, no development permit shall be issued for a senior citizen multi unit dwelling or a residential group care facility unless a minimum of 5 sq. m (53 sq. ft.) per unit of usable, accessible open space is provided on the same lot as the main building. Usable amenity or recreational space may include indoor recreation rooms, saunas, sun decks, patios, balconies, swimming pools, as well as any landscaped open area but may not include any parking areas, hallways, foyers, utility rooms, or laundry areas.

6. **SPECIAL REQUIREMENTS—FLAG LOTS**

Section 2 of this Part notwithstanding, on a flag lot in the Residential (R1) Zone, no development permit shall be issued except in conformance with the following requirements:

1. **Lot, Yard, and Height Requirements**

TABLE 5.4
Residential (R-1) Zone Requirements
for Flag Lots

Minimum Lot Area	8000 ft ² (743.2 m ²)
Minimum Lot Frontage	20 feet (6 m)
Minimum Front Yard	20 feet (6 m)
Minimum Rear Yard	20 feet (6 m)
Minimum Side Yard	10 feet (3 m)
Maximum Height	35 feet (10.7 m)

2. **Calculation of Lot and Yard Requirements**

Lot and yard requirements for flag lots shall be calculated as described in Part 2, of this by-law.

3. **Special Requirement: Landscaping And Trees**

For any senior citizen's apartment dwelling at least one live tree a minimum of 1.5 meters (5 ft.) in height shall be planted for every 50 sq. m (538 sq. ft.) of area in the front yard of the structure which is not occupied by a parking area. Existing trees on the site may replace the trees required by this section. In addition, all

areas of any lot occupied by a senior citizen apartment dwelling which are not covered by parking areas, buildings, or structures shall be landscaped.

4. Special Side Yard: Attached Garages

In the case of a permitted dwelling with an attached garage, the minimum side yard on both sides shall be 1 m (3 ft.) in the case of one-story houses, and 2 m (7 ft.) in the case of two-story or higher houses.

7. SPECIAL REQUIREMENTS: SECONDARY STRUCTURES

1. A secondary structure or use shall not:

- a) contain a home occupation;
- b) be built within the corner vision triangle;
- c) be built closer to a street than the required yard set back;
- d) be erected closer to the lot line of the flanking street than 4.6 m (15 feet);
- e) be built within 6 feet of the abutting lot line;
- f) exceed 15 feet in height;
- g) exceed 50 feet in distance from a main wall of the primary, single residential unit dwelling which it is subordinate to;
- h) have any eaves or cornices projecting within the setbacks prescribed in this section; and
- i) be used for human habitation.

2. Where Permitted

A secondary structure or use shall not:

- a) be permitted if the lot is not abutting the lot containing the primary, residential single unit dwelling;
- b) be permitted if the abutting lot is in separate ownership;
- c) be considered a secondary structure if attached to the primary building;
- d) be considered a secondary structure if completely underground.

3. Maximum Building Footprint

A secondary structure shall not cover more than a maximum of 69.7 m (750 sq. ft.) in floor area where permitted in the Residential (R-1) Zone.

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RURAL RESIDENTIAL (R2) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Rural Residential (R-2) Zone except for one or more the following uses:

1. Residential Uses

- single detached dwellings
- mini homes
- boarding houses and rooming houses
- bed and breakfast establishments
- residential uses accessory to agricultural uses

2. Non-Residential Uses

- home occupations
- agricultural uses and structures and forestry-related uses, not including structures
- recreation (P) Zone uses subject to the requirements of the Recreation (P) Zone
- any structures and/or uses accessory to the foregoing
- Agricultural Exhibition grounds and facilities
- kennels subject to the same requirements as non-intensive livestock operations

3. Uses Permitted by Development Agreement

Development of Country Inn establishments shall be permitted by development agreement, negotiated in accordance with Policy R-7 of the MPS.

2. ZONE REQUIREMENTS**1. Lot, Yard, and Height Requirements**

No development permit shall be issued in a R-2 Zone unless in conformity with the following requirements, although, larger lot sizes may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems:

TABLE 6.1

	Rural Residential (R2) Zone Requirements	
	Central Water and On Site Sewer	On Site Water and On Site Sewer
Minimum Lot Area	2700 sq. m (29,063 sq. ft.)	4,000 sq. m (43,057 sq. ft.)
Minimum Lot Frontage	30 m (98 ft.)	30 m (98 ft.)
Minimum Front Yard(s)	9.2 m (30 ft.)	9.2 m (30 ft.)
Minimum Side Yard(s)	3 m (10 ft.)	3 m (10 ft.)
Minimum Rear Yard	9.2 m (30 ft.)	9.2 m (30 ft.)
Maximum Height of Main Building	10.7 m (35 ft.)	10.7 m (35 ft.)

Where central sewer is provided, the requirements of Part 5, Section 2 shall apply.

2. Yard Requirements for Buildings over 25 feet (7.6 m) in Height

The minimum side yard requirements set out in Table 6.1 notwithstanding, buildings in excess of twenty-five feet (7.6 m) in height shall have a side yard setback equal to or greater than ½ the height of the main building.

3. Conformance with Existing Setbacks

In the Rural Residential (R2) Zone, the minimum front and, where applicable, flankage yard setbacks from a public right of way shall be either:

- a) the distance equal to the average setback (front or flankage yard setback) of any main building(s) sharing a common street right-of-way and situated within 100 feet (30.5 metres) of the proposed structure; or
- b) the setback prescribed in accordance with Table 6.1.

3. SPECIAL REQUIREMENTS—MINI-HOMES

1. Building Requirements

In addition to the lot, yard, and height requirements set out in Section 2 and, where applicable, Section 4 of this Part, no development permit shall be issued for a mini-home in the Rural Residential (R2) Zone except in conformity with the following requirements:

- a) a mini-home shall be placed on a fixed masonry or cement foundation and in no instance shall the undercarriage of the mini home be visible;
- b) a mini-home shall be oriented parallel to its frontage on an abutting street;
- c) a mini-home shall meet its definition in Part 2 of this Land Use By-law.

4. SPECIAL REQUIREMENTS – FLAG LOTS

Section 2 of this Part of the By-law notwithstanding, in the R2 Zone no development permit shall be issued for a single detached dwelling on a "flag" lot except in conformance with the following requirements:

1. the lot was created from an existing lot or parcel of land;

1. Lot, Yard, and Height Requirements

TABLE 6.2
Rural Residential (R2) Zone Requirements
for Flag Lots

Minimum Lot Area m ²)	21,529ft ² (2000
Minimum Lot Frontage	20 feet (6 m)
Minimum Front Yard	20 feet (6m)
Minimum Rear Yard	20 feet (6m)
Minimum Side Yard	10 feet (3 m)
Maximum Height	35 feet (11 m)

2. Calculation of Lot and Yard Requirements

Lot and yard requirements for flag lots shall be calculated as described in Part 2 of this by-law.

3. Special Requirement: Keeping Of Agricultural Animals

The keeping of agricultural animals in a R-2 Zone shall be subject to the following requirements:

- a) any structure housing a non-intensive livestock operation shall be a minimum of 100 m (328.1 ft.) from the boundary of a R-1, Commercial, or Institutional Zone;
- b) any structure housing an intensive livestock operation shall be 500 m. (1640 ft.) from the boundary of a R-1, Commercial, or Institutional Zone.

7 *COMPREHENSIVE DEVELOPMENT DISTRICT (CDD) (R)*

1. PERMITTED USES

The following uses shall be permitted in the Comprehensive Development District (CDD) (R) Zone: in accordance with the development agreement.

- ❑ residential dwelling types subject to the (R1) Zone Lot, Yard and Height Requirements:
 - single detached dwellings;
 - semi-detached dwellings;
 - duplex dwellings
 accessory uses subject to the General Provisions, Section 4 Accessory Buildings, Structures and Uses
- ❑ recreational and open space uses accessory to the forgoing
- ❑ proposed developments meeting the eligibility requirements for a Comprehensive Development District as outlined in the Town's Municipal Planning Strategy;
- ❑ a development agreement that has been entered into with Council pursuant to Part 4, Section 1 (17) of this By-law ;and
- ❑ proposed developments in conformance with the agreement entered into pursuant to this section

No development permit shall be issued in a Comprehensive Development District (CDD) (R) Zone unless:

- the proposed development meets the eligibility requirements for a Comprehensive Development District as outlined in the Town's Municipal Planning Strategy;
- a development agreement has been entered into with Council pursuant to Part 4, Section 1(17) of this By-law ;and
- the proposed development is in conformance with the agreement entered into pursuant to this section

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WATERFRONT (W)**1. PERMITTED USES**

No development permit shall be issued in a Waterfront Zone except for one or more of the following uses:

1. General Waterfront Uses

- business, professional and government offices and government facilities
- businesses associated with the fishing industry
- entertainment, recreation and commercial recreation facilities
- existing mixed commercial/residential/offices and facilities
- existing multiple unit dwellings
- existing inns
- existing single detached dwellings
- lounges, beverage rooms, cabarets, pubs
- restaurants
- retail stores

2. Permitted Uses exempt From Zone Requirements.

- public walkways
- public parks
- public utilities
- parking lots and parking structures
- marinas
- structures owned and operated by the Pictou Waterfront Development Committee.

3. Uses Permitted by Development Agreement

- multi-unit dwellings as provided for in the MPS Policy W-6.
- new custom workshops, hotels, shopping centers, mixed residential/commercial/office developments and multi-unit residential developments as provided for in the MPS Policy W-3
- expansion of existing multiple unit dwellings as provided for in Policy W-5.
- mixed use residential/office and commercial developments as provided for in the MPS Policy W-4

3. ZONE REQUIRMENTS**1. Lot Requirements**

In a W Zone, no development permit shall be issued except in conformity with the following requirements:

Table 8.1

Minimum Lot Area	279 sq. m (3003 sq. ft.)
Minimum Lot Frontage	9.1 m (30 ft.)
Minimum Front Yard	3.0 m (10 ft.)
Maximum Height of Main Building	10.7 m (35 ft.)

2. Special Requirements: Signs

In addition to the requirements of this By-law the following special requirements shall apply to development in the Waterfront (W) Zone:

- a) any sign erected in the Waterfront (W) Zone shall be constructed of wood, stone or a combination of each; and
- b) no sign shall exceed the height of 15 feet at the highest point.

3. Special Requirement: Outdoor Storage

In the Waterfront (W) Zone any outdoor storage, except for storage necessary for the operation of the Pictou Waterfront Development Corporation, shall be subject to the following requirements:

- a) no outdoor storage shall be permitted in the front yard of any building.
- b) any area used for open storage shall be screened from the public view by means of an opaque wooden fence such that the material being stored is not visible from the ground level of any abutting yard or from a public street.

4. Outdoor Storage and Display

Notwithstanding Part 3, Section 2(5) Temporary/Special Uses, the outdoor storage or display of goods in the Waterfront (W) Zone shall be prohibited except in conjunction with special events, sidewalk sales, or festivals, to a maximum period of thirty days for each calendar year.

5. Special Requirements: Buildings Appearance

Any building, including accessory buildings constructed in the Waterfront (W) Zone shall maintain a similar exterior appearance in the following manner:

- a) the type of exterior finish shall be of wood, brick, stone or a combination of each.

6. Special Requirements: Landscaping

In the Waterfront (W) Zone any new structure or building that front on either Caladh Drive or the Jitney Trail shall be required to provide landscaping in the front yard which shall include live trees to be planted a minimum of 1.5 m (5 ft.) in height for every 5 linear metres (20 ft.) of frontage along with other types of plantings.

7. Parking Exemption

Where new commercial or institutional developments or the expansion of existing commercial or institutional uses are permitted, the off-street parking requirements shall be waived for the those properties fronting onto the following:

Water Street (between Willow Street and Coleraine)

Market Street

Caladh Ave.

George Street

Coleraine Street

Front Street (to Welsford Street)

Creighton Street

Depot Street

Commercial Street

Kempt Street

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DOWNTOWN BUSINESS (C1) ZONE**1. PERMITTED USES**

Permitted uses in the Downtown Business (C1) Zone shall include but not be limited to the following:

1. General Retail Uses

- art gallery/studio
- bakery/bake shop
- banks and financial institutions
- convenience store
- department stores
- dressmaking/tailoring
- drugstore/pharmacy
- dry cleaners
- florist
- general retail, excluding mobile home sales
- grocery stores
- hardware stores
- shopping centers
- liquor stores
- office supply and equipment sales/service
- personal service shops
- pet grooming establishment
- photography studios
- postal or courier service
- printing establishments
- restaurants and associated outdoor cafes and eating areas
- retail garden centre
- video rental/sale
-

2. Other-Commercial Uses

- motor vehicle sales, service and repair
- boarding and rooming houses
- commercial clubs
- commercial schools
- commercial recreation centers
- custom workshops
- farmer's market
- hotels, hostels, motels, inns, convention centres
- licensed liquor establishments (lounges, pubs, taverns, cabarets)
- business and professional offices
- service industries, **excluding** milk and dairy processing facilities and sheet metal shops
- service shops, **excluding** welding or machine shops
- taxi stands
- theatres and cinemas
- bus terminal
- government offices
- wellness centers
- the development of new light manufacturing and wholesale uses in the Downtown Commercial Designation (Policy C5)

3. Non-Commercial Use

- day care centre
- parking lots and parking structures
- uses permitted in the Institutional (I) Zone subject to the I Zone requirements
- recreational facilities
- existing multiple unit dwellings
- medical practitioners' offices and clinics
- existing single and double dwellings, subject to the R-1 Zone
- uses permitted in the Recreation (P) zone subject to the requirements of the Recreation (P) Zone
- youth centre
- private clubs
- tourist information centres and public information booths
- residential uses in commercial buildings, where the residential use is not on the ground (street level) floor and where off-street parking can be provided for the residential use in accordance with the Parking Requirements of this By-law
- schools
- public information kiosk

2. USES PERMITTED BY DEVELOPMENT AGREEMENT

- ❑ new multi-unit residential development (without ground floor commercial) in the Multi-unit Residential Area of the Generalized Future Land Use Map Downtown Commercial designation as provided for in MPS Policy C-3;
- ❑ conversions of existing commercial/residential mix buildings to full multi-unit residential in the Multi-unit Residential Area of the Generalized Future Land Use Map Downtown Commercial designation as provided for in MPS Policy C-3;
- ❑ new multi-unit residential development (with ground floor commercial) as provided for in MPS Policy C-3;
- ❑ the expansion of existing single, double or multi-unit residential development as provided for in MPS Policy C-3;
- ❑ commercial uses, that by their nature require space for outdoor storage and display in the Downtown Commercial Designation (Policy C-4) shall only be by development agreement, negotiated in accordance with Policy IMP-12 of the MPS;
- ❑ development of new light manufacturing and wholesale uses in the Downtown Commercial Designation (Policy C-5) shall only be by development agreement, negotiated in accordance with Policy IMP-12 of the MPS;

3. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirement

TABLE 9.1

Downtown Business (C1) Zone Requirements

Minimum Lot Area	3003 ft ² (279 m ²)
Minimum Lot Frontage	30feet (9 m)
Maximum Height of Main Building	11 m (35 ft.)

2. Abutting Residential Zones

Where a Downtown Commercial (C-1) Zone abuts a Residential (R-1) Zone, the following restrictions shall apply to an abutting yard within the Downtown Commercial (C-1) Zone:

- a) the minimum side and rear yard requirement for the abutting yard shall be 6 m (20 ft.); however, in the C-1 Zone this may be reduced to 1.5 m (5 ft.) where a 1.8m (6 ft.) high opaque fence is provided;
- b) no outdoor storage or display shall be permitted in an abutting yard;
- c) no parking space shall be permitted in an abutting yard within 6 m (20 ft.) of a side or rear lot line in the Downtown Commercial (C-1) Zone, however, this may be reduced to 1.5 m (5 ft.) where a 1.8 m (6 ft.) high opaque fence is provided;
- d) in addition to the provisions of, signs located in an abutting yard shall also be subject to the following requirements:
 - i) all signs shall be non-illuminated;
 - ii) only directional or business identification signs shall be permitted;
 - iii) a facial wall or projecting sign area shall not exceed 1 sq. m (11 sq. ft.); and
 - iv) ground signs shall not be permitted.

3. Change of Use

In the event that there is a change of use for an existing structure, the new use shall be exempt from additional parking requirements. However, where there is an increase in gross floor area associated with a change in use, additional parking or cash-in-lieu shall be required as per of this By-law.

4. Outdoor Storage and Display

- a) the outdoor storage and display of goods shall not be permitted except on a temporary basis and in conjunction with special events, sidewalk sales, or festivals;
- b) the outdoor storage and display of goods shall not occur for more than seven days in any one month period;
- c) any outdoor storage or display accessory to an automobile body shop, including any vehicle, materials, or equipment, shall not be permitted;

5. Motor Vehicle Service Stations

The following requirements apply to motor vehicle service stations where permitted by this By-law:

- a) the lot frontage shall be a minimum of 45.7 meters (150 ft.) or, in the case of a corner lot both the front and flanking lot lines shall be a minimum of 30.5 meters (100 ft.) each;
- b) the minimum distance between ramps or driveways shall not be less than 9, meters (30 ft.);
- c) the minimum distance from a ramp or driveway to a street intersection shall be 15.2 meters (50 ft.);
- d) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees and the maximum angle of intersection shall be ninety (90) degrees;
- e) the minimum width of a ramp shall be 7.6 meters (25 ft.); and
- f) the minimum height of any canopy or cover over a pump island shall be 4.3 meters (14 ft.);
- g) no part of any canopy or cover over a pump island shall be closer than 3 meters (10 ft.) from any street line; and
- h) where the business operation includes an automobile washing establishment, separate ramps shall be provided for the washing establishments and no cleaning operations of any sort shall be carried on outside of the building.

6. Special Requirements: Mixed Use Residential

Residential uses are permitted to locate in commercial building providing the residential use is not located on the ground (street level) floor and that the Parking Requirements of this By-law are met for the residential use.

7. Special Requirements: Cash in Lieu

Where permitted in the Downtown Commercial (C-1) Zone, Council may accept cash in lieu of parking payment as set out in Part 3, Section 5.5 of this By-law.

8. Parking Exemption

Where new commercial or institutional developments or the expansion of existing commercial or institutional uses are permitted, the off-street parking requirements shall be waived for the those properties fronting onto the following:

Water Street (between Willow Street and Coleraine)

Market Street

Caladh Ave.

George Street

Coleraine Street

Front Street (to Welsford Street)

Creighton Street

Depot Street

Commercial Street

Kempt Street

NEIGHBOURHOOD COMMERCIAL (C2) ZONE

1. PERMITTED USES

No development permit shall be issued in a Neighbourhood Commercial (C2) Zone except for one or more of the following uses:

1. Commercial Uses

- any uses permitted in a R-1 Zone, subject to R-1 Zone requirements
- business and professional offices, **excluding** veterinarians offices
- residential units accessory to a C-2 Zone use, subject to R-1 Zone requirements
- postal outlets
- service and repair shops (excluding automotive and small engine repair)
- service and personal service shops
- variety/convenience stores, excluding the sale of prepared food and beverages (such as restaurant/take-out or lounge/beverage room).
- all retail stores, **excluding** motor vehicle sales and service

2. Uses Permitted by Development Agreement

- development or expansion of a C-2 use beyond the maximum allowable floor area in the Residential designation in accordance with Policy IMP-12 of the MPS

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

In a Neighbourhood Commercial (C-2) Zone, no development permit shall be issued except in conformity with the following requirements:

TABLE 10.1

Neighbourhood Commercial (C2) Zone Requirements

Minimum Lot Area	5005 ft ² (465m ²)
Minimum Lot Frontage	50 feet (15m)
Minimum Front Yard	20 feet (6m)
Minimum Rear Yard	20 feet (6 m)
Minimum Side Yard	13 feet (4 m)
Maximum Height of Main Building	20 ft (6 m.)
Parking for Retail Stores	1 space per 15 sq. m(162 sq. ft.) of floor area

2. Municipal Services

A development permit shall only be issued in the Neighbourhood Commercial (C-2) Zone where the development is to be serviced by Municipal Water and Sewer.

3. Abutting Residential Zones

Notwithstanding the regulations set out in Table 9.1, where the interior side yard or the rear yard of a property in the Neighbourhood Commercial (C2) Zone abuts a residential zone or use, the minimum interior side or rear yard respectively shall be 20 feet (6.1 metres) or, where an opaque fence at least 5 feet (1.5 metres) in height is built along the abutting lot line, the abutting yard requirement shall be 10 feet (3 metres).

4. Maximum Floor Area

In a Neighbourhood Commercial (C-2) Zone not more than 50 sq. m (538 sq. ft.) of floor area may be devoted to commercial purposes. For the purpose of this section commercial purposes shall exclude furnace room, utility rooms, and washrooms. In addition storage space not exceeding twenty percent (20%) of the total floor area of the building shall be excluded.

5. Special Requirement: Outdoor Storage

No outdoor storage shall be permitted in any yard in a C-2 Zone.

6. Special Requirement: Conversion of Existing Buildings

All yard and height requirements shall be waived for an existing structure converted to a C-2 use.

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HIGHWAY COMMERCIAL (C3) ZONE**1. PERMITTED USES**

Permitted uses in the Highway Commercial (C3) Zone shall include but not be limited to the following:

1. Commercial Uses

- uses permitted in the Downtown Commercial (C1) Zone
- automobile sales and service
- automobile service station
- boat and marine supplies and sales
- building supply
- commercial schools
- shopping centers
- farmer's markets
- business, professional and government offices
- commercial recreational uses
- commercial uses utilizing heavy equipment and/or heavy vehicles
- custom workshops, gift and souvenir stores
- general retail and rental shops
- hotels, motels, and inns
- pet grooming establishment
- small engine and equipment repair
- drive-in and take out restaurants
- veterinary clinics
- wholesale uses
- restaurants, lounges, beverage rooms and cabarets
- service industries - **excluding** milk and dairy processing facilities and sheet metal shops
- service shops - not including welding or machine shops
- taxi and bus stations

2. Non-Commercial Uses

- public information booths, subject to the (I) Zone Requirements
- uses permitted in the Institutional (I) Zone subject to the requirements of the Institutional (I) Zone
- medical practitioners' offices and clinics
- uses permitted in the Recreation (P) Zone subject to the requirements of the Recreation (P) Zone
- parking lots and parking structures
- private clubs
- assembly uses
- residential uses in commercial buildings to a maximum of two units
- existing residential uses subject to the requirements of the Residential (R1) Zone
- light industrial uses
- industrial services

2. ZONE REQUIREMENTS

1. Lot, Yard, and Height Requirements

TABLE 11.1

Highway Commercial (C3) Zone Requirements

Minimum Lot Area m ²)	10,000 ft ² (929 m ²)
Minimum Lot Frontage	98 feet (30 m)
Minimum Front Yard	26 feet (8 m)
Minimum Rear Yard	33 feet (10 m)
Minimum Side Yard	20 feet (6 m)
Maximum Height of Main Building	10.7 m (35 ft.)

2. Abutting Yard Requirements

Table 10.1 notwithstanding, where a yard on a lot located in a Highway Commercial (C-3) Zone abuts any Residential, Institutional, or Recreation Zone or use, the following provisions shall apply:

- a) the minimum side yard requirement for the abutting side yard shall be 9 m (30 ft.) however, this may be reduced to 6 m (20 ft.) where a 1.8 m (6 ft.) high opaque fence is provided;
- b) no parking space shall be permitted in an abutting yard within 6 m (20 ft.) of a side or rear lot line in the Highway Commercial (C-3) Zone, however, this may be reduced to 1.5 m (5 ft.) where a 1.8 m (6 ft.) high opaque fence is provided;
- c) driveways and access to parking and loading areas are permitted in the required abutting yard; and
- d) any required abutting yard, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space.

3. Abutting Yard Exemption

Notwithstanding the above abutting yard and outdoor storage and display requirements, where the side(s), rear or front yard of a Highway Commercial (C3) Zone property does not abut a residential, institutional or recreational use, the abutting yard requirements for parking and outdoor storage and display shall be waived.

3. Outdoor Storage and Display

- a) Outdoor storage or display shall be permitted only within the rear or side yards and shall be limited to fifty percent lot coverage.
- b) Outdoor storage and display shall be fenced or otherwise screened to minimize their visibility from adjoining properties or public areas including streets.
- c) No outdoor storage or display shall be permitted within in a required abutting yard.
- d) Notwithstanding anything else in this Part, automobiles, watercraft, recreational vehicles, and other similar products, displayed for the purposes of sale or rent, shall be permitted within any yard abutting a public street within the Highway Commercial (C3) Zone.

4. Motor Vehicle Service Stations

The following requirements apply to motor vehicle service stations where permitted by this By-law:

- a) the lot frontage shall be a minimum of 45.7 meters (150 ft.) or, in the case of a corner lot both the front and flanking lot lines shall be a minimum of 30.5 meters (100 ft.) each;

- b) the minimum distance between ramps or driveways shall not be less than 9, meters (30 ft.);
- c) the minimum distance from a ramp or driveway to a street intersection shall be 15.2 meters (50 ft.);
- d) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees and the maximum angle of intersection shall be ninety (90) degrees;
- e) the minimum width of a ramp shall be 7.6 meters (25 ft.); and
- f) the minimum height of any canopy or cover over a pump island shall be 4.3 meters (14 ft.);
- g) no part of any canopy or cover over a pump island shall be closer than 3 meters (10 ft.) from any street line; and
- h) where the business operation includes an automobile washing establishment, separate ramps shall be provided for the washing establishments and no cleaning operations of any sort shall be carried on outside of the building.

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INDUSTRIAL (1ND) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Industrial (1ND) Zone except for one or more of the following uses:

1. Industrial Uses

- manufacturing, processing, assembly or warehousing operation, **excluding** heavy industry, scrap yards or salvage yards
- any activity connected with the motor vehicle trade, including automobile service stations
- marine industrial uses including ship repairs, remediation and retrofitting, decommissioning and related material recycling.
- recycling, warehousing, storage, and distribution
- parking and/or storage of industrial or heavy commercial vehicles, equipment, and similar goods
- boat and marine supplies and sales
- public transportation, equipment and supply depots including the bulk storage of sand, gravel or other materials
- utilities including electrical, sewer and water works operations
- service industries
- docking facilities and marinas

2. Non-Industrial and Mixed Uses

- a combination of permitted uses in the same building
- wholesale uses
- commercial uses, accessory to a main use permitted in the (1ND) Zone, and conducted on the same building or lot as the main use
- recreation (P) uses subject to the requirements of the Recreation (P) Zone **excluding** golf courses
- business, medical, and professional offices
- commercial recreation centers

2. ZONE REQUIREMENTS**1. Lot and Yard Requirements**

No development permit shall be issued except in conformity with the following requirements:

Table 12.1

Minimum Lot Area	929 sq. m (10,000 sq. ft.)
Minimum Lot Frontage	30 m (98 ft.)
Minimum Front Yard	7.6 m (24.9 ft.)
Minimum Rear Yard	7.6 m (25 ft.)
Minimum Side Yard	6 m (20 ft.)

2. Special Requirements: Environmental Controls

(1) Prior to the issuance of a permit for marine industrial uses including ship repairs, remediation, retrofitting, decommissioning and related material recycling, the applicant shall provide to the Development Officer evidence that all necessary approvals from

government agencies have been obtained and shall indicate any conditions attached thereto including but not limited to the following:

- any procedures and/or processes for identifying, removing, tracking, storing transporting and disposing of all potential pollutants and hazardous materials encountered
- any required waste disposal certificates associated with the activity as well as any additional evidence to support compliance with relevant federal and provincial environmental laws and regulations
- any environmental emergency response plans or procedures to ensure possible environmental impacts and/or potential non-compliance situations can be mitigated

3. Motor Vehicle Service Stations

The following requirements apply to motor vehicle service stations where permitted by this By-law:

- a) the lot frontage shall be a minimum of 45.7 meters (150 ft.) or, in the case of a corner lot both the front and flanking lot lines shall be a minimum of 30.5 meters (100 ft.) each;
- b) the minimum distance between ramps or driveways shall not be less than 9, meters (30 ft.);
- c) the minimum distance from a ramp or driveway to a street intersection shall be 15.2 meters (50 ft.);
- d) the minimum angle of intersection of a ramp to a street line shall be forty-five (45) degrees and the maximum angle of intersection shall be ninety (90) degrees;
- e) the minimum width of a ramp shall be 7.6 meters (25 ft.); and
- f) the minimum height of any canopy or cover over a pump island shall be 4.3 meters (14 ft.);
- g) no part of any canopy or cover over a pump island shall be closer than 3 meters (10 ft.) from any street line; and
- h) where the business operation includes an automobile washing establishment, separate ramps shall be provided for the washing establishments and no cleaning operations of any sort shall be carried on outside of the building.

4. Abutting Yard Requirement

Where a yard, located within an Industry (IND) Zone abuts, a Residential Institutional, Recreation Zone or Rural Residential Zone, the following restrictions shall apply:

- a) the minimum yard requirement for an abutting yard shall be:
- b) 15.3 m (50 ft.); or
- c) 6 m (20 ft.), where a fence, berm or landscaping forms an opaque visual buffer at least 1.8 m (6 ft.) in height;
- d) no parking or loading space shall be permitted in an abutting yard within 15.3 m (50 ft.) or 6 m (20 ft.) or where a berm or fencing of at least 1.8 m (6 ft.) in height is provided;
- e) parking or loading space shall be permitted in the abutting yard;
- f) driveways and access to parking and loading areas shall be permitted in the abutting yard requirement; and
- g) any abutting yard requirement, exclusive of any driveways or access to parking or loading areas, shall be landscaped open space.

5. Outdoor Storage and Display

- a) No outdoor storage or display shall be permitted within any required yard;

- b) Where permitted, outdoor storage areas shall be fenced or otherwise screened to minimize visibility from a public street or adjoining property.

3. SPECIAL REQUIREMENT: FLAG LOTS

Section 2 of this part notwithstanding, no development permit shall be issued except in conformance with the following requirements:

1. Lot and Yard Requirements

Table 12.2

Industrial (IND) Zone Requirements for Flag Lots

Minimum Lot Area	929 sq. m (10,000 sq. ft.)
Minimum Lot Frontage	6 m (20 ft.)
Minimum Front/Rear Yard	7.6 m (25 ft.)
Minimum Side Yards	6 m (20 ft.)

13 *INSTITUTIONAL (I) ZONE*

1. PERMITTED USES

No development permit shall be issued in an Institutional (I) Zone except for one or more of the following uses:

1. Institutional Uses

- cemeteries
- auditoriums
- colleges/universities
- community centres
- cultural facilities and uses cultural uses
- daycare facilities/nursery schools/early learning centres
- fire stations
- food banks
- hospitals
- libraries
- museums
- non-commercial schools
- places of worship and associated residential uses
- police stations
- post offices
- private clubs
- government buildings and uses
- public buildings
- special care facilities
- youth centres
- nursing homes
- enriched seniors residences

2. Non-Institutional Uses

- recreation (P)) uses subject to the requirements of the Recreation (P) Zone
- private schools
- commercial community center
- private recreation centers
- medical practitioner offices and clinics
- funeral homes
- private recreational facilities
- residential uses to a maximum of two units
- veterinary clinics

2. ZONE REQUIREMENTS

1. Lot Requirements

TABLE 13.1
Institutional (I) Zone Lot Requirements

Minimum Lot Area	5,005ft ² (465m ²)
Minimum Lot Frontage	50 feet (15.3 m)
Minimum Front Yard	20 feet (6 m)
Minimum Rear Yard	20 feet (6 m)
Minimum Side Yard	8 feet (2.5 m)
Maximum Height of Main Building	10.7 m (35. ft.)

2. Outdoor Storage and Display

Notwithstanding Part 3, Section 2(5) Temporary/Special Uses, the outdoor storage or display of goods in the Institutional (I) Zone shall be prohibited except in conjunction with special events, sidewalk sales, or festivals, to a maximum period of thirty days for each calendar year.

3. Where Abutting a Residential Zone

Notwithstanding anything else in this Part, where a lot situated within the Institutional (I) Zone, abuts a residential zone the following standards shall apply:

- a) The minimum side and rear yard requirement for the abutting yard shall be 20 feet (6.1 metres) and all areas within the abutting yard shall be landscaped open space.
- b) No parking space shall be permitted in a required abutting yard except where an opaque fence and/or landscaped buffer strip, having a minimum width of 6 feet (1.8 metres), is provided.

4. Special Requirements for Veterinary Clinics

Where permitted within the Institutional (I) Zone, the following additional, special requirements for veterinary clinics shall apply:

- a) provisions for overnight accommodation of animals shall be limited to 150 sq. ft within the existing building footprint.
- b) when overnight animal accommodations involve dogs, the number of dogs shall be limited to four (4).
- c) a minimum National Building Code of Canada sound transmission class (STC) measurement of 50 to reduce sound transmission shall be required.
- d) where a veterinary clinic is permitted within the Institutional (I) Zone, the subject property shall be maintained in a safe and clean manner thru consistent and regular removal of any animal excrement.

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RECREATION (P) ZONE**1. PERMITTED USES**

No development permit shall be issued in a Recreation (P) Zone except for one or more of the following uses:

1. **Recreation Uses**
 - cenotaphs
 - conservation areas
 - gazebos, pavilions, band shells
 - monuments
 - parks
 - picnic areas
 - playgrounds, playing fields
 - public and private recreation uses such as tennis courts, swimming pools, golf courses, arenas
 - recreation facilities
 - trails
 - buildings, structures, and uses accessory to the foregoing
2. **Non-Recreational Uses**
 - community centres
 - commercial uses accessory to a Recreation (P) use

2. ZONE REQUIREMENTS**1. Lot Requirements**

TABLE 14.1
Recreation (P) Zone Lot Requirements

Minimum Lot Area	3000 sq. ft (278 sq. m)
Minimum Lot Frontage	20 feet (6 m)
Minimum Front Yard	20 feet (6 m)
Minimum Rear Yard	20 feet (6 m)
Minimum Side Yard	15 feet (4.6 m) or half the height of the main building, whichever is greater

2. Outdoor Storage and Display

Notwithstanding Part 3, Section 2(5) Temporary/Special Uses, the outdoor storage or display of goods in the Recreational (P) Zone shall be prohibited except in conjunction with special events, sidewalk sales, or festivals, to a maximum period of thirty days for each calendar year.

3. Public Uses

Notwithstanding anything else in this By-law, in the Recreation (P) Zone, nothing shall prevent the use of any land as a public park, community park, playground, or prevent

the erection of a gazebo or similar open air structure, monument, statue, cenotaph, or bench.

4. Abutting a Residential Zone

Notwithstanding anything else in this Part, where a lot situated within the Recreational (P) Zone, abuts a residential zone the following standards shall apply:

- a) The minimum side and rear yard requirement for the abutting yard shall be 20 feet (6.1 metres) and all areas within the abutting yard shall be landscaped open space.
- b) No parking space or outdoor storage shall be permitted in a required abutting yard except where an opaque screen in the form of a fence and/or landscaping are provided, in which case no parking or outdoor storage shall be permitted within 6 feet (1.8 metres) of the abutting lot line.

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WATERSUPPLY (H2O) ZONE**1. PERMITTED USES**

No development permit shall be issued in the Watersupply (H2O) Zone except for one or more of the following uses:

- passive recreation uses
- conservation related uses and structures
- public utilities
- wireless telecommunication towers
- public walking trails
- public day use parks, **excluding** buildings other than small accessory buildings
- non-Intensive agricultural uses, **excluding** buildings or structures other than small accessory buildings or structures
- single detached dwellings

2. H2O ZONE REQUIREMENTS**1. Lot Requirements**

No development permit shall be issued in the H2O Zone unless in conformity the following requirements:

Table 15.1
Watersupply (H2O) Zone Requirements

Minimum lot Area	1.6 ha (4 acres)
Minimum lot Frontage	46 m (151 ft.)
Minimum Front Yard	10 m (33 ft.)
Minimum Side Yard	3 m (10 ft.)
Minimum Rear Yard	10 m (33 ft.)
Maximum Building Height	10.7 m (35 ft.)

2. Special Requirements: Wireless Telecommunication Towers

1. Accessory structures used for storage/maintenance and operation of a wireless telecommunication tower shall be constructed upon a permanent, enclosed footing and slab.
 2. Minimum set backs for wireless telecommunication towers shall be determined as equal to the height of the tower when abutting public property or utilities and shall be equal to twice the height of the tower from residential areas.
 3. The minimum lot area for a wireless telecommunication tower shall be six (6) acres.
 4. No corporate logos or associated signage shall be incorporated into the tower structure.
4. Any alteration of topography, levelling of land or removal of site materials must be conducted in consultation with the Superintendent of Public Works for the Town of Pictou.