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INTRODUCTION**Preamble**

This document constitutes the Municipal Planning Strategy for the Town of Pictou. This Municipal Planning Strategy updates and replaces Pictou's earlier Municipal Planning Strategy, originally adopted in 1994.

Purpose

The Town of Pictou Municipal Planning Strategy is comprised of policies intended to manage future growth and change in the Town and to provide guidance on land use and related development issues. Prior to enacting any By-law that would regulate development, a council must prepare a Municipal Planning Strategy that sets out the rationale for any land-use policy or development regulations. The Municipal Planning Strategy is also intended to establish policy statements to guide Town Council in making any non-regulatory development decisions. The Nova Scotia Utility Review Board also uses the Municipal Planning Strategy as the basis for its decision in the case of an appeal of a decision of a council as provided under the Municipal Government Act.

This document is expected to be in place a minimum of five years prior to a full review. As a result, it is imperative that the Strategy accommodates changing circumstances and yet clearly states Council's policy positions on land use and related development issues.

Basis

This Strategy has been prepared according to the provisions of the *Municipal Government Act*, Revised Statutes of Nova Scotia, 1998, as amended. The Provincial government, through the *Municipal Government Act (MGA)*, has enabled municipal councils to establish policies and by-laws to regulate local development. This arrangement ensures that local municipalities are capable of addressing planning and development issues that fall within or affect their jurisdiction, and that these concerns are addressed through a process which is accessible to local residents.

In 2001 the Pictou Town Council authorized a full Review of the Town's Municipal Planning Strategy and Land Use By-law. The plan review program was co-ordinated by the Town's Planning Advisory Committee, under the direction of Council. Under the guidance of the Planning Advisory Committee, the plan review program consisted of the following four phases:

- Phase 1 - Issue Identification/Collection of Background Materials;
- Phase 2 - Establishment of Objectives;
- Phase 3 - Policy Development; and
- Phase 4 - Council Consideration and Adoption.

The Town Council undertook an extensive consultation program to ensure that the content of this Strategy deals with issues that are important to the Town. The policies contained in this Strategy have been prepared as a result of background studies and consultation with the public and other stakeholders, groups and individuals. Phase (1) one of the review involved the identification of issues and collection of background materials. Through discussions with Town staff and relevant stakeholders, a list of issues was identified. This list was taken to the public for comment through an open house meeting. Once all issues had been identified, a draft Municipal Planning Strategy and Land Use By-law was prepared. The Municipal Planning Strategy and Land Use By-law were taken to the public for review via an informal open house. A

final draft Municipal Planning Strategy and Land Use By-law was prepared which took into consideration the comments obtained from both the public and stakeholders.

Organization

This Municipal Planning Strategy consists of written text and a Future Land Use Map. The Town of Pictou Municipal Planning Strategy (MPS) is divided into the following parts:

1. Introduction
2. Community Profile
3. General Provisions
4. Municipal Infrastructure
5. Environmental Protection
6. Residential Development
7. Waterfront Development
8. Heritage
9. Commercial Development
10. Industrial Development
11. Institutional Development
12. Recreation
13. Implementation
14. MPS Maps and Appendices

The Municipal Planning Strategy publication is based on the original adopted by the Town Council on **(March 11th, 2002)** following a public hearing advertised **(February 20th and 27th, 2002)** in the Advocate and reviewed by the Minister of Service Nova Scotia and Municipal Relations **(April 4th, 2002)**. The Office Consolidation includes Ministerial Amendments to the original and will be revised from time to time as required by future amendments. **Office Consolidations are prepared for conveniences only, therefore, for accurate reference, refer to original documents, available at the Pictou County District Planning Commission.**

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COMMUNITY PROFILE

Background

The Town of Pictou is located on the north shore of Nova Scotia on the Northumberland Strait. The Town, located on the north shore of Pictou Harbour, is comprised of approximately 2,060 acres (833 hectares) of land. Approximately 677 acres are developed with urban services while the remaining 1,383 acres are mostly undeveloped.

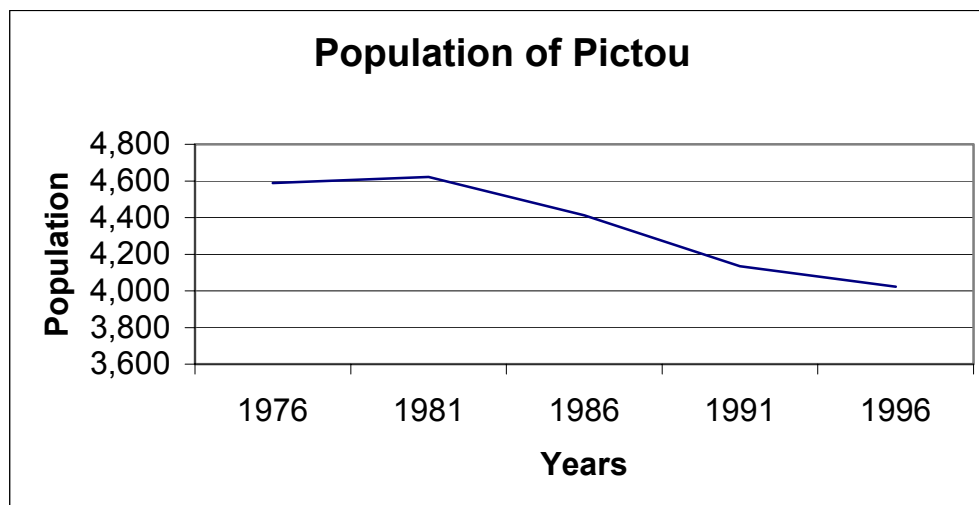
The history of Pictou began in 1773 with the arrival of a group of Scottish settlers aboard the ship Hector. This beginning has earned the Town of Pictou the title of "Birthplace of New Scotland". The Town developed slowly along what is known today as Water Street, which anchors a distinctive area with large older homes and tree lined streets. The core commercial and industrial areas were located near the waterfront in the vicinity of Front, Church and Water Streets.

Major growth periods in the Town included the late 1800's when the Town became a centre for education, shipbuilding and fisheries. During the war years Pictou was an important port with shipbuilding, fishing and port facilities playing a vital role in the economy of the Town and surrounding area. In the 1980's the downtown core and waterfront district underwent a multi-million dollar renovation, enhancing the Town's image as an attractive tourist destination.

Today Pictou is the third largest town in Pictou County, and along with the four "up river" towns, forms the third largest urban area in Nova Scotia. The Town serves as the county seat or "shiretown" for Pictou County. Newer subdivisions, featuring curvilinear streets and other modern development patterns, have been built in the north and west districts of the Town. The vast majority of this new development contains single-family dwellings.

Population

Pictou has had a relatively stable population averaging 4200 persons since the late 1950's. The population began rising in the mid seventies and reached its peak in 1981 with a count of 4,621 persons. This trend was short-lived, as between 1981 and 1986 the population dipped 4.7%. As well, the 1986-1991 period demonstrated a further reduction of 6.3%. The latest census data from 1996 resulted in a count of 4,022 persons, representing a 2.7% decrease in population from 1991 levels. A similar population decline is occurring in other Pictou County towns, and can be attributed to both a decline in the local economy and the centralization of services in larger urban areas. Given these population trends it is not expected that the town will experience significant population growth over the next few years. These trends have influenced the objectives and policies contained within this document.



The Town of Pictou has a population density of 1.95 persons/acre (4.83 persons/ha). Most of the developed parts of the Town are located between the waterfront northward to an area just past Oak Ridge Terrace Court. Municipal water and sewer service much of the land in this urban area.

The Department of Economic Development, in co-operation with the Atlantic Canada Opportunities Agency commissioned a study in population, household, and family projections. Population growth had been examined in this study (CanMac 1991), which projected a continued population reduction in Pictou County of 2.6% by 2007. These declines are due to smaller family sizes, emigration and aging populations.

Despite declining population, there here has been an increase in the total number of dwellings in Pictou from 1,195 in 1976 to 1,554 in 1996, (Statistics Canada, 1996). This is a result of the tendency to relocate to new housing as average household size has decreased over the last 25 years. Of these occupied dwellings, approximately 67% are owned while 32% are rental units.

Population projections for small populations are difficult to model using deaths, births, cohort survival and migration, as factors. Migration usually becomes the most significant factor and is influenced by economic and other social patterns that are not predictable. Significant population changes can occur associated with fortunes of local industry. Pictou County has several large, relatively stable employers such as Michelin (1600 persons employed) and Kimberly-Clark (400 persons). These tend to result in an overall stable employment base supported by local service industries. Based on past records, it is likely that the population will continue to slowly decrease. Only a major infusion of employment opportunities would be likely to reverse this situation. As a result, it is a major aim of this Planning Strategy to stimulate development to minimize population decline. The Plan is flexible enough to deal with some growth but should a dramatic surge in construction activity or a major employment change occur, it is desirable for Council to again review this Planning Strategy to ensure adequate development control mechanisms are in place.

Community Objectives

Aside from a final chapter on implementation and the Generalized Future Land Use Map, the remainder of this strategy is broken down into ten chapters representing each of Pictou's policy areas: general provisions, municipal infrastructure, environmental protection, residential, waterfront, heritage commercial, industrial, institutional, and recreation. Objectives and policies are presented for each of the ten policy areas in their corresponding chapters. The primary objectives for each policy area are as follows:

General Provisions

To ensure that Pictou remains a safe and enjoyable place in which to live, play, and work; to encourage new residential, commercial and industrial development, including accessory uses, to occur in an orderly, economical manner; to ensure that the overall interest of the community, specifically the development of an attractive, safe, healthy, and prosperous community, is a priority when regulating the development, reconstruction, expansion, alteration, maintenance, or recommencement of a land use or a structure.

Municipal Infrastructure

To improve the functioning and quality of sanitary sewers, sewage treatment, solid waste collection and disposal, and water distribution services; to ensure that such services are provided and managed in an efficient and economical manner which will meet existing and future needs of the community; to establish an adequate and well maintained system of public streets which provides for an efficient flow of traffic and safe, convenient access to existing and future areas of development; and to ensure that a coordinated approach is taken in the planning, upgrading and extension of municipal infrastructure in the planning and approval of new development.

Environmental Protection

To ensure that development and servicing of land for urban purposes occurs in an environmentally safe manner and to establish land use standards which minimize disruption of natural drainage areas; to provide continued support for the protection, management and designation of the Caribou Wellfield as Pictou's water supply.

Residential

To encourage the development of a variety of housing forms that provide residents with a wide choice of affordable accommodation possibilities; to promote Pictou as a desirable place to live; to preserve the character of existing neighbourhoods by encouraging attractive and appropriate design of new development; to preserve and enhance the character of the Town's residential neighborhoods by preventing the encroachment of commercial or industrial development into those neighborhoods, while permitting small scale neighborhood oriented businesses and unobtrusive home occupations; and to encourage residential development to occur in areas that are serviced with municipal water, sewer and infrastructure.

Waterfront

To encourage development of tourist related infrastructure and facilities in order to capitalize on the opportunity offered by the growing role of tourism in the region's economy; to recognize and support waterfront development through the Waterfront Development Committee as well as working cooperatively with other groups with similar interest and aims.

Heritage

To encourage the conservation, protection, and rehabilitation of historically significant buildings, streetscapes, architectural and cultural features; to support the role of these features in cultural and tourism development initiatives by encouraging their ongoing use.

Commercial

To encourage the development of business and commercial uses to serve the Town, visitors, and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to protect and encourage the viability of the downtown as a shopping area, an employment base, and as the community's focal point; and to encourage new highway oriented commercial development adjacent to the Trans-Canada (106) Highway at the Pictou Rotary; and to promote the development of information technology based business, offices and research and development opportunities.

Industrial

To promote Pictou as a viable location for new industrial development; to take advantage of Pictou's proximity to highway transportation infrastructure by designating those lands which are easily accessible from the Trans-Canada (106) Highway as Industrial and by accommodating a wide variety of light industrial uses in this designation; to take advantage of Pictou's proximity to the Northumberland Strait by designating those lands adjacent to Pictou Harbour as Industrial designations and by accommodating a wide variety of light industrial, manufacturing, marine and offshore related uses in these designations.

Institutional

To ensure that institutional uses are conveniently located and accessible to the community and its residents; and, to ensure that new institutional uses are compatible with any adjacent residential neighbourhoods.

Recreation

To provide and maintain a variety of recreational spaces, facilities and programs to meet the year round recreational needs of the community; to ensure that Pictou continues to be a provider of recreational spaces, facilities and programs at the local and regional level and that these needs are viewed in a regional capacity.

Implementation

To enable Council to control the development of land in the Town in an orderly and timely manner; to ensure that the policies in this Municipal Planning Strategy are implemented in a consistent manner; to ensure that all development proposals, the Land Use By-law and all other planning and development decisions of Council and Planning Advisory Committee are consistent with the intention of the policies contained in this Strategy; to ensure that public awareness and active participation in the planning process is encouraged.

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GENERAL PROVISIONS

This section is intended to provide policy statements to support and implement general provisions in the Land Use By-law. This section deals with structures and uses that may have implications relating to concerns such as safety and appearance. These implications affect the community as a whole. Council's desire to encourage the development of an attractive and safe community requires that Council regulate structures and uses that have an impact on surrounding land uses and, as such, are general development concerns pertaining to no one specific zone.

Objective

To ensure that Pictou remains a safe and enjoyable place in which to live, play, and work; to encourage new residential, commercial and industrial development, including accessory uses, to occur in an orderly, economical manner; to ensure that the overall interest of the community, specifically the development of an attractive, safe, healthy, and prosperous community, is a priority when regulating the development, reconstruction, expansion, alteration, maintenance, or recommencement of a land use or a structure.

Policies

Accessory Structures and Uses

A use, separate building, or structure which is situated on the same lot as and which is incidental to the principle use of the property is considered to be an accessory structure or use. Garages, decks, or other structures which are connected to the main building are not accessory uses. Instead they are part of the main building and are subject to the requirements pertaining to the main building. In order to maintain an orderly pattern of development and to allow for the efficient provision of infrastructure services, accessory structures shall not be used as dwellings.

Council's primary concern with respect to accessory uses is that they do not visually detract from the appearance of the community, and that they do not hinder adjacent landowners in the enjoyment of their properties. Accessory uses should be separated from adjoining properties enough to maintain a degree of privacy between the lots. This separation should also provide enough room to allow maintenance of the accessory structure from the lot on which it is situated. Council also intends to limit the size of accessory structures in order to minimize their visual impact. Council intends to permit, as-of-right, minor accessory uses which are insignificant in terms of their potential impact on surrounding land uses, including such structures as retaining walls, clothes-line poles, and garden trellises.

Policy G-1: Not for Human Habitation

Accessory structures shall not be used for human habitation.

Policy G-2: Impact on the Community

It shall be the intention of Council to minimize the impact of accessory uses and structures on adjacent properties and the surrounding neighbourhood.

Policy G-3: Where Permitted

Where a lot in Pictou is occupied by a use permitted by this Planning Strategy, that use may include accessory uses and structures provided that the Land Use By-law establishes regulations pertaining to the location of the accessory structure on the lot, as well as its size and height.

Policy G-4: Accessory Uses and Structures Permitted As-of-Right

Accessory uses such as retaining walls, fences, clothes-line poles, and garden trellises will be permitted as-of-right throughout the Town.

Policy G-5: Corner Vision Triangle

It shall be the intention of Council to regulate the placement and height of structures in the corner vision triangle of a street intersection. To ensure that development on corner lots does not result in the obstruction of sight lines on public streets and right of ways, the Land-Use By-law shall set out restrictions on the placement and height of structures including but not limited to fences, signs, vegetation, retaining walls etc.

Policy G-6: Outdoor Storage and Display

It shall be the intent of Council to regulate or prohibit outdoor storage and display of goods, machinery, vehicles, building materials, waste materials, aggregates, and other such items within all zones except in the general commercial and industrial zones. To improve the physical appearance of these land uses, where permitted, provisions shall require outdoor storage sites to ensure they are screened with landscaping or structures.

Fences

It is Council's intention that, because of their limited impact on surrounding land uses, fences will be permitted as-of-right throughout the Town. However, where a fence is required to be built by the Municipal Planning Strategy and Land Use By-law, a development permit will be required to ensure the structure is constructed according to the standards set out in the by-law.

Policy G-7: Fences

It shall be the intention of Council to regulate only those fences that are required under Pictou's Municipal Planning Strategy or Land Use By-law.

Signs

Signs can have a significant impact upon the aesthetic character of the Town. In some circumstances, signage can be distracting and poses safety concerns to both pedestrian and vehicular traffic safety. In an attempt to maintain an aesthetically pleasing environment, minimize adverse impacts on adjacent properties, and reduce safety concerns, Council feels that certain limits need to be placed on the use of signs. Accordingly, the Land Use By-law shall regulate the type, size, location, and number of signs permitted in various zones in the Town, and shall prohibit certain signs in all zones for reasons of safety or aesthetics.

As provided for in the *Municipal Government Act*, Council also wishes to regulate signs in order to strike a balance between the public right to be informed, the business/service right to advertise and the community right to limit visual pollution. To achieve their intended contribution to the quality and economic viability of community life, signs must be properly sized and located. To be effective, consideration must be given to the size, height and placement of signs relative to the particular driving or walking circumstances of the public.

Consideration should also be given to sign design to ensure that the design blends with building architecture. Common pitfalls and problems that sign regulations will address are:

- 1) more, bigger & higher - the perceived need to 'keep up with competition';
- 2) traffic safety - sign placement in relation to the streets, driveway and parking isles to minimize lighting glare, confusion and distractions and maximize safety;
- 3) structural safety - the need to ensure that signs meet building and electrical code requirements and that regular maintenance is maintained;
- 4) visual blight - signs as part of the public environment effect everyone in, near or passing through an area where signs are used, thus the need to encourage practices that address the need to improve and compliment the street environment; and
- 5) nuisance - the need to control any negative impact on neighbouring land uses from light glare, and noise.

Signs used by residents to advertise yard sales, property identification signs, real estate signs, and other similar signs, which are common in a residential area shall be permitted as-of-right. Such signs shall not require a development permit.

Policy G-8: Signs

It is the intention of Council to place limits on signs and other forms of public display through specific provisions in the Land Use By-law. Certain signs shall be prohibited in all zones and others shall be permitted as-of-right in all zones. Other signs shall be regulated as to type, material, size, location, and number in the Land Use By-law.

Parking

Council's primary objective with regard to parking is to ensure that sufficient, adequately designed off-street parking is provided for to meet traffic and retail demands and that these parking facilities are designed to provide year round and safe accommodation of vehicles.

Generally, existing development in the downtown has no setbacks, side yards or provisions for off street parking. Essentially this approach has worked in the past. A commercial parking area study, completed in 1992 determined there was a sufficient number of parking spaces available. The problem therefore, is one of quality rather than quantity. In the longer term, Council believes additional parking areas will be required and that the onus for providing parking lies with both the developer and the Town. Therefore, Council feels that all new developments in the downtown must provide off-street parking. However, for new businesses that are zoned Downtown Commercial (C1), Council will consider the option of a cash payment instead of providing parking. These moneys will be used to upgrade existing parking areas or purchase land and construct new parking areas in the future.

Many areas in Pictou have a density factor so high that developments of any kind may be hindered by the application of parking regulations. Council in their continued support of having new development in Pictou and to ensure the needs of existing uses are adequately met wishes to provide some flexibility in terms of parking. Therefore, Council wishes to permit the development of parking lots on separate lots for all uses in Pictou. Council in permitting this type of development must ensure that adequate controls are in place for such parking areas. Therefore Council requires that such a use be subject to a development agreement.

Policy G-10: Establishment of Parking Committee

It shall be the intent of Council to investigate and, if appropriate, take the necessary steps to establish a parking committee, with representation from the Business Improvement District Committee to report to the Planning Advisory Committee to advise Council on parking issues in the Town of Pictou.

Policy G-11: Parking Requirements in Abutting Yards

To minimize conflict between residential and commercial land uses, abutting yard requirements will be set out in the Land-Use By-law. The abutting yard is intended to provide a physical separation to minimize the impact of the commercial use of land adjacent to residential zones. Off-street parking areas for more than four cars shall be paved and adequately screened from adjacent residential uses.

Policy G-12: Off-Street Parking Requirements

Provisions shall be included in the Land Use By-law which shall set out requirements for off-street parking involving four or more vehicles, location of driveways, and standards regarding their design. All development proposing to locate in Pictou shall be required to provide off-street parking or, under certain circumstances, a cash equivalent and shall be subject to the above mentioned provisions.

Policy G-13: Off-Premises Parking

The development of off-premises parking lots for all uses in areas where not permitted otherwise shall be permitted by development agreement negotiated in accordance with Policy IMP-12. Council shall, in particular, ensure that the applicable regulation set out in the Land-Use By-law concerning parking requirements and parking area standards are met in addition to:

- 1) proposed off-premise parking areas are paved and constructed with curbs and gutters for dust control and appearance and to ensure proper management of surface water runoff;
- 2) the perimeter of the proposed off-premises parking area that abuts the Residential (R-1) Zone, at least one live evergreen tree, a minimum of 1.5 meters (4.9 ft.) in height is to be planted for every 6 linear meters (19.7 ft.) of perimeter. Existing trees shall be encouraged to be retained and be accounted for in this formula. All areas not covered by parking area must be landscaped.

Policy G-14: Provision of Downtown Parking

It shall be the intention of Council to ensure that adequate, quality parking is available to support retail activity in the downtown.

Policy G-15: Cash-In-Lieu

It shall be the intention of Council to accept cash-in-lieu of on-site parking in those areas zoned "Downtown Commercial" (C1) in the Land Use By-law. Funds so received shall be used to purchase, construct, and maintain public parking facilities. The amount of the required payment to the Town shall be determined by formula contained in the Land Use By-law.

Temporary and Special Uses

Throughout any community there are activities going on which are associated with new development and the normal activities of residents. "Temporary uses" refer to those uses and structures which are associated with new construction activity in the Town. Such uses include construction sheds for the housing of personnel, tools, or materials, offices, or signs which are located on the construction site while the work is proceeding. These uses are normal components of construction activity and Council does not intend to restrict their use in the Town. Council will, however, require that temporary uses be removed from the construction site shortly after work is completed.

The term "special uses" refers to those signs, banners, structures, and other structures which are used during special events such as elections or festivals. As with temporary uses, Council will permit these uses in the Town on a temporary basis. Council will require that special uses be discontinued shortly after the special event is concluded.

Policy G-16: Temporary Structures

Temporary structures used in conjunction with a construction or subdivision project (for which a development permit has been issued), including offices, scaffolding, signs, and structures for the storage of equipment and material shall be permitted in the Town. No development permit shall be required for such uses.

Policy G-17: Special Uses

Special uses and structures such as signs, banners, display booths, and other similar structures shall be permitted in the Town in conjunction with an election, festival, celebration, or other special event. No development permit shall be required for such uses.

Policy G-18: Duration of Temporary Use

The temporary uses or special uses referred to in Policies G-16 and G-17 shall not be permitted to remain in the Town for more than 15 days following completion or discontinuation of construction (in the case of a temporary use), or the special event is concluded (in the case of a special use).

Illumination

In order to prevent conflicts between adjacent uses resulting from indiscriminate placement of outdoor lighting, particularly flood lights, Council will require that placement of lighting be regulated in the general provisions section of the Land Use By-law.

Policy G-19: Outdoor Lighting

It shall be the intention of Council to require that all illuminated signs or outdoor lighting be so placed to direct the illumination away from adjoining properties and streets through provisions in the Land-Use By-law, in order to prevent conflicts between adjacent uses resulting from indiscriminate placement of outdoor lighting, particularly, flood lights.

Swimming Pools

Swimming pools, which, because of associated safety problems, require additional regulations. These regulations are necessary to provide a degree of safety to the general public and specifically to young children. The Land Use By-law will require that all swimming pools be enclosed by a building, structure, fence, or a combination thereof, having a minimum height of 5 feet (1.5m) as set out in the Land Use By-law; and that access to a swimming pool may be gained through a self-latching gate which can be secured when the pool is not being used. Setbacks shall be included in the Land Use By-law and intended to provide for safe movement around the pool. Specific requirements for swimming pools shall be set out in Pictou's Swimming Pool By-law.

Policy G-20: Swimming Pools

In order to provide a degree of safety to the general public, regulations shall be included in the Land Use By-law pertaining to the location of swimming pools on a lot and the construction of a fence around a swimming pool. Further regulations for swimming pools shall be included in a Swimming Pool By-law to ensure that such pools are properly located and sufficiently protected to ensure the safety of neighbourhood residents, particularly small children.

Policy G-21: Swimming Pool By-law

It shall be the intention of Council to support the regulations set out in Pictou's Swimming Pool By-law.

Motor Vehicle Service Stations

In order to mitigate potential traffic access and egress issues as well as ensuring safe product delivery, Council wishes to set special requirements for motor vehicle service stations.

Policy G-22: Special Requirements for Motor Vehicle Service Stations

Special requirements for 'Motor Vehicle Service Stations' shall be included in those zones where permitted for safety and traffic control reasons. Additional requirements shall address the need for increased lot frontage and access control to accommodate regular full delivery and customer servicing.

Changes to Non-Conforming Uses or Structures

Non-conforming uses are usually commercial or industrial uses which are no longer permitted in residential areas but are allowed to legally remain because they legally existed prior to the adoption of the Land Use By-law. Council supports the continued operation of non-conforming uses, however, Council must also consider and protect the overall interests of the community. Therefore, Council will consider alterations and changes to non-conforming uses or structures, but only by development agreement. A successful, expanding business should locate in a permitted area where benefits such as larger potential customer base, reduced servicing potential, and less restrictive land use requirements exist.

Policy G-23: Non-Conforming Uses or Structures by Development Agreement

It shall be the intent of Council to consider allowing the alteration, reconstruction, re commencement, and change of use of non-conforming structures or non-conforming uses of land within the boundaries of the existing lot containing the use by development agreement, according to the provisions of Section 242 of the *Municipal Government Act*. In considering a development agreement for non-conforming use or non-conforming structure, Council shall have regard to the following:

- i) that the architectural design, including the scale of any building and its exterior finish is compatible with adjacent uses;
- ii) the total area used for outdoor storage and adequate provisions for year-round artificial or natural screening;
- iii) that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;
- iv) that the use, is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission;
- v) that adequate provisions are made for the acceptable maintenance and appearance of the use;
- vi) that the hours of operation of the use would not interfere with or create undue problems for the residents of the surrounding area; and
- vii) the proposal meets all the pertinent policies of this Strategy.

4

MUNICIPAL INFRASTRUCTURE

The provision of Municipal Infrastructure is a crucial component in the economic development of a community and the quality of life afforded to its residents. This portion of the Municipal Planning Strategy deals with matters pertaining to water supply, storm and sanitary sewers, sewage treatment, solid waste, transportation, and the extension of such services to new development.

Objective

To improve the functioning and quality of sanitary sewers, sewage treatment, solid waste collection and disposal, and water distribution services; to ensure that such services are provided and managed in an efficient and economical manner which will meet existing and future needs of the community; to establish an adequate and well maintained system of public streets which provides for an efficient flow of traffic and safe convenient access to existing and future areas of development; and to ensure that a coordinated approach is taken in the planning, upgrading and extension of municipal infrastructure in the planning and approval of new development.

Policies

General

While the cost of new municipal infrastructure is normally incurred by the developer, the cost of maintaining these new streets and services is shouldered by the municipality. Rather than extending infrastructure to service new development, new development should be concentrated, or intensified, within areas already serviced by streets and municipal water and sewer. This is a more cost effective manner in which to accommodate additional growth, a more efficient use of land, and provides for the maximum use of existing municipal infrastructure. The majority of properties within the Town are in relatively close proximity to existing municipal infrastructure. For those areas that are currently unserved, Council intends to restrict development to non-intensive uses with larger lot sizes.

The Town's general approach to the extension of infrastructure services is to require that the developer, who is benefiting from the extension, bear the financial responsibility of providing services. The Town will provide maintenance services to new infrastructure installations once they are deeded to the Town.

An additional concern of Council is the effect the street layout of a new subdivision may have on the existing street pattern. New subdivisions should integrate their street layout with that of adjacent established areas to ensure that an arterial or collector street within the subdivision does not connect to an existing local street which is not capable of carrying the increased traffic load. Where a new development abuts an existing or planned street, the street layout of the new development should be coordinated with any existing or planned intersections, ensuring that collector or arterial streets meet at intersections rather than create 'jogged' or misaligned intersections.

Policy M-1: Development of Unserved Lands

It shall be the intent of Council to limit unserved development by establishing requirements in the Land Use By-law that restrict the range of uses in areas not served by centralized service to non-intensive forms of development and by requiring larger lot sizes for development having on-site

servicing systems. Proposals for unserviced development also require the approval of the Provincial Department of Environment and Labour.

Policy M-2: Infrastructure Costs for New Development

It shall be the intent of Council pursuant to Pictou's Subdivision By-law, to require that all infrastructure costs associated with new subdivisions be the responsibility of the developer. Standards and procedures for construction of services shall be set out in the Subdivision By-law.

Policy M-3: Maintenance and Improvement of Municipal Infrastructure

It shall be the intention of Council to identify a list of projects related to maintenance, and improvement of municipal Infrastructure services on a yearly basis associated with budgeting procedures.

Policy M-4: Integration of Street Network

It shall be the intention of Council to, whenever possible, encourage new subdivisions to integrate their street layout with that of adjacent established areas, ensuring that an arterial or collector street within the subdivision does not connect to an existing local street.

Policy M-5: Intersection Alignment

It shall be the intention of Council to, whenever possible and where new development abuts an existing or planned street, encourage the coordination of intersections, ensuring that collector or arterial streets meet at intersections rather than create 'jogged' or misaligned intersections.

Policy M-6: Subdivision By-law Review

It shall be the intention of Council to review the existing Subdivision By-law for the Town of Pictou.

Water Distribution

The Town is presently served by a central water system which originates from thirteen (13) wells, seven of which are deep wells located within the Town. There are also five shallower wells located in Caribou Wellfield beyond the Town limits. The present distribution system consists of six (6), eight (8) and ten (10) inch mains. The system is adequate for normal consumption requirements. The capacity of the older water mains appear to be adequate. New water mains will be required to improve the system, however the cost will be substantial. Therefore it is in the best interest of the Town to replace existing mains over time. Water pressure within the system is adequate. However, efforts should be made to limit the height and mass of buildings proposed in Town to ensure adequate water pressure is maintained.

In order to provide a quality and efficient water utility, Council recognizes the importance of undertaking improvements to aging and damaged water supply lines. Council also wishes to support, where financially feasible, expansions to the existing water supply system to accommodate future growth and also to ensure that residents of Pictou have access to a safe and reliable water supply. Because expansion of the existing system will increase long-term maintenance costs it is important to maximize the use of existing infrastructure before expansions to the system are considered.

Policy M-6: Water Distribution

It shall be the intention of Council to maintain an adequate and high quality water distribution system for the Town of Pictou.

Policy M-7: Fire Protection

It shall be the intention of Council to ensure adequate water supply for fire protection is available to all areas of the Town of Pictou.

Policy M-8: Utilization of Existing Services

It shall be the intention of Council to encourage the use of existing infrastructure before expansions to the system are considered.

Policy M-9: Improvements

It shall be the intention of Council to finance improvements and extensions of water services when it is economically feasible.

Sewage Collection and Disposal

The Town of Pictou is serviced by an extensive network of combined sewers designed to carry both storm and sanitary sewage. All combined sewers discharge through 2 primary outfalls located along the shoreline of Pictou Harbor. These outfalls vary in diameter, construction and quantity of flow. There may be additional private outfalls which are not identified and remain unknown. A pollution abatement study, (CBCL 1993), for the Town suggests that the construction of harbor infilling had created a trapping condition which, combined with the shallow near shore sewage discharge resulted in aesthetic, health, and contamination problems along the shoreline. This has been resolved by bar screening wastewater discharges from the Town as well as a 30" outfall extending 800' out into Pictou Harbour.

As part of the waterfront development project, the Town embarked on an interceptor sewer system project involving the installation of 18 and 24-inch gravity sewers that intercept numerous outfalls. This initial step has been completed. The sewage presently is directed to a pump station near the deCoste Center into a 14-inch diameter outfall that extends 350 feet out into the harbor. This temporary outfall is designed to be redirected to any proposed sewage treatment facility or facilities when completed. Further tasks include the construction of an east end interceptor and a temporary outfall. There are five phases proposed in the existing pollution abatement program. However, increasing knowledge and new technologies in sewage treatment may entail changes and a rethinking of the future pollution abatement endeavors.

The use of on-site sewage disposal systems in the Town of Pictou has been effectively discouraged in recent years by the policies of the former Municipal Planning Strategy. With the advent of more sophisticated provincial environmental regulations it is no longer the wish of Council to discourage the installation of on site sewage systems in Town. It is, however, important that such systems only be utilized in those areas of Town where extension of the Town's sewer lines is economically or physically unfeasible. At this time, only residential development will be permitted using septic tanks where these circumstances present themselves.

In the Rural Residential (R-2) Zone new development will be permitted on on-site sewage disposal systems in accordance with the regulations of the Nova Scotia Department of Environment and Labour. In most cases it will be possible to hook these new uses up to Town water, but occasionally a request may be received by the Town to allow a new development served with an on-site water supply. Allowing development to occur on wells may create problems if groundwater resources prove inadequate and the Town is called upon to extend central water to the households in question, possibly at great public expense. Ensuring new development on wells occurs at a very low density can prevent this problem.

Policy M-10: New Storm and Sanitary Sewer

It shall be the intention of Council to require separate storm and sanitary sewers for new development; as well as to continue to separate existing combined sewers where necessary and when feasible.

Policy M-11: Utilization of Existing Services

It shall be the intention of Council to maximize the use of existing sanitary sewer by encouraging new growth in those areas where services are already available.

Policy M-12: Operation and Maintenance

It shall be the intention of Council to ensure adequate capacity exists for future growth by ensuring the proper operation and maintenance of the existing system.

Policy M-13: Improvements

In order to accommodate future growth, it shall be the intention of Council to upgrade the existing sewer system, given consideration of the availability of finances and the opportunity for coordination with other maintenance or construction projects.

Policy M-14: Sewage Treatment Facility

It shall be the intent of Council to continue to seek partnerships within the Federal, Provincial and private sector in the investigation of new technologies and implementation strategies for the treatment and disposal of sewage.

Policy M-15: On-Site Sewage Treatment

It shall be the intent of Council to allow development of on-site sewage disposal systems in areas zoned R-2 and designated "Residential" and zoned H20 and designated "Water Supply" Area" which are not readily serviced by the present centralized sewer system. The H20 Zone shall be subject to large minimum lot size requirements (4 acres) to reduce development density as a water supply area protection measure, and be subject to on site assessment as identified in management plans for the Pictou Wellfield to ensure well field protection.

Policy M-16: Central Sewer Services Extension

It shall be the intent of Council, as central sewer services are extended to service lands zoned R-2, to consider applications to rezone these R-2 lands (in accordance with Policies R-2 and IMP-11 to any zone permitted in the "Residential" designation provided other policies in this Strategy are satisfied.

Solid Waste Management

Pictou carries out a bi-weekly collection of domestic solid waste. Disposal occurs at the Mt. William Solid Waste Disposal facility which is operated by the Pictou County Solid Waste Management System, a division of the Pictou County District Planning Commission.

Policy M-17: Solid Waste Disposal

It shall be the intention of Council to continue to co-operate with the other municipalities in Pictou County through the Pictou County Solid Waste Management System to provide a regular and efficient waste management collection program which meets or exceeds provincial standards and to maintain a safe and efficient site for its disposal.

Recycling

In addition to garbage collection, the Town of Pictou also carries out a bi-weekly collection of recyclable materials. The recycling program, initiated in 1991, involves a bi-weekly collection of recyclables from, schools, municipal buildings, senior citizens complexes, and every dwelling with fewer than four (4) units. The recyclable materials are currently sent to Colchester County for processing as a cost effective alternative to constructing and managing a recycling facility within Pictou County. However, if the current arrangement becomes too costly, other options may have to be examined such as building and operating a recycling facility.

Policy M-18: Recycling

It shall be the intention of Council to continue to co-operate with the other municipalities in Pictou County through the Pictou County District Planning Commission to provide a regular and efficient recycling program.

Composting

Effective December 1, 1998, provincial regulations require that organic material no longer be accepted at landfill sites. As a result, Pictou County District Planning Commission has constructed a facility that will compost organic materials. A door-to-door bi-weekly collection of compostable materials began in the summer of 1999.

Policy M-19: Composting

It shall be the intention of Council to continue to co-operate with the other municipalities in Pictou County through the Pictou County District Planning Commission System to provide a regular and efficient composting program.

Transportation

The transportation network is a fundamental component of a community's urban structure. Not only does transportation infrastructure provide for the movement of people and goods but also the presence of an effective and well-maintained transportation infrastructure is integral to the economic vitality of a community. The location of nodes in a transportation system, interchanges on the Trans-Canada Highway for example, have a significant impact on land use planning and the potential for development associated with significant transportation nodes should be explored. In Pictou, the transportation network incorporates a system of local, collector and arterial streets as well as highways connections.

Policy M-20: Transportation Infrastructure

It shall be the intention of Council to, where financially feasible, maintain and improve the Town's transportation infrastructure.

Policy M-21: Transportation Master Plan

It shall be the intention of Council to undertake a series of transportation studies as part of the creation of a transportation master plan. These studies shall address the identification of potential future transportation corridors, commercial truck traffic routing, pedestrian networks as well as recreational corridors and trails.

Pedestrian Network

In addition to the service provided by streets and other infrastructure in the movement of people and goods, the role of the pedestrian network should be recognized as an important and vital component of a transportation system. The pedestrian network includes sidewalks, paths, walkways, and recreational trails. A pedestrian network which provides a pleasant and safe environment will help ensure high volumes of pedestrian traffic in downtown retail areas, provide an alternative to automobiles, and provide opportunities for recreation. Council recognizes the popularity of the Jitney Trail developed along the waterfront and the potential for Pictou to develop a recreational trail system linking neighbourhoods and neighbouring municipalities.

Policy M-22: Pedestrian Walkways

It shall be the intention of Council to ensure a network of pedestrian walkways is established to provide safe and convenient pedestrian circulation.

Policy M-23: Creation of Pedestrian Walkways and Trails

It shall be the intention of Council to co-operate with landowners to implement a system of pedestrian walkways throughout the Town and to explore opportunities for connections to the Jitney Trail and other trail systems in neighbouring municipalities.

5

ENVIRONMENTAL PROTECTION

Natural environmental features within a municipality often play a crucial part in the overall health of the community. Natural drainage features may supplement municipal infrastructure ensuring adequate natural drainage. Many natural features can be incorporated into the recreational and open space needs of the community. It is important that these features are considered when development is being considered. It is vital to ensure that development is not at risk from natural features and to ensure that natural features are utilized and incorporated into the development without sacrificing their value to the community.

Objective

To ensure that development and servicing of land for urban purposes occurs in an environmentally safe manner and to establish land use standards which minimize disruption of natural drainage areas; to provide continued support for the protection, management and designation of the Pictou Wellfield as Pictou's water supply.

Policies

Watercourse Setback

The MGA defines a watercourse as "any lake, river, stream, ocean or other body of water". The MGA also enables a Council to establish separation distances from watercourses that would prohibit the erection of any structure within that specified distance. It is Council's intent to include a 7.6 m. (25 foot) setback from all watercourses in the Town in the Land-Use By-law. The lack of storm water sewers in the Town and the prohibiting of roof and foundation drains connecting to the existing combined sewer system results in a situation where streams are an integral part of the surface water run off system and therefore their unimpeded flow is very important. Following more detailed study as outlined in Policy E-2, Council may provide for increased setbacks, up to 15.24 m. (50 feet), in certain specified areas.

Development on or near land that drains directly into a watercourse can accelerate the movement of silt into these watercourses. If runoff is not properly treated, the result is often serious siltation of nearby watercourses. The consequences are degradation or destruction of fish and wildlife habitat, and water being less useful for fresh water supplies, navigation and recreation.

Policy E-1: Watercourse Setback

The erection of any building or structure within 7.6 m (25 feet) of any watercourse, excluding Pictou Harbour, shall be prohibited. The separation distance or setback shall be measured starting from the edge, meaning the mean or ordinary high water mark of the watercourse.

Development Constraints

The topography of the land can present certain constraints on development. Hills, valleys, ridges, height and degree of slope all affect the suitability of an area for development. These features influence the weather and climate, the type of vegetation, the direction and rate of water run-off and contribute much to the aesthetic appeal of an area by adding variety to the landscape.

The slope of the land is of particular concern in assessing development potential as it can significantly affect the cost and type of development feasibility. Where slopes exceed 20 percent, the problems which may arise when building or altering land levels include:

1. the slippage or down slope movement of land;

2. increased water run-off and the associated problems of erosion and sedimentation of streams; and
3. increased building costs because of filling and cutting in addition to improvements to ensure stability.

Flooding damage has also occurred due to storm drainage and surface water runoff problems in certain areas of Town. Recently the need for storm water management has become apparent. It is now necessary to undertake a detailed examination of possible development constraints associated with storm drainage and combined storm drainage and sewer system problems within the Town. Furthermore as the percentage of the slope increases, so do the problems and costs associated with the development of these lands. Therefore, an examination of development constraints will also take into consideration lands of 20% or greater that are generally considered to be unsuitable for development.

Policy E-2: Development Constraints Evaluation

It shall be the intent of Council to undertake the preparation of a development constraints evaluation relating to storm water management watercourse setback and the development of lands with slopes of 20% gradient or greater. This Municipal Planning Strategy and Land-Use By-law shall be amended to reflect any development constraint measures required as a result of this study.

Water Supply Protection

The Town of Pictou draws the majority of its water from an area outside its boundaries in the Pictou Wellfield. This water supply area is composed of two distinct regions: the aquifer and the recharge area. The aquifer consists of the glaciofluvial deposit of sand and gravel. The Pictou Wellfield includes the glacial fill material which comprises the maximum boundary where the aquifer could potentially receive recharge either through the movement of water through the upper soil horizons as interflow or as part of the natural ground water flow.

The glaciofluvial sand and gravel deposit which makes up the Pictou Wellfield is shallow and relatively permeable and therefore receives rapid infiltration recharge during precipitation events. This suggests that any contaminants which may be dissolved in the water are unlikely to be attenuated to any significant degree and so will be transported into the aquifer with the infiltrating water. On going hydrogeological investigations are being conducted to confirm this recharge area.

The Town also draws water from a number of deep-water wells within the Town. However, the expansion of this system is not a viable option for the Town because the present rates of withdrawal have caused steep drawdown in the bedrock water level due to the poor permeability and porosity of the rock. Additional wells in the same bedrock system would increase this even more and make the risk of salt-water intrusion greater as well as causing shallower bedrock wells to go dry. The additional costs for drilling the deeper wells and the very questionable yields from more bedrock wells, make this alternative unfeasible compared to the proven surficial deposit. It is therefore evident that the prevention of the contamination of Pictou Wellfield is of paramount importance.

In addition to a CBCL Report prepared in 1990, Council contracted ADI Limited to undertake an examination of the groundwater flow system of the Pictou Wellfield. Their recommendation emphasized the need for the implementation of a groundwater protection strategy. In June of 1990, the Town also contacted the Department of the Environment and Labour requesting assistance in having the Pictou Wellfield designated as a Protected Watershed Area under the Water Act. To assist with ongoing work of preparing a water resource management strategy and

having the Pictou Wellfield designated, Council has set-up a Watershed Management Committee comprised of representatives of Town Council, PAC, the Municipality of Pictou County Council, with Provincial Government and PCDPC Staff, acting in an advisory capacity. Citizen representatives from the Pictou Wellfield are also involved as part of the public information programs. To date additional positive steps have been taken by the Town of Pictou to provide protection of the water supply area, including:

1. removal of an old dump and blocking access from Priest Road;
2. negotiating to lease or purchase 200 acres of watershed land and purchasing adjacent lands;
3. obtaining arrangements with Department of Transportation and Public Works to eliminate salt by sanding roads (excepting the TCH 106);
4. installing gates on roads to wells to prevent unauthorized access
5. capping and securing unused wells and test wells and removing access;
6. completing a legal description of the Pictou Wellfield together with property map, property owner list and land-use inventory; and
7. securing participation of Pictou County Council on the Town's Watershed Management Committee.

Additional water resource management initiatives will include:

- I. installing three (3) level recorders on the know Pictou Wellfield aquifer;
- II. limiting development within the Pictou Wellfield by designating and zoning the Pictou Wellfield lands within the Town boundary to provide for water resource protection measures;
- III. requesting designation from the Nova Scotia Department of Environment and Labour for the Pictou Wellfield.
- IV. undertaking public information and education programs;
- V. securing participation of Pictou Wellfield area residents on the Watershed Management Committee;
- VI. undertaking a detailed hydrogeological study to verify the nature, extent and capacity of the Caribou Aquifer and Pictou Wellfield;
- VII. consultation with the Department of Environment and Labour to explore ways of implementing regular inspections of on-site sewage disposal systems operating in the Pictou Wellfield;
- VIII. developing an emergency response plan to cope with an accidental toxic chemical spill on local highways in the watershed area; and
- IX. developing a water resource management strategy in cooperation with area residents, Pictou County Council and the Province.

Policy E-3: Water Supply Area

The lands in the "Water Supply Area" as shown on the Future Land Use Map shall be zoned Water Supply (H2O) Zone in the Land-Use By-law. Within this Water Supply (H2O) Zone the permitted uses shall be limited in order to minimize the negative impact of development on these sensitive "Water Supply Area" lands and to protect the quality of the Town's domestic water supply. Permitted uses in the H2O Zone shall include single detached dwellings, passive recreational uses, conservation related uses and structures, public utilities, wireless telecommunication towers (subject to Special Requirments) and non-intensive agricultural uses not including structures.

Policy E-4: H2O Minimum Lot Size and Density

Additional restrictions, such as larger than normal minimum lot sizes shall be set out to reduce the density and minimize any negative land use impact on groundwater quality and quantity.

Policy E-5: H2O Permitted Uses Through Development Agreement

In the "Water Supply Area" designation the following shall be permitted by means of a development agreement negotiated in accordance with Policy IMP-12:

- i. the expansion of the existing Northumberland Cabinets wood working businesses known by LRIS #98 16 96. In considering such a proposal Council shall have particular regard to the sensitive nature of the "Water Supply Area" and request the assistance of the Departments of Environment and Labour in establishing guidelines to ensure the municipal water supply for the Town is not negatively impacted by the expansion of this use.

Policy E-6: H2O Boundary Alterations

Altering the boundaries of the "Water Supply Area" designation shall be considered pending the results of a detailed hydrological study to more properly define the extent of the recharge area and protection level zones. This Municipal Planning Strategy and Land-Use By-law shall be amended to reflect any changes required as a result of this study.

Policy E-7: Provincial Water Supply Designation

It shall be the intent of Council to work with the Department of Environment and Labour, the Municipality of the County of Pictou and the residents of the Pictou Wellfield to pursue the designation of "Protected Water Supply Area" for the Pictou Wellfield. Members from the above mentioned groups, serving on the Watershed Management Committee shall guide future initiatives designed to protect the Town's water resource.

6

RESIDENTIAL DEVELOPMENT

Residential neighbourhoods contribute to a sense of community which is vital to the social and economic well being of the Town. Socially, residential development means increased numbers of people supporting community activities. Economically, the Town benefits from the increased assessment base and tax revenues, and local businesses benefit from the increased market potential and the increased labour pool.

The majority of Pictou's 1540 occupied dwellings are single detached, owner occupied units, (73% and 67% respectively). The housing stock consists of older historic homes and a number of newer dwellings. It is a characteristic of the Town that virtually all residential uses are well maintained. While the majority of dwellings are single detached, semi-detached dwellings (row houses and duplexes) account for 11% of the Town's housing stock, apartments account for 14%, and mobile homes represent 1%. Townhouse developments are located along Pine Street and Hector Avenue, with the largest multiple dwellings being located on Pine Street and Prince Street. Many apartment units are contained in converted older homes. Senior citizen complexes are provided in the Town at Strathcona Place, Oak Street, Coleraine Place and Church Street. An interesting feature in Pictou's housing stock is the large number of pre-fabricated homes in an area locally known as Victory Heights. This housing area was developed as worker housing during World War II and continues to be used today.

The trend towards smaller families, smaller households, and an aging population indicate a demand for smaller, more affordable housing accommodations. It is Council's responsibility to ensure that a variety of housing options are available that meets the needs of every citizen but at the same time does not adversely impact the residential character of the Town. Council recognizes this by allowing multiple unit dwellings by development agreement.

One of Council's main goals is to protect the Town's residential area from intrusion of commercial or industrial use. The policies of Council contained in this Strategy encourage the construction of new housing and facilitate the continued improvement of housing conditions and the residential environment in general. To accomplish this, these areas of Town which are now developed as residential neighbourhoods shall be designated "Residential" on the Future Land Use Map. The area designated "Residential" covers areas that can be readily serviced by the existing Town gravity based sewer and water system, and the unserviced, undeveloped rural lands.

Objective

To encourage the development of a variety of housing forms that provide residents with a wide choice of affordable accommodation possibilities; to promote Pictou as a desirable place to live; to preserve the character of existing neighbourhoods by encouraging attractive and appropriate design of new development; to preserve and enhance the character of the Town's residential neighborhoods by preventing the encroachment of commercial or industrial development into those neighborhoods, while permitting small scale neighborhood oriented businesses and unobtrusive home occupations; and to encourage residential development to occur in areas that are serviced with municipal water, sewer and infrastructure.

Policies

General

Policy R-1: The Residential Designation

It shall be the intention of Council to establish a "Residential" designation on the Generalized Future Land Use Map. This area applies to most of the existing residential development in Town plus the majority of the undeveloped and unserviced rural lands.

Rural Residential Development

To recognize the significant amount of unserviced rural lands in Pictou, a Rural Residential (R-2) Zone has been established. The R-2 Zone shall provide for a variety of lower density development using, for the most part, on-site services or a combination of on-site and central services and to accommodate land uses that are rural in nature such as single detached dwellings, parks and recreation, agricultural and forestry related uses and structures and kennels. In the R-2 Zone home occupations, boarding houses and bed and breakfast establishments shall also be permitted. Requirements regarding lot size, accessory buildings, home occupations and other matters shall be set out in the Land Use By-law.

Policy R-2: Rural Residential (R2) Zone

It shall be the intent of Council, as central sewer services are extended to service lands zoned R-2, to consider applications to rezone these R-2 lands (in accordance with Policy IMP-11) to any zone permitted in the "Residential" designation provided other policies in this Strategy are satisfied.

Residential Development

The existing serviced residential development in Pictou consists of a variety of single unit dwellings, two unit, townhouses and multi unit dwellings. To recognize this diversity, a Residential (R-1) Zone which permits a variety of residential uses has been established. The R-1 Zone shall also provide for other uses including residential day care centers, senior citizen apartments, boarding houses, bed and breakfast establishments, parks and recreation uses.

Policy R-3: Residential (R1) Zone

It shall be the intention of Council to establish a Residential (R1) Zone in the Land Use By-law. Those areas to be zoned Residential (R1) include areas of primarily existing single unit dwelling neighbourhoods and surrounding vacant lands with proximity to municipal water and sewer services. Permitted uses in the Residential (R1) Zone shall include and not limited to: single detached dwellings, two unit dwellings including duplex dwellings; bed and breakfast establishments and boarding houses not to exceed four rooms to let; and uses permitted in the Recreation (P) zone. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

Bed and Breakfast Establishments in Residential Areas

Owner occupied residential dwellings that offer rental rooms for overnight accommodations to the traveling public are referred to as Bed and Breakfast establishments. These establishments may also offer meals, including but not limited to breakfast, to their overnight guests only. Pictou has a number of bed and breakfast establishments but as the tourism sector continues to grow, the demand for more of this type of accommodation is expected to increase. Council is of the opinion that bed and breakfast developments should be permitted as of right in the Residential R-1 and R-2 Zones. Council however is concerned with the integrity of the residential neighborhoods and wishes controls to be put in place on the development of larger bed and breakfast establishments that rent more than four bedrooms. Council will consider such larger Bed and Breakfast establishments by development agreement subject to Policy IMP-12 and guidelines set forth in Policy R-7 for Country Inns.

Policy R-4: Bed and Breakfast Establishments Permitted As-of-Right

Bed and breakfast establishments, that rent less than five bedrooms, shall be permitted as-of right in the Residential R-1 and Rural Residential R-2 Zones. Special requirements in the Land-Use By-law shall be established for the development of bed and breakfast establishments. These special requirements include provisions for the location, maximum coverage and screening of parking areas to minimize the impact on adjacent residential uses.

Policy R-5: Bed and Breakfast Establishments Permitted By Development Agreement

In the "Residential" designation, in the R-1 and R-2 Zones, bed and breakfast establishments that rent out five or more bedrooms may be permitted by means of development agreement subject to the Policy IMP-12 and guidelines set forth in Policy R-7 for Country Inn Establishments in Residential Designations.

Country Inns

In "Residential" designations, in the R-1 and R-2 Zones, residential dwellings that offer four (4) or more rental rooms for overnight accommodations for the traveling public are referred as Country Inns where meals are provided for the public as well as guests, and/or the dwelling is not owner occupied. As tourist establishments, Country Inns are most appropriate for dwellings of historical and /or architectural significance and may have the added benefit of providing an economically viable means of retaining and preserving some of the many such dwellings contained throughout the Town of Pictou.

Policy R-6: Country Inn Establishments in Residential Designations

To ensure the integrity of the surrounding residential neighbourhoods, Council shall consider proposals for Country Inns and Bed and Breakfast establishments that rent more than five bedrooms only by development agreement.

Policy R-7: Country Inn Establishments By Development Agreement

Country Inns, as well as bed and breakfast establishments that rent five (5) or more bedrooms, may be considered by development agreement, negotiated in accordance with the following guidelines and the more general criteria set out in Policy IMP-12. In considering a development agreement for tourist accommodations known as a country inn or bed and breakfast establishment of five or more bedrooms, Council shall have regard to the following:

1. the accommodations are located in "Residential" designations in dwellings designed and occupied as single family dwellings;
2. rental bedrooms range from a minimum of 4 and to a recommended maximum of 10;
3. the architectural design, including the scale of any building and its exterior finish is retained except for the optional addition of dormers;
4. except that in certain limited circumstances, Council may approve an architecturally designed addition where an impact study, undertaken by the developer and prepared by a qualified professional, support the compatibility of the design with the existing dwelling; and the impact study also supports the expanded development as not having a detrimental impact on the surrounding neighbourhood.

Eligibility for consideration for building enlargement/alteration will also depend on:

1. adequate lot area to provide an adequate buffer to ensure protection of low density residential neighbourhood; and
2. the design of the addition incorporate the same exterior finish as the original building and retains the residential appearance of a single family dwelling;
3. any dining room, for Inn guests or the public, is contained within the main floor of the dwelling and does not exceed 50% of the total floor area of the dwelling. A dining room/restaurant shall not be of the 'take-out' or 'fast food' type with high traffic volumes associated with quick

- turnover of patrons and any premises license pursuant to the Liquor Control Act be for an 'eating establishment' only, excluding beverage room, lounge, cabaret, or other similar establishments, licensed under the Liquor Control Act;
4. no tourist related retail activities, such as souvenir, gift sales are included in the proposed tourist accommodation, with the exception of post card and map sales;
 5. the tourist accommodation remain compatible within the existing residential neighbourhood by:
 - i. maintaining the residential character of the building and lot;
 - ii. accommodating off-street parking, using the Land-Use By-law as a guideline with consideration given to:
 - a. parking only within the rear or side yard for most development circumstances;
 - b. parking with a minimum buffer from abutting, low density residential uses of 10 ft. of natural vegetative screening or 5 ft. with a combination of vegetation and opaque fence at least 6 ft. high; and
 - c. the number of parking spaces required based on the Land-Use By-law requirements for each use including caretaker @ 1 space; rental rooms @ 1 space for each room; and dining room/restaurant @ 1 space for every 50 square feet of net dining room/restaurant floor area;
 - iii. providing the anticipated peak traffic flow can be accommodated by the local road network without congestion, nuisance or inconvenience in the area;
 - iv. restricting signage to a maximum of 2 signs with a maximum sign area of 5 square feet for each sign with preference given to natural materials. Furthermore, signs shall not include flashing or pulsating lighted elements or moveable parts and shall otherwise conform to the LUB requirements;
 - v. making adequate provisions for the acceptable maintenance and appearance of the use; and
 - vi. restricting hours of operation for the dining room/restaurant use to minimize any disruption of the surrounding residential use and enjoyment of neighbouring properties.

Undersized Lots and Flag Lots

Policy R-8: Existing Undersized Lots

It shall be the intention of Council to encourage infill housing on existing vacant, serviced lots in the residential designation by including provisions in the Land Use By-law which permit the use of those lots which do not meet the area or frontage requirements of their zone but shall still be required to meet the minimum setback and parking requirements of the zone.

Policy R-9: Flag Lots

Provisions shall be included in the Land-Use By-law to permit the creation of a new lot, to be known as a "flag lot", at the rear of an existing lot, with reduced frontage provided that the rear portion of the existing lot has sufficient area to meet the By-law requirements for "flag lots". Flag lots shall only be permitted in the R-1, IND, R-2, P and I Zone. Furthermore, in the R-1 and R-2 Zones flag lots shall be restricted to single detached dwelling uses. Furthermore, larger lot area and side yard setbacks shall be required in the R-1 Zone to provide the privacy needs of existing development.

Policy R-10: Set Backs

Provisions shall be included in the Land-Use By-law to permit a new structure built between existing structures within 61 meters (200 ft.) and on the same block to be built with a setback from the street line equal to the average setback of the adjacent buildings, but this setback shall not be less than 3 meters (10 ft.) from the front lot line.

Policy R-11: Existing Structures On Undersized Lots

Provisions shall be included in the Land-Use By-law to allow for a building erected on or before the effective date of this Land-Use By-law, on a lot which does not meet the requirements of the Land-Use By-law respecting lot area, frontage or setbacks, to be enlarged, reconstructed, repaired or renovated.

Policy R-12: Two Dwellings on a Single Lot

It shall be the intention of Council to permit the subdivision of a lot where two residential dwellings or two main buildings are existing on a single lot, to create two new lots which may not meet the area or frontage requirements of the zone of the Land Use By-law.

Secondary Structures and Uses

In certain instances within the Residential designation, a homeowner may wish to erect a garage or shed for uses incidental to their residential dwelling. This is permitted so long as the structure is located on the same lot as the residential dwelling. However in some instances, a homeowner may have a separate lot abutting their property, which is subordinate to the lot on which their residential dwelling is located. In these cases, Council wishes to permit the development of structures and uses that would be secondary in nature to the lot containing the primary residential structure and use. Council's primary concern with respect to secondary structures is that they do not distract from the appearance of the community and that they do not hinder adjacent landowners in the enjoyment of their properties. Secondary structures should be separated from adjoining properties enough to maintain a degree of privacy between the lots. Council also intends to permit as of right, minor secondary structures which are insignificant in terms of their potential impact on surrounding land uses, including such structures as retaining walls, clothes lines poles and garden trellises.

Policy R-13: Secondary Structures and Uses

It shall be the intention of Council to permit the development of secondary structures and uses within the residential designation where permitted and subject to those requirements identified in the Land Use By-law.

Multiple Unit-Development

Council recognizes the importance of providing a range of housing types in order to accommodate specific market demands. Rising home ownership costs, smaller family sizes, the need and desire for greater mobility and the aging population has increased the demand for multiple unit development. This includes both apartment buildings of a various sizes and townhouses. The vacancy rate in Pictou County for multiple unit buildings for 1998 was estimated to be approximately five (5) percent. There appears to be an increased demand on multiple unit buildings, particularly for seniors housing.

Council also recognizes that multiple unit development is an efficient use of land and municipal services because it provides a greater density of development (i.e. units/acre) and can be less costly to service. However, multiple unit buildings can also have a negative impact on the neighbourhood in terms of traffic, aesthetics, scale, design, and density.

Multiple-unit housing can be accommodated in virtually any residential neighbourhood provided that consideration is given to address any negative impacts. This can be achieved by permitting new multiple unit development and the expansion of existing multiple unit dwellings by Development Agreement in appropriate areas serviced with municipal services.

Policy R-14: Multi Unit Development in the Residential Designation

In the "Residential" designation, the following shall be provided for by means of a development agreement negotiated in accordance with Policy IMP-12.

1. new multiple unit dwelling developments;
2. the expansion of an existing multiple unit dwelling development beyond the existing building lines;
3. the creation of additional dwelling units within an existing multiple-unit dwelling.

For these purposes, expansion by development agreement shall not include the addition of a balcony, patio deck or porch. In negotiating such an agreement, provisions for parking shall be provided at a rate of 1.5 spaces per dwelling unit for every new dwelling unit proposed.

Innovative Housing and Site Design Development

The Town of Pictou has vacant parcels of land located in the residential designation where it may be a more efficient use of the land to utilize innovative housing and site design approaches for single, two-unit, and multi-unit dwellings rather than traditional subdivision approaches.

Innovative housing and site design approaches are partially based upon neo-traditional planning principals. The objective is to create "green developments", and to create "livable space" in terms of scale, aesthetics, passive and active recreation space, undisturbed open space, etc. Two approaches commonly used are 'cluster/open space' and 'small lot' developments (reduction of lot frontage, side yard and lot area requirements). These approaches can be used together or separately.

Cluster/open space is an approach which refers to a variety of site design options which focus on an entire site area rather than individual lots. This approach is to site various residential developments around a common focal point such as a playground, common open space, a natural feature, or road network. This can be achieved by utilizing cul-de-sac streets, loop streets, creative lane-way and driveway configurations, and/or modifications to lot sizes and setbacks.

Small lot development is an approach that allows for efficient use of municipal infrastructure (more lots on street frontage) in exchange for common open space, minimizes sprawl development, and provides an affordable form of housing. This type of development is commonly referred to as "R-0" because traditionally, a side yard has been decreased to 0 feet (0 metres). However, legal and building code concerns have resulted in the need to maintain a minimum two feet (0.6 metres) for a side yard setback.

Small lot housing is becoming increasingly popular because these properties are similar in price to conventional semi-detached homes but have the added benefits such as private front and back yards. They also have almost the same amount of living space as conventional single unit dwelling. This type of development offers a good alternative for seniors who still want their own home but do not wish to maintain a large lot. The above benefits can only be achieved through creative, detailed housing designed to fit the unique dimensions of these smaller lots.

This new form of innovative housing and site design is an approach that Council is willing to entertain provided that certain criterion can be met regarding servicing, architectural design, building orientation, recreation and natural open space, and landscaping and buffering provisions.

Policy R-15: Innovative Housing and Site Design

It shall be the intent of Council to consider innovative housing and site design development for single unit, two unit, mobile unit, and/or multiple unit development that may include flexibility to street and road standards for lots serviced by municipal water and sewer and located within the

residential designation by development agreement. In considering a proposal, Council shall have regard to the following:

1. the adequacy and usability of public and/or private passive and active recreation space;
2. provision of natural undisturbed open space;
3. adequacy and arrangement for vehicular traffic including road widths and road grades;
4. the adequacy and arrangement of pedestrian access and circulation including the separation of pedestrians from vehicular traffic;
5. the provision of specific architectural detailing and design;
6. the provision for attractive streetscape design;
7. provision and details of landscaped areas; and
8. where small lots are proposed, lots having a minimum frontage of 34 feet (10.4 metres) on private or public road, and a minimum lot area of 3400 ft² (315.9 m²) assurance that design and orientation are suited to fit the lot dimensions and grades;
9. compliance with Policy IMP-12 of this Municipal Planning Strategy.

Mini Home Parks

In a mini-home park, lots are rented, rather than sold, to mini-home owners, and the streets, underground services, and green areas may remain the property of the park owner rather than be deeded to the Town. However, due to potential problems related to maintenance, aesthetics and servicing, Council wishes to maintain a firm control over future mini home parks. No such park existed in Pictou at the time of this Plan's adoption. In recognition of the need to provide a mixture of housing types and opportunities for more affordable housing choices, Council supports allowing mini home parks to locate within the "Residential" designation by way of the development agreement process.

Council has permitted mini-homes in the serviced Single Residential (R1) and Rural Residential (R2) Zones with additional special requirements. Special architectural requirements for mini-homes dwellings to address age and construction status, permanent foundation, and orientation to road frontage shall be set out in the Land Use By-law. Requirements regarding lot size and other matters shall be set out in the Land Use By-law. The special architectural requirements are intended to provide a level of permanency to the dwelling unit and to be more compatible with single unit dwellings.

Policy R-16: Mini Home Parks

The establishment of Mini-Home Parks, by way of development agreement shall be provided for in the Land-Use By-law. Within the Mini-Home Park a variety of uses such as mini-homes, mini-home park offices, storage buildings and other uses necessary or incidental to normal operations of a park may be permitted.

Policy R-17: Mini Home Parks Development Agreement Criteria

In considering applications for a development agreement, anywhere in the "Residential" designation Council shall have regard for the criteria set out below to ensure that:

1. a mini-home park would be compatible with the surrounding neighbourhood;
2. adequate vegetative or other buffering is provided between the park and any adjacent residential, commercial or industrial use;
3. satisfactory arrangements are made to service the park with central water and sewer services;
4. internal road allowances in the park are a minimum of 15.240 m (50 ft.) in width, and there is adequate provision for off-road parking;
5. a minimum of 5% of all space within the park is set aside as a green area;
6. the park is a minimum of one hectare (2.47 acres) in size and that within the park the gross density of mobile homes not exceed 13 per hectare (5.26 per acre);

7. all areas within the park not covered by roads, parking areas, buildings, or natural tree cover are landscaped; and parking areas and roads are paved;
8. areas and yards of individual mini home spaces are dimensioned similarly to those required for single detached dwellings in the R-1 Zone; and
9. the proposal is also in accordance with the criteria set out in Policy IMP-12.

Future Housing Needs

Council recognizes the valuable contribution senior citizens offer. Presently the largest operator of senior's housing units is the Pictou Regional Housing Authority. Council supports the efforts of the Pictou Regional Housing Authority and wishes to ensure the development of additional senior citizen apartment dwellings proceed with a minimum of regulation. Therefore, senior citizen apartment dwellings owned by either the Department of Housing and Consumer Affairs and/or Canada Mortgage and Housing Corporation and operated by the Pictou Regional Housing Authority be permitted anywhere in the "Residential (R-1) Zone".

Policy R-18: Seniors Residential Housing

Senior Citizen apartment dwellings shall be permitted as-of-right in the Residential (R-1) Zone and special requirements shall be included in the Land-Use By-law for the development of these senior citizen apartment dwellings. These special requirements include provisions for amenity space and landscaping to minimize the impact on the surrounding residential neighbourhood.

7

WATERFRONT DEVELOPMENT

Two hundred years ago, Pictou was a bustling, active shipping center in Eastern Canada, trading all over the Eastern Seaboard and the Caribbean. Pictou has recognized this part of its history to be of great interest, not only to descendants of the original settlers, but to all peoples of Scottish decent. From this the Town of Pictou had undertaken the development of its waterfront area to reflect the heritage of bygone days. As part of the project, the previous Municipal Planning Strategy and Land Use By-law were amended in 1999 to establish a "Waterfront" designation and a Waterfront (W) Zone. The premise of these amendments were to permit development to proceed relatively unencumbered but with some controls to maintain a uniform, attractive setting with a historical theme. Therefore, the building facades and signs shall be limited to the use of the natural material in keeping with this historical theme.

Objective

To encourage development of tourist related infrastructure and facilities in order to capitalize on the opportunity offered by the growing role of tourism in the region's economy; to recognize and support waterfront development through the Waterfront Development Committee as well as working cooperatively with other groups with similar interest and aims.

Policies

In 1987, the Pictou County Tourist Association commissioned a "Tourism Development Potential" study to be carried out for Pictou County. This study identified 19 possible tourism related projects that could be considered. The rebuilding of the Pictou waterfront was identified as the number one project. In 1988 an economic justification study was completed on the project using the ship "Hector" reconstruction as the main tourism draw to the area with any additional development to center around this attraction and the Scottish Heritage area theme. The recommendation of this study was to proceed with the project. The Pictou Waterfront Development Corporation was formed in July of 1989 with its overall objective being to create a stronger economic base for the Town of Pictou through the tourism industry and related businesses. Since its inception in 1989, the Pictou Waterfront Development Corporation has become a committee of Town Council and is now the Pictou Waterfront Development Committee.

Policy W-1: Pictou Waterfront Development Corporation

It shall be the intent of Council to recognize and support the Pictou Waterfront Development Committee as the primary agent by which to spur local economic development through its lead in the continued redevelopment of the Pictou Waterfront area.

Along with the reconstruction of the "Hector", the Pictou Waterfront Development Committee has constructed an Interpretation Center, carpentry and blacksmith workshops and a gift shop on the Hector site. Market wharf has been repaired and a marina has been constructed with a boat haul-out and launch facilities adjacent to the wharf. Additional projects of the Pictou Waterfront Development Committee include a sewer upgrading program, the construction of a new road along the waterfront with the installation of sidewalks, a boardwalk, and parking lot paving. Due to the unique nature of these developments, it is not intended that they conform to the zone requirements.

Waterfront Lands

It is a priority that this Planning Strategy encourages tourism and commercial development in the Town. To encourage this, sufficient area must be set aside for the location of uses that will be compatible with the tourist orientation of the waterfront development scheme.

Policy W-2: Waterfront Designation

The lands in the "Waterfront" designation as shown on the Future Land Use Map, shall be zoned Waterfront (W) in the Land-Use By-law. Within this Waterfront (W) Zone permitted uses shall include but are not limited to: restaurants; retail stores; existing inns; business, professional offices, government offices and facilities; businesses associated with the fishing industry, entertainment, recreation and commercial recreation facilities; existing single detached and multiple unit residential dwellings; and existing mixed commercial/residential/offices and facilities. Additional permitted uses, for which specific zone requirements shall not apply include: public walkways, public parks, public utilities, parking lots and structures, marinas and structures owned and operated by the Pictou Waterfront Development Corporation.

Waterfront Uses

The intent of the waterfront area development is to foster the creation of a public place which in turn creates spin-off economic development opportunities for small scale operations. Council also recognizes along with small-scale development projects, larger scale anchor projects such as custom workshops, hotels, shopping centers and mixed residential/commercial/office developments shall also be considered. These large-scale projects will be considered by way of a development agreement.

Policy W-3: Waterfront Uses By Development Agreement

It shall be the intent of Council to consider the development of custom workshops, hotels and shopping centers in the Waterfront designation by way of a development agreement negotiated in accordance with Policy IMP-12. In evaluating such proposals Council shall have particular regard to the following:

1. the compatibility and the external appearance with other buildings in the Waterfront (W) Zone in terms of exterior materials used;
2. the adequacy of municipal services with regard to demands on the sewer and water system;
3. the impact of the development on traffic flow.
4. the adequacy of screening of outdoor storage;
5. the compatibility, material, and size of the signage; and
6. landscaping to ensure the development enhances the pedestrian nature of the waterfront.

Residential Development in the Waterfront Designation

The intent of the Waterfront development project is to create an area in the Town and offer an appropriate land base on which to stimulate economic development. The priority developments are structures owned and operated by the Pictou Waterfront Development Committee, public facilities such as parks, walkways and marinas. The placement of these uses then will encourage the location of new commercial uses. Residential development is considered a low development priority, but it will be considered by development agreement, if the use proposed is a mixed residential/commercial/office use where the ground floor is occupied by commercial or office uses.

However, to ensure continued support commercial growth, multi-unit residential development located on the perimeter of the "core" waterfront area can create opportunities for increased pedestrian traffic dependent upon local services and shops. By providing for opportunities for multi-unit residential development in specified areas of the waterfront lands, additional

commercial growth can occur, meeting the needs of the local, year round residents as well as visitors drawn by the strong tourism attractions.

Policy W-4: Residential Development in the Waterfront Designation

The development of mixed use residential/commercial/office developments will be considered in the Waterfront designation, where the ground floor is devoted exclusively to commercial or office use and the remaining upper stories contain residential uses or a mix of commercial/office and residential uses, by way of development agreement negotiated in accordance with Policy IMP-12. In evaluating such proposals Council shall have particular regard to the following:

1. compatibility with the external appearance of other buildings in the Waterfront designation in terms of height, lot coverage, roof style and exterior finish;
2. the adequacy of municipal services with regard to demands on the sewer and water system;
3. the impact of the development on traffic flow and adequate provisions for off-street parking;
4. the adequacy of screening of outdoor storage;
5. the compatibility, material, and size of the signage;
6. the type of landscaping being such that the development enhances the pedestrian nature of the waterfront.

With regard to existing multiple unit residential dwellings in the "Waterfront" designation, Council does not wish to severely restrict their development options. Therefore Council will consider permitting these uses to expand or be reconstructed by development agreement.

Policy W-5: Existing Residential Development

In the "Waterfront" designation, by means of a development agreement negotiated in accordance with Policy IMP-12, the following shall be considered:

1. the expansion of an existing multiple unit residential development beyond the existing building lines;
2. the creation of additional dwelling units onto or within an existing multiple unit residential dwelling;

The addition of a balcony, patio deck or porch shall be subject to the provisions established in the Land-Use By-law and shall not require a development agreement. In negotiating for parking requirements should be provided for all proposed dwelling units at a rate of 1.5 spaces per dwelling unit.

Policy W-6: Multi-Unit Residential Development By Development Agreement

Council is aware of the value new multi-unit residential development offers to the waterfront area. Multi-unit residential development located on the perimeter of the "core" waterfront area can generate additional year round traffic to further support commercial waterfront development. Therefore, Council will consider permitting such uses in those areas zoned Waterfront (W) east of Depot Street and west of Market Street through development agreement. Such development will be reviewed and considered by Council using criteria set out in Policies W-4 and IMP-12.

Policy W-7: Single and Two Unit Residential Development

New single detached, or two unit residential dwellings in the "Waterfront" designation shall not be permitted.

Special Requirements for the Waterfront Designation

Special requirements are conditions a Council establishes pertaining to development in a particular area through its Land-Use By-law. Benefits from these special requirements can ensure development with common themes or prevent certain activities that may detract from the area. For the waterfront area, Council wishes to establish special requirements to accomplish such compatibility in terms of external appearance. These special requirements are set with respect to

height and materials used in signage, the screening and location of outdoor storage, the exterior cladding of buildings, and landscaping requirements.

Policy W-8: Special Requirements in the Waterfront Zone

It shall be the intent of Council to establish special requirements for development in the "Waterfront" Zone. These special requirements include provisions for outdoor storage, in terms of screening and location; signage, in terms of height and materials to be used; building materials, in terms of exterior cladding; and landscaping requirements.

8

HERITAGE

One aspect of a Town's identity is related to the physical environment which includes buildings. The Town of Pictou has a rich resource of commercial and residential buildings that have architectural details and/or are historical in nature. By preserving them, we protect the history of the Town. In addition, protection of historical buildings has the following social, cultural, and economic benefits:

- builds civic pride;
- enhances land values including neighbouring properties;
- promotes a viable tourist attraction;
- provides as a valuable historical/cultural educational tool.

To encourage the protection of buildings which have historical significance or unique architectural details, Council adopted a Heritage By-law in 1982 which allows for the voluntary registration of buildings. A Heritage Advisory Committee has been established to assist Council in the implementation of the Heritage By-law. The Heritage Advisory Committee is responsible for assessing requests for heritage designation and assessing exterior renovations of buildings once they are recognized as a heritage property.

Objective

To encourage the conservation, protection and rehabilitation of historically significant buildings, streetscapes, architectural and cultural features; to support the role of these features in cultural and tourism development initiatives by encouraging their ongoing use.

Policies**Policy H-1: Heritage Conservation District**

It shall be the intention of Council to encourage the establishment of a Heritage Conservation District within the Town of Pictou.

Policy H-2: Heritage Protection

It shall be the intention of Council to encourage the protection of buildings with historical, cultural or architectural value.

Policy H-3: Heritage Advisory Committee

It shall be the intention of Council to establish a Heritage Advisory Committee to assist Council in the implementation of the Heritage By-law and the establishment of a Heritage Conservation District.

9

COMMERCIAL DEVELOPMENT

An important element in the viability of any community is the health of its economy. A healthy economy spurs new commercial development and sustains existing businesses, creating a significant source of tax revenue for municipal coffers. Commercial development also increases employment opportunities and the range of services available to the community and surrounding areas.

The downtown core of Pictou has made remarkable progress in the last ten years. With completion of the Waterfront development, a continued trend of new commercial developments is predicted to carry on into the future. Unlike the other "up-river" Towns, Pictou has minimal peripheral shopping that directly competes with the downtown. Pictou's downtown offers compelling attractions including historic architecture, a museum, evening entertainment, festivals, fine restaurants and an arts complex. The location of the Post Office downtown and the absence of door-to-door postal delivery ensure that most residents regularly visit the downtown. Its history, abundant heritage resources, and "small town" character are very important to its citizens and offer a marketable appeal to the tourism industry. From a regional view, Pictou County is positioned as a scenic and centrally located Scottish region of Nova Scotia. The Town of Pictou, being the Shiretown easily plays a pivotal role in capitalizing on this tourism marketing strategy.

Historically, commercial development in Pictou has been focused in the downtown. However, Pictou's downtown is relatively compact and space is limited. The Town has seen development of highway commercial uses that need to take advantage of the higher traffic volumes and the visibility from the Pictou Rotary. The existing commercial area along Weaver Road was created when West River Road was realigned for the construction of the Rotary, West River Road directly connects the Town of Pictou to the Rotary, it is also the entrance way to the downtown and is graced by many large attractive homes. At present there are a number of active developments such as the Sobeys Shopping Center, Proudfoot's Home Hardware, a Tim Horton's outlet and the Nova Scotia Liquor Commission store. Council, in its continued devotion to encouraging new commercial development in the Town, wishes to facilitate the development of highway commercial uses along these routes by instituting commercial zones along Weaver Road and a portion of West River Road.

Although commercial development is concentrated along the upper section of West River Road, the lower section is also a likely candidate for new commercial development. However, Council feels that commercial development along this route can and must be sympathetic to the existing residential character and to maintaining an attractive entrance to the Town. Council therefore will consider the development of commercial uses, along West River Road, in the area marked "West River Road Commercial Corridor" on the Future Land Use Map), by way of a development agreement. The criteria for this agreement would include considerations for off-street parking, vehicular access limited via West River Road. Buffering and landscaping requirements will be established, where appropriate, to provide for strong protection to the residential uses in the area and support the attractiveness of the main entrance to the Town.

Recent shifts in the economy towards information and technology and research and development initiatives is also a consideration of Council. To capitalize on the potential of this new economy, Council feels the designation of highly visible lands, with access and proximity to the Trans Canada (106) Highway as "Business Park" is essential. With many of the amenities and locational qualities, plus the potential for synergy from nearby business, those lands adjacent to

the Trans Canada Highway (106) as identified on the Future Land Use Map will be designated as "Business Park".

In addition to the Downtown, Highway, West River Commercial Corridor and Business areas, there are also two types of commercial uses permitted to locate in residential neighbourhoods. These are neighbourhood commercial uses and home occupations. Council recognizes these as a fundamental component to the Town's liveability by serving the needs of residential neighbourhoods and allowing small businesses get off the ground before moving to a more appropriate commercial location. However, Council feels it is vital to protect the viability of the downtown and therefore limits the types of uses permitted as neighbourhood commercial and home occupations.

Objective

To encourage the development of business and commercial uses to serve the Town, visitors, and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to protect and encourage the viability of the downtown as a shopping area, an employment base, and as the community's focal point; and to encourage new highway oriented commercial development adjacent to the Trans-Canada Highway (106) at the Pictou Rotary; and to promote the development of information technology based business, offices and research and development opportunities.

Policies

Downtown Commercial

The downtown area of Pictou is focused on Water, Church, Coleraine and Front Streets. These streets stem from the original street layout of Pictou and represent the backbone of the town's traditional commercial and community activity.

Policy C-1: Downtown Commercial Designation

It shall be the intention of Council to designate as Downtown Commercial the area comprised of those properties along Church Street, Water Street, Coleraine Street and Front Street as indicated on the on the Generalized Future Land Use Map.

Policy C-2: Downtown Business (C1) Zone

All land in the "Downtown Commercial" designation as shown of the Future Land Use Map shall be included in a Downtown Commercial (C-1) Zone in the Land-Use By-law. Within this Downtown Commercial (C-1) Zone a wide variety of commercial, and institutional uses as well as service industries and custom workshops shall be permitted. Existing single and double family dwellings shall be considered a permitted use, but the development of new single or double family dwellings shall not be permitted. To minimize conflict between residential and commercial land uses, abutting yard requirements shall be set out in the Land-Use By-law. The abutting yard is intended to provide a physical separation to minimize the impact of commercial use of lands adjacent to residential zones.

Policy C-3: Multiple Unit Dwellings by Development Agreement

In the "Downtown Commercial" designation the following shall be permitted by means of a development agreement negotiated in accordance with Policy IMP-12 of the MPS.

1. new multiple unit residential dwellings;
 2. the expansion of existing single, double or multi-unit residential development;
- For these purposes, "expansion" shall not include the addition of a balcony, patio deck or porch.

Policy C-4: Outdoor Storage and Display by Development Agreement

In the "Downtown Commercial" designation, the development of commercial uses that by their very nature require space for outdoor storage and display shall be permitted by means of a development agreement negotiated in accordance with Policy IMP-12 of the MPS.

Policy C5: Light Manufacturing and Wholesale Uses By Development Agreement

In the Downtown Commercial Designation, the development of light manufacturing and wholesale uses shall be permitted by means of a Development Agreement. When considering such development proposals, Council shall have regard to the following criteria:

- a) the use is wholly contained within the existing commercial building.
- b) no more 750 sq. ft. of floor space is dedicated to the use.
- c) there are not more than three (3) employees associated with the use at one time.
- d) one (1) off street loading space, subject to the parking and loading requirements of this by-law, is provided for.
- e) there is no outdoor storage or display.
- f) that the use does not include equipment which is obnoxious by virtue of dust, odour, smoke, noise, vibration or other emissions.
- g) the hours of operation do not interfere with or create undue nuisance for occupants of adjacent land uses.
- h) retail sales space no less than 100 sq. ft. is dedicated and provided for within the commercial space for products resulting from the light manufacturing use.
- i) The proposal meets all the pertinent policies of this Strategy including IMP 12

Policy C-6: Pictou Business Improvement District Committee

The continued revitalization and redevelopment of downtown Pictou shall be encouraged through participation in any government support programs. It shall further be the intent of Council to support the efforts of the Pictou Business Improvement District Committee (BIDC) as representative of local business interest in Pictou's Downtown.

Policy C-7: Downtown Architectural Guidelines

Council shall investigate the need for establishing architectural guidelines for the Downtown (C1) Zone of Pictou. When guidelines are complete, Council shall amend the Land-Use By-law to include those architectural guidelines.

West River Road Commercial Corridor

The lower section of the West River Road is currently comprised primarily of residential properties with two commercial uses. However as the main entry point into the Town of Pictou and the downtown it is appropriate and likely that commercial uses will wish to develop in this area. Council feels that commercial development along this route is possible, however it can and must be sympathetic to the existing residential character and maintain an attractive entrance to the Town.

Policy C-8: West River Commercial Corridor

Commercial uses shall be permitted to develop on lands in the vicinity of West River Road (between the Downtown Commercial area and east of Lion Stone Inn) by development agreement. This area so affected shall be marked on the Future Land Use Map as the "West River Road Commercial Corridor" and is intended to include lands immediately adjacent to lands so designated. Commercial uses shall only be permitted by development agreement as outlined in Policy IMP-12 and in negotiating any such agreement Council shall also have regard for the following:

1. Such development shall be located within the "West River Road Commercial Corridor", or on lands immediately adjacent to lands so designated provided that motor vehicle access and egress to additional areas outside the "West River Road Commercial Corridor" is by way of lands lying within the "West River Road Commercial Corridor", thus directing traffic onto West River Road and away from local streets.
2. A restaurant, beverage room, lounge or cabaret licensed under the N.S. Liquor Control Act may not be included in the proposed development unless adequate controls are implemented to minimize potential conflicts with any nearby residential uses, particularly with regard to hours of operation, lighting, parking lot screening, traffic and signage.
3. The site of the proposed development, not covered by roads, buildings or natural tree cover shall be landscaped, including trees and shrubs, where appropriate, buffering and screening shall be provided.
4. A visually attractive entrance to the Town is maintained.

Policy C-9: Redevelopment and Expansion of Existing Commercial Uses in the West River Road Commercial Corridor

It shall be the intentions of Council to permit the expansion or redevelopment of existing commercial uses within the West River Road Commercial Corridor through development agreement as set out in Policy C-7 and such negotiation will also give regard for those considerations identified in Policy IMP-12.

Neighbourhood Commercial

Commercial development in residential areas has been considered appropriate because the scale and types of use of neighbourhood commercial businesses are intended to provide a service to the residents in the neighbourhood in which the business is located and/or which provide specialty services. The operation of these businesses should be small in scale, should not generate large volumes of traffic, should not require large parking areas with minimal loading facilities and outdoor storage. They should not have a serious impact on the residential nature of the neighbourhood nor negatively impact other commercial areas within the Town.

Existing neighbourhood commercial areas are located in areas designated Residential on the Generalized Future Land Use Map and are zoned Neighbourhood Commercial (C2) on the Zoning Map to reflect their current use. These existing uses shall be subject to the requirements of the Neighbourhood Commercial Zone (C2). Neighbourhood Commercial C-2 uses and structures not meeting the provisions of the C-2 Zone, as set out in the land use by-law, shall be considered legally non-conforming and are subject to Policy G-23.

Policy C-10: Neighbourhood Commercial (C2) Zone

It shall be the intention of Council to establish the Neighbourhood Commercial (C2) Zone in the Land Use By-law. Existing Neighbourhood Commercial uses shall be zoned Neighbourhood Commercial (C2) and be subject to the requirements of the Neighbourhood Commercial (C2) Zone. Permitted uses in the Neighbourhood Commercial (C2) Zone include: variety/ convenience stores, personal service shops, offices, postal outlets, health office/clinics, service and repair shops (excluding automotive and small engine repair), rental shops, residential uses in commercial buildings to a maximum of two units, and uses permitted in the R1 Zone.

Policy C-11: Expansion of (C2) Zone uses by Development Agreement

It shall be the intention of Council to consider 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.

Policy C-12: Neighbourhood Commercial Rezoning

It shall be Council's intention to consider applications for the development of new local commercial uses in the "Residential" designation by rezoning. In considering any such rezoning Council shall have regard to the criteria set out in Policy IMP-11. Additionally, special requirement shall be set out in the Land-Use By-law for existing structures which are converted to C-2 to waive the yard and height requirements. To minimize conflict between different types of land uses (i.e. commercial in residential areas) signs will be subject to further restrictions and no outdoor storage will be permitted in the C-2 Zone.

Highway Commercial

This designation is intended for commercial development designed to accommodate automobile or travel-related commercial uses and other businesses which are not compatible in the downtown by virtue of size, traffic and parking generation, outdoor storage requirements, etc. However, given the high visibility of lands to the east and the south of the Rotary to tourism and local traffic, Pictou has the opportunity to attract new highway oriented commercial development. This area consists of both serviced and unserved land and primarily commercial land uses. The portion of serviced land shall be zoned Highway Commercial (C3), with rezoning of the remaining designated lands as the need arises.

Council strongly encourages the development of this area and has therefore provided a broad range of permitted uses in the Highway Commercial (C3) Zone. If this increased range of uses results in direct competition between the Downtown Commercial (C1) and Highway Commercial (C3) Zones, Council may wish to re-evaluate the range of permitted uses in the Highway Commercial (C3) Zone and reaffirm the downtown's traditional role as the focus of retailing, services, and community functions in Pictou.

As this area is mostly comprised of large lots located adjacent to high traffic volume arterial roads and the Rotary, it is an ideal location for large scale commercial uses. Therefore, the permitted uses will include uses that:

1. serve the motoring public;
2. require large amounts of retail floor space and/or outdoor storage or display areas; and/or
3. cater to the needs of the automobile.

Permitted uses in the Highway Commercial (C3) Zone shall include but not be limited to: C1 zone uses; assembly uses; auto body shops; automobile sales, service, and rental; bulk storage facilities; commercial clubs; commercial recreation uses; commercial uses utilizing heavy equipment or vehicles; convention centre; custom workshops; funeral parlours; garden markets; licensed liquor establishments; small engine and equipment repair; wholesale uses; recreation uses; residential uses in commercial buildings to a maximum of two units; existing residential uses subject to the R2 zone; and institutional uses. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

To minimize conflict between residential and commercial land uses, abutting yard requirements will be set out in the Land-Use By-law. The abutting yard is intended to provide a physical separation to minimize the impact of the commercial use of land adjacent to residential zones.

Policy C-13: Highway Commercial (C-3) Designation

Lands along Weaver Road, Pinetree Road and the southern side of the upper portion of West River Road shall be designated Highway Commercial (C3) on the Future Land Use Map; Weaver Road and upper West River Road Highway Commercial designations shall be zoned Highway Commercial (C-3) Zone in the Land-Use By-law. Lands along Pinetree Road shall remain zoned Rural Residential (R2) and are subject to rezoning as set out in the Land Use By-law.

Business Park

Council recognizes that certain types of commercial development are not well suited to either the Downtown Commercial or Highway Commercial Designations. In order to ensure that Pictou is poised to welcome a wide range of development opportunities, it is essential that the Town set aside lands which are suitable for commercial information technology and research based “clean” development.

With high visibility, infrastructure servicing as well as attractive community surroundings and amenities, the lands east of the Pictou causeway can provide the perfect setting for greenfield developments aimed at the high tech, and research and development sectors. With Advocate Printing and Publishing nearby to the west of the Pictou Causeway, the possibility to create a synergy of compatible uses and services within one setting is within reach.

Policy C-14: Business Park Designation

It shall be the intention of Council to designate lands within the Town Pictou, adjacent to the Pictou Causeway as Business Park on the Generalized Future Land Use Map. Creation of “Business Park” (C4) Zone may be undertaken by Council through an amendment to the Land Use By-law as set out in Policy IMP-10.

Home Occupations

Home occupations are small product and service related businesses that have been increasing in popularity as a result of advances in technology and a slower economy. They are an attractive option for many people because they reduce the costs associated with starting a new business and also allow for people to work in familiar surroundings. The concern with such activities have to do with ensuring the character of the dwelling and neighbourhood are preserved. The business should be clearly secondary to its use as a home and no nuisance should be created for the neighbours. Home occupations shall be permitted in all residential zones subject to specific criteria.

Policy C-15: Home Occupations Permitted

It shall be the intention of Council to permit home occupations in all residential zones. Home occupations shall be clearly accessory to the use of the building as a dwelling and shall meet the requirements set out in the Land Use By-law.

Policy C-16: Home Occupation Restrictions

Provision for Home Occupation in the General Provisions section to permit small scale commercial development in the residential designation that is compatible with the character of the area and subject to certain restrictions. These restrictions shall address matters such as external appearance, total floor area, number of employees, off-street parking, outdoor storage and display, signage and general compatibility.

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INDUSTRIAL DEVELOPMENT

Industrial development is the cornerstone of many communities, providing the jobs and the wages which drive economic development and help to build the community. Traditional industries in Pictou evolved primarily from its' proximity to the Northumberland Strait. With a good harbour, many industries related to the fishery, shipping and ship building established themselves along the Town's waterfront. As these industries either reduced in scale or closed with shifts in the economy, new industrial development throughout Pictou County provided many residents with employment opportunities, commuting to Michelin, Trenton Works, or Kimberly-Clark. The Town of Pictou has however retained industry related to the traditional industrial developments (Banc-Metals Pictou Industries) and has witnessed new industrial developments (Advocate Printing & Publishing).

The industrial sector is an important part of the economic health of any community because it provides a high rate of direct tax revenue and also generates indirect tax revenue through a multiplier effect. For example, increased disposal income results in a greater demand for housing for employees and also increases consumption of goods and services. However, the social, environmental, and aesthetic environment impacts on the Town have to be weighed against the economic benefits when considering industrial development applications.

Large industry is primarily attracted to areas that have an available labour force, adequate land base, and the necessary infrastructure related to more intensive industrial activities. The Town of Pictou is not in a position to supply the needs of new large industries because of its' limited infrastructure capacity. These larger industries also impact on the visual quality and social character of a town. It is also important to consider the conflicts industrial development may create due to their operation such as noise, dust, smoke or other emissions and the visual appearance of industrial buildings or property.

The major industrial areas of Pictou are located at the Town's east end of Pictou Harbour and in the industrial park. Banc-Metals Pictou Industries (BPI), Pier C and Straitline Stevedoring, both of which are located along Pictou Harbour, carry out marine related industrial activities associated with manufacturing, assembly, and shipping. The former Stright-Mackay area also located in the same area, has potential to service commercial and recreational marine uses with equipment, supply and repair.

The industrial park, along Old Haliburton Road, consists of a variety of industries. At present the Town's Public Works buildings, Cottage Mechanical, Partners Construction, Terminal Transport and Advocate Printing and Publishing are located there.

Pictou continues to be an attractive place for light industrial developments such as small scale manufacturing, assembly, warehousing, distribution or storage depots, service industries and marine related services. Council wishes to see these light industrial uses developed within the Town and therefore Council considers it an important aspect of this Planning Strategy to encourage new light industry.

Objective

To promote Pictou as a viable location for new industrial development; to take advantage of Pictou's proximity to highway transportation infrastructure by designating those lands which are easily accessible from the Trans-Canada (106) Highway as Industrial Designations and by accommodating a wide variety of light industrial uses in these designations; to take advantage of Pictou's proximity to the Northumberland Strait by designating those lands adjacent to Pictou

Harbour as Industrial Designation and by accommodating a wide variety of light industrial, manufacturing, marine and offshore related uses in these designations.

Policies

Policy IND-1: Industrial Designation

It shall be the intention of Council to designate those lands along the south side of the Old Haliburton Road, west of the Trans Canada Highway, Banc -Pictou Industries (BPI) and the former Stright-MacKay area as industrial. The Land-Use By-law shall include an "Industrial" (IND) Zone which would permit a wide variety of industrial uses, such as but not limited to: manufacturing, assembly or warehousing operations, as well as service industry uses, boat and marine supply sales, automobile sales and service, public utilities, business, medical and professional offices and commercial recreation centers. All areas designated "Industrial" on the Future Land Use Map shall be zoned Industrial on the Zoning Map.

Policy IND-2: Buffering

Where an industrial use is located on lands adjacent to residential development, such use(s) shall be required to take appropriate measures to reduce the visual impact of any aspect of the industrial use. Such measures may include fencing and/or landscaping.

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INSTITUTIONAL

Institutional uses include community facilities such as schools, churches, daycare centres, government uses, health care and special care facilities, and cultural facilities. Council recognizes the vital role institutional facilities perform in any community and it intends to encourage new institutional development and ensure that it is readily accessible to the residents of Pictou. Because new institutional uses can create significant land use conflicts, particularly with regard to compatibility with neighbouring uses, new institutional uses in the Residential Designation will be required to go through a rezoning process so that Council has the opportunity to address any potential land use conflicts. In the Downtown Commercial, Highway Commercial designations, where a new institutional use is less likely to create any land use conflicts, institutional uses shall be permitted as-of-right. Existing institutional uses shall be zoned Institutional and also listed as permitted uses in the Downtown Commercial (C1) Highway Commercial (C3).

Objective

To ensure that institutional uses are conveniently located and accessible to the community and its residents; and, to ensure that new institutional uses are compatible with any adjacent residential neighbourhoods.

Policies**Policy I-1: Institutional (I) Zone**

It shall be the intention of Council to establish an Institutional (I) Zone in the Land-Use By-law to categorize institutional uses. Uses permitted in the Institutional (I) Zone shall include private, public, and commercial schools and colleges, churches and associated residential uses, convents, cemeteries and associated uses, day nurseries and day care centres, hospitals, homes for special care, group homes, child care facility, family crisis shelters, government offices and facilities, recreational uses, and other uses compatible with an Institutional Zone and/or incorporated under the *Societies Act*, R.S., c. 435, s. 1.

Policy I-2: Impact on Neighbouring Land Uses

In order to minimize the impact of institutional uses on surrounding development, Council shall introduce requirements for institutional uses, including restrictions on outdoor storage and display, minimum lot requirements, parking, and special requirements where institutional uses abut a residential zone.

Policy I-3: Where Permitted

It shall be the intention of Council to include institutional uses as permitted uses in the Downtown Commercial (C1), Highway Commercial (C3) and Institutional (I) Zones.

Policy I-4: Where Permitted by Rezoning

Application to rezone lands to Institutional (I) to permit the development of institutional and similar uses in the town shall be considered by Council provided:

1. the subject property is capable of meeting the Institutional (I) Zone requirements;
2. the use can connect to municipal services or utilize on-site sewer and water systems; and
3. the proposal meets criteria for By-law amendments contained in Policy IMP-11.

Policy I-5: Accessibility

It shall be the intention of Council to make every effort to make existing public facilities and/or buildings in the Town accessible to the physically challenged.

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RECREATION

Parks and recreation facilities are vital parts of a community. People need open spaces where they can enjoy a range of recreational opportunities, from passive recreation such as a quiet park setting where one can find peace and relaxation to active recreation such as ball fields, tennis courts, and walking trails. Provision for a range of recreational opportunities will encourage healthy physical activity and social interaction and appeal to both visitors and residents alike. Within the Town of Pictou there are many facilities available including: a sports arena, golf course, exhibition grounds, sports fields, play grounds, seniors' centers, and a public wharf.

The Town of Pictou established the Pictou Recreation Commission in 1971. Presently it consists of 5 - 9 appointed members from Town Council, the Chignecto Regional School Board and Town residents. The responsibility of the Pictou Recreation Commission, as written in the Recreation By-law, reads:

"Subject to this By-law the Commission shall promote, encourage, support and work for the establishment and maintenance of adequate sport, cultural, park and recreation facilities and programs for the use and benefit of the citizens of the Town of Pictou, and in pursuance thereof shall encourage and cooperate with all organizations in the Town of Pictou of a public, private, civic, social, fraternal or religious nature, whose object is to support and promote recreation, sports or cultural activities."

Objective

To provide and maintain a variety of recreational spaces, facilities and programs to meet the year round recreational needs of the community; to ensure that Pictou continues to be a provider of recreational spaces, facilities and programs at the local and regional level and that these needs are viewed in a regional capacity.

Policies**Policy P-1: Recreation Zone**

It shall be the intention for Council to establish a Recreation (P) Zone which shall permit a variety of recreation and recreation related uses, including but not limited to conservation uses, monuments, pavilions, band shells, gazebos, picnic areas, playgrounds, playing fields, tennis courts, swimming pools, golf courses, arenas, recreation facilities, trails, community centres, and commercial uses accessory to a Recreation (P) use.

Policy P-2: Co-operation with Other Municipal Units

It is Council 's intention to cooperate with other municipal units to provide recreational facilities which may be beyond the financial capability of an individual unit and to support the co-operation with other municipal units in the development of a recreational trail system.

Policy P-3: Recreation Programs

It shall be the intent of Council to provide programs which maximize the shared use of existing resources to meet the public's recreation needs.

Policy P-4: Co-operation with Chignecto Regional School Board

It shall be the intent of Council to continue to encourage the cooperation and interaction with the Chignecto Central Regional School Board and other organizations to provide the widest possible utilization of existing recreational opportunities to the general public.

Policy P-5: Sources of Funding

Council shall actively pursue other levels of government for any possible sources of funding and technical expertise available to maintain and improve the Town's recreational facilities and to deliver its programs.

Policy P-6: Recreation Maintenance Program

It shall be the intent of Council through the Recreation Commission to develop with the Public Works Department a long-term recreation maintenance program.

Recreation and Open Space Master Plan

The Pictou Recreation Commission initiated a Recreation Master Plan which was completed in 1989. The planning process used background studies, surveys, public workshops etc. for input. Recommendations and an "Action Plan" were included. A majority of the "Action Plan" components have been completed.

Policy P-7: Recreation and Open Space Master Plan

It shall be the intention of Council to undertake a Recreation and Open Space Master Plan for the Town of Pictou. This plan will build upon the previous plan and provide an outline of future initiatives to be undertaken by the town's Department of Recreation, Tourism and Culture.

Policy P-8: Parkland Dedication

Council shall require subdividers to provide 5% Parkland dedication or cash equivalent as established in the Town's Subdivision By-law. Such provisions shall not be required in the cases of resubdivision or consolidations. Furthermore, 5% Parkland dedication shall not be required where 3 lots or less are created from an area of land that fronts on an existing public street. For the purpose of this Section "area of land" shall mean any lot or parcel as described by its boundaries as they existed on the effective date of the Subdivision By-law. Where the 5% parkland dedication is comprised of land, the land being offered shall be subject to the "usable land" definition as identified in the Land Use By-law.

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IMPLEMENTATION

This section describes how the policies in this Municipal Planning Strategy will be implemented by Town Council. It establishes the Town's general implementation approach, and indicates how changes to the Strategy and Land Use By-law are to be carried out with respect to procedure and public participation. Implementation of the policies of this Strategy requires the continuous interaction between Pictou Planning Advisory Committee, Planning and other municipal staff, the public, and Council.

Objective

To enable Council to manage the development of land in the Town in an orderly and timely manner; to ensure that the policies in this Municipal Planning Strategy are implemented in a consistent manner; to ensure that all development proposals, the Land Use By-law and all other planning and development decisions of Council and Planning Advisory Committee are consistent with the intention of the policies contained in this Strategy; to ensure that public awareness and active participation in the planning process is encouraged.

Policies**Municipal Planning Strategy**

The Municipal Planning Strategy shall be the primary policy document which provides a framework for future planning and development decisions in the Town. The Strategy presents the Town's policy position on planning matters related to land use and development and also general issues related to public participation. The policies in the Strategy shall be implemented through the actions of Council as provided in the Municipal Government Act and any other provincial statutes that may apply. The Municipal Planning Strategy shall accommodate changing circumstances and new information affecting policy by reviewing the Strategy on a regular basis and by providing for policy amendments.

Policy IMP-1: Municipal Planning Strategy

It shall be the intention of Council to adopt the Municipal Planning Strategy to act as the primary policy document providing a framework to guide future planning and development in Pictou. The policies of the Strategy shall be implemented through the powers of Town Council as provided by the Municipal Government Act and any other applicable provincial statutes and municipal by-laws.

Policy IMP-2: Amendments to the Municipal Planning Strategy

It shall be the intention of Council to consider amendments to the Municipal Planning Strategy when:

- 1) there is a need to change a policy due to additional information, changing conditions or changing public attitudes;
- 2) re-zoning requests supported by Council conflict with the Future Land Use Map;
- 3) there is a conflict with a provincial adopted land use policy; or
- 4) there is a need to replace an original Generalized Future Land Use "base map" or when property line information is updated.

Policy IMP-3: Review of the Municipal Planning Strategy

It shall be the intention of Council to provide for changing community circumstances by reviewing the Municipal Planning Strategy when Council deems it necessary.

Generalized Future Land-Use Map

The Generalized Future Land-Use Map is the legally binding, map portion of the Municipal Planning Strategy. It indicates where different types of future development can locate. The generalized land designations on that map shall include:

- 1) Residential
- 2) Downtown Commercial
- 3) Commercial
- 4) West River Commercial Corridor
- 5) Waterfront
- 6) Watersupply
- 7) Industrial
- 8) Business Park

Policy IMP-4: Generalized Future Land Use Map

It shall be the intention of Council to utilize the lands depicted on the Generalized Future Land-Use Map as the desired general pattern for future development in the Town which are based on the policies set down in the text of this Municipal Planning Strategy.

The Municipal Planning Strategy must also provide a certain degree of flexibility, particularly when determining the boundaries of future land Use Designations on the Future Land Use Map. To provide for flexible Boundaries, Council shall consider requests to re-zone lands abutting a given Land Use Designation without undertaking a Municipal Planning Strategy amendment. Where a designation line follows the centre line of a street, lands fronting on said street shall be considered abutting. In considering such requests Council shall ensure that the effect of the rezoning is minor and is consistent with the intention of the Municipal Planning Strategy. In specific cases Council does not want to have flexible boundaries. Flexible and Inflexible boundaries are discussed in Policy IMP-5 and indicated on the Generalized Future Land Use Map.

Policy IMP-5: Rezoning of Lands Adjacent to a Designation

It shall be the intention of Council to consider requests for a Land Use By-law amendment to re-zone lands abutting a given designation on the Future Land Use Map to a zone permitted in that designation without requiring a Municipal Planning Strategy Amendment, provided that the lands abut a flexible designation line.

Land Use By-law

The Land Use By-law provides the instrument used to implement the policies contained in the Strategy. The Land Use By-law is administered by the development officer and sets out zones, permitted uses for each zone, standards for development and requirements for development agreements. Certain types of uses are permitted only by an amendment to the Land Use By-law or by a development agreement. The development standards contained in the Land-Use By-law shall include:

- 1) setbacks from public road rights of ways to provide minimum separation of buildings and vehicular traffic for reasons of safety and pedestrian movements for reasons of privacy;
- 2) setbacks from side and rear lot lines to maintain separation of buildings for fire safety and privacy;
- 3) minimum lot area and frontage requirements to regulate the maximum density of development,
- 4) maximum building height for specified development types to reflect the capability of available fire-fighting equipment and regulations regarding fire prevention in the National Building Code;
- 5) lists of permitted uses in each zone to reflect historical development trends;

- 6) general compatibility among the uses listed, and special needs common to a group of uses (e.g. need for large lots to allow for outdoor storage as in the case of most highway commercial uses).

The Land-Use By-law shall also contain other provisions to deal with specific development concerns and shall include: general provisions applicable in all zones to regulate parking, signs, accessory uses and buildings, etc. and special provisions applicable in specified zones concerning abutting yard requirements, outdoor storage, landscaping, etc.

Policy IMP-6: Land Use By-Law

It shall be the intention of Council to utilize the Land Use By-law as the primary implementation device for policies of the Pictou Municipal Planning Strategy. The By-law shall state, both in text and map form, the zones, permitted uses, and development standards which reflect the policies of the Strategy and the provisions of the Municipal Government Act. The Zoning Map forms part of the Land Use By-law and shall represent the geographical extent of all zones in the Town of Pictou.

Land Use By-law Administration

The following policies pertain to the administration of the Land Use By-law:

Policy IMP-7: Administration of the Land Use By-Law

It shall be the intention of Council that the development officer, employed by the Pictou County District Planning Commission or one appointed by Council to act as its' development officer, shall administer the Land-Use By-law and issue development permits.

Policy IMP-8: Variance

A variance is a technique permitted under the Municipal Government Act that allows for the relaxation of certain Land-Use By-law requirements. Accordingly only the Development Officer has the authority to grant a variance. A variance can only apply to the following:

- number of parking spaces and loading spaces required;
- ground area and height of a structure;
- floor area occupied by a home business;
- height and area of a sign
- percentage of land that may be built upon;
- size or other requirements relating to yards;
- lot frontage or lot area, or both, if;
 - (i) the lot existing on the effective date of the by-law, or
 - (ii) a variance was granted for the lot at the time of subdivision approval.

As well, a variance can only be applied to those above noted regulations when special lot related circumstances warrant (such as the shape of the lot, the slope of the land, rock outcrops, rock walls, large natural trees, wet areas, etc.) provided these lot related circumstances are not general to the properties in the area.

Policy IMP-9: Municipal Development Officer

It shall be the intention of Council that the development officer shall be guided by any practices and procedures resolution adopted by Council and by the policies in this Municipal Planning Strategy and by any pertinent statutory provisions set down in the Municipal Government Act (e.g. procedures for minor variances and requirements for non-conforming structures) when administering the Land Use By-law.

Amendments to the Land Use By-law

Periodically, application is made to amend the Land Use By-law. There are three types of Land Use By-law amendments: (1) text amendments (e.g. changes to a definition or development standard); (2) zoning map amendments (changes to the zoning); or (3) text and/or map changes required to implement a Municipal Planning Strategy amendment. These amendments can be undertaken by an individual or by Town Council.

Policy IMP-10: Creation of New Zones

It shall be the intention of Council to amend the Land-Use By-law to allow additional zones or additional permitted uses in specified zones provided that the additional zones or uses are in keeping with the intention and policies of this Strategy.

Policy IMP-11: Amendments to the Land Use By-law

It shall be the intention of Council to amend the Land Use By-law without amending the Municipal Planning Strategy provided that:

- 1) the amendment is consistent with the intention and policies of this Strategy;
- 2) the amendment (i.e. rezoning) application applies to lands appropriately designated by flexible lines on the Generalized Future Land-Use Map or to lands immediately adjacent to lands so designated to allow the use or uses desired by the applicant requesting Council to amend the By-law, notwithstanding where policies of this Strategy indicate otherwise.

Land Use By-law Amendment and Development Agreement Evaluation Criteria

The Municipal Government Act sets out the required procedure for considering applications to amend the Land Use By-law and for a development agreement. When Council is considering an application for either a Land Use By-law amendment or a development agreement there are certain common factors to be considered. These factors include: whether the proposal is consistent with the policies of the Strategy, the compatibility of the proposal with adjacent uses, and the feasibility of the proposal in terms of impact on municipal services and resources.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning practices. The use of these agreements can more properly address the concerns of adjacent landowners, and provides a greater degree of flexibility to the developer in fitting the neighbourhood. A development agreement is binding upon a property until the agreement or part thereof is discharged by the Town. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, and architectural detail.

Policy IMP-12: Criteria for Amendments and Development Agreements

It shall be the intention of Council, in considering an amendment to the Land-Use By-law, development agreements, and amendments to development agreements, to have regard, (in addition to all other criteria as set out in various policies of this Municipal Planning Strategy), to the following matters:

- 1) that the proposal is consistent with the intention of the Municipal Planning Strategy and the requirements of the Land-Use By-law and all other Town By-laws and regulations;
- 2) that the proposal is not premature or inappropriate by reason of:
 - a) the financial capability of the Town to absorb any capital or operating costs related to the development,
 - b) the adequacy of municipal sewer and water services, or if services are not provided, the adequacy of the physical site conditions for private on-site sewer and water systems,

- c) the adequacy of street networks in and adjacent to the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
 - d) the adequacy, capacity and proximity of schools, recreation and other community facilities,
 - e) incompatibility with adjacent uses and the existing development in the area in terms of the use and bulk;
 - f) extensions to or enlargement of municipal services of facilities while other such services of facilities remain underutilized;
- 3) the suitability of the proposed site in terms of environmental constraints such as steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps, or bogs. For purposes of this Municipal Planning Strategy any lands comprising twenty-five (25) percent of the lot area with a slope gradient of twenty (20) percent or greater shall be considered "steep";
 - 4) the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms;
 - 5) that provisions are made for buffers, or any other control to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
 - 6) that the development does not precipitate or contribute to adverse environmental impacts in the area as a result of air, water, soil, or noise pollution;
 - 7) creating a scattered development pattern which requires extension to municipal and community services;
 - 8) the presence of significant natural features or historical buildings and sites;
 - 9) that any equipment used is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emissions.
 - 10) In the case of Development Agreements to ensure compatibility or reduce potential conflicts with adjacent uses, such agreements may relate to, but are not limited to the following:
 - a) the type of use, density and phasing;
 - b) traffic generation, access to and egress from the site, and parking;
 - c) open storage and landscaping;
 - d) provisions for pedestrian movement and safety;
 - e) provision and development of open space, parks, and walkways;
 - f) drainage, both natural and subsurface;
 - g) signs;
 - h) the hours of operation; and
 - i) the compatibility of the architectural design of the structure(s) in terms of external design and external appearance with adjacent uses.

Policy IMP-13: Prescribed Information

To provide Council with a clear indication of the nature of the proposed development and to assist the evaluation of applications for Municipal Planning Strategy Amendments, Land Use By-law Amendments, and development agreements, it shall be the intention of Council to require the proponents to provide the following information:

- 1) an overall concept plan showing the location of all proposed land uses;
- 2) location, area, shape, landscaping and surface treatment of all public and private open spaces and parking areas;
- 3) information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands;
- 4) information regarding natural drainage of the site;

- 5) information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
- 6) information as the type and amount of site clearing required, if any;
- 7) information as to proposed provisions for good site drainage and servicing with water supply and sewage disposal;
- 8) information as to proposed access and egress to and from the lands and estimated traffic flows to be generated;
- 9) information as to intended hours of operation;
- 10) information as to the architectural design, including renderings, scaled site plans, profiles, grade elevations and cross sections;
- 11) information as to provision and maintenance of appropriate buffers;
- 12) a deed description commonly known as a schedule "A".

Subdivision By-law Regulations

The Town of Pictou presently has a Subdivision By-law, which was adopted in 1994. The By-law establishes regulations for the division, re-subdivision, and consolidation of land and sets out standards for the construction of new roads and the installation of sewer and water services, open space dedication, cash in lieu of land dedication and other requirements in accordance with the provisions for subdivision of land in the Municipal Government Act. The following policies relate to subdivision provisions included in the Land Use By-law and address lots having less than the required frontage and/or area, as provided for in the Town's Land Use By-law.

Policy IMP-14: Administration of the Subdivision By-Law

It shall be the intention of Council that the development officer, employed by the Pictou County District Planning Commission or one appointed by Council to act as its development officer, shall administer the subdivision By-law.

Policy IMP-15: Contents of the Subdivision By-Law

It is Council 's intention that the Town of Pictou Subdivision By-law reflects the intention and policies of this Strategy. The Subdivision By-law includes:

- 1) standards for road construction;
- 2) standards for the installation of services;
- 3) requirements for the developer to install services and construct roads to specified standards;
- 4) requirements for dedication of open space or cash-in-lieu;
- 5) other requirements in accordance with the permissive content provisions of the Municipal Government Act.

Creation of Lots With Less than Required Lot Area or Frontage

In some circumstances, The Development Officer may receive applications to create lots with less than the required lot areas or frontage. The following policies relate to subdivision provisions included in the Land Use By-law and address lots having less than the required frontage and/or area, as provided for in the Town's Land Use By-law.

Lots which have been granted Subdivision approval under the following criteria as per the Town's Subdivision By-law and Land Use By-law, may be used for a purpose permitted in the zone in which the lot is located and a building(s) may be erected on the lot, provided all other applicable provisions in this By-law are satisfied.

Policy IMP-16: Encroachments

In accordance with the Municipal Government Act and the Town's Subdivision By-law and Land Use By-law, where a development component of a permanent nature such as a structure,

driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a final plan of subdivision to the extent necessary and practical to remove the encroachment, provided that the minimum lot area and frontage requirements are met or not further reduced.

Policy IMP-17: Subdivision of Lot with Two Main Buildings

In accordance with the Municipal Government Act and the Town's Subdivision By-law and Land Use By-law, the Development Officer may approve a final plan of Subdivision showing the same number or fewer lots as there are main buildings and a remainder lot, if any, where an area of land contains more than one main building which were built or placed prior to the adoption of the previous Land Use By-law dated June 1994, for which no approval was requested provided that each lot has a minimum lot frontage of 20 feet (6.1 metres).

Policy IMP-18: Re-approval of Existing Undersized Lots

In accordance with the Municipal Government Act and the Town's Subdivision By-law and Land Use By-law, the Development Officer may approve a final plan of subdivision altering the boundaries of two or more areas of land where no additional lots are created and each lot has not had its lot area or lot frontage reduced.

Existing Lots with no Street Frontage

Scattered throughout Pictou are a number of lots which lack frontage on any public street. These lots for the most part predate the October 15, 1975 Subdivision Regulations and By-laws for the Town of Pictou, after which no lot could be legally subdivided unless it had the necessary frontage as specified in the Zoning By-law

In most cases access is provided to these no-frontage lots by means of an easement for right-of-way sufficiently wide to allow the passage of a motor vehicle. In order to avoid placing undue hardship on the owners of these properties, Council wishes to include provisions in the Land-Use By-law to allow for the reasonable use of any such parcel of land, despite the lack of street frontage. Intensive or large scale activities should be avoided, however, and in no case should the resubdivision of a no-frontage lot be permitted.

Policy IMP-19: Existing Lots With No Street Frontage

Provisions shall be included in the Land-Use By-law to permit the development of a lot legally existing on the date of adoption of this Planning Strategy which has no frontage on any public street, providing that:

1. any such lot is located in a R-1 or R-2 Zone and is used or to be used for a single family detached dwelling; and
2. any such lot is located in Waterfront (W) Zone and is used or to be used for a W Zone use only, and be subject to W Zone requirements;
3. any such lot is located in Industrial (IND) Zone;
4. the lot is serviced by an easement for right-of-way and access to a public street, which has a minimum width of 6 meters (20 ft.) that has been clearly granted by deed in favour of the owner, registered in the Pictou Registry of Deeds; and
5. all other applicable sections of the Land-Use By-law are met.

Reclaimed Lands

Over the years new land has been developed within the Town of Pictou by infilling the harbour. Based on the density levels in the downtown and waterfront, Council encourages this form of land creation. Therefore, Council will allow these reclaimed lands to be zoned to the zoning of the land which the reclaimed land abuts.

Policy IMP-20: Harbour Infilling

Provisions shall be included in the Land-Use By-law to accommodate any harbour or coastal infilling along the Town's shoreline by indicating that the zoning on the immediately adjacent lands shall extend out as the shoreline is extended by the creation of new land.

Public Participation Program

To ensure that the planning process represents broader community interests, the Town intends to provide for public input on all planning and development decisions in Pictou. In addition to the requirements for public participation set out in the Municipal Government Act, the Town will provide additional opportunities for public consultation including public information on planning and development activities, and community feedback through mechanisms such as public meetings.

Policy IMP-21: Public Participation

It shall be the intention of Council to make available, all approved and up to date minutes from Council and Advisory Committees, and all Town By-laws, regulations, Municipal Planning Strategy and Land Use By-law, and background planning studies to inform the public on Town activities and plans.