

**INTER-MUNICIPAL PLANNING STRATEGY**  
**for the**  
**Towns of Pictou, Stellarton, and Trenton**



## **Preface**

This document constitutes the Inter-Municipal Planning Strategy (“IMPS”) for the Towns of Pictou, Stellarton, and Trenton, of Pictou County Nova Scotia (“Towns”). This IMPS updates and replaces the original Inter-Municipal Planning Strategy and Secondary Planning Strategies for the Towns of New Glasgow, Pictou, Stellarton, Trenton and Westville (adopted in 2016), and is adopted pursuant to the *Municipal Government Act* of Nova Scotia (“MGA”). This IMPS along with the Land Use By-Law (“LUB”), Subdivision By-Law (“SDB”), and Secondary Planning Strategies (“SPS”) form the “Planning Documents” as defined in s. 191(n) MGA.

This IMPS is intended to add to and not to conflict with or subtract from, the requirements contained in valid Federal and Provincial laws and regulations in force from time to time and shall be interpreted accordingly.

Any capitalized word herein is defined in the other Planning Documents.

An SPS will be adopted by each municipal unit to address land use and land development matters specific to each Town. The three SPS documents will also form part of this IMPS, but each may be amended from time to time by its parent municipal unit.

Any reference to a “Municipal Planning Strategy” (MPS) shall have the same meaning as the IMPS or applicable SPS.

For ease of reference throughout, Pictou County means the geographic area comprising the Towns and the Municipality of the County of Pictou and is not a reference to the Municipality of the County of Pictou.

**Certification and Effective Date**

We certify that the following INTER-MUNICIPAL PLANNING STRATEGY was duly adopted by the Councils of the Towns of Pictou County at duly called meetings and was published as indicated below.

\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
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Municipality	Date of First Reading	Date of Public Participation Meeting	Date of Public Hearing	Date of Second Reading	Date of Ministerial Approval	Notice of Effective Date
Town of Pictou	July 22, 2024	June 26, 2024	September 23, 2024	September 23, 2024		
Town of Stellarton	September 9, 2024	June 25, 2024	October 15, 2024	October 15, 2024		
Town of Trenton	September 10, 2024	June 24, 2024	October 22, 2024	October 22, 2024		

Office Consolidations include Ministerial Amendments to the original and will be revised from time to time as required by future amendments. Office Consolidations are prepared for ease of reference only; refer to original documents for accuracy, available at the Towns.

## **List of Abbreviations**

<b><u>ZONE</u></b> _____ <b>or</b>	
<b><u>ABBREVIATION</u></b>	<b><u>NAME OF ZONE or ABBREVIATION</u></b>
C-1	Downtown Core Zone
C-2	Neighbourhood Commercial Zone
C-3	Highway Commercial Zone
C-4	Commercial Business Park Zone
CD	Commercial Designation
CIP	Capital Investment Programs
DA	Development Agreement
F	Floodplain
GFLUM	Generalized Future Land Use Map
I	Institutional Zone
ICSP	Integrated Community Sustainability Plans
IMPS	Inter-Municipal Planning Strategy
LUB	Land Use By-law
M1	Light Industrial Zone
M2	Provincial Resource Zone
M3	General Industrial Zone
MCCAP	Municipal Climate Change Action Plans
MGA	Municipal Government Act of Nova Scotia
P	Recreation Zone
R1	Residential Single Unit Dwelling Zone
R2	Residential Two Unit Zone
R3	Residential Multiple Unit Zone
R5	Residential/Mini-Home Park Zone
RD	Residential Designation
RR	Rural Residential Zone
R6	Residential Tiny Home
SDB	Sub-Division By-law
SPA	Site Plan Approval
SPS	Secondary Planning Strategy

When referring to a Zone, the abbreviation may also apply to a permitted Use or standard outlined in that Zone, and may be singular or plural in relation to a GFLUM designation.

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## **1.0 INTRODUCTION**

### **Preface**

This document constitutes part of the Inter-Municipal Planning Strategy (“IPS”) for the Towns of Pictou, Stellarton, and Trenton (the “Towns”), which comprise three of the towns in Pictou County, Nova Scotia, and is adopted subject to the provisions outlined in the *Municipal Government Act of Nova Scotia*.

This IMPS provides both a high-level planning framework, and administrative guidance to manage future growth and change in the Towns and provides policy guidance on sustainable land use and land development.

This document is expected to be current for at least five years prior to undertaking the next full review. It is therefore imperative that the IMPS provide for changing circumstances, while stating policy positions on common land use and land development issues.

The IMPS policies are intended to regulate land development. Land development is, however, often subject to the infrastructure capacity of the Town which is informed by the Town’s Capital Investment Programs, Integrated Community Sustainability Plans, and Municipal Climate Change Plans. Therefore, the implementation of land use policies may be subject to the aforementioned programs and plans in addition to the opinions of subject matter experts.

Each member town council that is part of these planning documents will also adopt a Secondary Planning Strategy (SPS) to address land use and development matters specific or unique to its own municipality. The three SPS documents will also form part of this IMPS but may be amended from time to time by any of the aforementioned municipal councils on their own.

### **1.2 Purpose**

The IMPS provides a broad and regional planning framework to manage future growth and change in the Towns and provides policy guidance on land use and related development issues. On a day-to-day basis, the IMPS serves to guide decisions about development in the Towns.

**Each SPS is subject to the provisions of the IMPS, but addresses planning policies specific to that Town.**

The IMPS and each SPS are intended to be consistent and to guide growth and development in the Towns in a rational and sustainable manner.

**The goals, objectives and policies of the IMPS also apply to each SPS, and are not duplicated in the SPS documents. The SPS may, however, outline goals, objectives and policies that are unique to that Town.**

<b>Hierarchy of IMPS and SPS</b>	
<b>IPS</b>	<i>Outlines the Regional Vision, Goals, Objectives and Policies held in common by Pictou, Stellarton, and Trenton</i>
<b>SPS</b>	<i>Outlines the Goals, Objectives and Policies specific to each town</i>
<ul style="list-style-type: none"><li>• <i>Policy areas may, but do not necessarily, have common heading titles between the IMPS and any individual SPS</i></li><li>• <i>All IMPS policies shall apply to each participating Town</i></li><li>• <i>Specific SPS policies apply only to that town</i></li></ul>	

### **1.3 Organization**

This IMPS comprises the following chapters:

- Introduction
- Background
- Vision and Goals
- Objectives
- Policies
- IMPS Maps and Appendices

## **2.0 BACKGROUND**

### **2.1 Context**

This chapter is a background report only and does not form part of the official policy document of the Inter-Municipal Planning Strategy.

The Towns of New Glasgow, Trenton and Stellarton are situated on the banks of the East River of Pictou and beyond, with the Town of Westville located to the west. Collectively, these four towns are known as the “up-river” towns of Pictou County due to their location vis-à-vis the Town of Pictou, which is situated on the north side of Pictou Harbour. The Towns are surrounded by the Municipality of the County of Pictou. This area, collectively, is the third largest urban area in the Province of Nova Scotia, after the Halifax Regional Municipality and the Cape Breton Regional Municipality.

New Glasgow has the highest population of the Towns, followed by Stellarton, Westville, Pictou and Trenton. The Towns are the commercial focal points of the county.

### **2.2 Population**

The 2021 Statistics Canada census data revealed Pictou County’s population as 43,657. Pictou County, with the exception of the Town of New Glasgow, decreased in population between 2006 and 2011. The following tables are based on 2021 census data from Statistics Canada. *(still awaiting Stats Canada 2021 Community Profile updates)*

As well as population decrease, there is a larger aged demographic in Pictou County compared to the national trend, which presents planning and development challenges. Non-traditional approaches to planning and land development such as Town issuance of Requests for Proposals or private/public partnerships can do much to address population shifts.

<b>Population (2021) By Municipality and Trend from Last Census (2016)</b>		
<b>Town/Municipality</b>	<b>Population in 2021</b>	<b>Increase/Decrease from 2016</b>
<b>New Glasgow</b>	9,471	+4.4%
<b>Pictou</b>	3,107	-2.5%
<b>Stellarton</b>	4,007	-4.8%
<b>Trenton</b>	2,407	-2.7 %
<b>Westville</b>	3,540	-2.4%
<b>Municipality of Pictou County, Census Sub. A</b>	6,153	+1.3%
<b>Municipality of Pictou County, Census Sub. B</b>	6,137	-0.6%
<b>Municipality of Pictou County, Census Sub. C</b>	8,386	-0.7%
<b>TOTAL</b>	43,657	-5.3%

*Source: Statistics Canada, 2021 Census, Community Profiles*

<b>Median Age of Pictou County Municipalities, Nova Scotia and Canada</b>	
<b>Jurisdiction</b>	<b>Median Age of Total Population</b>
<b>Pictou County (all six municipalities)</b>	50.0
<b>New Glasgow</b>	47.6
<b>Pictou (Town)</b>	53.2
<b>Stellarton</b>	47.2
<b>Trenton</b>	47.6
<b>Westville</b>	47.2
<b>Municipality of Pictou County (Sub. A)</b>	54.4
<b>Municipality of Pictou County (Sub. B)</b>	51.6
<b>Municipality of Pictou County (Sub. C)</b>	52.0
<b>Nova Scotia</b>	45.6
<b>Canada</b>	41.6

*Source: Statistics Canada, 2021 Census, Community Profiles*

The above tables indicate that at 50.0, the median age of Pictou County’s residents is a full 8.4 years older than the national average, and even 4.4 years older than that of Nova Scotia.

<b>Characteristics of Seniors' Households in Pictou County</b>								
<b>Jurisdiction</b>	<b>New Glasgow</b>	<b>Pictou (Town)</b>	<b>Stellarton</b>	<b>Trenton</b>	<b>Westville</b>	<b>Pictou County (all 6 units)</b>	<b>Nova Scotia</b>	<b>Canada</b>
<b>Percentage of Persons 65 Years or Older</b>	26.3	30.3	22.6	22.7	23.6	26.2	22.2	19.0
<i>Source: Statistics Canada, 2021 Census, Community Profiles</i>								

The above table indicates a higher percentage of senior citizens residing as lone occupants in private households.

<b>Percentage of Dwellings by Type*</b>								
<b>Dwelling Type</b>	<b>Jurisdiction</b>							
	<b>New Glasgow</b>	<b>Pictou (Town)</b>	<b>Stellarton</b>	<b>Trenton</b>	<b>Westville</b>	<b>Pictou County (all 6 units)</b>	<b>Nova Scotia</b>	<b>Canada</b>
<b>Single Detached</b>	58.7	71.0	59.8	74.4	74.4	74.6	63.7	52.5
<b>Apartments (5 or more stories)</b>	0.1	0.3	0.0	0.0	0.0	0.1	6.6	10.7
<b>Movable</b>	1.4	0.3	2.1	2.2	6.7	5.2	3.6	1.3
<b>Semi-detached</b>	6.0	3.7	12.2	3.7	4.2	4.0	5.0	5.0
<b>Row House</b>	2.9	9.6	5.6	2.3	3.8	3.1	2.6	6.5
<b>Duplex</b>	2.6	2.0	5.3	5.9	1.9	2.0	2.7	5.5
<b>Apartments (less than 5 stories)</b>	28.0	12.7	14.6	10.5	8.9	10.9	15.0	18.2
<b>Other</b>	0.1	0.3	0.0	0.4	0.3	0.1	0.1	0.2
<i>Source: Statistics Canada, 2021 Census, Community Profiles</i>								

\* Percentages are rounded

### Summary information on population and dwelling type:

- Pictou County has a considerably higher percentage of single dwellings than the provincial or national averages;
- most apartment buildings in Pictou County are less than 5 stories in height;
- the Towns of New Glasgow and Stellarton contain more diverse housing types than the other municipal units;
- New Glasgow has the highest percentage of multi-unit dwellings of the six municipal units, while Stellarton has the highest percentage of semi-detached units, both of which are above the provincial and national averages; and
- Westville has an above average number of “movable dwellings”.

The population trend presents a dichotomy between the housing marketplace and a desire to retain and attract a broader demographic. Accordingly, this IMPS will both encourage sustainable development in step with population and housing trends and will detail policy to attract under-represented demographics. This IMPS provides a range of approaches to land development policy. SPSs will address land use and land development matters specific to each Town.

### **3.0 VISION AND GOALS**

The adoption of an Inter-Municipal Planning Strategy (IPS) by the three Towns represents a bold step in establishing a “sub-regional” planning approach to urban Pictou County. Rather than simply seeing planning as a regulatory tool unto itself, the Towns of Pictou, Stellarton, and Trenton are attempting to create a common sub-regional vision in a coordinated manner.

Other regional planning efforts have been attempted in the past and are recognized in these planning documents. For example, the Joint Municipal Climate Change Action Plan between Stellarton, Trenton and Westville, adopted in 2013, represents such a coordinated planning exercise. The Town of Pictou has previously partnered with Westville and the rural Municipality of Pictou County in the Sustainable Pictou County Integrated Community Sustainability Plan.

As the Towns move forward in developing a “sub-regional” vision for Pictou County, they are cognizant of the fact that future planning efforts should be a coordinated effort, and in some cases also involving the Municipality of the County of Pictou. In this way, a truly regional program can be achieved.

#### **3.1 Vision and Goal Setting**

Land use and land development policies derive from a vision statement, goals and objectives. The Towns agree that to be effective, Planning Documents need to be developed in concert with their Integrated Community Sustainability Plans (ICSP), Municipal Climate Change Action Plans (MCCAP) and Capital Investment Programs (CIP).

To effectively implement both the discretionary and mandatory policies referenced in section 5.1, land use and land development plans will need to be considered when balancing the four pillars of sustainability in the ICSP, and prioritized in building MCCAP-based infrastructure. This approach also encourages funding for land use and land development plans within a multiple-year capital program, where applicable. Combining these programs gives Councils the capacity to engage in a holistic approach to community development.

A vision statement defines how an organization or community sees itself now and going forward. Visions are often articulated in 25-50 year time frames and are general in scope.

Goal setting should identify and express the values and attitudes of a community in relation to current-day land use and land development requirements, such as serving a housing market and shaping demographic profiles.

Objectives are statements of intent providing specific and short-term targets aimed at achieving goals. The statement of intent is borne out in policy, i.e., the policies match the objectives. Councils refer to policies in their decision-making process relative to land use and land development matters. In effect, policies can be used to both service the existing population and influence demographic changes to support a sustainable community.

Developing and instituting a vision statement, goals, objectives and policies for this IPS has and will continue to involve community input.

### **3.2 Vision Statement**

Through this Inter-Municipal Planning Strategy, the participating Councils have committed to a common vision statement, goals, objectives and policies. The vision statement is as follows:

*The Towns aspire to provide a quality lifestyle, appropriate amenities, and cost-effective services that enhance their position as vibrant and thriving communities for the benefit of all residents, businesses, and visitors to Pictou County. The role of the Towns is to provide an environment that fosters safe, clean, friendly, and attractive communities in which to live and work.*

### **3.3 IMPS Goal**

*For the Towns to provide quality municipal services through affordable and environmentally responsible means and to achieve community sustainability through the integration of Planning Documents with their ICSPs, MCCAPs and CIPs.*

### **3.4 Cooperation with the Province of Nova Scotia on Statements of Provincial Interest and Public Engagement Policy**

The Towns of Pictou, Stellarton, and Trenton recognize the role of the Province in establishing provincial policies to guide development in areas where a provincial interest exists. The province, in accordance with MGA Part VIII, section 190, outlines the purpose of the legislation as follows:

- a) To enable the province to identify and protect its interest in the use and development of land;
- b) To enable the municipalities to assume the primary authority for planning within their respective jurisdictions, consistent with their urban and rural character, through the adoption of municipal planning strategies and land use by-laws consistent with interests and regulations of the Province;
- c) To establish a consultative process to ensure the right of the public to have access to information and to participate in the formulation of planning strategies and by-laws, including the right to be notified and heard before decisions are made pursuant to this Part; and
- d) To provide for the fair, reasonable and efficient administration of this Part.

In accordance with the adopted Statements of Provincial Interest adopted by the Province, the following table identifies and the applicable policies under this IMPS, and the three SPS documents:

Applicable IPS/SPS	SPI – Drinking Water	SPI – Flood Areas	SPI – Agricultural Land	SPI – Infrastructure	SPI – Housing
<b>IMPS</b>	SW-3, SW-4(c)	F-1, 2, 3, 4, 5	Not applicable	SW-1, 2, 3, 4	RD-5, 8, 9, 10, 11, CD-21, CD-22
<b>Pictou SPS</b>	WS-1, 2		Not applicable	C-3, WS-3,4	C-5, W-3, 4, 5, 6
<b>Stellarton SPS</b>	S-MI-5, 7, 8	S-F-1, 2, 3, 4, S-FRA-2(2)	Not applicable	S-M-1, 2, S-MI-15	
<b>Trenton SPS</b>	T-MI-6, 8, 9, 10, 11	T-E-1(4)	Not applicable	T-MI-1, 2, 3	T-R-1, 2, 3

The MGA requires that each municipality conducting planning adopt a Public Participation Program under Section 204, which states:

**“Public Participation Program**

*204 (1) A council shall adopt, by policy, a public participation program concerning the preparation of planning documents;*

*(2) A council may adopt different public participation programs for different types of planning documents;*

*(3) The content of a public participation program is at the discretion of council, but it shall identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents”*

**Engagement program**

*204A (1) A council shall adopt, by policy, an engagement program for engaging with abutting municipalities when the council is adopting or amending a municipal planning strategy.*

*(2) Subject to the regulations, the content of an engagement program is at the discretion of the council.*

*(3) The Minister may make regulations respecting the content of an engagement program.*

*(4) The exercise by the Minister of the authority contained in subsection (3) is regulations within the meaning of the Regulations Act, 2018, c. 39, s. 5*

The wording of this section does allow for some variety in the ways that municipalities in the province may address public participation for the review of planning documents, and here in Pictou County, the various towns have had separate policies over the years, albeit, with many similarities. Based on the requirements of the MGA, and the resources available for the three participating towns of this IMPS, the following policy is adopted:

**1. PURPOSE**

Section 204 and of the *Municipal Government Act* requires municipal councils to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents. Section 204A requires municipal

councils to engage with abutting municipalities when adopting or amending a municipal planning strategy.

## **2. DEFINITIONS**

The terms used in this Policy have the same meaning as those found in the *Municipal Government Act*.

## **3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS**

The Councils of the Towns of Pictou, Stellarton, and Trenton and (hereinafter referred to as “the Councils”) resolve to seek the views of the public and encourage public participation regarding any comprehensive review by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of each Council, but may involve committees, meetings, open houses, surveys, questionnaires, and publications. Open houses will be conducted at least once within each municipal unit participating in the Inter-municipal Planning Strategy and Common land Use Bylaw, and at least one open house will be held to seek the input of all municipalities in Pictou County (including the Municipality of the County of Pictou, as an abutting unit to all), to allow for all six (6) abutting units to be consulted. The Towns agree to engage with all abutting municipal units by advising them, in writing, or any review of planning documents being undertaken, and seeking their input through invitations to Planning Advisory Committee meetings, public meetings, or other such fora.

## **4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW**

Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and amendments to the Inter-municipal Planning Strategy, Secondary Planning Strategy, Subdivision Bylaw or Land Use By-law by (except where exempt under Section 211 of the *Municipal Government Act*, at a minimum, through one or more of the following, in addition to that required by the *Municipal Government Act*:

- holding one or more public meetings, usually hosted by the Planning Advisory Committee, prior to First Reading of any proposed development agreement or amendment;
- advertising any public participation or information meeting regarding any proposed development agreement or amendment by notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;
- advertising any public hearing regarding any proposed development agreement or amendment by:
- placing a notice in a newspaper circulating in the local area;

The Towns agree to engage with all abutting municipal units by advising them, in writing, or any such processes being undertaken, and seeking their input through invitations to Planning Advisory Committee meetings, public meetings, or other such fora.

**5. GENERAL**

Any fees related to any action required by the Public Participation Program will be established by policy of Council.

**6. REPEAL**

The Public Participation Program Policies originally adopted by the Councils, are hereby repealed.

**7. RELATED LEGISLATION, POLICIES and PROCEDURES**

*Municipal Government Act*

## **4.0 OBJECTIVES**

This IMPS, and the SPSs, are divided into several general policy sections and sub-sections related to land use and land development. Objectives for each of these policy areas follow.

Aside from the Generalized Future Land Use Map (“GFLUM”) and appendices, the remainder of this strategy is compartmentalized to represent each of the policy areas: general provisions; residential; commercial; future redevelopment areas; industrial; institutional; recreation; floodplain management; and implementation.

Objectives and background statements are set out below, while Policies for each area are in a corresponding sub-section in Chapter Five. The Objectives that are specific to a particular town are in the corresponding SPS.

The Objectives for each policy area follow.

### **4.1 Municipal Infrastructure**

#### **4.1.1 Sanitary Sewer, Stormwater and Potable Water**

Land use and land development policies shall:

- a) be in step with the Towns’ public sewer by-laws, MCCAP, and CIP in relation to the collection and treatment of sanitary sewage;
- b) account for stormwater plans included in the MCCAP and CIP companion documents, which address rates of return and prioritize infrastructure placement;
- c) contemplate using or developing water distribution master plans, Source Water Protection Plans, and other documents and plans which may include priorities relative to source of supply, pressure modelling, treatment, storage and distribution, i.e. line extensions, and
- d) be consistent with the Statement of Provincial Interest (SPI) concerning drinking water and infrastructure as per MGA. The SPSs have specific related objectives for each Town.

#### **4.1.2 Transportation**

Pictou County’s transportation networks incorporate a system of streets, highways, parking areas, pedestrian linkages, active transportation corridors, water, and rail transportation. Objectives are intended to improve the transportation network.

Land use and land development policies shall:

- a) establish an adequate and well-maintained Street Classification System, in accordance with the following Street Classification System per Transportation Association of Canada Geometric Design Guide for Canadian Roads:
  - i. Major Arterial
  - ii. Minor Arterial
  - iii. Collector
  - iv. Local

- v. Public Lane
- b) address transportation mapping;
- c) encourage a street rating system to guide transportation infrastructure upgrades;
- d) address arterial and collector street structure and function relative to development;
- e) coordinate regional transportation planning with respect to streets and highways;
- f) address street rights of way acquisition through SDB;
- g) where applicable, regulate sidewalks, and walkways for efficient traffic flow and access to existing and future development;
- h) require an adequate supply of off-street parking spaces which may involve a cash in lieu alternative;
- i) support multi-modal, public and active transportation to reduce fossil fuel dependence and carbon emissions, and policies will include measures, where possible, to address potential dangers such as a lack of sidewalks, crosswalks, trails or lighting; and
- j) address requirements of land reserves to accommodate new or extended streets and municipal infrastructure.

#### **4.1.3 Local Improvements**

Installations and improvements of area-specific street and sidewalk infrastructure can be accommodated through area rating.

#### **4.1.4 Solid Waste Management**

Pictou County Solid Waste, a division of the Pictou County Shared Services Authority, manages curb-side collection and disposal of domestic solid waste for all municipal units. System management is pursuant to a common Solid Waste By-Law:

- a) Land use and land development policies shall ensure an efficient collection system that is in lockstep with the applicable by-law.

#### **4.1.5 Heritage**

Protection of built heritage is encouraged by Heritage By-laws. Adaptive reuse of heritage assets, including reuse and recycling of finite materials and resources, is a sustainable practice that will be supported where feasible:

- a) Land use and land development policies shall encourage the conservation, protection, rehabilitation, and ongoing use of buildings, streetscapes, and areas of historic, architectural or cultural value and adaptive reuse of materials in accordance with applicable legislation.

## **4.2 Land Use Objectives**

### **4.2.1 General Provisions**

General Provisions include, without limitation, signage, fencing, non-conforming uses, lot development, variances, and Accessory Structures. The objectives below support policies that are operationalized in the LUB:

- a) to maintain and promote the desired community aesthetic when regulating the development, reconstruction, expansion, alteration, maintenance, or recommencement of a land use or a structure;
- b) to promote social, economic, cultural and environmental sustainability;
- c) to maintain and promote a safe environment for the general public and residents in land use and land development; and
- d) to consider drainage and grading plans to prevent flooding or other damage to neighbouring properties, municipal infrastructure, or other lands and waters.

#### **4.2.2 Residential**

The continued availability of diverse housing options will be supported to the extent that housing development is harmonious with residential character. Objectives in this regard shall be consistent with the Statements of Provincial Interest (SPI), which objectives are as follows:

- a) to provide for mixed housing that includes, without limitation, affordable housing, special needs housing, and rental accommodations that retain and attract desirable but under-represented demographics;
- b) to promote a good neighbourhood character, and having inclusionary zoning in effect;
- c) to encourage residential development in serviced areas, enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types in certain areas, including manufactured housing;
- d) to encourage greenfield development in accordance with provisions of the ICSP and the Towns' CIPs;
- e) to allow for Home Occupations;
- f) to consider Institutional uses by rezoning or other means; and
- g) to permit Neighbourhood Commercial Uses, in some circumstances through Development Agreement, site plan approval or as of right.

#### **4.2.3 Commercial**

Land use and land development policies shall:

- a) encourage business and commercial development to service the towns, visitors surrounding areas;
- b) ensure the design of commercial development minimizes negative impact on adjacent residential neighbourhoods;
- c) recognize the prominence of highway and business park commercial areas at Town entrances by encouraging aesthetically pleasing developments; and
- d) protect the viability of the downtowns as a mixed use, retail and service area, an employment base, and the community's focal point.

#### **4.2.4 Wind Energy**

Siting of Wind Turbines will be facilitated through Zoning regulation designed to mitigate adverse effect on adjacent properties.

#### **4.2.5 Industrial**

Industrial development will be supported, with objectives as follows:

- a) to promote “industrial parks”;
- b) to provide for a range of light, resource, and general industrial uses, as well as limited non-industrial uses such as recreation and commercial uses;
- c) to minimize potential land use conflicts by limiting development outside of industrial parks or, where permitted, in commercial designations;
- d) to allow the continued existence or expansion of general, including heavy industry, in amenable areas; and
- e) to balance economic benefit of development with social, environmental sustainability and aesthetic impact.

#### **4.2.6 Institutional**

New accessible institutional development will be supported, which includes community facilities. Institutional uses are recognized as a means to positively influence a community aesthetic. Objectives are as follows:

- a) to ensure convenient and accessible location of institutional uses; and
- b) to ensure institutional use compatibility with any adjacent residential neighbourhoods, including group homes, special needs housing, and similar uses.

#### **4.2.7 Recreation**

A range of passive and active recreational opportunities will be encouraged with the following objectives:

- a) to provide and maintain diverse regional recreational spaces, facilities and programs to meet community needs, including accessibility for users; and
- b) to ensure siting and program selection decision are fiscally sustainable and make sufficient use of existing recreational spaces and facilities.

#### **4.2.8 Floodplain Management and Shoreline Protection**

Low lying areas have been flooded on many occasions in the past. These areas are identified under a *Statement of Provincial Interest* in the MGA. Objectives and policies will be addressed in applicable SPSs. Shoreline protection will also be studied with the aim of introducing policies and regulations for the affected areas in the towns.

#### **4.2.9 Implementation**

This section describes the implementation policy, including procedures and requirements for policy and LUB amendments. Implementation involves a consultative effort among Planning Advisory Committees (where such committees exist), municipal staff, the public, and Council. Objectives are as follows:

- a) to ensure consistent implementation through common criteria, and by permitting as much as of right land uses through zoning as possible, while balancing neighbourhood amenity and diversity;
- b) to develop clear application procedures for all planning applications;
- c) to maintain efficiencies through a consistent approach to the amendment procedure;
- d) to ensure the administrative review of development proposals are consistent with all Planning Documents;
- e) to ensure efficacy of administrative oversight;
- f) to ensure ongoing consultation with the public on amendments, updates and development applications per the MGA; and
- g) to provide for timely reviews of the Planning Documents.

## **5.0 POLICIES**

This chapter sets out guiding policies of Council for land use development. IMPS policies are intended to regulate land development, however existing infrastructure capacities must be considered. Subsequently, the implementation of land use policies relating to infrastructure and or programing (i.e. Capital Investment Programs, Integrated Community Sustainability Plans, and Municipal Climate Change Plans) are largely permissive. Mandatory (“shall”) versus permissive (“may”) policy is denoted by the language used.

### **5.1 Municipal Infrastructure**

#### **5.1.1 Sanitary Sewer, Stormwater and Potable Water**

##### **Policy SW-1: Pipe Infrastructure – Developer**

It is Council’s intention that the Development Officer may, in consultation with the Town Engineer, require detailed plans for sanitary sewer, stormwater collection, and the distribution of potable water as part of development permit applications and/or subdivisions.

##### **Policy SW-2: Pipe Infrastructure – Town**

It is Council’s intention that, in part, Council may consider upgrades and extensions of Pipe Infrastructure in accordance with MCCAP, ICSP and CIP.

Towns may further develop hydraulic models to predict quantity and pressure requirements for potable water to service proposed development.

The Towns may study and plan for measures to mitigate surface inflow and infiltration from the wastewater system, and for the separation of stormwater and sanitary in combined lines.

##### **Policy SW-3: Source Water Protection**

It is Council’s intention that the Towns shall adopt a Source Water Protection Plan as per NSE regulation. Where applicable, the Towns shall Zone and designate land to enforce the requirements detailed within their Source Water Protection Plan.

##### **Policy SW-4: Integration of Land Controls with Town Plans and By-Laws**

It is Council’s intention that Land use and land development policies shall:

- a) be in step with the Towns’ public sewer by-laws, MCCAP, and CIP in relation to the collection and treatment of sanitary sewage;
- b) account for stormwater plans included in the MCCAP and CIP companion documents, which address rates of return and prioritize infrastructure placement; and
- c) contemplate using or developing water distribution master plans, which may include priorities relative to source of supply, pressure modelling, treatment, storage and distribution, i.e. line extensions.

### **5.1.2 Transportation**

#### **Policy T-1: Street Classification**

It is Council's intention that a Street Classification System may be devised and used to ensure that proposed developments are consistent with expected traffic generation to minimize requirements for street improvement and realignment projects. The Development Officer may require a professional review of anticipated impact on traffic circulation.

#### **Policy T-2: New Street Classification**

It is Council's intention to require that all new streets be designed to reflect their capacity and intended use, which may include a new Street Classification System.

#### **Policy T-3: Arterial and Collector Streets**

It is Council's intention that Zoning within the LUB shall regulate, without limitation, access, off-street and on-street parking, setback; and access to arterial roads will be limited by establishing minimum separation distances for public street intersections on arterials to decrease the potential for traffic hazards.

#### **Policy T-4: Transportation Mapping**

It is Council's intention that the SPSs may include a transportation map forming part of the GFLUMs.

#### **Policy T-5: Infrastructure Upgrades**

It is Council's intention that the SPSs may include a street rating system to prioritize the upgrades of existing road infrastructure in conjunction with CIP objectives.

#### **Policy T-6: Regional Infrastructure Planning**

It is Council's intention that Street and highway development and maintenance shall be a regional effort through consultation with the Nova Scotia Department of Transportation and Infrastructure Renewal.

#### **Policy T-7: Right-of-Way and Street Construction**

It is Council's intention that the subdivision approval process shall consider reserves for right-of-way and street construction.

#### **Policy T-8: Pedestrian Walkways, Public Transportation and Bicycling Trails**

It is Council's intention that the existing network of pedestrian walkways and bike trails shall be planned and enhanced, with land-owner cooperation, to provide safe and convenient pedestrian and active transportation. The following improvements will be prioritized whenever possible:

- a) creation of attractive pedestrian linkages to key destinations;
- b) installation of sidewalks along arterial and collector roads, and creation of safe and effective crossing areas at existing and future streets;
- c) installation of sidewalks and trail linkages connecting residential neighborhoods with schools, parks and other pedestrian routes employing natural features such as watercourses, ravines and forested lands;
- d) use of existing public rights-of-way as pedestrian walking trails;

- e) the creation of “bike only” or “bike friendly” lanes, where feasible, along new and existing streets to separate vehicular and bicycle traffic, and to connect off-road walking and biking trails;
- f) continue the operation and potential expansion of the regional bus system, and
- g) investigate and if feasible develop abandoned railway rights-of-way as trails.

**Policy T-9: Off-street Parking**

It is Council’s intention that the LUB shall regulate off-street parking involving four or more vehicles, location of driveways, and standards regarding their design. Subject to cash in-lieu provisions herein, all development proposing to locate in the Towns shall be required to provide off-street parking or a cash equivalent if approved. The LUB will provide for granting of variances to the number of parking and/or loading spaces required on recommendation of the Traffic Authority.

**Policy T-10: Maintenance and Provision of Parking**

It is Council’s intention that the Towns shall maintain existing public parking spaces and develop new public parking spaces as necessary and feasible.

**Policy T-11: Off-Street Parking, Loading, Vehicle Stacking and Requirements**

It is Council’s intention that the LUB shall regulate off-street parking, driveway locations, abutting yard setbacks, design standards, loading, vehicle stacking and like matters. All development proposing to locate in the Towns shall be required to provide off-street parking, or, if approved, a cash in-lieu equivalent, and shall be subject to LUB regulation as above.

**Policy T-12: Parking in Residential Zones**

It is Council’s intention that in order to maintain the character of the residential streetscape and minimize adverse impact on adjacent properties, the LUB shall regulate location and size of parking areas, and require landscaping of yard areas in all residential zones.

**Policy T-13: Cash-In-Lieu**

It is Council’s intention that Cash-in-lieu of on-site parking may be accepted or not required in those areas zoned Downtown Core (C1) in the LUB. Payment shall be calculated by formula set out in the LUB. Businesses located in areas zoned Downtown Core (C1) shall be exempt, but residential development may be subject to cash-in-lieu consideration.

**Policy T-14: Street Reserves**

It is Council’s intention that the Towns may identify and reserve areas for future street development and the installation of municipal infrastructure on their GFLUM.

**Policy T-15: Local Improvements**

It is Council’s intention that the Towns may consider the adoption of a Local Improvements By-Law to operationalize the cost recovery of local improvement through rating and/or capital charges.

**5.1.3 Solid Waste Management**

**Policy SW-1: Solid Waste Disposal**

It is Council’s intention that the Towns shall continue to co-operate and promote through public education a viable Pictou County solid waste management system, including refuse,

recyclable and compostable materials, to provide a regular and efficient curb-side waste management collection program to provincial and municipal legislative standard.

#### **5.1.4 Heritage Property**

##### **Policy H-1: Heritage Property By-law**

It is Council's intention that the Towns may adopt Heritage Property By-laws.

##### **Policy H-2: Heritage Advisory Committee**

It is Council's intention that a Town may strike a Heritage Advisory Committees to make recommendations to Councils on the registration of municipal heritage property in accordance with enacted Heritage Property By-laws.

##### **Policy H-3: Adaptive Reuse of Heritage Properties and Other Historical Assets**

It is Council's intention that the adaptive reuse of heritage and other historical buildings, properties and streetscapes, including reuse and recycling of finite materials and resources, will be encouraged where feasible, and will be subject to the National Building Code and Fire Code requirements.

## **5.2 Environmental Management**

### **5.2.1 Stormwater**

#### **Policy E-1: Minimizing Run-off**

It is Council's intention to examine whether new development shall be required to achieve no net increases in storm water run-off through innovative site design and engineering aimed at infiltrating, filtering, evaporating, harvesting and retaining runoff, as well as preventing pollution. Each Town may undertake different approaches to this aim through their Engineering Design Specifications.

#### **Policy E-2: Natural Drainage**

It is Council's intention that the use of existing natural drainage systems shall be encouraged.

#### **Policy E-3: Public Education**

It is Council's intention that Council may require an education program for property owners, managers and their consultants on how to implement, monitor, and maintain stormwater management practices on private property.

## **5.3 Land Use**

### **5.3.1 General Provisions**

The following general provisions apply to the many planning and development matters that may be addressed in planning documents, including but not limited to the development and use of accessory structures, lighting, signage, variances, site plan approvals, temporary and special uses, non-conforming uses, and other matters.

### **5.3.1.1 Accessory Structures and Uses**

A use, separate building or structure which is situated on the same lot and is incidental to the principal building is considered to be an accessory structure and/or use. In order to maintain a good neighbourhood character, and provide for the safe construction of such structures, the development of such structures and uses will be regulated through the LUB.

#### **Policy G-1: Not for Human Habitation**

It is Council's intention that Accessory structures shall not be used for human habitation, except where permitted in this IMPS as garage suites, garden suites, or other provision in this IMPS.

#### **Policy G-2: Community Impact**

It is Council's intention that permitted accessory uses and structures shall have minimal effect on adjacent properties and the surrounding neighbourhood.

#### **Policy G-3: Permit Required**

It is Council's intention that where a Lot is occupied by a permitted use, that use may include accessory uses and structures provided that the LUB regulates size, height, and location of the accessory structure on the Lot. Accessory uses and structures may also include solar energy panels, and other similar structures.

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

It is Council's intention that Accessory Uses such as retaining walls, fences up to 1.8 metres (6 feet) in height, clothes-line poles, and garden trellises shall be permitted as-of-right, without permit for erection or maintenance.

### **5.3.1.2 Corner Vision**

#### **Policy G-5: Corner Vision Triangle**

It is Council's intention that the placement and height of structures such as fences, signs, vegetation and retaining walls in the corner vision triangle of street intersections shall be regulated by LUB to prevent sight line obstruction on public streets and rights-of-way.

### **5.3.1.3 Outdoor Storage**

#### **Policy G-6: Outdoor Storage and Display**

It is Council's intention that, subject to other provision in LUB, outdoor storage and display of goods, machinery, vehicles, building materials, waste materials, aggregates, and other such items within all zones shall be prohibited or regulated by screening.

#### **5.3.1.4 Variance**

##### **Policy G-7: Variances**

It is Council's intention that Development Officers may grant variances in a DA, or to a SPA, LUB or SDB requirements as per all MGA requirements.

#### **5.3.1.5 Fences**

In order to allow for privacy and safety, the regulation of fences should be addressed through the LUB, albeit without the need to over-regulate.

##### **Policy G-8: Fences**

It is Council's intention that all Fences require a development permit except Fences 6 feet (1.8 metres) and under in height that do not interfere with a Corner Vision Triangle requirement under Policy G-5. Further, permits may or may not be required based on the size or height of fences within certain zones.

#### **5.3.1.6 Signs**

Signs can have a significant impact upon the aesthetic character of a municipality. The LUB should allow for regulations of sign construction and placement to ensure that aesthetic, safety, and other factors are controlled.

##### **Policy G-9: Regulated Signs**

It is Council's intention that signage is either prohibited or permitted as may be adopted by the Towns. The LUB shall regulate signage that is permitted as-of-right, by type, material, size, location, and number. Commercial operations shall construct and maintain signs that balance visibility with the visual integrity of the area and may be subject to review of the Local Traffic Authority. Individual SPSs may address additional signage requirements and/or may subject signage to a separate by-law.

##### **Policy G-10: Commercial Signs in Residential Areas Prohibited**

It is Council's intention that, excepting signage for Neighbourhood Commercial Uses and Home Occupations, as well as permitted temporary or special uses as specified in the LUB, commercial signage shall be prohibited in residential zones.

##### **Policy G-11: Signs not Requiring Permits**

It is Council's intention that residential signage to advertise yard sales, property identification signs, real estate signs, regulated political signs surrounding any Federal, Provincial or Municipal election ("Special Use" Signs), and artistic murals or other works of art that do not convey an advertising message.

### **5.3.1.7 Temporary and Special Uses**

Temporary uses are uses that are associated with new construction activity in the Town, including 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. Special uses are uses of signs, banners, and other structures leading up to and during special events such as elections or festivals.

#### **Policy G-12: Temporary Uses**

It is Council's intention that temporary uses of structures in connection 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 subject to other provision in the LUB.

#### **Policy G-13: Special Uses**

It is Council's intention that special uses and structures such as signs, banners, display booths, and other similar structures in connection with an election, festival, celebration, or other special event shall be permitted without permit, provided that the LUB conditions are met.

### **5.3.1.8 Outdoor Lighting**

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

#### **Policy G-15: Outdoor Lighting**

It is Council's intention that the type, style, and placement of outdoor lighting shall be regulated by LUB to minimize adjacent use conflicts and to ensure outdoor lighting is directed away from adjoining properties.

### **5.3.1.9 Swimming Pools**

Swimming pools, because of safety concerns, 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 as set out in the Land Use By-law, and that access to a swimming pool may be gained only through secure means. Setbacks shall be outlined in the Land Use By-law and intended to provide for safe movement in and around the pool.

#### **Policy G-16: Swimming Pools**

It is Council's intention that safety concerns necessitate stringent regulation of swimming pools. Secure enclosures regulated in the LUB by height shall be required, with setbacks to permit safe movement in and around swimming pools. A Swimming Pool By-law that was enacted by each Town will be repealed in favour of the swimming pool requirements in the Common LUB.

**Policy G-17: Swimming Pool By-law**

It is Council's intention to repeal their individual Swimming Pool Bylaws in favour of the swimming pool requirements in the Common LUB.

**5.3.1.10 Non-Conforming Uses or Structures**

Non-conforming uses are usually commercial or industrial uses which are no longer permitted in certain residential areas but are allowed to 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, at times by development agreement or site plan approval. 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.

Non-conforming uses are usually commercial or industrial uses that are no longer permitted in most residential areas but may remain because they predate the LUB.

**Policy G-18: Non-Conforming Uses or Structures by DA or SPA**

It is Council's intention that non-conforming uses and structures shall be addressed by DA or SPA (where applicable), and in accordance with MGA. In addition to SPA Policy IM-23 (where applicable), the following factors shall be considered:

- a) architectural design compatibility with adjacent uses, including scale and exterior finish;
- b) Outdoor Storage area and year-round artificial or natural screening;
- c) buffering and Setback distances from low density residential uses and landscaping treatments;
- d) Use maintenance and appearance;
- e) Non-Obnoxious Use;
- f) Compatible hours of operation with adjacent Uses; and
- g) policy compliance.

**5.3.1.11 Adaptive Reuse of Non-Conforming Uses and Structures**

Where feasible, the adaptive reuse of non-conforming structures may result in better economic, social, cultural and environmental sustainability, and encourage the reuse and recycling of finite materials and resources.

**Policy G-19: Adaptive Reuse of Non-Conforming Uses and Structures**

It is Council's intention that the adaptive reuse of non-conforming structures and uses may be permitted where feasible, subject to the National Building Code and Fire Code requirements, and the provincial Building Code Act and Fire Safety Act, and accompanying regulations.

#### **5.3.1.12 Altering of Land Levels and Other Provisions in Relation to Development**

Previous development practices have sometimes led to negative consequences for nearby property owners when land levels have been altered without proper consideration. The removal of trees or other vegetation, lack of sedimentation or erosion control, removal of topsoil, or other similar actions have resulted in flooding or other damage to neighbouring properties, municipal infrastructure, or other lands and waters. In an attempt to prevent such negative effects in the future, the towns have adopted provisions in their Subdivision By-laws and Building By-laws requiring approval and adherence to subdivision drainage and grading plans.

#### **5.3.1.13 Altering of Land Levels and Other Provisions in Relation to Development**

##### **Policy G-20: Altering of Land Levels and Other Provisions in Relation to Development**

It is Council's intention that any proposed development of land shall comply with Approved Site Drainage and Grading Plans, where such plan requirements are in effect by municipal By-law.

#### **5.3.1.14 Undersized Lots and Flag Lots**

It is Council's intention that three types of infill development are subject to policy: existing undersized lots, Flag Lots and lots containing two units or two main buildings that may require subdivision on title transfer. Unless specified otherwise, these will be permitted subject to the requirements of the LUB and Subdivision Bylaws.

##### **Policy G-21: Existing Undersized Lots**

It is Council's intention that infill development may be encouraged on existing vacant serviced lots by permitting Lot use that does not meet the Zone area or frontage requirements, but does meet minimum Setback requirements.

##### **Policy G-22: Flag Lots**

It is Council's intention that infill housing may be encouraged by permitting the creation of Flag Lots in all zones, provided that a minimum 6.1 metres (20') frontage and access width are maintained to the "flag" portion of the lot.

##### **Policy G-23: Two Dwellings on a Single Lot**

It is Council's intention that two residential or main buildings existing on a single Lot, and that predate the Subdivision By-law, shall be permitted to create two lots out of the one, that do not meet the area or frontage requirements of the applicable Zone.

### **5.4 Residential – Policies**

Residential neighbourhoods contribute to a sense of community which is vital to the social well-being of a town. Pictou County's towns have a broad range of housing from the historical miners' semi-detached housing, to newer single detached housing, and several multiple unit buildings. The current trend towards smaller families, smaller households, and an aging population indicate a demand for smaller, more affordable housing accommodations. It is Council's desire to ensure that a variety of housing options are

available to meet the needs of every citizen, but at the same time do not adversely impact the residential character of the Town. This includes affordable, accessible and special needs housing, and purpose-built rental accommodations.

Population decline, downsizing of manufacturing industries in the region since 1980, and servicing requirements have resulted in lower residential growth in Pictou County over the past thirty years;. Some large parcels of undeveloped vacant residential land require servicing upgrades before development is feasible, and councils feel that developers should bear most of the costs to install those services. Residential development will most likely occur on the smaller pockets of undeveloped land within proximity of municipal services, and in infill areas that are currently underutilized. Councils are encouraging that better use be made of existing municipal infrastructure before services are extended, and to encourage attractive and appropriate design for this infill development.

To recognize the need for certain types of commercial development in residential neighbourhoods, some low intensity commercial uses shall be permitted as-of-right in the residential zones as home occupations. Other neighbourhood commercial uses may be permitted in some circumstances, in some cases through development agreements, which is addressed in the Commercial Section of this Planning Strategy. Some existing commercial uses located in the Residential designation may be re-zoned to an appropriate commercial zone to permit the use to continue without being a non-conforming use. Institutional uses may be considered by rezoning as addressed in the Institutional Part of this Municipal Planning Strategy.

### **Policy RD-1: Residential Designation**

It is Council's intention that a Residential Designation ("RD") shall be established on the GFLUM, applying to existing serviced and unserved areas, designed to permit mixed housing stock.

RD zoning shall include R1, R2, R3, RR, R5 and R6, with permitted uses and development methods addressed in LUB, including Residential, Home Occupation, Neighbourhood Commercial, Recreational and Institutional uses. Development shall be as-of-right, by Development Agreement or Site Plan Approval, or by other methods permitted by the enabling legislation and Planning Documents.

#### **5.4.1 Single and Two Unit Dwelling Development**

The residential designation consists of serviced and unserved areas. The majority of the area's residential development is a mix of single and two unit dwellings in areas where municipal services are available. The councils feel that this development pattern should be protected and maintained, but also densified to meet the increased need for affordable housing. The serviced areas of towns designated Residential should be zoned mostly Residential Two Unit (R2) to reflect this desire. For vacant undeveloped areas of Town that do not have municipal services, nor are expected to acquire municipal water and sewer services in the foreseeable future, the Residential Single Unit (R1) zone will be applied in some circumstances.

### **Policy RD-2: Residential Single Unit Dwelling Zone (R1) Zone**

It is Council's intention that R1 zoning applies primarily to unserved and partially serviced lands within the RD, and to low density development. Permitted uses and requirements, such

as height, frontage, Setback, are set out in the LUB. Subsequent servicing of R1 areas may be subject to rezoning to R2. Given the increased demand for affordable and purpose-built rental housing, R1 Zoning will be limited to certain established areas of the towns.

**Policy RD-3: Residential Two Unit (R2) Zone and Residential Tiny Home (R6) Zone**

It is Council's intention that R2 and R6 zoning shall apply primarily to serviced areas within the RD. Permitted uses and requirements, such as height, frontage, Setback, are set out in the LUB. The Residential Tiny Home (R6) Zone will allow for smaller dwellings with main walls of less than six metres (6 m) or twenty (20) feet, and on existing undersized lots where noted in the LUB within each town.

**Policy RD-4: Two Unit Dwellings (R1) Zone by SPA**

It is Council's intention that Two Unit residential Dwellings in R1 shall be considered by SPA and compliant with policies regarding SPA development.

**Policy RD-5: Garden and Garage Suites (R1) Zone by SPA**

It is Council's intention that Garden and Garage Suites in R1 shall be considered by SPA and compliant with policies regarding SPA development.

**5.4.2 Rural Residential Development**

To recognize that a significant amount of unserviced rural land still exists in some of the towns, and the existence of agricultural uses, the Rural Residential (RR) zone has been established to permit residential, agricultural, and other land uses on larger lots. This zone will require larger lot sizes and other criteria for development than the other residential zones.

**Policy RD-6: Rural Residential (RR) Zone**

It is Council's intention that the Rural Residential (RR) Zone has been established to permit Residential, Agricultural, and other land uses on larger and primarily unserviced lots. Permitted uses and requirements, such as height, frontage, Setback, are set out in the LUB.

**Policy RD-7: Unserved Lots Rural Residential (RR) Zone**

It is Council's intention that minimum lots in unserviced areas shall be determined and subject to Provincial *On-site Sewage Disposal Systems Regulations*, N.S. Reg. 194/2007, as amended.

**5.4.3 Multiple Unit Development**

**5.4.4 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 various sizes and townhouses. There appears to be an increased demand on multiple unit buildings,

particularly for seniors housing, and to meet the affordability challenges in the current housing crisis.

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. Such housing is also important as Council seeks to ensure that there is an adequate supply of affordable, special needs, and rental accommodation in the community. However, some area residents may perceive that multiple unit dwellings can also have a negative impact on established neighbourhoods in terms of traffic, aesthetics, scale, design, and density. The councils will work with area residents to try and alter some of the negative perceptions that exist in the community, while striking a balance between housing needs and neighbourhood perception.

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 creating a Residential Multiple Unit (R3) Zone which shall apply to some existing multiple unit dwellings.

The Residential Multiple Unit (R3) Zoning shall be applied to certain areas in the RD, balancing land use and servicing efficiency with traffic, aesthetic, and residential impact.

### **Policy RD-8: Residential Multiple Unit (R3) Zone**

It is Council's intention that R3 zoning shall apply to those existing multiple unit developments, as well as potential multiple unit sites, as depicted on the Zoning map, and as designated RD or CD. Permitted land uses as-of-right shall include multi-unit residential dwellings, and requirements, such as height, frontage and Setback, are set out in LUB. RD or CD areas are subject to R3 re-zoning. R-3 re-zonings shall be subject to the requirements of the R-3 Zone and Policy IM-12, but only in cases where they are not listed as permitted uses in the R3 Zone tables. Uses indicated as permitted, or as of right uses, shall be approved as such.

### **Policy RD-9: New Multiple-Unit Dwellings and Affordable Housing by Development Agreement and Site Plan Approval, and Inclusionary Zoning**

New Multiple Unit Dwellings, expansions to existing Multiple Unit Dwellings, new senior's residential complexes, conversions of single and two unit dwellings to multiple-unit dwellings, the provision of affordable housing, and conversions of single and two-unit dwellings to Senior's Residential Complexes may be permitted by Development Agreement or SPA in areas designated Residential, Downtown Core, Highway Commercial, unless already listed as permitted uses and/or as of right use. Development Agreement applications shall consider, without limitation, factors as follows:

- a) Lot requirements of the relevant zones as applicable as a guideline to negotiate DA terms;
- b) architectural design compatibility with adjacent uses, including scale and exterior finish;
- c) Outdoor Storage area and year-round artificial or natural screening;
- d) landscape preservation by minimizing tree and soil removal;
- e) municipal water and sewer servicing;
- f) open Space, amenity space, and like considerations; and
- g) proposals satisfy the review criteria of IM-12.

Notwithstanding the above, the provision of affordable housing by the towns could be achieved through separate agreements that augment the existing development policies of this planning strategy. While a general accepted rule of thumb is that “affordable” housing is usually the availability to pay for housing using no more than thirty (30) percent of household income, each town may apply its own benchmarks or standards. Such projects may be undertaken by DA or SPA, where permissible, through separate agreements negotiated between towns and developers, and may include public sector housing providers, condominium corporations, or other forms of tenure. The adoption of inclusionary zoning that would address affordable housing may also be implemented.

**Policy RD-10: New Multiple-Unit Dwellings by Site Plan Approval**

It is Council’s intention that, notwithstanding Policy RD-9, multiple dwellings (to a maximum of four-dwelling units) may be permitted by SPA in the R1, R2, R3, RR, R5 and R6 Zones, subject to zone requirements and Policy RD-9 factors above, as well as SPA criteria outlined in this IPS and LUB, excepting uses already identified as permitted, as-of-right uses, which will not be subject to this requirement.

**5.4.5 Innovative Housing and Site Design**

In comparison to higher density development requirements of cities, the Towns in general do not have land areas fully developed, i.e. greenfield areas still exist to accommodate traditional sub-division scale development. Creating efficiencies in the operation of municipal infrastructure such as wastewater treatment and the production of potable water involves, in part, lowering per unit of cost through the introduction of new users. It is therefore desired to approach sub-division scale development at this point in time. However, subdivision development can combine both traditional approaches and innovative housing and site design. Additionally, innovative housing and site design may be useful with respect to the development of infill lots.

Innovative housing and site design are defined as cluster/open space, small lot and small lot developments. More specifically, these approaches utilize common open space, modifications to lot sizes and setbacks, and variations to the internal street network.

**Policy RD-11: Innovative Housing and Site Design**

It is Council’s intention that innovative housing and site design development may be permitted by DA (and where permitted by SPA) on serviced RD lots and where designated Highway Commercial Business Park as provided for in Policy RD-11 and factors as follows shall be considered:

- a) passive and Active Recreation space;
- b) natural undisturbed Open Space;
- c) vehicular traffic including road widths and road grades;
- d) pedestrian access and circulation including the separation of pedestrians from vehicular traffic;
- e) architectural detailing and design;
- f) details of landscaped areas;

- g) small Lot minimum frontage of 34 feet (10.4 metres) on a public right-of-way, and a minimum Lot area of 3400 ft<sup>2</sup> (315.9 m<sup>2</sup>); and
- h) Lot dimensions and grades; and
- i) proposals satisfy the review criteria of IM-12.

#### **5.4.6 Mobile/Mini-Home Dwellings**

Rising home ownership costs associated with conventional single or double detached dwellings have resulted in an increase in the number of people accepting mobile or mini-home dwellings as a viable alternative.

Owners of conventional homes have traditionally argued that the long, narrow design of mobile or mini-home dwellings is not consistent with existing residential neighbourhoods within the town. Some area residents would prefer not to have any more mobile or mini-home dwellings locate in the towns.

In the three towns, it is a general consensus that mobile and/or mini-home dwellings should be located in mobile and/or mini home parks only where services, land requirements, setbacks, and other aspects of their development can be customized to meet their needs and design characteristics. Nonetheless, any particular council may decide that mobile or mini homes should be permitted throughout any or all residential zones in a town. Further, the councils do not foresee a problem of letting other residential uses to exist or be developed in mobile or mini home parks.

#### **Policy RD-12: Residential/Mini-Home Park (R5) Zone**

It is Council's intention that existing Mobile Homes and Mini-Homes in Mini-Home parks shall be zoned R5, permitted uses and requirements as set out in LUB including, without limitation, minimum lot sizes, frontage, Setback and height restrictions. Proposed parks shall meet the requirements of Mobile, Mini-Home or Joint Mobile/Mini-Home By-laws if enacted by the applicable Town as well as the R5 Zone requirements. RD lands may be subject to R5 rezoning subject to IM-11, and IM-12.

#### **5.4.7 Home Occupations – Commercial Uses in the Residential Designation**

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. However, care should be used to ensure that the character of the subject dwelling and neighbourhood are preserved. The home occupation 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.

Other than home occupations, other commercial or industrial uses in the Residential designation, whether existing or not, shall be regulated by provisions in the Land Use By-law.

Home Occupations are permitted in RD subject to LUB regulation that addresses preservation of residential character, and adjacent use conflict.

**Policy RD-13: Home Occupations Permitted**

It is Council’s intention that home occupations be permitted in all residential zones subject to LUB regulation.

**Policy RD-14: Prohibition of Industrial Uses in the Residential Designation**

It is Council’s intention that new Industrial uses shall be prohibited in RD.

**Policy RD-15: Non-Conforming Uses**

It is Council’s intention that existing Commercial and/or Industrial uses in RD, which are not zoned for their use, shall be considered Non-conforming Uses pursuant to the MGA.

**Policy RD-16: Buffering Requirements for New Commercial/Industrial Development Adjacent to Existing Residential Development**

It is Council’s intention that new Commercial and Industrial uses, excepting Downtown Commercial (CI) Zones, proposing to locate adjacent to residential uses or zones, shall provide buffers as set out in the LUB by the use of Setbacks, Fencing, Berms, Landscaping, control of open storage and parking to minimize conflict.

## **5.5 Commercial – Policies**

Commercial development is important to the community because it contributes to the viability of the local economy and provides necessary services to the residents of Pictou County. The towns of Pictou County have traditionally supported four distinct types of commercial development in various locations throughout the towns (examples below):

- ❖ **Downtowns** – Core Peripheries;
- ❖ **Neighborhood Commercial** uses scattered throughout the Residential designations;
- ❖ **Highway Commercial** areas along Foord Street, Exit 21, and West River Road; and
- ❖ **Commercial Business Park Project** developments located the Pictou Rotary.

More recently, the Albion Business Park and the Pictou Roundabout area have introduced the newer “**business park**” model to Pictou County. This section outlines the objectives and policies pertaining to commercial development within the Town.

### **Policies**

Traditionally, Downtowns have been centres of business, culture and government. However, for a number of years the Downtowns have been experiencing a decline in their dominance as commercial focal points for the communities and region. This is a trend that has been occurring in many downtowns across the country because of the dominance of the

automobile. Newer shopping mall projects and highway commercial "strips" conveniently located on major transportation routes have developed which offer ample access and parking. The result is that the Downtown has been losing retail business to these locations and finds it difficult to compete.

To re-establish themselves, the downtowns must offer a unique experience that other shopping locations in the town don't have. The downtowns are in a good position to benefit from the trends associated with the development of small-scale retail, specialty & niche market commercial uses and tourism commercial activity. The Province of Nova Scotia has been successful in promoting itself as a major tourist destination, both nationally and internationally. Many tourists are interested in experiencing the local culture and history of a community, in addition to traditional tourism infrastructure (i.e. hotels, shops). The downtowns contain a variety of unique buildings, shops and services that could respond to this demand.

To assist the downtown areas' efforts to create a pleasing environment, it is Council's objective to improve the overall physical appearance and pedestrian environment of the downtowns. The focus of the pedestrian, multi-modal and active transportation systems shall be on those elements that make an area pleasant and desirable to walk and shop in. These elements include better sidewalks, more attractive streetlights, walkways, interior links, open/green spaces and other visually important elements.

Encouraging people to live in the downtown areas will also contribute to their rejuvenation. Consequently, the area's council will encourage the development of quality medium to high-density residential developments, both individually and in mixed commercial-residential developments. People living in the downtowns will require services that will stimulate retail activity.

### **5.5.1 General Downtown (C1) Policies**

#### **Policy CD-1: Downtown Image**

It is Council's intention that the LUB shall include C1 (Downtown Core) to enable retail, service and mixed uses that supports a sustainable downtown and focal point for the community.

#### **Policy CD-2: Landscaping**

It is Council's intention that where applicable Developers shall be required to employ landscaping elements such as lighting, benches, planters, trash containers and the like that are complementary to the Downtown.

#### **Policy CD-3: Exemption from Additional Parking Requirements**

It is Council's intention that C1 Zone Uses shall be exempt from additional parking requirements upon a change of use where there is no net increase in the Commercial Floor Area.

### **5.5.2 Light Industrial Uses with Commercial Development by Development Agreement**

The distinctions between commercial and light industrial uses are continually evolving as a result of changes in the economy. Increasing numbers of smaller scale business activities have some of the characteristics of light industry without all of the detrimental qualities. Activities that involve manufacturing, processing or distribution, can sometimes add characteristics to business districts that will attract tourists and local shoppers alike. The potential for land use conflict remains high when industrial development is carried on in business areas. Consequently, a detailed assessment of each proposal is recommended.

**Policy CD-4: Light Industrial development with Commercial in the C1 Zones by SPA or DA**

It is Council’s intention that Commercial and Light Industrial development may be permitted in the C1 Zone by SPA or DA and factors not limited to the following shall be considered (uses listed as permitted, as-of-right uses shall not be required to undertake this process):

- a) 75% maximum space attributable to the industrial component of the development, and only when the other proposed uses are permitted in the C1 Zone;
- b) 10,000 square foot maximum floor area of the Light Industrial use, except where other provision or agreement by policy;
- c) no Outdoor Storage;
- d) adequate parking (or cash-in-lieu) and loading areas;
- e) no Obnoxious Use, activity or equipment;
- f) Compatible hours of operation with adjacent Uses;
- g) limited effect on traffic volumes and the local road network;
- h) adequate screening of loading areas and delivery operations are adequately screened;
- i) compatibility of architectural design, including scale exterior finish, with adjacent land uses;
- j) Use maintenance and appearance; and
- k) proposals satisfy the review criteria of IM-12.

**5.5.3 Downtown Core (C1) Policies**

**Policy CD-5: Downtown Core Designation**

It is Council’s intention that each Downtown shall have a designated “Downtown Core” area designated on the GFLUMs to be Zoned (C1).

**Policy CD-6: Permitted Uses and Requirements**

It is Council’s intention that C1 Zone permitted uses and requirements shall be set out in the LUB.

**5.5.4 Neighbourhood Commercial (C2) Policies**

Certain commercial developments in residential areas have been appropriate because their scale and type provides a service to area residents. The operation of these businesses should not have a serious impact on the residential nature of the neighborhood, nor negatively impact on other commercial areas within the Town. To ensure a quality residential

streetscape, neighborhood commercial uses will be discouraged from occurring side by side in a continuous strip.

Existing neighborhood commercial areas are located in areas designated Residential on the Generalized Future Land Use Map, and zoned C2 on the Zoning Map. The existing uses shall be subject to the requirements of the Neighborhood Commercial (C2) Zone in the Land Use By-law. Other existing commercial uses in residential neighborhoods shall become non-conforming and subject to the pertinent provisions of the MGA and this Strategy.

Council shall consider the establishment of new, and expansion to existing “neighborhood commercial uses”, in the Residential designation ~~primarily~~ sometimes by development agreement or site plan approval, but may approve re-zoning to C2 or site plan approval in certain cases. The following policies will outline such conditions, and include provisions for assessment of the visual (and other) impacts in considering new proposals.

### **Policy CD-9: Neighbourhood Commercial (C2) Zone**

It is Council’s intention that the Neighbourhood Commercial Zone shall be established, and zoned C2. Permitted uses and requirements to be set out in LUB. Neighbourhood Commercial developments will balance service provision with residential area impact, by permitting limited and interspersed commercial service development for surrounding residents. All other commercial uses shall become non-conforming and subject to the applicable provisions of the MGA. The C2 Zone may also be established along the main street or collector streets within the towns, or be located on the fringe of the Downtown Core (C1) zones in a transitional manner to allow for mid-impact commercial uses between downtowns and residential areas.

### **Policy CD-10: Requirements for Existing Neighborhood Commercial Uses**

It is Council’s intention that existing C2 uses shall be subject to LUB regulation of Lot sizes and Setbacks, Floor Areas, parking requirements, Outdoor Storage and Signage, servicing, buffering, and other regulation to minimize adjacent use conflict.

### **Policy CD-11: C2 Development by Re-zoning**

It is Council’s intention that new C2 development shall be permitted by re-zoning, and expansion to C2 uses shall be subject to DA, SPA or other LUB requirements where applicable. Factors as follows to be considered (uses listed as permitted, as-of-right uses shall not be required to undertake this process):

- a) Outdoor storage limited to ice cube storage and propane tank (less than 21 pounds) for retail sale;
- b) adequate parking and loading areas;
- c) no Obnoxious Use, activity or equipment;
- d) Compatible hours of operation with adjacent Uses;
- e) limited effect on traffic volumes and the local road network;
- f) loading areas and delivery operations are adequately screened;
- g) compatibility of architectural design, including scale and exterior finish, with adjacent land uses;
- h) Use maintenance and appearance; and
- i) proposals satisfy the review criteria of IM-12.

### **5.5.5 Highway Commercial Policies**

The Highway Commercial designation is intended to accommodate future commercial development oriented to automobile or travel-related commercial uses, and other businesses which are not compatible with the downtown by virtue of their size, outdoor storage requirements or the nature of the business (i.e. sale of large or bulk products, etc.).

In addition to the uses, there is a demand to permit uses traditionally associated with the Downtown, such as banks, financial institutions, and pharmacies, in the Highway Commercial areas. Council feels that these uses should only be permitted in the Highway Commercial designation if they are 'drive through' in nature, or are located on a lot in combination with other Highway Commercial uses, such as a "satellite" banking facility. The requirements will be utilized to minimize the likelihood of these uses becoming predominant uses in this designation.

Areas designated as Highway Commercial on the Generalized Future Land Use Map are, in some cases, in relatively close proximity to residential areas.

New highway commercial development areas may have a significant impact on certain neighborhoods, natural amenities, area traffic patterns, and other matters throughout the Towns, particularly when new streets are necessary. The size, complexity and uniqueness of the developments may require attention to specific details not necessarily outlined in the Land Use By-law.

#### **Policy CD-12: Location of Highway Commercial Designations**

It is Council's intention that each Town may have a "Highway Commercial" area designated on the GFLUM to be zoned primarily C3 which will accommodate Commercial Development incompatible with the Downtown area due to size, traffic volume, Outdoor Storage requirements, Bulk Product sale or the like.

#### **Policy CD-13: Highway Commercial (C3) Zone, Permitted Uses and Requirements**

It is Council's intention that the Highway Commercial (C3) Zone permitted uses and requirements shall be set out in LUB.

### **5.5.5.1 Undersized Lots in the Highway Commercial Designation**

There are modest numbers of residential zoned properties within commercial designations in transition. A certain number of these existing lots are undersized and given their locations can be developed through SPA.

#### **Policy CD-15: Existing Undersized Lot Development**

It is Council's intention that Commercial and/or Residential Uses shall be permitted on undersized lots within the R2, R3, R5 and RR Zones provided that the subject property is in the Highway Commercial Designation on the GFLUM and is policy compliant.

**Policy CD-16: Rezoning**

Existing highway commercial uses in RD may be rezoned Highway Commercial (C3). Lands designated Highway Commercial on the GFLUM and zoned either Residential or Industrial may be rezoned to C3 by LUB amendment provided policy compliance, particularly C3 Zone minimum Lot size and frontage requirements (uses listed as permitted, as-of-right uses shall not be required to undertake this process).

**5.5.6 Commercial Business Parks (C4) Policies**

Commercial business parks and shopping mall projects are commercial developments that demand large areas of land, parking resources and high levels of exposure. The Albion Business Park in Stellarton and the Pictou Roundabout area are examples of a newer shopping trend for “big box” retail. These areas serve the needs of much of northeastern Nova Scotia.

There is increasing interest in having freestanding commercial buildings separate from the main mall complex. Not only do retailers want their own structures, but they often desire a long-term lease with renewal options. Council feels that the changing nature of North American retail, which has resulted in the development of large “big box” stores, should be pursued in suitable locations. These commercial developments, often requiring in excess of 100,000 square feet of floor area, require thorough site planning to ensure that proper access, parking, traffic, site drainage, and other important considerations are addressed.

In most circumstances, the creation of landlocked parcels of land is not a good practice; however, shopping mall projects are unique because they usually constitute one or more buildings as a complex requiring ample parking space and access. Consequently, Council will allow for the subdivision of land and the creation of such lots, provided that the entire shopping mall project maintains an area of 10 acres or more, sufficient parking is provided within the subject area, and easement or “cross-traffic” agreements are in effect.

**Policy CD-17: Commercial Business Park Designation(s)**

It is Council’s intention that each Town may have a Commercial Business Park Designation area designated on the GFLUM to be zoned (C4). Applicable SPSs will address additional C-4 Zoning policy provisions.

**Policy CD-18: Commercial Business Park Re-designation**

It is Council’s intention that Re-designations to Commercial Business Park, and C4 rezoning, shall be considered subject to Policy IM-12.

**Policy CD-19: Commercial Business Park Zone Permitted Uses**

It is Council’s intention that the Commercial Business Park (C4) Zone shall be established in the LUB. Zone requirements will guide development, minimize adjacent use conflict, address site drainage, parking, access, and local road network capacity. A Development Permit shall be required for C4 use or structure expansion.

**Policy CD-20: Creation of lots without frontage**

It is Council’s intention that lots without frontage shall be permitted in C4 provided access is ensured by sufficient parking and easements as well as other LUB requirements as applicable.

### **5.5.7 Mixed Use Developments in Downtown Commercial, Downtown Core and Highway Commercial Designations**

#### **Policy CD-21: New and conversions and expansions of Multi-Unit Dwellings and Senior's Residential Complex may contain Commercial Uses by Development Agreement**

It is Council's intention that new development and conversions or expansions to include commercial uses in Multi-Unit Dwellings that do not currently contain commercial uses shall be considered by Development Agreement or site plan approval in the Downtown Core designation, provided policy compliance, and particularly Policy IM-12 and Policy RD-9. Uses already listed as permitted, as-of-right uses shall not be required to undertake this process.

#### **Policy CD-22: Multi-Unit Dwellings and Senior's Residential Complex without Commercial Uses by Development Agreement**

It is Council's intention that new development and conversions or expansions in Multi-Unit Dwellings that do not contain commercial uses shall be considered by Development Agreement or site plan approval in the Downtown Core designation, provided policy compliance, and particularly Policy IM-12 and Policy RD-9 (uses listed as permitted, as-of-right uses shall not be required to undertake this process).

### **5.5.8 Adult Entertainment, Adult Cabaret and Massage Parlour Uses**

#### **Adult Entertainment, Adult Cabaret and Massage Parlour Uses**

The Councils are concerned that adult entertainment, adult cabaret, massage parlour, and similar uses will have a negative impact on certain areas of the town, particularly the downtown and residential areas. Further, Council views these uses to be incompatible with other uses, particularly residential and institutional ones. Allowing such uses as of right would be counterproductive to attempts by the area councils to market their downtown commercial areas as an inviting setting for local residents, potential shoppers, visitors and tourists. To that end, such uses will only be permitted by development agreement in the Highway Commercial (C3) Zone under the Land Use By-law, and to certain criteria.

#### **Policy CD-23: Adult Entertainment, Adult Cabaret and Massage Parlour Uses by Development Agreement in the Highway Commercial (C3) Zone**

It is Council's intention that adult entertainment, adult cabaret, massage parlour, and similar uses shall only be permitted by Development Agreement in the Highway Commercial (C3) Zone, and shall be subject to LUB regulation, with factors as follows to be assessed:

- a) adverse effect on adjacent uses, with attention to parking, screening, and privacy for adjacent property owners;
- b) requisite two hundred (200) metre spacing from playgrounds, schools, youth centres, day care and/or child care uses, or other uses normally frequented by persons under nineteen (19) years of age;
- c) requisite two hundred (200) metre spacing from churches, other places of worship, cultural uses, institutional uses, or residential care facilities;

- d) provision of adequate screening, soundproofing and other measures in zones including adherence to the abutting yard requirements (Highway Commercial (C3) Zone) of the Land Use By-law; and
- e) proposals satisfy the review criteria of IM-12.

## **5.6 Industrial Policies**

Pictou County has a long history as the major industrial centre for Northern Nova Scotia. From steelmaking in Trenton, coal mining in Stellarton, the area had established itself early as the industrial heart of the region. Over the years, newer industries moved in to replace older ones. For example, stereo equipment was manufactured for export in Stellarton. More recently, rail car manufacturing was established in Trenton, to only be later replaced by the wind energy industry. Fishing and shipyards have been critical to Pictou's growth. In some cases, "newer age" industries are needed to keep the area's industrial sector vibrant.

### **5.6.1 Light and General Industrial Policies**

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

All of the towns have industrial parks with available land ready for development. While encouraging clean and non-intrusive industrial uses to keep investing and developing in Pictou County, the councils do not wish to see obnoxious industrial uses operating in the towns.

In the case of Stellarton, council looks forward to the day when coal mining is completed and the land reclaimed for other uses such as commercial, light industrial, residential and recreational. In the meantime, Council recognizes the mining operator's and the Province's authority with regard to mineral resources and has established a Provincial Resource (M2) Zone under the Land Use By-law to identify the area. Council, through the adoption of a CBCL Report on business park development, proposes that the anticipated land uses shall be highway commercial, industrial, residential and recreational, although some other uses may co-exist. The area also holds potential for alternative energy, specifically coal bed methane and/or geo-thermal resources, given the presence of coal.

#### **Policy IND-1: Industrial Designations**

It is Council's intention that appropriate land parcels shall be designated Industrial on the GFLUM, and particularized in the applicable SPS.

#### **Policy IND-2: Industrial Zoning**

It is Council's intention that lands designated on the GFLUM as Industrial shall be zoned primarily Light Industrial (M1), Provincial Resource (M2), or General Industrial (M3). Because of the adoption of the concept plan for the Albion Business Park (as outlined in the "Commercial" policy section of this strategy), lands zoned M2 within that designation may be zoned or rezoned to R1, R2, R3, R5, C2, C3, C4, M1, I or P without requiring an amendment to the Planning Strategy.

**Policy IND-3: Industrial Zone Permitted Uses**

It is Council's intention that permitted Uses shall be set out in the LUB to regulate Lot size, setbacks, Frontage, Fencing, Landscaping, Outdoor Storage, parking, and the like to minimize impact on adjacent areas.

**Policy IND-4: Buffering**

It is Council's intention that LUB buffering requirements shall balance industrial intensification with the community aesthetic by buffering the negative features of Industrial Uses with landscaping, fencing, Separation Distances and Outdoor Storage.

**Policy IND-5: Obnoxious Uses, Salvage Yards, Scrap Metal Operations and Industrial uses on 10 hectares of land or more**

It is Council's intention that obnoxious industrial uses and industrial uses on 10 hectares of land or more shall be considered by Development Agreement. Proposals for Obnoxious Uses shall be in compliance with IM-12, and applicable Provincial and Federal legislation, and must satisfy the applicable LUB provisions in relation to buffers, adjacent uses and the like.

**Policy IND-6: Existing Residential and Commercial Uses**

It is Council's intention that existing Residential and Commercial Uses shall be listed as permitted uses within the appropriate Industrial Zone.

**5.7 Institutional Policies**

Institutional uses include community facilities such as schools, churches, residential day cares (or child cares), government uses, health care and special care facilities, and cultural facilities. Institutional facilities provide vital community services and it is important that they are conveniently located for Pictou County's residents. In addition to meeting community service needs, institutional facilities contribute to the community by providing employment and generally increasing commercial sector activity. The Towns intend to continue to encourage and support the development of institutional uses in suitable locations. This may include the continued support of facilities outside of the town's geographic boundaries, such as the Pictou County Wellness Centre.

**Policy I-1: Institutional Zone and Permitted Uses**

It is Council's intention that the Institutional Zone shall be established, and identified as (I) on the Zoning Maps. Permitted Uses shall be set out in the LUB regulating, without limitation, Lot sizes and Setbacks, Floor Areas, parking requirements, Outdoor Storage and Signage, servicing and buffering to minimize adjacent use conflict.

**Policy I-2: Location of Institutional Uses**

It is Council's intention that lands designated as Residential, all Commercial, Recreational and Industrial may be rezoned to Institutional (I) Zone by LUB amendment, provided policy and zone compliance. In some cases, certain Institutional uses may be prohibited outside of areas specifically zone I.

## **5.8 Recreational Policies**

Recreation and its components – parks, facilities, programs and open space - are commonly considered important indicators of a town's quality of life. The range of a town's recreational resources and activities play an important role in creating a lasting impression in the minds of citizens and visitors alike.

Consequently, Pictou County's towns deem it necessary to include recreation and open space concerns in this Planning Strategy. The recreational appeal of an area is important to commercial and individual interests alike. Recent empirical studies have shown us that we must move to take back our association with nature. Further, the provision of good, natural open space has shown to be beneficial not just for physical health benefits, but also for:

- ◇ psychological, social and intellectual
- ◇ spiritual and cultural
- ◇ environmental and ecological
- ◇ occupational, financial and economic

Area councils will address matters of recreational land use planning by formulating an overall plan that encompasses the diverse facets of leisure time activities and facilities, and makes use of the many valuable natural resources available in the town.

### **Facilities and Services - Joint Use**

The Towns, through their Recreation Committees, has worked with local community groups to provide a wide range of activities in the past. Residents of the towns as well as non-residents have been able to participate in many recreational programs and facilities. This close association between government, volunteer groups, and other municipal units to deliver services has enabled Pictou County to provide a greater range of activities and facilities collectively than if the towns had acted alone.

The joint use of major recreation facilities such as ice rinks, gyms and swimming pools has maximized the use of existing resources. The use of schools, churches, halls and the facilities of fraternal and social groups have offered cost-effective options for the towns. Continued and expanded cooperation among all groups involved in not only recreation but other leisure time pursuits should be an ongoing activity. The recent development of the Pictou County Wellness Centre is a prime example of what is possible when area towns, other levels of government, business and community groups work together.

### **Policy P-1: Recreation (P) Zone and Permitted Uses**

It is Council's intention that lands designated as Recreation shall be zoned primarily as Recreation (P) where applicable. Permitted Uses shall be set out in the LUB regulating, without limitation, Lot sizes and Setbacks, Floor Areas, parking requirements, Outdoor Storage and Signage, servicing and buffering to minimize adjacent use conflict. Recreation uses such as Neighbourhood Parks, in other zones will be considered.

### **Policy P-2: Funding**

It is Council's intention that funding provision for recreation facilities and services shall meet ongoing financial sustainability requirements.

**Policy P-3: Co-operation with School Board, NSCC and Others**

It is Council's intention that the Chignecto Central Regional Centre for Education, Nova Scotia Community College and other organizations and the Towns shall cooperate to provide recreational opportunities and shared use of recreational facilities.

**Policy P-4: Development Plan for a Recreation Trail**

It is Council's intention that the implementation of a regional recreation master plan shall be considered to address construction, maintenance, ownership and sustainability of Recreational Trails.

**Policy P-5: Individual Recreation Master Plans**

It is Council's intention that individual master plans, specific to each of the Towns, may be considered within the applicable SPSs for guidance in evaluating development proposals.

**Policy P-6: Public Access**

It is Council's intention that individual SPSs shall address the maintenance or creation of access to public areas such as: waterfronts, civic squares, parks, trails, play areas, and the like.

**Policy P-7: Parkland Transfers and Land Dedication**

It is Council's intention that individual SPSs shall address parkland transfers and land dedication, including cash- in-lieu alternatives, pursuant to SDB requirements.

**5.9 Floodplain Management and Climate Change/Shoreline Protection Policies**

Although climate change has exacerbated the probability of flooding in areas prone to sea level rise and rivers, flooding problems have occurred in this area in the past. The federal and provincial governments have identified areas in the East River that are subject to flooding, and undertook flood risk mapping in the 1980's to identify these, and in a Statement of Provincial Interest in the MGA. The Town of Pictou may similarly be affected by seacoast erosion, and the need to protect it from improper development. The Towns of Pictou and Trenton have identified flood risk and potential erosion areas within their municipalities.

**Policy F-1: Floodplain Designation**

It is Council's intention that land parcels along the East River floodway and floodway fringe shall be designated Floodplain on the GFLUM, and are particularized in the applicable SPS. The Statement of Provincial Interest in the MGA shall provide guidance for the regulatory requirements under the LUB.

**Policy F-2: Floodplain Zone**

It is Council's intention that lands designated on the GFLUM as Floodplain shall be zoned Floodplain (F). Permitted Uses shall be set out in the LUB.

**Policy F-3: Floodplain Management**

It is Council's intention that Floodplain management may be subject to one or more Statements of Provincial Interest.

**Policy F-4: Flood Damage Reduction**

It is Council's intention that it shall be a policy of Council to recognize the principles, development standards and mapping established under the 1988 Canada - Nova Scotia Flood Damage Reduction Program and, where appropriate, incorporate these into municipal planning policy and regulations.

**Policy F-5: Floodway Fringe**

It is Council's intention that it shall be a policy of Council to accept the delineations of the 1:20 Floodway and 1:100 Floodway Fringe as determined by the 1988 Flood Damage Reduction Program except where amended in accordance with this Strategy.

**Policy F-6: Municipal Climate Change Action Plans (MCCAP)**

It is Council's intention that whereas all three Towns have adopted MCCAPs that acknowledge and address the effects of climate change regarding flooding and sea level rise, it shall be the policy of the Towns to adhere to the provisions of their respective MCCAPs in this regard.

The Towns of Stellarton, Trenton and Westville, having adopted a joint MCCAP, will undertake adaptive and mitigation measures within those areas designated Flood Plain.

The Town of Pictou has also adopted MCCAP documents that strive to ensure adaptive and mitigation measures are in place. The Town of Pictou's aim is to address municipal infrastructure that is susceptible to the effects of climate change. One notable example is town storm water conveyance.

## **5.10 Wind Energy**

The production of renewable energy has been identified as a primary goal to meet Nova Scotia's energy needs. To that end, wind energy has taken root across the province, including in Pictou County; however, urban areas require special attention to such uses.

**Policy WE-1: Turbine Regulation**

It is Council's intention that Small, and Mini Scale Turbines shall be regulated per LUB; a development permit will be required. Large Scale Turbines shall be considered by DA and subject to section 26.4 of the LUB.

**Policy WE-2: Adjacent Leases**

It is Council's intention that where wind turbine development is proposed on a lot where the immediately adjacent property is subject to a long term lease for that Use, the Setback requirement from a property line shall not apply.

**Policy WE-3: Expansion Post Residential Development**

It is Council's intention that where a residence is constructed within the Setback requirements of an existing utility scale wind turbine, the wind turbine development may expand provided the expansion is not located closer to the residence than the initial wind turbine development.

**Policy WE-4: Non-Conforming**

It is Council's intention that existing Wind Turbines that do not meet setback as of the effective date of this Strategy shall be permitted to continue as non-conforming structures but an expansion will not be permitted.

**Policy WE-5: Wind Turbine Decommissioning**

It is Council's intention that the decommissioning of Large Scale Wind Turbines shall be regulated by the LUB.

**5.11 Implementation Policies**

This section describes how the policies outlined in this Inter-municipal Municipal Planning Strategy and Common Land Use Bylaw 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. Unless specifically noted, the implementation section shall apply to both the IPS and all of the Secondary Planning Strategies (SPS).

Implementation of the policies of this Strategy requires the continuous interaction between the Planning Advisory Committees, other committees (heritage, committees of the whole, etc.), planning and other municipal staff, the public, and Councils.

**5.11.1 Municipal Planning Strategy**

**Policy IM-1: Municipal Planning Strategy Policy**

It is Council's intention that the IMPS (and SPSs) is enabled by the MGA and includes requirements for public participation, amendment procedure and updating requirements.

**Policy IM-2: Municipal Planning Strategy Amendments**

It is Council's intention that the MPS may be amended where:

- a) re-zoning requests supported by Council conflict with the GFLUM;
- b) there is a conflict with a Statement of Provincial Interest;
- c) additional information is identified or circumstances have otherwise changed that prompt a need to change policy;
- d) there is a need to replace an original GFLUM; or
- e) property line information requires GFLUM updates.

**Policy IM-3: Municipal Planning Strategy Review**

It is Council's intention that the IMPS shall be subject to formal review commencing five years from the effective date.

**5.11.2 GFLUM**

**Policy IM-4: GFLUM**

It is Council's intention that the IMPS includes both policies and maps. The GFLUM is the map portion designating boundaries for future development. Each SPS contains individual GFLUMs.

**Policy IM-6: Concurrent MPS/LUB Amendments**

It is Council's intention that where a development agreement or rezoning requires an IMPS amendment to be permissible the applications may be processed concurrently.

**5.11.3 LUB Administration**

**Policy IM-7: Land Use By-law**

It is Council's intention that the LUB is the principal means for implementing MPS policies pursuant to s. 219 and s. 220 of the MGA. The LUB is administered by the Development Officer(s) and outlines Zones, permitted Uses, development standards, and Development Agreement and Site Plan Approval requirements. The Zoning map, forming part of the LUB, graphically depicts zone boundaries. Uses listed as permitted, as-of-right uses, shall not require any discretionary approval process, such as site plan approval and/or development agreements, provided they meet the standards for such uses in the applicable zone. Other uses listed as permissible by either SPA or DA may be undertaken by either of these approval processes when the minimum standards outlined in that zone are not attainable, or if outlined in the zone table.

**Policy IM-8: Land Use By-law Administration by Development Officer(s)**

It is Council's intention that Development Officer(s) shall administer the Land Use By-law, grant or deny development permits, Site Plan Approvals, variances, and other matters detailed in policy or legislation.

**Policy IM-9: Municipal Development Officer(s), Practices and Procedures**

It is Council's intention that the Development Officer(s) shall apply approved policy, regulation and legislation.

**5.11.4 LUB Amendments**

The LUB is subject to text amendments, map amendments, or combined text and map amendments. These amendments can be initiated by an individual or a Town.

**Policy IM-10: Creation of New Zones**

It is Council's intention that the LUB may be amended to allow additional zones or additional permitted uses in specified zones in compliance with existing policies. Where no such policies exist, a concurrent MPS amendment may be required.

**Policy IM-11: Land Use By-law Amendments**

It is Council's intention that the LUB may be amended without corresponding MPS amendment provided that:

- a) the amendment is consistent with policy; and
- b) notwithstanding policy, a Zoning Map amendment is permitted only on those lands designated by flexible lines on the GFLUM. Inflexible line designations are not eligible for to zoning map amendment.

### **5.11.5 Evaluation Criteria for LUB Amendments, DAs and SPAs**

#### **Policy IM-12: Criteria for Amendments, Development Agreements and Site Plan Approval**

It is Council's intention that evaluation criteria for LUB or policy amendments, Development Agreement proposals and Site Plan Approvals, are set out in MGA Part VIII and other Provincial legislation, and shall also include consideration of factors as follows, without limitation:

- a) proposal consistency with MPS policies and LUB requirements and all Town By-laws and regulations;
- b) capacity to absorb development, operating or capital costs;
- c) water and sewer service capacity or private on-site sewer and water systems approval;
- d) street networks;
- e) proximity to schools, recreation and other community facilities;
- f) compatibility with adjacent uses;
- g) environmental constraints of proposed site, including steepness of grades, soil and/or geological conditions, relative location of Watercourses, marshes, swamps, or bogs; lands comprising twenty-five (25) percent of the Lot area with a slope gradient of twenty (20) percent or greater shall be considered steep;
- h) provision for buffers, or any other controls, to reduce development impact where incompatibilities with adjacent uses are anticipated;
- i) impact on access to waterways;
- j) development effect on natural features or historical buildings and sites;
- k) Obnoxious emissions;
- l) requirement for paved parking and/or driveway area where site conditions necessitate;
- m) Development Agreements may also address, without limitation:
  - i. type of use, density and phasing;
  - ii. traffic generation, access to and egress from the site, and parking;
  - iii. Outdoor Storage and landscaping;
  - iv. pedestrian movement and safety;
  - v. development of Open Space, parks, and walkways;
  - vi. drainage, both natural and subsurface;
  - vii. Signs;
  - viii. hours of operation; and
  - ix. architectural design compatibility with adjacent uses.
- n) Uses listed as permitted, as-of-right uses, within the applicable zone, shall not be required to undertake this process)

#### **Policy IM-13: Rezoning Implications**

It is Council's intention that while rezoning applications must be accompanied by development proposals, there is no legal requirement for a landowner to conform to the proposal. Accordingly, evaluation of rezoning applications shall account for other potential development that may be permitted as a result of a proposed rezoning.

#### **Policy IM-14: Application Requirements for Land Use By-law Amendments, Development Agreements and Site Plan Approval**

It is Council's intention that The Development Officer and Town Engineer may require the following information, as applicable and without limitation, to assess LUB amendments, Development Agreements and Site Plan Approvals:

- a) concept plan specifying the location of all proposed land uses;
- b) plan for location, area, shape, landscaping and surface treatment of all public and private open spaces and parking areas;
- c) physical and environmental characteristics of the proposed site, including topography, contours, elevations (existing and/or finished), dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands;
- d) natural drainage of the site;
- e) proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
- f) type and amount of any site clearing required;
- g) proposed provisions for proper site drainage and servicing with water supply and sewage disposal;
- h) proposed access to and egress from the lands and estimated traffic flows to be generated;
- i) intended hours of operation;
- j) architectural design, including renderings, scaled site plans, profiles, grade elevations and building cross-sections;
- k) provision and maintenance of appropriate buffers; and
- l) deed or property description (Schedule "A").
- m) Uses listed as permitted, as-of-right uses shall not be required to undertake this process

### **Policy IM-15: Development Agreement Variances**

It is Council's intention that the Development Officer(s) may grant a variance consistent with s. 235 MGA, and all terms listed under Section 235 (2) of the MGA are subject to these provisions.

### **Policy IM-16: Development Agreement Appeals**

It is Council's intention that Appeals shall be administered per s. 228 MGA.

### **Policy IM-17: Discharge of Development Agreement**

It is Council's intention that the Discharge of Development Agreements shall be administered per s. 229 MGA, and amendments that allow the CAO to discharge Das.

### **Policy IM-18: Development Agreement Negotiations**

It is Council's intention that draft Development Agreements may be reviewed by the applicable Town Solicitor prior to execution and must be filed on the parcel register with the Nova Scotia Land Registry in accordance with the *Land Registration Act*, SNS 2001, c. 6. The Development Officer, in concert with the Building Official, Planner, or other applicable officials, shall monitor developments subject to a Development Agreement or Site Plan Approval on a complaint-driven basis; failure to meet terms may result in discharge of the Development Agreement per MGA and/or civil action.

### **5.11.6 Subdivision By-law**

#### **Policy IM-19: Subdivision By-Law Administration**

It is Council's intention that the Development Officer(s) shall administer the Subdivision By-Law.

#### **Policy IM-20: Subdivision By-Law Requirements**

It is Council's intention that the Subdivision By-laws shall be in accordance with the MGA and MPS policy, and includes standards for:

- a) road construction;
- b) service installation;
- c) open space or cash-in-lieu requirements;
- d) concept plan and area site drainage plan requirements; and
- e) Town infrastructure development, performance bonding and cost recovery per the permissive content provisions of the MGA.

#### **Policy IM-21: Subdivision By-Law Matters**

It is Council's intention that:

##### ***Relaxation of Requirements***

The Development Officer(s) may approve a final plan of subdivision to create a maximum of two lots that do not meet minimum Lot Area requirements, provided both lots comprise not less than 90 percent of the required minimum Lot Area.

##### ***Encroachments***

Where a permanent Structure, such as a driveway, well, or on-site sewage disposal system, is encroaching on an adjacent Lot, the Development Officer(s) may approve a final plan of subdivision to the extent required to remove the encroachment, provided minimum Lot Area and frontage requirements are unaffected by the alteration.

##### ***Subdivision of Lot with Two Main Buildings***

The Development Officer may approve a final plan of subdivision with equal or fewer Lots than there are Main Buildings, and a remainder Lot, if any, where an area of land contains more than one Main Building existing prior to January 1, 2001, for which no approval was requested, provided that each Lot has a minimum Lot frontage of twenty (20) feet.

##### ***Creation of Landlocked Lot in the C4 Zone***

The Development Officer(s) may approve a final plan of subdivision to create a Lot in the C4 Zone without street frontage, provided adequate parking and public access are provided by recorded easement.

##### ***Alteration of Existing Lot Boundaries***

The Development Officer(s) may approve a final plan of subdivision altering the boundaries of two or more areas of land where no additional Lots are created, and the area and frontage of each Lot are not reduced.

### **5.11.7 Public Participation Program**

#### **Policy IM-22: Public Participation and Public Engagement**

It is Council's intention that MGA public participation requirements shall be met, and additional opportunities for public consultation may be provided. The public engagement program is outlined earlier in the IMPS.

### **5.11.8 Site Plan Approval and Variances**

#### **Policy IM-23: Uses and Areas Subject to Site Plan Approval and Variances**

It is council's intention to allow for all variances outlined under Section 235 (2) of the MGA. Further, it is Council's intention that uses and areas as follows, but not restricted to the following, shall be subject to Site Plan Approval per Part XIII of the MGA. Any use listed as a "permitted use" as of right within any applicable zone shall not require site plan approval:

- a) new provisions for parking, off-street loading and/or new development or expansions proposed to a Permitted Use in the C2, C3, C4, M1, M2, I, and P Zones;
- b) new or expansions to multi-unit residential development in any Residential Zone (except R3) where proposed development does not exceed four (4) dwelling units, and which shall be subject to Lot, Yard, Height and Open Space requirements of the R3 Zone;
- c) alteration, reconstruction, re-commencement, and change of Use of non-conforming Structures or non-conforming Uses of land within the boundaries of the Lot containing the Structure or Use; and
- d) Commercial and/or residential Uses within the R2, R3, R5 and RR Zones on undersized Lots within the Highway Commercial Designation.

#### **Policy IM-24: Application Requirements**

It is Council's intention that Site Plan Approval applications must contain signed application by the owner(s) or agent of the owner(s) that includes the items identified in IM-26, as applicable.

#### **Policy IM-25: Notification Area**

It is Council's intention that upon receipt of an application for Site Plan Approval, the Development Officer(s) shall notify all property owners within thirty (30) metres (100') of the Subject Property boundary (and including a minimum of two adjacent properties in the Town of Pictou), whichever is less.

#### **Policy IM-26: Site Plan Approval Review**

It is Council's intention that the following items may be addressed by Site Plan Approval, per s. 231 MGA:

- a) Structure location on Lot;
- b) off-street loading and parking facility location;
- c) location, number and width of driveway accesses to streets;

- d) type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize land-use impact on adjoining lands, when abutting a residential use or residential Zone;
- e) existing vegetation retention;
- f) location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- g) type and location of outdoor lighting;
- h) facility location for solid waste storage;
- i) easement location;
- j) grading or alteration and storm and surface water;
- k) signage; and
- l) maintenance of above items.

**Policy IM-27: Criteria for SPA**

It is Council's intention that the Development Officer(s) may consider criteria as follows for a SPA application:

- a) LUB, SDB, and policy compliance;
- b) abutting land uses; and
- c) Traffic Authority, Town Engineer, or planning staff input.

**Policy IM-28: Variances in Relation to SPA**

It is Council's intention that the Development Officer(s) may grant a variance consistent with s. 232 MGA.

**Policy IM-29: Site Plan Approval Appeals**

It is Council's intention that Appeals will be administered per s. 232(2) MGA.

**Policy IM-30: Discharge of Site Plan**

It is Council's intention that the Development Officer(s) may, with the concurrence of the property owner(s), discharge a site plan, in whole or in part, per s. 232(5) MGA.

## **6.0 MAPS AND APPENDICES**

### **6.1 Generalized Future Land Use Map (GFLUM)**

#### **6.1.1 Schedule A-2 - Town of Pictou**

#### **6.1.2 Schedule A-3 - Town of Stellarton**

#### **6.1.3 Schedule A-4 - Town of Trenton**