

# Port Wallace Land Use By-Law

## **Draft for Public Comment**

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# PART I: ADMINISTRATION

## Part I, Chapter 1: General Administration

### Introduction

- 1 This By-law enables:
  - (a) as-of-right development; and
  - (b) specific developments by development agreement.

### Title

- 2 This By-law is cited as the Port Wallace Land Use By-law.

### Lands Governed by this By-law

- 3 This By-law applies to the properties shown on Schedule 1.

### Compliance with this By-law

- 4
  - (1) The provisions of this By-law shall apply to all properties and all developments located within the boundaries of this By-law, as shown on Schedule 1.
  - (2) A person shall comply with this By-law, even if a development is exempt from the requirement for a development permit contained in Section 10.
  - (3) Any person who violates a provision of this By-law shall be subject to prosecution as provided for by Section 369 of the Charter.
  - (4) All developments shall be completed in accordance with the development permit.
  - (5) In this By-law, any use not permitted in a particular zone, as shown in Table 1, is prohibited.

### Requirement for a Development Permit

- 5 Subject to Section 10, no person shall undertake any development without first obtaining a development permit.

### Compliance with Other Legislation and By-laws

- 6 (1) This By-law does not exempt any person from any other enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.
- (2) No development permit shall be issued for any development prohibited by an enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.

### Administration by the Development Officer

- 7 This By-law shall be administered by the Development Officer.

### Applicability of this By-law with a Development Agreement for the Port Wallace Lands

- 8 For the Port Wallace Lands, as shown on Schedule 1, the following zones shall apply together with their respective zone-specific requirements:
- (a) In the absence of a development agreement, the entire Port Wallace Lands shall:
- (i) fall under the PW-CDD zone, as shown on Schedule 2, and
  - (ii) the PW-CDD zone-specific requirements continue to apply; or
- (b) In the presence of a development agreement that is applied to the Port Wallace Lands, in whole or in part:
- (i) the zones that are shown on the land use schedule that is attached to the said development agreement shall be deemed to replace the underlying PW-CDD zone for the purpose of specifying zone-specific requirements, so long as the development agreement continues to be in effect, and
  - (ii) the zone-specific requirements for these zones shall be those contained under this By-law.

## Comprehensive Development District Agreement

- 9 Subject to Table 1 and Part V, Chapter 2, any development within the PW-CDD zone shall require a development agreement.

## Part I, Chapter 2: Development Permit

### Development Permit Exemptions

- 10 (1) Subject to Subsection 10(2), the following developments are exempt from the requirement to obtain a development permit:
- (a) accessory structures that are 20.0 square metres of floor area or less, unless used as a backyard suite use;
  - (b) excluding foundations, piles, and footings, uncovered structures less than 0.6 metre in height, such as decks and patios;
  - (c) home office uses;
  - (d) temporary uses;
  - (e) excluding temporary rock crushers, temporary construction uses;
  - (f) fences;
  - (g) the construction, replacement, or repair of infrastructure by utilities or municipal, provincial, or federal governments;
  - (h) public transit shelters;
  - (i) any sign exempted under Section 207;
  - (j) monument uses on municipally, provincially, or federally owned land;
  - (k) the painting of buildings;
  - (l) the replacement of windows and doors within existing openings;
  - (m) urban farm uses;
  - (n) the keeping of egg-laying hens as an accessory use; and
  - (o) the keeping of bees as an accessory use.
- (2) Even where a development permit is not required, a development shall meet all applicable requirements contained in this By-law.

### Development Permit Applications

- 11 A development permit application shall include documents and plans, drawn to scale, that include the following, where applicable:
- (a) floor plans with dimensions shown and all rooms labelled with their intended use;
  - (b) elevation drawings with:
    - (i) height measurements and dimensions shown for all sides of proposed structures,
    - (ii) external cladding material type and detail labelled, and
    - (iii) any architectural details where required;

- (c) roof plans;
- (d) a site plan showing:
  - (i) lot dimensions and lot lines,
  - (ii) the location of all existing and proposed structures and uses,
  - (iii) setbacks,
  - (iv) the location and dimensions of all parking lots, parking spaces, driveways, driving aisles, off-street loading spaces, and parking lot entrances and exits,
  - (v) the location and dimensions of all pedestrian walks and walkways,
  - (vi) the location of hard landscaping and soft landscaping, and
  - (vii) the location of solid waste management areas;
- (e) where a watercourse, or a wetland that is contiguous to a watercourse, exists and is located on the lot where a development is being proposed or within 60.0 metres of the lot where a development is being proposed, a site plan which shows the following:
  - (i) the location of any watercourse,
  - (ii) the location of any wetland that is contiguous to a watercourse,
  - (iii) the required watercourse buffer,
  - (iv) existing vegetation limits, and
  - (v) where required by the Development Officer, land contours with lot grading information, certified by a surveyor or professional engineer;
- (f) the location of all wetlands within or adjacent to the lot where a development is being proposed;
- (g) the location of bicycle parking areas;
- (h) the location of building utilities;
- (i) the location of all exterior lighting;
- (j) excluding height-exempted building rooftop features under Section 67 or any building that is located at a distance greater than 40.0 metres from a streetline, for a new building or an addition to an existing building that results in a building greater than 20.0 metres in height:
  - (i) a pedestrian wind impact assessment report that meets the protocol contained in Appendix 1, and is prepared by a professional engineer, and
  - (ii) if the pedestrian wind impact assessment report recommends on-site wind mitigation measures, then the measures that are recommended must be implemented in the design and construction of the building;



- (k) excluding any developments located within the PW-LDR or PW-CH zone, or any development in a PW-CDD zone that does not require a development agreement, a landscape plan that meets the requirements of Section 180, for:
  - (i) a new building equal to or greater than 2,000 square metres, or
  - (ii) an addition equal to or greater than 1,000 square metres; and
- (l) any other information that the Development Officer requires to determine if the development complies with this By-law.

## Approval

- 12 The Development Officer shall issue a development permit where the development meets:
- (a) the requirements of this By-law; or
  - (b) the terms of an approved development agreement.

## Expiry

- 13 A development permit shall expire 24 months from the date it is issued.

## Revocation

- 14 The Development Officer may revoke a development permit if:
- (a) the development is not in accordance with:
    - (i) this By-law,
    - (ii) the plans associated with the approved development permit, or
    - (iii) an approved development agreement;
  - (b) the permit was issued based on incorrect information provided by the applicant when applying for a development permit; or
  - (c) the permit was issued in error.

## Fees

- 15 The fees for applications under this By-law shall be set out by Administrative Order.



## Part I, Chapter 3: Non-Conforming Structures and Uses

### Non-Conforming Structures

- 16 (1) In any zone, the restrictions in the Charter respecting non-conforming structures that are not primarily used for residential purposes are relaxed by allowing them to be extended, enlarged, or altered if the extension, enlargement, or alteration does not further increase a non-conformity with a requirement of this By-law.
- (2) In any zone, on a lot that contains a structure that is primarily used for residential purposes, the restrictions in the Charter respecting non-conforming structures are relaxed by allowing them to be extended, enlarged, altered, or reconstructed if the extension, enlargement, alteration, or reconstruction does not further increase a non-conformity with a requirement of this By-law.

### Non-Conforming Uses

- 17 (1) This Section relaxes certain non-conforming uses in accordance with Section 257 of the Charter.
- (2) Where a non-conforming use in a structure exists, the volume of the structure containing that non-conforming use may be extended, enlarged, or altered, providing:
- (a) the structure is located in a PW-CDD or a PW-LDR zone;
  - (b) the extension, enlargement, or alteration to the volume of the structure is used as a non-conforming low-density dwelling use; and
  - (c) all other applicable requirements of this By-law are met.
- (3) Where a non-conforming use in a structure exists, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, up to one-hundred percent of the market value of the building including its foundation, providing:
- (a) the structure is located in a PW-CDD or a PW-LDR zone;
  - (b) the non-conforming use is a low-density dwelling use and that use will occupy the rebuilt, replaced, or repaired structure; and
  - (c) all other applicable requirements of this By-law are met.
- (4) Where a non-conforming use in a structure exists, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, up to one

hundred percent of the market value of the building including its foundation, providing:

- (a) the structure is located in a PW-CDD or a PW-LDR zone;
- (b) the rebuilt, replaced, or repaired structure is substantially the same as it was before the destruction or damage; and
- (c) the non-conforming use is a multi-unit dwelling use and that use will occupy the rebuilt, replaced, or repaired structure.

## Part I, Chapter 4: Variances

### Variances

18 A variance may be considered under Subsection 250(1) of the Charter.

## Part I, Chapter 5: Interpretation of this By-law

### Diagrams

- 19 All diagrams in this By-law are:
- (a) for explanatory purposes only;
  - (b) do not form a part of this By-law; and
  - (c) not to scale.

### Defined Terms

- 20 All terms not defined in Part XI of this By-law, in the Charter, or by the Nova Scotia Interpretation Act shall have their ordinary and grammatical meaning.

### More Restrictive Requirement Applies

- 21 Where two or more requirements of this By-law conflict, the more restrictive requirement applies.

## Part I, Chapter 6: Schedules and Appendices

### List of Schedules and Appendices

- 22 (1) The following schedules form part of this By-law:
- (a) Schedule 1: Port Wallace Land Use By-law Boundary; and
  - (b) Schedule 2: Zone Boundaries.
- (2) The following appendices form part of this By-law:
- (a) Appendix 1: Pedestrian Wind Impact Assessment Protocol; and
  - (b) Appendix 2: Invasive or Highly Toxic Plant Species.

## PART II: ZONES



## Part II, Chapter 1: Establishment of Zones

### List of Zones

- 23 This By-law establishes:
- (a) Port Wallace Comprehensive Development District (PW-CDD) zone, as shown on Schedule 2; and
  - (b) the following zones, which are applied within the development agreement for the Port Wallace Lands:
    - (i) Port Wallace Centre (PW-CEN),
    - (ii) Port Wallace Higher-Order Residential (PW-HR),
    - (iii) Port Wallace Low-Density Residential (PW-LDR),
    - (iv) Port Wallace Cluster Housing (PW-CH),
    - (v) Port Wallace Park and Community Facility (PW-PCF), and
    - (vi) Port Wallace Conservation (PW-CON).

### Interpretation of Zone and Precinct Boundaries

- 24 The location of a zone or height precinct boundary shown on a schedule of this By-law is determined as follows:
- (a) Where a zone or height precinct boundary is indicated as following a street, the boundary shall be the streetline;
  - (b) Subject to Clause 24(c), where a zone or height precinct boundary is indicated as following a street, the boundary shall follow any change made by the Municipality or the Province to the streetline;
  - (c) Where any portion of a street is closed to public use, the former street lands shall be assigned a zone or height precinct as follows:
    - (i) where the abutting lands are part of a single zone or height precinct, the former street lands are assigned the same zone or height precinct as the abutting lands, or
    - (ii) where the abutting lands are part of more than one zone or height precinct, the centreline of the former street becomes a boundary, and the lands on each side of the boundary are assigned the same zone or height precinct as the abutting lands;
  - (d) Where a zone or height precinct boundary is shown following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision after the coming into

force date of this By-law, the boundary shall remain unchanged and as shown on the appropriate schedule;

- (e) Where a zone or height precinct boundary is shown not following lot lines, the boundary is as shown on the appropriate schedule, and if the lot lines are modified by subdivision after the coming into force date of this By-law, the boundary shall remain unchanged and as shown on the schedule;
- (f) Where a zone or height precinct boundary follows a shoreline and where infill occurs, the boundary shall follow the new ordinary high water mark;
- (g) Where a building is constructed over water beyond the limits of the shoreline, any portion of a building constructed over water shall be included in the same zone or height precinct as the on-shore portion of the same lot;
- (h) Where Clauses 24(a) to 24(g) do not apply, the boundary is as shown on the appropriate schedule referenced within this By-law; and
- (i) Where a transportation reserve is applied to an area of land, Section 239 of the Charter applies.

## Part II, Chapter 2: Zones and Permitted Uses

### Interpretation of Permitted Uses

- 25 Subject to Sections 26 and 28, and except for transportation reserves, which are addressed in Section 27, the use of land is regulated as follows:
- (a) The first column of Table 1 list each use;
  - (b) The remaining columns of Table 1 correspond to each zone;
  - (c) Header cells shaded black with white text within Table 1 (e.g., “**RESIDENTIAL**”, “**COMMERCIAL**”) are for organizational purposes only;
  - (d) Each use listed in Table 1 is defined in Part XI;
  - (e) A black dot (●) within Table 1 indicates that the use in that row is permitted in the zone of that column, and subject to all other applicable provisions of this By-law;
  - (f) A white circle containing a number in black text (e.g., ①) within Table 1 indicates that the use in that row is permitted in the zone of that column, subject to additional conditions in a corresponding footnote below Table 1, and subject to all other applicable provisions of this By-law;
  - (g) The absence of a black dot (●), or a white circle containing a number in black text (e.g., ①), indicates that the use in that row is prohibited in the zone of that column; and
  - (h) Where a use is defined in Part XI, the definition may be deemed to include any similar use, except where expressly excluded.

### Additional Provisions Elsewhere in this By-law

- 26 No development permit shall be issued for a use permitted in Table 1, unless the use meets all applicable requirements of this By-law.

### Uses in a Transportation Reserve

- 27 All development is prohibited in a transportation reserve.

### Obnoxious Uses Prohibited

- 28 No owner or occupier of a lot shall undertake or conduct any obnoxious use.

**Table 1: Permitted uses by zone (PW-CDD, PW-CEN, PW-HR, PW-LDR, PW-CH, PW-PCF, and PW-CON)**

RESIDENTIAL	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Single-unit dwelling use	●			●	●		
Semi-detached dwelling use				●			
Townhouse dwelling use				①			
Two-unit dwelling use				●			
Three-unit dwelling use				①			
Four-unit dwelling use				①			
Multi-unit dwelling use		●	●				
Secondary suite use				●			
Backyard suite use				●			
Small shared housing use		●	●	●	●		
Large shared housing use		●	●		●		
Home occupation use	●	③	③	●	●		
Home office use	●	●	●	●	●		
Work-live unit use		●	●				
Grade-related dwelling unit use		●	●				
Model suite use		●	●	●	●		
Cluster housing use					●		
COMMERCIAL	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Broadcast and production studio use		●					
Cannabis lounge use		●					
Cannabis retail sales use		●					
Casino use							
Catering use		●	②				
Commercial recreation use							
Dealership use							
Drinking establishment use		●					
Financial institution use		●					
Fitness centre use		●	②				
Garden centre use		●					
Grocery store use		●					
Hotel use		●					
Kennel use							
Local commercial use		●	②				
Local drinking establishment use		●					
Makerspace use		●	②				
Micro-brewery use		●					
Micro-distillery use		●					
Office use		●					
Pawn shop use		●					
Personal service use		●	②				
Pet daycare use		●	②				
Quick charging station use		●					
Restaurant use		●	②				
Retail use		●					
Self-storage facility use		●	②				
Service station use		●					
Service use		●					
Short-term rental use		●	●	●	●		
Studio use		●	②				
Veterinary facility use		●	②				
Any other commercial use (if not prohibited above)		●					

URBAN AGRICULTURE	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Educational farm use						●	
Farmers' market use		●	●			●	
Urban farm use	●	●	●	●	●	●	
INSTITUTIONAL	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Convention centre use		●					
Cultural use		●	●			●	
Daycare use		●	●	④	④	●	
Emergency services use		●	●				
Hospital use							
Library use		●	●			●	
Minor spectator venue use		●				●	
Major spectator venue use						●	
Medical clinic use		●	②				
Public building use		●				●	
Religious institution use		●	●				
School use		●	●			●	
Shelter use		●	●				
University or college use		●					
INDUSTRIAL	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Auto repair use							
Cannabis production facility use							
Car wash use		●					
Crematorium use							
Data storage centre use		●					
Industrial training facility use							
Light manufacturing use							
Marine-related use							
Marine-related use existing on the coming into force date of this By-law							
Recycling depot use		●					
Research and development facility use		●					
Storage yard use							
Warehousing use							
Wholesale food production use		●					
Wholesale use							
PARK AND COMMUNITY FACILITIES	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Cemetery use						●	
Club recreation use		●	●			●	
Community recreation use		●	●	●	●	●	
Conservation use	●	●	●	●	●	●	●
Park use	●	●	●	●	●	●	●
WATER ACCESS	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Water access structure use	●	●	●	●	●	●	
MILITARY	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Military use							
OTHER	PW-CDD	PW-CEN	PW-HR	PW-LDR	PW-CH	PW-PCF	PW-CON
Accessory structure or use	●	●	●	●	●	●	●
Existing uses	●						
Historic site or monument use		●	●	●	●	●	●
Parking structure use		●	●			●	

Temporary construction use	●	●	●	●	●	●	
Temporary use		●				●	
Transportation facility use	●	●	●	●	●	●	
Utility use	●	●	●	●	●	●	●
<b>PROHIBITED IN ALL ZONES</b>	<b>PW-CDD</b>	<b>PW-CEN</b>	<b>PW-HR</b>	<b>PW-LDR</b>	<b>PW-CH</b>	<b>PW-PCF</b>	<b>PW-CON</b>
Adult entertainment use							
C&D transfer, processing, and disposal use							
Heavy industrial use							
Salvage use							

- ① Use is permitted except where it abuts a lot that is located outside of the Port Wallace Lands, as shown on Schedule 1, and contains a single-unit dwelling use.
- ② Use is permitted within a mixed-use building that has no less than 75% of its floor area occupied by residential uses.
- ③ Use is permitted within a grade-related dwelling unit use only.
- ④ Use is permitted in accordance with the requirements of Section 38.

## PART III: LAND USE

## Part III, Chapter 1: General Land Use Requirements

### Access Uses Prohibited

- 29 It is prohibited to access a use in one zone from a different zone, unless:
- (a) the use being accessed is permitted in both zones; or
  - (b) the access from one zone to a different zone is specifically permitted in Table 1.

### Exterior Lighting

- 30 Exterior lighting shall not be directed towards abutting lots or streets.

### Recreational Vehicles

- 31 Excluding when used as a temporary construction use, a recreational vehicle shall not be used as a dwelling unit or a backyard suite use.

### Cannabis-Related Uses

- 32 (1) Cannabis retail sales uses and cannabis lounge uses are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).
- (2) Where a lot containing a cannabis production facility use abuts any lot containing a residential use, daycare use, community recreation use, school use, or religious institution use, the cannabis production facility use, including any building or storage yard, shall be set back no less than 70.0 metres from the lot line that abuts such use.

### Temporary Rock Crushers

- 33 (1) Subject to Subsection 33(2), a development permit is required for a temporary rock crusher and shall be valid for the time specified on such permit and which shall not exceed 60 calendar days from the time the permit is issued. The development permit for a temporary rock crusher may be renewed for a period of not longer than 30 calendar days at a time, if the Development Officer determines that an extension is warranted.
- (2) A development permit for the use of a temporary rock crusher accessory to the construction of primary or secondary services, pursuant to the HRM Regional Subdivision By-Law, shall be valid for any period not exceeding the construction



time schedule specified in the subdivision agreement, as amended.

- (3) A temporary rock crusher shall only be used at:
  - (a) the site of demolition of a structure;
  - (b) the site of construction of primary or secondary services, pursuant to the HRM Regional Subdivision By-Law; or
  - (c) the site of a development permitted by this By-law.
- (4) A temporary rock crusher shall not be located within 3.0 metres of any lot line.
- (5) A temporary rock crusher shall not be located within 10.0 metres of any building used for a residential use or an institutional use, except for temporary rock crushers used to construct public infrastructure.
- (6) Subject to Subsection 33(7), a temporary rock crusher shall not be used to process material for export to another site, or to process material imported to the site.
- (7) A temporary rock crusher may be used to process demolished material for export to a disposal site, if the requirements of HRM By-law L-200, the C&D Materials Recycling and Disposal License By-law, as amended from time to time, are met.

### Solid Waste Management Areas

- 34 (1) For any building in a PW-CEN zone:
- (a) that contains commercial uses only, excluding a hotel use, any outdoor solid waste management areas shall be located in a courtyard, side yard, or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 12);
  - (b) that contains residential uses only and is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building;
  - (c) that contains a combination of residential and commercial uses and is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building; or
  - (d) that contains a residential use and is less than 2,000 square metres in floor area, any outdoor solid waste management areas shall be located in a courtyard, side yard, or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 12).

- (2) For any building in a PW-HR zone:
  - (a) that is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building; or
  - (b) that contains a residential use and is less than 2,000 square metres in floor area, any outdoor solid waste management areas shall be located in a courtyard, side yard, or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 12).
- (3) For any development in a PW-CH zone that exceeds six cluster housing dwelling units, outdoor solid waste management areas shall be located in a side or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 12).
- (4) Screening requirements for outdoor solid waste management areas are contained in Section 174.

## Part III, Chapter 2: Residential Use Requirements

### Combination of Uses in a PW-CDD, PW-LDR, or PW-CH Zone

- 35 Where permitted in Table 1, only one of the following uses shall be permitted, at any time, on a lot in a PW-CDD, PW-LDR, or PW-CH zone:
- (a) home occupation use; or
  - (b) daycare use.

### Home Occupation Uses

- 36 (1) Excluding a home occupation use contained within a grade-related dwelling unit or a cluster housing use, a home occupation use shall:
- (a) be limited to one per lot; and
  - (b) not be permitted within a multi-unit dwelling use.
- (2) The following uses are permitted as a home occupation use:
- (a) broadcast and production studio use;
  - (b) catering use;
  - (c) makerspace use;
  - (d) grooming and haircutting salon;
  - (e) medical clinic use;
  - (f) office use;
  - (g) pet daycare use, limited to a maximum of 5 animals;
  - (h) pet grooming;
  - (i) studio use;
  - (j) tailoring and shoe repair;
  - (k) tattooing; or
  - (l) tutoring.
- (3) The retailing of products that are accessory to a permitted home occupation use, listed in Subsection 36(2), is permitted.
- (4) The principal operator of a home occupation use shall reside on the lot where the use is located.
- (5) The number of permitted employees for a home occupation use, that are not a resident of the lot, is limited to one.

- (6) Any home occupation use shall be wholly contained within a dwelling unit or an accessory structure.
- (7) Excluding permitted signage, a home occupation use shall not be apparent from the outside of the dwelling unit or the accessory structure.
- (8) The maximum floor area for a home occupation use is 35% of the dwelling unit's floor area, to a maximum of 50.0 square metres.
- (9) Signage requirements for a home occupation use are:
  - (a) in any PW-CEN or PW-HR zone, contained in Section 216; or
  - (b) in any PW-CDD, PW-LDR, or PW-CH zone, contained in Section 217.
- (10) Motor vehicle parking requirements for a home occupation use shall comply with Section 183.

#### Home Office Uses

- 37 (1) Home office uses are permitted in all dwelling units.
- (2) The principal operator of a home office use, and any employees, shall reside on the lot where the use is located.
- (3) Any home office use shall be wholly contained within a dwelling unit or an accessory structure, and shall not be apparent from the outside of the dwelling unit or accessory structure.
- (4) No signage is permitted for a home office use.

#### Daycare Uses in the PW-LDR or PW-CH Zone

- 38 Within a PW-LDR or PW-CH zone, a daycare use shall meet the following requirements:
  - (a) A maximum of one daycare use is permitted on any lot containing a low-density dwelling use or a cluster housing use;
  - (b) The principal operator of a daycare use shall reside in the dwelling unit where the daycare use is located, and may employ additional staff;
  - (c) Excluding staff and the principal operator, a maximum of 14 people may attend a daycare use at any time;

- (d) Any outdoor recreational spaces or play areas, accessory to a daycare use, shall meet the screening requirements of Subsection 173;
- (e) Signage for a daycare use shall comply with Section 217; and
- (f) Motor vehicle parking requirements for a daycare use shall comply with Section 183.

### Short-Term Rental Uses

- 39 A short-term rental use shall be permitted in conjunction with a permitted dwelling unit, where that dwelling unit is the primary residence of the short-term rental operator.

### Secondary Suite Uses

- 40 (1) Subject to Subsection 40(2), where a secondary suite use is permitted in Table 1, a lot may contain a secondary suite use in conjunction with:
- (a) a single-unit dwelling use;
  - (b) a two-unit dwelling use;
  - (c) a semi-detached dwelling use;
  - (d) a three-unit dwelling use; or
  - (e) a townhouse dwelling use.
- (2) A lot shall not contain both a secondary suite use and a backyard suite use.
- (3) A secondary suite use shall not exceed a floor area of 80.0 square metres.
- (4) A secondary suite use shall not be counted towards the dwelling unit total.

### Backyard Suite Uses

- 41 (1) Subject to Subsection 41(2), where a backyard suite use is permitted in Table 1, a lot may contain a backyard suite use, within the rear yard only, in conjunction with:
- (a) a single-unit dwelling use;
  - (b) a two-unit dwelling use;
  - (c) a semi-detached dwelling use;
  - (d) a three-unit dwelling use; or
  - (e) a townhouse dwelling use.
- (2) A lot shall not contain both a secondary suite use and a backyard suite use.
- (3) A backyard suite use shall meet the accessory structure built form and siting

requirements of Sections 137 to 142 and Section 144.

(4) A backyard suite use shall have unobstructed access to a street on the same lot on which the backyard suite is located.

(5) A backyard suite use shall not be counted towards the dwelling unit total.

#### Maximum Number of Bedrooms for Small Shared Housing Uses in the PW-LDR Zone

42 On any lot zoned PW-LDR, a small shared housing use shall be limited to a maximum of 10 bedrooms.

#### Dwelling Unit Mix – New Buildings and Additions in a PW-HR Zone

43 (1) In a PW-HR zone, a new building or an addition to an existing building that results in 40 dwelling units or more shall provide a dwelling unit mix of

- (a) no less than 20% of all dwelling units shall be required to contain a minimum of two bedrooms; and
- (b) no less than 5% of all dwelling units shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

- (a) in Subsection 43(1), shall be rounded up to the nearest whole number; and
- (b) in Subclause 43(1)(b)(ii), shall not be counted towards the requirement of Subclause 43(1)(b)(i).

#### Dwelling Unit Mix – Internal Conversions in a PW-HR Zone

44 (1) In a PW-HR zone, a change of use in an existing building that results in 40 dwelling units or more, shall provide a dwelling unit mix of:

- (a) no less than 20% of all dwelling units shall be required to contain a minimum of two bedrooms, and
- (b) no less than 5% of all dwelling units shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

- (a) in Subsection 44(1), shall be rounded up to the nearest whole number;

- and
- (b) in Subclause 44(1)(b)(ii), shall not be counted towards the requirement of Subclause 44(1)(b)(i).

### Amenity Space – High-Density Dwelling Use

- 45
- (1) Any new building or an addition to an existing building that contains a high-density dwelling use shall be required to provide amenity space, at a rate of 5.0 square metres per dwelling unit, for use by the building’s residents. No less than 50% of all required amenity space shall be provided within the building.
  - (2) Except for outdoor amenity space associated with an individual dwelling unit within a high-density dwelling use, such as balconies, decks, and patios, all amenity space required by Subsection 45(1) shall:
    - (a) be provided in increments of no less than 30.0 contiguous square metres;
    - (b) have no linear dimension less than 3.0 metres; and
    - (c) be available for shared use by the building’s residents.
  - (3) For any high-density dwelling use within an PW-HR zone, a minimum of 25% of the required amenity space shall be:
    - (a) provided outdoors;
    - (b) located at-grade or on a roof top; and
    - (c) available for shared use by the building’s residents.

### Ground Floor Uses for Buildings Containing a Multi-Unit Dwelling Use

- 46
- Excluding any main building that is located 40.0 metres or more from a streetline, where a lot in any PW-CEN or PW-HR zone:
- (a) contains a building with a multi-unit dwelling use; and
  - (b) has a minimum frontage of 8.0 metres on at least one street;
- a minimum of 40% of the total length of all ground floors of the buildings facing a streetline, excluding an entrance to internal parking or a portal, shall be occupied by either one or a combination of the following:
- (c) commercial uses;
  - (d) grade-related dwelling units; or
  - (e) work-live units.

## Work-Live Units

- 47 (1) Subject to Subsection 47(3), only one of the following commercial or institutional uses are permitted in a work-live unit:
- (a) broadcast and production studio use;
  - (b) catering use;
  - (c) makerspace use;
  - (d) medical clinic use;
  - (e) office use;
  - (f) personal service use;
  - (g) pet daycare use; or
  - (h) studio use.
- (2) The retailing of products that are accessory to a permitted commercial use or institutional use in a work-live unit, listed in Subsection 47(1), are permitted.
- (3) No more than 50% of the total floor area of a work-live unit, to a maximum of 140.0 square metres, may be used for one of the uses listed in Subsection 47(1).
- (4) The uses listed in Subsection 47(1) shall be located on the ground floor.
- (5) The principal operator of a commercial use or an institutional use within a work-live unit shall reside in the unit and may have no more than three non-resident employees.
- (6) Signage for a work-live unit shall meet the requirements of Section 216.
- (7) Motor vehicle parking for a work-live unit shall comply with the requirements of Section 183.



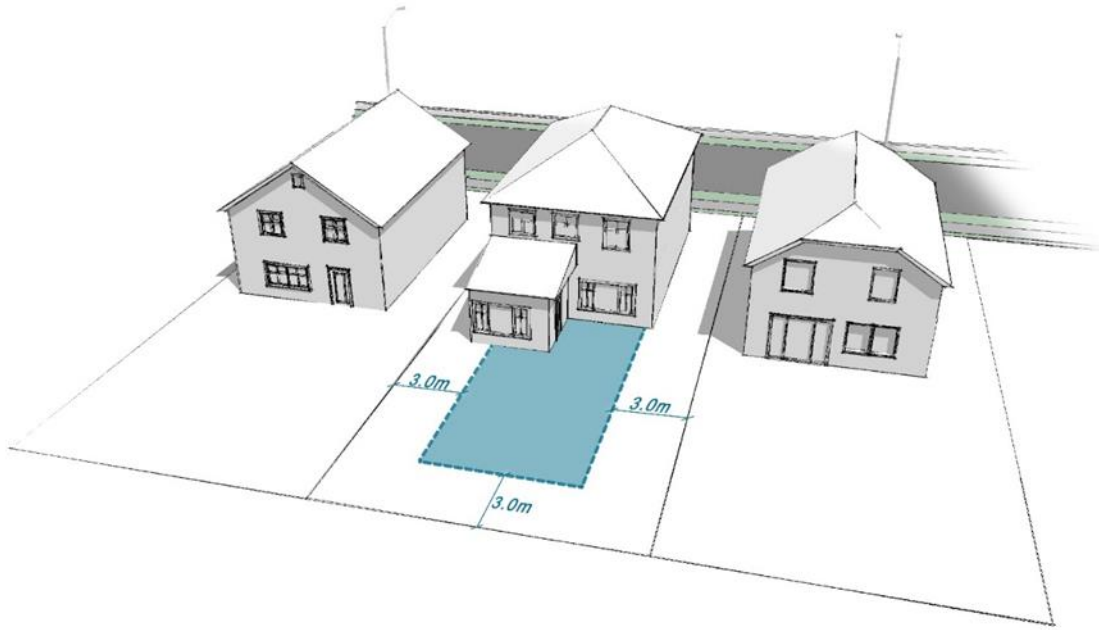
## Part III, Chapter 3: Urban Agriculture Use Requirements

### General Urban Agriculture Use Requirements

- 48
- (1) The processing of urban agricultural products is permitted as an accessory use to any urban agriculture use listed in Table 1.
  - (2) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use to an educational farm use or an urban farm use.
  - (3) Except for an educational farm use, the keeping of horses, swine, roosters, and ruminants is prohibited.
  - (4) A greenhouse, including a rooftop greenhouse, may be used to contain all or part of an urban farm use.
  - (5) Signage requirements for an urban agriculture use are:
    - (a) in any PW-CEN, PW-HR, or PW-PCF zone, contained in Sections 212 to 215; or
    - (b) in any PW-CDD, PW-LDR, or PW-CH zone, contained in Sections 217 and 218.
  - (6) Excluding beehives, an accessory structure associated with an urban agriculture use shall meet the accessory structure built form and siting requirements of Sections 137 to 143.

### Keeping of Bees as an Accessory Use

- 49
- (1) In every zone, the keeping of bees as an accessory use is permitted, to a maximum of:
    - (a) two beehives on lots of less than 2,000 square metres in area; or
    - (b) four beehives on lots equal to or greater than 2,000 square metres in area.
  - (2) Beehives shall be required to be located no less than 3.0 metres from any lot line (Diagram 1), unless they are located on a rooftop.



**Diagram 1:** Shaded area denotes where beehives are permitted at grade, per Subsection 49(2)

### Keeping of Egg-Laying Hens as an Accessory Use

- 50 (1) An accessory hen use is permitted in conjunction with a residential use in all zones.
- (2) The maximum number of hens permitted on a lot shall be:
- (a) on lots less than 4,000 square metres in area, a maximum of 10 hens;
  - (b) on lots equal to or greater than 4,000 square metres in area but less than 6,000 square metres in area, a maximum of 15 hens;
  - (c) on lots equal to or greater than 6,000 square metres in area but less than 10,000 square metres in area, a maximum of 20 hens;
  - (d) on lots equal to or greater than 10,000 square metres in area, a maximum of 25 hens.
- (3) Hens shall be contained within an accessory building or fenced area that:
- (a) is located in a rear yard;
  - (b) has a 1.0-metre setback from any side or rear lot line;
  - (c) meets the watercourse buffer requirements contained in Section 51, but in no circumstance shall the exemptions in Subsection 51(5) be used to reduce the required watercourse buffer; and
  - (d) meets the accessory structure built form requirements contained in Sections 141 to 143.

- (4) The on-site slaughtering or euthanizing of hens is prohibited.

## Part III, Chapter 4: Environmental Requirements

### Watercourse Buffers

- 51 (1) A development permit shall not be issued for any development within 20 metres of the ordinary high water mark of any watercourse (Diagram 2).



**Diagram 2:** Minimum required watercourse buffer, per Subsection 51(1)

- (2) Where the average slope of land within the minimum required 20-metre watercourse buffer exceeds 20%, the buffer width shall be increased by 1.0 metre for each additional 2% of slope above 20%, to a maximum of 60 metres.
- (3) Where a wetland and a watercourse are contiguous, the watercourse buffer shall be applied from the outermost boundary of the wetland and watercourse.
- (4) Subject to Subsections 51(5) and 51(8), within the watercourse buffer required in Subsections 51(1), 51(2), and 51(3), no excavation, infilling, or the removal of any tree, stump, or other vegetation, nor any other change, is permitted.
- (5) Within the watercourse buffer required in Subsections 51(1), 51(2), and 51(3), vegetation may be removed to permit the following activities:
- (a) subject to Subsection 51(6), one accessory structure, including a boathouse, and one attached uncovered deck or patio, occupying a

- maximum of 20.0 square metres, combined;
  - (b) boardwalks, walkways, trails, and driveways not exceeding 3.0 metres in width;
  - (c) fences;
  - (d) water access structure uses, boat ramps, marine-related uses, parks on public land, and historic site or monument uses;
  - (e) streets; or
  - (f) water, wastewater, and stormwater infrastructure.
- (6) Where a main building existed on the coming into force date of this By-law and is located within a required watercourse buffer, accessory structures permitted in Clause 51(5)(a) shall not be located any closer to the watercourse than the main building that existed on the coming into force date of this By-law.
- (7) Where the configuration of a lot is such that no main building can be located on the lot, the watercourse buffer distance required in Subsections 51(1), 51(2), and 51(3) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if the other setback distance requirements are met, for lots that:
- (a) existed before August 26, 2006; or
  - (b) were approved as a result of a tentative or final subdivision application on file before August 26, 2006.
- (8) Within a required watercourse buffer, the Development Officer may authorize the removal of windblown, diseased, or dead trees that are deemed to be hazardous or unsafe to persons or property, or the selective removal of vegetation to maintain the overall health of the buffer, if a management plan is submitted by a qualified professional.

## Wetlands

- 52 All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been received from the Province of Nova Scotia.

## PART IV: LOT REQUIREMENTS

## Part IV, Chapter 1: Lot Requirements

### Regional Subdivision By-law

- 53 In addition to the requirements of this Part, the subdivision of land is regulated by the HRM Regional Subdivision By-Law, as amended from time to time.

### Undersized Lots

- 54 (1) A lot with less than the minimum required lot area, lot frontage, or lot dimensions, as per the requirements of Sections 55 and 56, created as a result of an acquisition of a portion of the land by the Province of Nova Scotia or the Municipality for a provincial or municipal purpose, may be developed as per the requirements of the applicable zone.
- (2) The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the HRM Regional Subdivision By-law, where an undersized lot has had its boundaries altered.

### Minimum Lot Area

- 55 The minimum lot area requirements are as set out in Table 2.

**Table 2: Minimum lot area requirements**

<b>Zone / Use</b>	<b>Minimum lot area</b>
PW-CDD	315.0 square metres
PW-CEN	371.0 square metres
PW-HR	558.0 square metres
PW-LDR for a single-unit dwelling use, a two-unit dwelling use, a three-unit dwelling use, or a four-unit dwelling use	315.0 square metres
PW-LDR for a semi-detached dwelling use (per dwelling unit)	230.0 square metres
PW-LDR for a townhouse dwelling use (per interior dwelling unit)	130.0 square metres
PW-LDR for a townhouse dwelling use (per end dwelling unit)	185.0 square metres
PW-CH (per dwelling unit)	130.0 square metres
PW-PCF	232.0 square metres
PW-CON	232.0 square metres

## Minimum Lot Frontages and Dimensions

- 56 (1) Subject to Subsection 56(3), the minimum lot frontage requirements are as set out in Table 3.

**Table 3: Minimum lot frontage requirements**

<b>Zone</b>	<b>Minimum lot frontage</b>
PW-CDD	10.3 metres
PW-CEN	6.1 metres
PW-HR	6.1 metres
PW-LDR for a single-unit dwelling use, a two-unit dwelling use, a three-unit dwelling use, or a four-unit dwelling use	10.3 metres
PW-LDR for a semi-detached dwelling use (per dwelling unit)	7.2 metres
PW-LDR for a townhouse dwelling use (per interior dwelling unit)	5.4 metres
PW-LDR for a townhouse dwelling use (per end dwelling unit)	7.2 metres
PW-CH	6.1 metres
PW-PCF	8.0 metres
PW-CON	6.1 metres

- (2) Within the PW-CH zone, a lot shall not have a dimension less than 6.1 metres.
- (3) When a lot faces the outside of a curve on a street, the minimum frontage requirements of Subsection 56(1) may be reduced:
- (a) excluding interior townhouse units, by 40%; or
  - (b) for interior townhouse units, by 40%, if the lot has a minimum width of 5.4 metres between side lot lines at a location of 3.0 metres from the streetline.



# PART V: BUILT FORM AND SITING REQUIREMENTS

## Part V, Chapter 1: General Built Form and Siting Requirements

### General Requirement: Number of Main Buildings on a Lot

- 57
- (1) Every main building shall be located on a lot.
  - (2) Excluding a building containing a semi-detached dwelling use or a townhouse dwelling use, a main building shall not be located on more than one lot.
  - (3) A maximum of one main building is permitted on a lot, except:
    - (a) in a PW-CEN, PW-HR, or PW-PCF zone; or
    - (b) in a PW-CH zone, a maximum of 24.

### General Requirement: Prohibited External Cladding Materials

- 58
- The following external cladding materials are prohibited:
- (a) in any PW-CEN zone:
    - (i) vinyl siding,
    - (ii) plastic,
    - (iii) plywood,
    - (iv) unfinished concrete greater than 0.6 metre in average height above grade,
    - (v) exterior insulation and finish systems where stucco is applied to rigid insulation, and
    - (vi) darkly tinted or mirrored glass, except for spandrel glass panels; or
  - (b) in any PW-HR zone:
    - (i) plastic,
    - (ii) plywood,
    - (iii) unfinished concrete greater than 0.6 metre in average height above grade, and
    - (iv) darkly tinted or mirrored glass, except for spandrel glass panels.

### General Requirement: Setback of Entrances

- 59
- (1) Any pedestrian entrance to any main building facing a streetline shall be required to be set back a minimum of 1.5 metres from the streetline.
  - (2) Any motor vehicle entrance to any main building facing a streetline shall be required to be set back a minimum of 4.5 metres from the streetline.

50

## General Requirement: Permitted Encroachments into Setbacks, Stepbacks, or Separation Distances

- 60 (1) Any setback or stepback for any main building, or any separation distance between main buildings or between any main building and accessory structures, required in Part V, shall be required to be open and unobstructed, except:
- (a) patios that are less than 0.6 metre in height, access ramps, walkways, lifting devices, uncovered steps, and staircases are permitted in any required setback, stepback, or separation distance;
  - (b) sills, eaves, gutters, downspouts, cornices, chimneys, fireplace and stove bump outs, and other similar features may project into any required setback, stepback, or separation distance by no more than 0.6 metre; and
  - (c) window bays and solar collectors may project into any required setback, stepback, or separation distance by no more than 1.0 metre.
- (2) Subject to Subsection 60(3) and Section 61, balconies and decks may project into any required setback, stepback, or separation distance by no more than:
- (a) 1.5 metres at the ground floor; or
  - (b) 2.0 metres at the second storey or above.
- (3) Subject to Subsection 60(4), in a PW-CEN or PW-HR zone that abuts a PW-LDR, PW-CH, or PW-PCF zone, a balcony, deck, railing system, unenclosed porch, canopy, or awning shall not project into any required setback or stepback that faces the lot line of that abutting zone.
- (4) Balconies facing a lot line that abuts a PW-LDR, PW-CH, or PW-PCF zone may project into any required stepback, providing any main building that is above grade is setback by:
- (a) 8.5 metres for mid-rise buildings;
  - (b) 12.5 metres for tall mid-rise buildings; and
  - (c) 12.5 metres for high-rise buildings.

## General Requirement: Aggregate Width of Balconies

- 61 Excluding any main building that is located 40.0 metres or more from a streetline or a wall of a building that faces Highway 107 or Montague Road, within either the PW-CEN or PW-HR zone, if the aggregate width of all balconies per storey, above the height of the streetwall, exceeds 50% of the horizontal width of a building face, then the balconies shall:

- (a) not be allowed to encroach into any required setback, stepback, or separation distance; and
- (b) be included in the calculation of maximum building dimensions for a high-rise typology, including width and depth.

#### General Requirement: Encroachments into Streets

62 Encroachments into streets shall meet the requirements of the applicable municipal By-law.

#### General Requirement: Drive-Throughs

63 Drive-throughs are permitted in the PW-CEN zone only.

#### General Requirement: Pedways

- 64
- (1) Pedways that connect main buildings over a street are prohibited.
  - (2) Pedways that do not connect main buildings over a street are permitted in a PW-CEN or PW-HR zone.
  - (3) Permitted pedways are exempt from the following built form requirements:
    - (a) maximum lot coverage; and
    - (b) maximum building dimensions.

#### General Requirement: Self-Storage Facility Uses

65 Where a self-storage facility use is permitted in Table 1, individual storage units shall not be directly accessible from outside the main building, except where facing a rear yard.

#### General Requirement: Transportation Facility Use

- 66 The only built form requirements of Part V, Chapters 2 to 9 that apply to a transportation facility use are:
- (a) maximum building height, as specified in the development agreement that is applied to the Port Wallace Lands; and
  - (b) minimum front and flanking setbacks of the applicable zone.

## General Requirement: Building Rooftop Features

- 67 (1) Excluding any low-density dwelling uses and cluster housing uses, which are addressed in Subsection 67(6), Table 4 regulates the height, coverage, and setback of building features located on the rooftops of any main building.
- (2) Features listed in Table 4 may exceed a height above the maximum height permitted, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than the amount specified in Column 1.
- (3) Features listed in Table 4 shall not count towards:
- (a) the overall building height as specified in the development agreement that is applied to the Port Wallace Lands;
  - (b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections 220(130), 220(142), 220(233), or 220(104);
  - (c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections 220(143), 220(234), or 220(105); or
  - (d) the height determination for a pedestrian wind impact assessment report under Appendix 1.
- (4) Excluding any main building within a PW-PCF zone, all features identified with a black dot (●) in Column 2 of Table 4 shall not, in total, occupy more than 30% of the main building rooftop area on which they are located.
- (5) Features with a minimum roof edge setback that are specified in Columns 3 or 4 of Table 4 shall be located no closer than indicated:

**Table 4: Main building rooftop features**

<b>Feature</b>	<b>Column 1: Maximum height above roof</b>	<b>Column 2: 30% coverage restriction</b>	<b>Column 3: Minimum setback from roof edge facing front or flanking lot lines</b>	<b>Column 4: Minimum setback from roof edge facing side or rear lot lines</b>
Antenna	Unlimited		3.0 metres	3.0 metres
Chimney	Unlimited			
Clear glass guard and railing system	2.0 metres			

Clock tower or bell tower	Unlimited	●		
Communication tower required to support uses and activities in the building	Unlimited	●	3.0 metres	3.0 metres
Cooling tower	Unlimited	●	3.0 metres	3.0 metres
Elevator enclosure	5.5 metres	●	3.0 metres	
Flagpole	Unlimited			
Heating, ventilation, and air conditioning equipment and enclosure	5.5 metres	●	3.0 metres	3.0 metres
High-plume laboratory exhaust fan	Unlimited	●	3.0 metres	3.0 metres
Hard landscaping or soft landscaping	4.5 metres			
Lightning rod	Unlimited			
Penthouse	4.5 metres	●	3.0 metres	3.0 metres
Parapet	2.0 metres			
Rooftop cupola	4.5 metres	●		
Rooftop greenhouse	6.0 metres		3.0 metres	3.0 metres
Skylight	1.5 metres			
Solar collector	4.5 metres			
Spire, steeple, minaret, and similar features	Unlimited	●		
Staircase or staircase enclosure	4.5 metres	●	3.0 metres	
Windscreen	4.5 metres			

(6) For any low-density dwelling use or cluster housing use, the following features may exceed the maximum required height, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than 3.0 metres:

- (a) chimneys and stovepipes;
- (b) antennas;
- (c) flagpoles;
- (d) solar collectors;
- (e) clear glass guard and railing systems;
- (f) lightning rods;
- (g) a staircase;
- (h) a staircase enclosure that does not exceed 6.0 square metres in area;
- (i) a rooftop greenhouse;

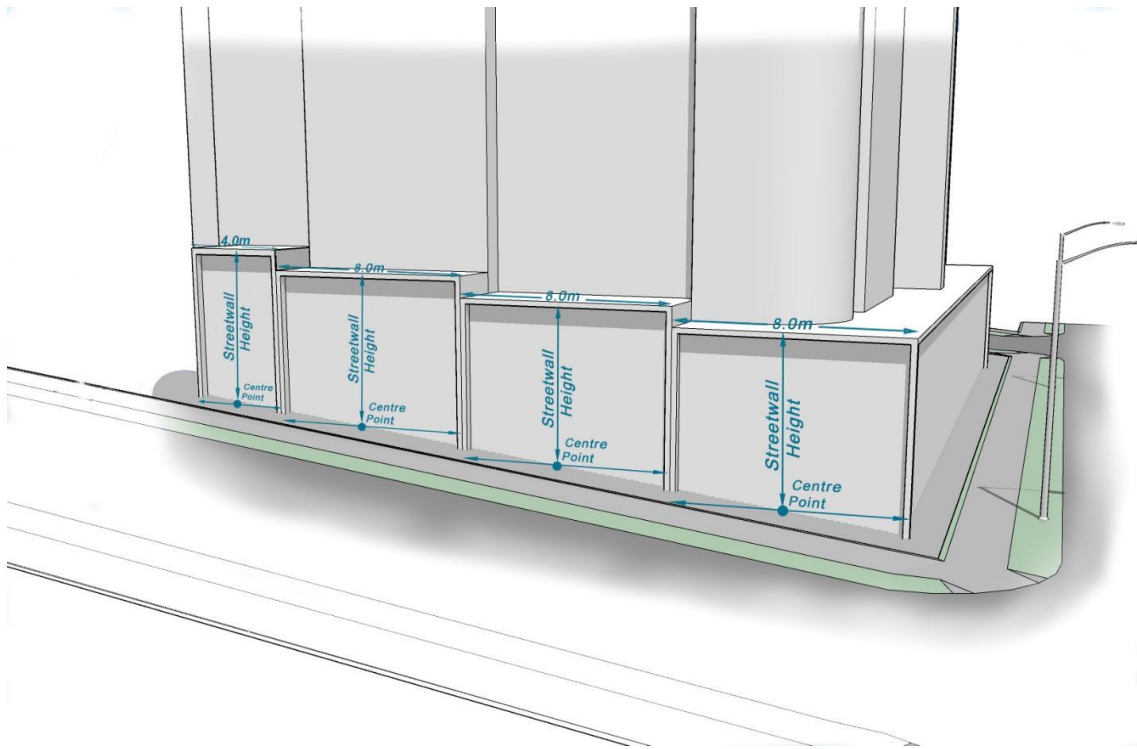
- (j) vents; and
  - (k) an elevator enclosure that does not exceed 6.0 square metres in area.
- (7) Features contained in Subsection 67(6) shall not count towards:
- (a) the overall building height;
  - (b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections 220(130), 220(142), 220(233), or 220(104); or
  - (c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections 220(143), 220(234), or 220(105).

### General Requirement: Height Exemption for Sloped Roofs

- 68 (1) Within any PW-CEN or PW-HR zone, the uninhabitable portion of any main building, within a sloped roof, may exceed the maximum permitted height, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than 4.5 metres.
- (2) Within a PW-LDR zone, the uninhabitable portion of any main building, within a sloped roof, may exceed the maximum permitted height, as specified in the development agreement that is applied to the Port Wallace Lands, by no more than 3.0 metres.
- (3) A sloped roof under Subsections 68(1) and 68(2) shall not count towards:
- (a) the overall building height as specified in the development agreement that is applied to the Port Wallace Lands;
  - (b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections 220(130), 220(142), 220(233), or 220(104); or
  - (c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections 220(143), 220(234), or 220(105).

### General Requirement: Streetwall Height Determination within a PW-CEN or PW-HR Zone

- 69 (1) For any main building within a PW-CEN or a PW-HR zone, a streetwall width of 8.0 metres or less shall have its streetwall height determined at the centre point of the streetwall width.
- (2) For any main building within a PW-CEN or a PW-HR zone, a streetwall width exceeding 8.0 metres shall have its streetwall divided into 8.0 metres portions, except for one portion which may be less than 8.0 metres, and separate streetwall heights shall be determined by measuring the height at the centre point of each portion (Diagram 3).

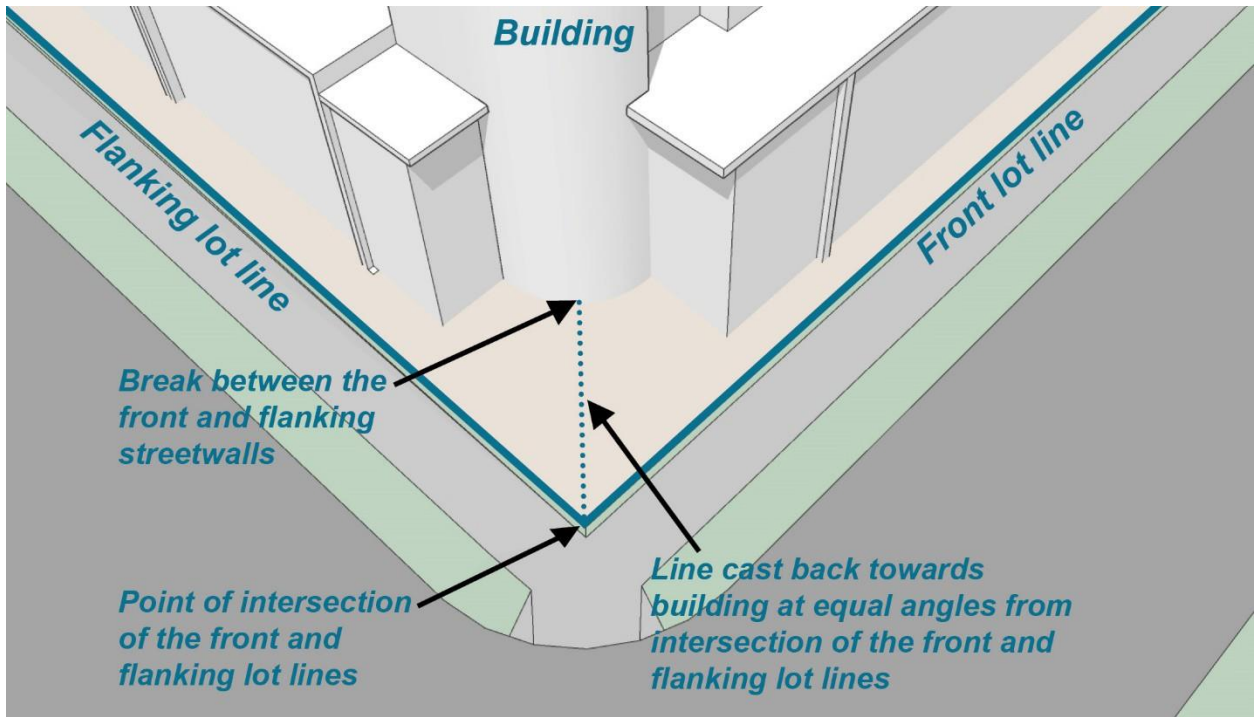


**Diagram 3:** Method for determining streetwall height, per Section 69

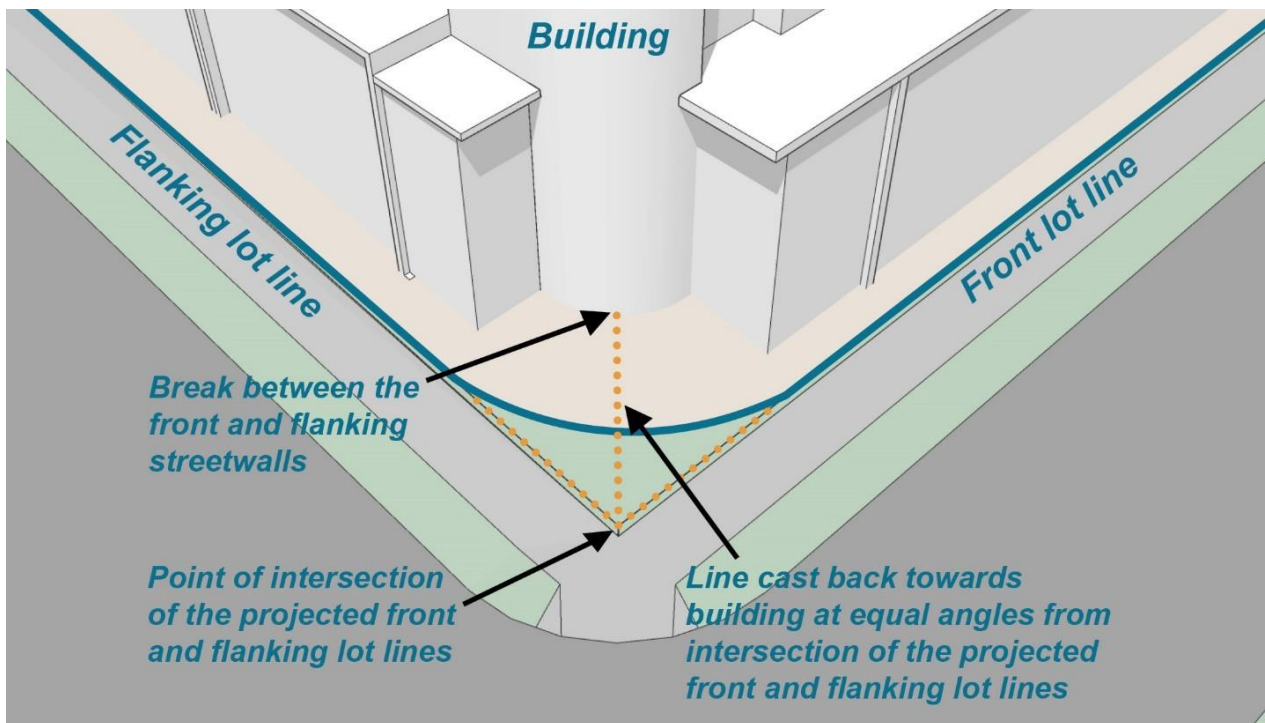
### General Requirement: Streetwall Break Determination

- 70 (1) Subject to Subsection 70(2), on a corner lot where two intersecting streetwalls do not make a 90-degree angle, the break between both streetwalls shall be the mid-point of the curve or angle connecting both streetwalls so that each can meet the applicable streetwall requirement.
- (2) In order to determine the mid-point of the curve or angle, as stated in Subsection 70(1), the break between front and flanking streetwalls shall be the mid-point, as determined for the following scenarios:
- (a) where a front lot line and a flanking lot line meet at a 90-degree angle, the line cast from the point of intersection of the front and flanking lot lines towards the building at equal angles (Diagram 4); or
  - (b) where a front lot line and a flanking lot line do not meet at a 90-degree angle, the line cast from the point of intersection of the projected front and flanking lot lines towards the building at equal angles (Diagram 5).





**Diagram 4:** Streetwall break determination where front and flanking lot lines create a 90-degree angle, per Clause 70(2)(a)



**Diagram 5:** Streetwall break determination where front and flanking lot lines do not create a 90-degree angle, per Clause 70(2)(b)

## Part V, Chapter 2: Built Form and Siting Requirements within the PW-CDD Zone

### Applicability

71 Subject to Section 8, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CDD zone shall meet the built form and siting requirements of this Chapter.

### Development in a PW-CDD Zone

- 72 Subject to Section 9, the only additions to main buildings or new main buildings that are permitted in the PW-CDD zone, without a development agreement, shall be:
- (a) one addition, to a main building that is existing on the coming into force date of this By-law, of no more than:
    - (i) 100 square metres in floor area, and
    - (ii) a maximum height of 11.0 metres; or
  - (b) one new main building containing a use permitted in the PW-CDD zone, as shown in Table 1, and that:
    - (i) is on a lot that is existing and vacant on the coming into force date of this By-law, and
    - (ii) meets the built form requirements of Clause 72(a)

### Built Form and Siting Requirements

73 For main buildings, the built form and siting requirements contained within Table 5 shall apply.

**Table 5: PW-CDD built form and siting requirements**

Provision	Requirement
Maximum building height	Subject to Sections 67, 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Minimum front or flanking setbacks, either above or below grade	If a lot line abuts a controlled access highway, 6.0 metres
	3.0 metres elsewhere
Minimum side setbacks	1.25 metres
Maximum side setback	None
Minimum rear setback	6.0 metres

Maximum rear setback	None
Maximum lot coverage	35%

**Maximum Lot Coverage Exemption**

74 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

**Accessory Structures**

75 Accessory structures shall meet the requirements of Part V, Chapter 9.

## Part V, Chapter 3: Built Form and Siting Requirements within the PW-CEN Zone

### Applicability

- 76 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CEN zone shall meet the built form and siting requirements of this Chapter.

### Maximum Building Height

- 77 Subject to Sections 67 and 68, any main building shall not exceed a height of 14.0 metres, unless otherwise specified in the development agreement that is applied to the Port Wallace Lands.

### Minimum Front or Flanking Setbacks

- 78 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback of 1.5 metres.

### Maximum Front or Flanking Setbacks

- 79 (1) On a lot with continuous frontage that is greater than 16.0 metres, one main building shall be required to be located within 6.0 metres of:
- (a) the front or flanking lot line; or
  - (b) where a transportation or utility easement abuts the streetline and has a depth greater than 7.0 metres, the edge of the easement that is located farthest from the streetline.
- (2) For a main building located within the maximum setback in Subsection 79(1), a minimum of 60% of the building width shall be required to be located within that setback.

### Side Setback Requirements

- 80 (1) Subject to Subsections 80(2) and 80(3), and Section 177, the minimum required side setback for any main building shall be:

- (a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone, 6.0 metres from the side lot line abutting such zone; or
  - (b) 0.0 metre elsewhere.
- (2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in applicable side yard.
- (3) For a high-rise building, a minimum required setback of 12.5 metres from any side lot line shall apply:
  - (a) in the presence of a streetwall, above the streetwall height; or
  - (b) in the absence of a streetwall, above 14.0 metres in height.
- (4) There is no maximum permitted side setback.

## Rear Setback Requirements

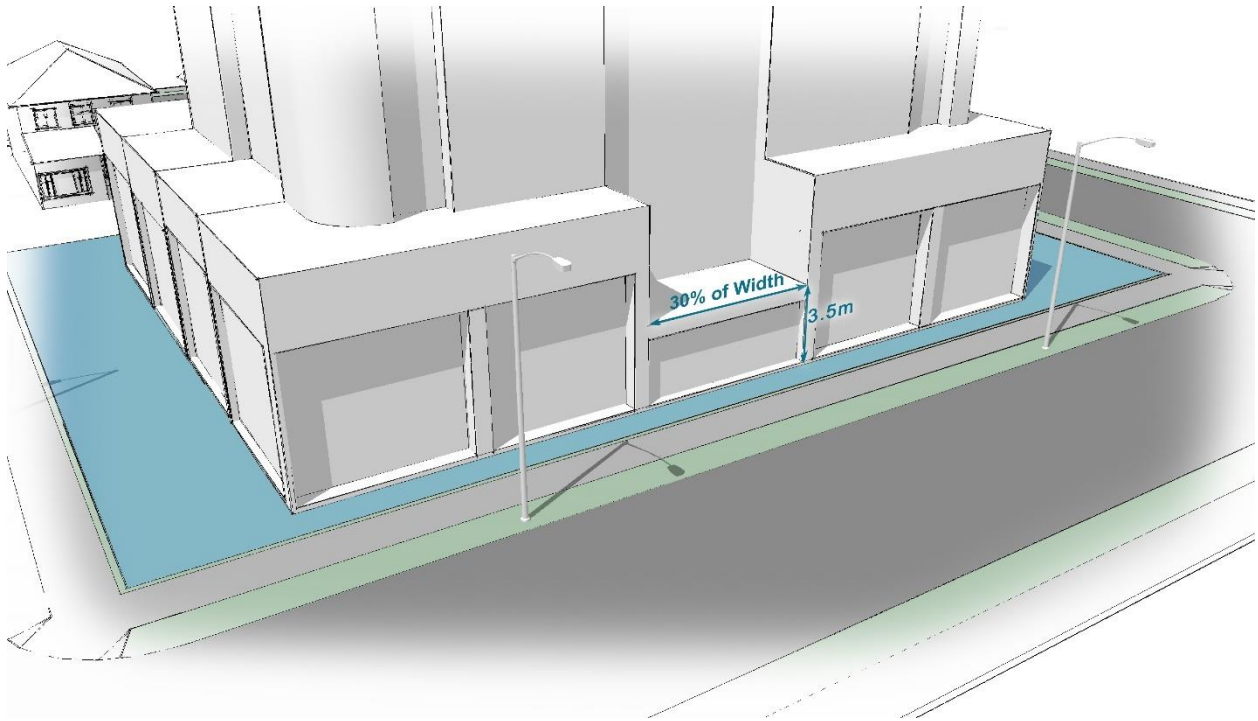
- 81 (1) Subject to Subsections 81(2), 81(3), and 81(5), and Section 177, the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone, 6.0 metres from the rear lot line abutting such zone;
  - (b) 3.0 metre elsewhere.
- (2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable rear yard.
- (3) Subject to Subsection 81(4), for a tall mid-rise building, any portion of the main building exceeding a height of 20.0 metres shall have a minimum required setback of 4.5 metres from a rear lot line.
- (4) The requirement of Subsection 81(3) shall be reduced to zero where abutting lots are developed over a continuous foundation, footing, or underground parking structure.
- (5) For a high-rise building, a minimum required setback of 12.5 metres from any rear lot line shall apply:
- (a) in the presence of a streetwall, above the streetwall height; or
  - (b) in the absence of a streetwall, above 14.0 metres in height.

## Maximum Streetwall Heights

- 82 (1) Subject to Subsections 82(2), 82(3), and 82(4), any main building's maximum permitted streetwall height shall be 14.0 metres.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 82(1), may be exceeded by:
- (a) 10%, where any main building has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or
  - (b) 20%, where any main building has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum permitted streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.
- (4) No streetwall is required where any main building is located 40.0 metres or more from a streetline.

## Minimum Streetwall Heights

- 83 (1) Subject to Subsections 83(2), 83(3), and 83(4), any main building's minimum required streetwall height shall be:
- (a) for any main building less than 8.0 metres in height, the building height; or
  - (b) 8.0 metres elsewhere.
- (2) Thirty percent or less of the entire streetwall width may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 6).
- (3) The minimum streetwall height required in Subsection 83(1) may be reduced to 3.5 metres, if the slope of the abutting grade exceeds 4% across the entire width of the streetwall.
- (4) No streetwall is required where any main building is located 40.0 metres or more from a streetline.



**Diagram 6:** Streetwall height reduction, per Subsections 83(2) and 100(2)

### Streetwall Stepbacks

- 84 (1) Subject to Subsections 84(2), 84(3), and 84(4), any main building shall have a minimum required streetwall stepback of:
- (a) 2.5 metres for mid-rise buildings;
  - (b) 3.0 metres for tall mid-rise buildings; or
  - (c) 4.5 metres for high-rise buildings.
- (2) No streetwall stepback is required:
- (a) for a maximum of 30% of the length of any main building facing each streetline; and
  - (b) as long as:
    - (i) each section not having a streetwall stepback does not exceed 16.0 metres in length along the streetline, and
    - (ii) there is a minimum required separation distance of 16.0 metres along the streetline between sections not having a streetwall stepback.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

- (4) No streetwall is required where any main building is located 40.0 metres or more from a streetline.

### Recessed Portions and Cantilevers within Streetwalls

- 85 (1) Subject to Subsection 85(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 85(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

### Maximum Lot Coverage

- 86 (1) The maximum permitted lot coverage shall be 80%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

### Ground Floor Requirements

- 87 (1) Subject to Subsections 87(2) and 87(3), and excluding Highway 107 or Montague Road, a ground floor shall be established facing any streetline.
- (2) On a corner lot, for any streetwall that has a finished grade abutting the building that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
- (3) The requirements of Subsection 87(1) do not apply where any main building is located 40.0 metres or more from a streetline.
- (4) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
- (5) Subject to Subsection 87(6), each ground floor required shall, for no less than 70% of each streetwall:
  - (a) commence no lower than 0.6 metre below the finished grade abutting the building; and



- (b) commence no higher than 0.6 metre above the finished grade abutting the building.
- (6) The ground floor of a grade-related dwelling unit use shall:
  - (a) commence no lower than 1.5 metres below the finished grade abutting the building; and
  - (b) commence no higher than 1.5 metres above the finished grade abutting the building.
- (7) Excluding a grade-related dwelling unit use or a residential lobby on a floor containing a grade-related dwelling unit use, the minimum required ground floor height shall be 3.5 metres.

### Grade-Related Dwelling Units

- 88 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

### Side and Rear Stepbacks

- 89 (1) Subject to Subsection 89(3), where a lot abuts a PW-LDR, PW-CH, or PW-PCF zone, the wall of any main building facing such zone shall have a required side or rear stepback, as indicated in Subsection 89(2), at a height between 6.0 metres and 14.0 metres, as measured from the lowest finished grade on that side of the main building.
- (2) The side or rear stepback in Subsection 89(1) shall be a minimum of:
- (a) 0.0 metre for low-rise buildings;
  - (b) 2.5 metres for mid-rise buildings;
  - (c) 6.0 metres for tall mid-rise buildings; or
  - (d) 6.0 metres for high-rise buildings.
- (3) The rear stepback under Subsection 89(1) is not required if an entire main building, excluding an underground parking structure, has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
  - (b) 12.0 metres for tall mid-rise buildings; or
  - (c) 12.0 metres for high-rise buildings.

## Minimum Separation Distances

- 90 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 57(3), a minimum required separation distance shall be provided between main buildings, as follows:
- (a) 4.0 metres between low-rise buildings; or
  - (b) 10.0 metres elsewhere.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance shall be provided between the above grade portions, as follows:
- (a) 4.0 metres between low-rise portions; or
  - (b) 10.0 metres elsewhere.
- (3) Above the streetwall height, or in the absence of a streetwall above the height of 14.0 metres, any portions of the same main building shall be separated by a minimum required distance of:
- (a) 6.0 metres between a mid-rise typology and another mid-rise typology;
  - (b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;
  - (c) 12.5 metres between a mid-rise typology and a high-rise typology;
  - (d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;
  - (e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or
  - (f) 25.0 metres between a high-rise typology and another high-rise typology.
- (4) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres.

## Maximum Building Dimensions

- 91 (1) Excluding any structure below 0.6 metre above the average finished grade, a low-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
- (a) a building width of 120.0 metres; and
  - (b) a building depth of 120.0 metres.
- (2) A mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:

- (a) a building width of 90.0 metres; and
  - (b) a building depth of 90.0 metres.
  
- (3) A tall mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
  - (a) a building width of 40.0 metres; and
  - (b) a building depth of 46.0 metres.
  
- (4) A high-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
  - (a) a building width of 36.0 metres;
  - (b) a building depth of 38.0 metres; and
  - (c) a floor area of 1,100.0 square metres per storey.
  
- (5) For the purpose of measuring building dimensions in Subsections 91(1), 91(2), 91(3), and 91(4), main buildings connected by a pedway shall be measured separately, excluding the pedway.

### Accessory Structures

92 Accessory structures shall meet the requirements of Part V, Chapter 9.

## Part V, Chapter 4: Built Form and Siting Requirements within the PW-HR Zone

### Applicability

- 93 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-HR zone shall meet the built form and siting requirements of this Chapter.

### Maximum Building Height

- 94 Subject to Sections 67 and 68, any main building shall not exceed the maximum permitted building height of 14.0 metres, unless otherwise specified in the development agreement that is applied to the Port Wallace Lands.

### Minimum Front or Flanking Setbacks

- 95 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback of 1.5 metres.

### Maximum Front or Flanking Setbacks

- 96 (1) On a lot with continuous frontage that is greater than 16.0 metres, one main building shall be required to be located within 10.0 metres of:
- (a) the front or flanking lot line; or
  - (b) where a transportation or utility easement abuts the streetline and has a depth greater than 10.0 metres, the edge of the easement that is located farthest from the streetline.
- (2) For a main building located within the maximum setback in Subsection 96(1), a minimum of 60% of the building width shall be required to be located within that setback.

### Side Setback Requirements

- 97 (1) Subject to Subsections 97(2) and 97(3), the minimum required side setback for any main building shall be:

68

- (a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone:
    - (i) 3.0 metres from the side lot line abutting such zone for any low-rise building, or
    - (ii) 6.0 metres from the side lot line abutting such zone for any mid-rise, tall mid-rise, or high-rise building;
  - (b) where a lot line abuts a PW-CEN zone, 2.5 metres; or
  - (c) 4.0 metres elsewhere.
- (2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable side yard.
  - (3) For a high-rise building, a minimum required setback of 12.5 metres from any side lot line shall apply:
    - (a) in the presence of a streetwall, above the streetwall height; or
    - (b) in the absence of a streetwall, above 14.0 metres in height.
  - (4) There is no maximum side setback.

## Rear Setback Requirements

- 98
- (1) Subject to Subsections 98(2), 98(3), and 98(4), the minimum required rear setback for any main building shall be:
    - (a) where a lot line abuts a PW-LDR, PW-CH, or PW-PCF zone, 6.0 metres from the rear lot line abutting such zone; or
    - (b) 3.0 metres elsewhere.
  - (2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable rear yard.
  - (3) For any tall mid-rise building, any portion of the main building exceeding a height of 20.0 metres shall have a minimum required setback of 4.5 metres from a rear lot line.
  - (4) For a high-rise building, a minimum required setback of 12.5 metres from any rear lot line shall apply:
    - (a) in the presence of a streetwall, above the streetwall height; or
    - (b) in the absence of a streetwall, above 14.0 metres in height.

## Maximum Streetwall Heights

- 99 (1) Subject to Subsections 99(2), 99(3), and 99(4), any main building's maximum permitted streetwall height shall be 14.0 metres.
- (2) On a site having sloping conditions, the maximum streetwall height permitted in Subsection 99(1), may be exceeded by:
- (a) 10%, where any main building has a finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or
  - (b) 20%, where any main building has a finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum permitted streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.
- (4) No streetwall is required where any main building is located 40.0 metres or more from a streetline.

## Minimum Streetwall Heights

- 100 (1) Subject to Subsections 100(2), 100(3), and 100(4), any main building's minimum required streetwall height shall be:
- (a) for any main building less than 8.0 metres in height, the building height; or
  - (b) 8.0 metres elsewhere.
- (2) Thirty percent or less of the entire streetwall width, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 6).
- (3) The minimum streetwall height required in Subsection 100(1) may be reduced to 3.5 metres facing a streetline, if the slope of the finished grade abutting the building exceeds 4% across the entire width of the streetwall.
- (4) No streetwall is required where any main building is located 40.0 metres or more from a streetline.

## Streetwall Stepbacks

- 101 (1) Subject to Subsections 101(2), 101(3), and 101(4), any main building shall have a minimum required streetwall stepback of:
- (a) 2.5 metres for mid-rise buildings;
  - (b) 3.0 metres for tall mid-rise buildings; or
  - (c) 4.5 metres for high-rise buildings.
- (2) No streetwall stepback is required:
- (a) for a maximum of 30% of the length of any main building facing each streetline; and
  - (b) as long as:
    - (i) each section not having a streetwall stepback does not exceed 16.0 metres in length along the streetline, and
    - (ii) there is a minimum required separation distance of 16.0 metres along the streetline between sections not having a streetwall stepback.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.
- (4) No streetwall is required where any main building is located 40.0 metres or more from a streetline.

#### Recessed Portions and Cantilevers within Streetwalls

- 102 (1) Subject to Subsection 102(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 102(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

#### Maximum Lot Coverage

- 103 (1) The maximum permitted lot coverage shall be 60%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation

## Ground Floor Requirements

- 104 (1) Subject to Subsections 104(2) and 104(3), and excluding Highway 107 or Montague Road, a ground floor shall be established facing any streetline.
- (2) On a corner lot, for any streetwall that has a finished grade abutting the building that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
- (3) The requirements of Subsection 104(1) do not apply where any main building is located 40.0 metres or more from a streetline.
- (4) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
- (5) Subject to Subsection 104(6), each ground floor required shall, for no less than 70% of each streetwall:
- (a) commence no lower than 0.6 metre below the finished grade abutting the building; and
  - (b) commence no higher than 0.6 metre above the finished grade abutting the building.
- (6) The ground floor of a grade-related dwelling unit use shall:
- (a) commence no lower than 1.5 metres below the finished grade abutting the building; and
  - (b) commence no higher than 1.5 metres above the finished grade abutting the building.
- (7) Excluding a grade-related dwelling unit use or a residential lobby on a floor containing a grade-related dwelling unit use, the minimum required ground floor height shall be 3.5 metres.

## Grade-Related Dwelling Units

- 105 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.



## Side and Rear Stepbacks

- 106 (1) Subject to Subsection 106(2), any portion of a tall mid-rise building above the height of the streetwall shall have a minimum required:
- (a) side stepback of 2.5 metres; and
  - (b) rear stepback of 4.5 metres.
- (2) Subject to Subsection 106(4), where a lot abuts a PW-LDR, PW-CH, or PW-PCF zone, the wall of any main building facing such zone shall have a required side or rear stepback, as indicated in Subsection 106(1), at a height between 6.0 metres and 14.0 metres, as measured from the lowest finished grade on that side of the main building.
- (3) The side or rear stepback in Subsection 106(2) shall be a minimum of:
- (a) 0.0 metre for low-rise buildings;
  - (b) 2.5 metres for mid-rise buildings;
  - (c) 6.0 metres for tall mid-rise buildings; or
  - (d) 6.0 metres for high-rise buildings.
- (4) The rear stepbacks under Subsections 106(1) and 106(2) are not required if an entire main building, excluding an underground parking structure, has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
  - (b) 12.0 metres for tall mid-rise buildings; or
  - (c) 12.0 metres for high-rise buildings.

## Minimum Separation Distances

- 107 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 57(3), a minimum required separation distance shall be provided between main buildings, as follows:
- (a) 4.0 metres between low-rise buildings; or
  - (b) 10.0 metres elsewhere.
- (2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance shall be provided between the above grade portions, as follows:
- (a) 4.0 metres between low-rise portions; or
  - (b) 10.0 metres elsewhere.

- (3) Above the streetwall height, or in the absence of a streetwall above the height of 14.0 metres, any portions of the same main building shall be separated by a minimum required distance of:
- (a) 6.0 metres between a mid-rise typology and another mid-rise typology;
  - (b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;
  - (c) 12.5 metres between a mid-rise typology and a high-rise typology;
  - (d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;
  - (e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or
  - (f) 25.0 metres between a high-rise typology and another high-rise typology.
- (4) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres.

### Maximum Building Dimensions

- 108 (1) Excluding any structure below 0.6 metre above the average finished grade, a low-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
- (a) a building width of 120.0 metres; and
  - (b) a building depth of 120.0 metres.
- (2) A mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
- (a) a building width of 90.0 metres; and
  - (b) a building depth of 90.0 metres.
- (3) A tall mid-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
- (a) a building width of 40.0 metres; and
  - (b) a building depth of 46.0 metres.
- (4) A high-rise typology of a main building shall not exceed the following maximum permitted building dimensions of:
- (a) a building width of 36.0 metres;
  - (b) a building depth of 38.0 metres; and

- (c) a floor area of 1,100.0 square metres per storey.
- (5) For the purpose of measuring building dimensions in Subsections 108(1), 108(2), 108(3), and 108(4), main buildings connected by a pedway shall be measured separately, excluding the pedway.

### Accessory Structures

109 Accessory structures shall meet the requirements of Part V, Chapter 9.

## Part V, Chapter 5: Built Form, Siting, and Design Requirements within the PW-LDR Zone

### Applicability

110 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-LDR zone shall meet the built form, siting, and design requirements of this Chapter.

### Built Form and Siting Requirements

111 For main buildings, the built form and siting requirements contained within Table 6 shall apply.

**Table 6: PW-LDR built form and siting requirements**

Provision	Requirement
Maximum building height	Subject to Sections 67, 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Minimum front or flanking setbacks, either above or below grade	If a lot line abuts a controlled access highway, 10.0 metres
	3.0 metres elsewhere
Minimum side setbacks – general requirement	1.25 metres
Minimum side setback – semi-detached dwelling use	0.0 metres along a common wall
	1.25 metres elsewhere
Minimum side setback – townhouse dwelling use	0.0 metres along a common wall
	2.4 metres elsewhere
Maximum side setback	None
Minimum rear setback	6.0 metres
Maximum rear setback	None
Maximum lot coverage	Subject to Section 112, 50%

### Maximum Lot Coverage Exemption

112 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

### Driveway Pairing

113 (1) Subject to Subsection 113(2), driveways for low-density dwelling uses shall be

- paired.
- (2) The Development Officer may waive the requirement to pair driveways in Subsection 113(1) for one of the following conditions:
- (a) the number of dwelling units under consideration results in an uneven number, then one dwelling unit is exempt from the pairing requirement; or
  - (b) the pairing of driveways is deemed unfeasible due to one of the following constraints:
    - (i) the placement of services and utilities,
    - (ii) changes in grade, or
    - (iii) the curvature of the road.

### Attached Garages

- 114 (1) For any garage which is attached to a low-density dwelling use, the garage door(s) facing the front or flanking lot line shall not project any closer to the streetline than the edge of the roof along the longest wall of the attached main dwelling that faces the same streetline as the garage door(s).
- (2) For any garage which is attached to a low-density dwelling use, garage doors facing the front or flanking lot line shall not exceed a maximum permitted width of 50% of the wall of the attached main dwelling, to a maximum of 6.0 metres in total.

### Number of Townhouses

- 115 The maximum number of townhouse dwelling units permitted in a townhouse block is eight.

### Design Requirement: Townhouse Façade Articulation

- 116 (1) Subject to Subsection 116(2), where a townhouse block contains 5 or more townhouse dwelling units, the façade of each unit that faces a street shall be differentiated from abutting townhouse dwelling unit(s) by using a minimum of one of the following methods:
- (a) different colours;
  - (b) different materials;
  - (c) different textures;
  - (d) projections; or
  - (e) recesses.

- (2) Projections or recesses used under Subsection 116(1) shall be required to:
  - (a) be no less than 0.3 metre in depth; and
  - (b) extend from the ground to the top of the façade facing the streetline.

### Accessory Structures

117 Accessory structures shall meet the requirements of Part V, Chapter 9.

## Part V, Chapter 6: Built Form, Siting, and Design Requirements within the PW-CH Zone

### Applicability

118 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CH zone shall meet the built form, siting, and design requirements of this Chapter.

### Built Form and Siting Requirements

119 For main buildings, the built form and siting requirements contained within Table 7 shall apply.

**Table 7: PW-CH built form and siting requirements**

Provision	Requirement
Maximum building height	Subject to Sections 67, 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Maximum number of dwelling units per lot	48
Maximum number of dwelling units per cluster housing block	8
Minimum front or flanking setbacks, either above or below grade	3.0 metres
Minimum side setbacks	1.25 metres
Maximum side setback	None
Minimum rear setback	6.0 metres
Maximum rear setback	None
Maximum lot coverage	Subject to Section 120, 50%
Minimum lot area per cluster housing dwelling unit	130.0 square metres
Minimum separation distance between main buildings	3.0 metres

### Maximum Lot Coverage Exemption

120 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

### Design Requirement: Walkways for Cluster Housing Uses

- 121 Cluster housing dwelling units shall be connected to any streetline and any accessory parking lot by walkways or pedestrian walks.

### General Lighting for Cluster Housing Uses

- 122 The following features shall be required to be illuminated:
- (a) walkways or pedestrian walks as per the requirements of Section 121; and
  - (b) accessory parking lots.

### Accessory Structures

- 123 Accessory structures shall meet the requirements of Part V, Chapter 9.



## Part V, Chapter 7: Built Form and Siting Requirements within the PW-PCF Zone

### Applicability

124 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-PCF zone shall meet the built form and siting requirements of this Chapter.

### Built Form and Siting Requirements

125 For main buildings, the built form and siting requirements contained within Table 8 shall apply.

**Table 8: PW-PCF built form and siting requirements**

Provision	Requirement
Maximum building height	Subject to Sections 67, 14.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands
Minimum front or flanking setbacks, either above or below grade	3.0 metres
Minimum side setbacks	Subject to Section 126, 2.5 metres
Maximum side setback	None
Minimum rear setback	Subject to Section 127, 2.5 metres
Maximum rear setback	None
Maximum lot coverage	Subject to Section 128, 40%

### Side Setback Requirement Exceptions

126 Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in applicable side yard.

### Rear Setback Requirement Exceptions

127 Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in the applicable rear yard.

### Maximum Lot Coverage Exemption

- 128 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

### Minimum Separation Distances

- 129 (1) Where more than one main building is permitted on a lot in Subsection 57(3), a minimum required separation distance of 3.0 metres shall be provided between main buildings.
- (2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance of 3.0 metres shall be provided between the above grade portions.

### Accessory Structures

- 130 Accessory structures shall meet the requirements of Part V, Chapter 9.

## Part V, Chapter 8: Built Form and Siting Requirements within the PW-CON Zone

### Applicability

- 131 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PW-CON zone shall meet the built form and siting requirements of this Chapter.

### Maximum Building Height

- 132 Subject to Section 67, the maximum permitted building height is 11.0 metres unless otherwise specified in the development agreement that is applied to the Port Wallace Lands.

### Minimum Front or Flanking Setbacks

- 133 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback of 3.0 metres.

### Side Setback Requirements

- 134 (1) The minimum required side setback for any main building shall be 2.5 metres.  
(2) There is no maximum side setback.

### Rear Setback Requirements

- 135 (1) The minimum required rear setback for any main building shall be 2.5 metres.  
(2) There is no maximum rear setback.

## Part V, Chapter 9: Accessory Structures and Backyard Suite Uses

### Applicability of Accessory Structure and Backyard Suite Use Requirements

- 136 Any accessory structure or backyard suite use erected, constructed, reconstructed, altered, or located, or an addition to any accessory structure or backyard suite use, shall meet the built form and siting requirements of this Chapter.

### Accessory Structure Location

- 137 (1) Any accessory structure shall be required to be located:
- (a) in the same zone as the main building or use that it is intended to serve; or
  - (b) in an abutting zone in which the main building or use is permitted; and
  - (c) on the same lot as the main building or use that it is intended to serve; or
  - (d) on a lot that abuts or is directly across a street from the lot that contains the main building or use.
- (2) In the case that the accessory structure is not located on the same lot as the main building or use that it is intended to serve, then both lots are required to be under common ownership.

### Accessory Structure Front or Flanking Setbacks

- 138 (1) Subject to Subsection 138(2), accessory structures shall meet the minimum front or flanking setback requirements that are applicable for any main building in the same zone.
- (2) Accessory structures in a PW-CDD, PW-LDR, or PW-CH zone shall not be located closer to any streetline than any main building.

### Accessory Structure Side or Rear Setbacks

- 139 Accessory structures shall be required to be located a minimum of 1.25 metres from any side or rear lot line.

## Accessory Structure Separation Distances

- 140 An accessory structure shall be separated from any main building or any other accessory structure on the same lot by no less than 1.25 metres.

## Accessory Structure Height

- 141 An accessory structure's height shall not exceed 5.5 metres.

## Accessory Structure Lot Coverage Exemption

- 142 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the maximum permitted lot coverage calculation.

## Accessory Structure Footprint

- 143 (1) Any accessory structure in a PW-CEN, PW-HR, or PW-CH zone shall not have a footprint greater than 200.0 square metres.
- (2) Any accessory structure in a PW-CDD, PW-LDR, PW-PCF, or PW-CON zone shall not have a footprint greater than 80.0 square metres.

## Backyard Suite Footprint and Area

- 144 (1) Any accessory structure in a PW-LDR zone that is used as a backyard suite use shall not have a footprint greater than 80.0 square metres.
- (2) In a PW-LDR zone, the portion of an accessory structure that is used as a backyard suite use shall not have a floor area greater than 90.0 square metres.

## Quonset Huts

- 145 Quonset huts are prohibited.

# PART VI: DESIGN REQUIREMENTS FOR THE PW- CEN, PW-HR, AND PW-PCF ZONES

## Part VI, Chapter 1: General Design Requirements

### Development Subject to Design Requirements

- 146 With the exception of the developments listed under Section 147 and subject to Sections 148 and 149, any developments in the PW-CEN, PW-HR, or PW-PCF zone shall meet all the applicable design requirements contained within this Chapter.

### Development Exempted from Design Requirements

- 147 The following developments are exempted from all design requirements contained within this Chapter:
- (a) any development exempted from requiring a development permit under this By-law;
  - (b) alterations and replacements in existing window and door openings;
  - (c) new window and door openings on any portion of a building, except within the streetwall;
  - (d) a building addition with a floor area of 500 square metres or less, which does not alter a streetwall;
  - (e) a building addition that alters a streetwall, where the addition does not exceed 8.0 metres along the width of the streetwall;
  - (f) changes to external cladding materials for no more than 20% of any wall that is not a streetwall;
  - (g) changes to external cladding materials for no more than 10% of any streetwall;
  - (h) interior renovations;
  - (i) the installation and replacement of minor building features;
  - (j) a change of use or tenancy in a building that does not change the external appearance of the building, beyond what is already exempted within this Section;
  - (k) temporary construction uses;
  - (l) accessory structures;
  - (m) steps, stairs, ramps, and other building entrances or entrance features;
  - (n) signs; and
  - (o) transportation facility uses.

### Applicability of the Design Requirements for Additions

- 148 For any addition to a main building that requires the applicability of the design requirements, the design requirements shall only apply to the addition.

### Applicable Design Requirements by Zone

- 149 (1) The applicable design requirements by zone are set out in:
- (a) Table 9 for new main buildings; or
  - (b) Table 10 for additions to existing main buildings.
- (2) The interpretation of Table 9 and Table 10 shall be as follows:
- (a) The first column of Table 9 and Table 10 lists each design requirement;
  - (b) The remaining columns of Table 9 and Table 10 correspond to zones;
  - (c) A black dot (●) indicates that the design requirement in that row is applicable to the particular zones of that column;
  - (d) A white circle containing a number in black text (e.g., ①) within Table 9 and Table 10 indicates that the design requirement in that row is applicable to the zones of that column, subject to additional conditions in a corresponding footnote below Table 9 and Table 10 and subject to all other applicable provisions of this By-law; and
  - (e) The absence of a black dot (●), or a white circle containing a number in black text (e.g., ①), indicates that the design requirement of that row is not applicable to the zones of that column.



**Table 9: Applicable design requirements by zone for new buildings**

<b>Design Requirements</b>	<b>PW-CEN PW-HR Zones</b>	<b>PW-PCF Zone</b>
Outdoor Amenity Space (Section 150)	●	
Privacy for Grade-Related Dwelling Units (Section 151)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 90.0 Metres or Less in Width (Section 152)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 90.0 Metres in Width (Section 153)	●	
Corner Treatment (Section 154)	●	●
Pedestrian Entrances Along Streetwalls (Section 155)	●	●

<b>Design Requirements</b>	<b>PW-CEN PW-HR Zones</b>	<b>PW-PCF Zone</b>
Ground Floor Transparency (Section 156)	①	①
Weather Protection for Entrances (Section 157)	●	●
Exposed Foundations and Underground Parking Structures (Section 158)	●	●
Rooftop Mechanical Features (Section 159)	●	
Parking Internal to a Building or Within a Parking Structure (Section 160)	●	●
General Lighting (Section 161)	●	●
Prohibited Awning or Canopy Materials (Section 162)	●	●

① Design requirement does not apply to structures that are primarily occupied by one or more of the following:

- (a) an arena;
- (b) a chemical storage facility;
- (c) an emergency services use;
- (d) a shelter use;
- (e) a gymnasium;
- (f) a major spectator venue use;
- (g) a minor spectator venue use; or
- (h) a religious institution use.

**Table 10: Applicable design requirements by zone for additions to existing buildings**

<b>Design Requirements</b>	<b>PW-CEN PW-HR Zones</b>	<b>PW-PCF Zone</b>
Outdoor Amenity Space (Section 150)	●	
Privacy for Grade-Related Dwelling Units (Section 151)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 90.0 Metres or Less in Width (Section 152)	●	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 90.0 Metres in Width(Section 153)	●	
Corner Treatment (Section 154)		
Pedestrian Entrances Along Streetwalls (Section 155)	●	●
Ground Floor Transparency (Section 156)	①	①
Weather Protection for Entrances (Section 157)	●	●
Exposed Foundations and Underground Parking Structures	●	●

(Section 158)		
<b>Design Requirements</b>	<b>PW-CEN PW-HR Zones</b>	<b>PW-PCF Zone</b>
Rooftop Mechanical Features (Section 159)	●	
Parking Internal to a Building or Within a Parking Structure (Section 160)	●	●
General Lighting (Section 161)	●	●
Prohibited Awning or Canopy Materials (Section 162)	●	●

① Design requirement does not apply to structures that are primarily occupied by one or more of the following:

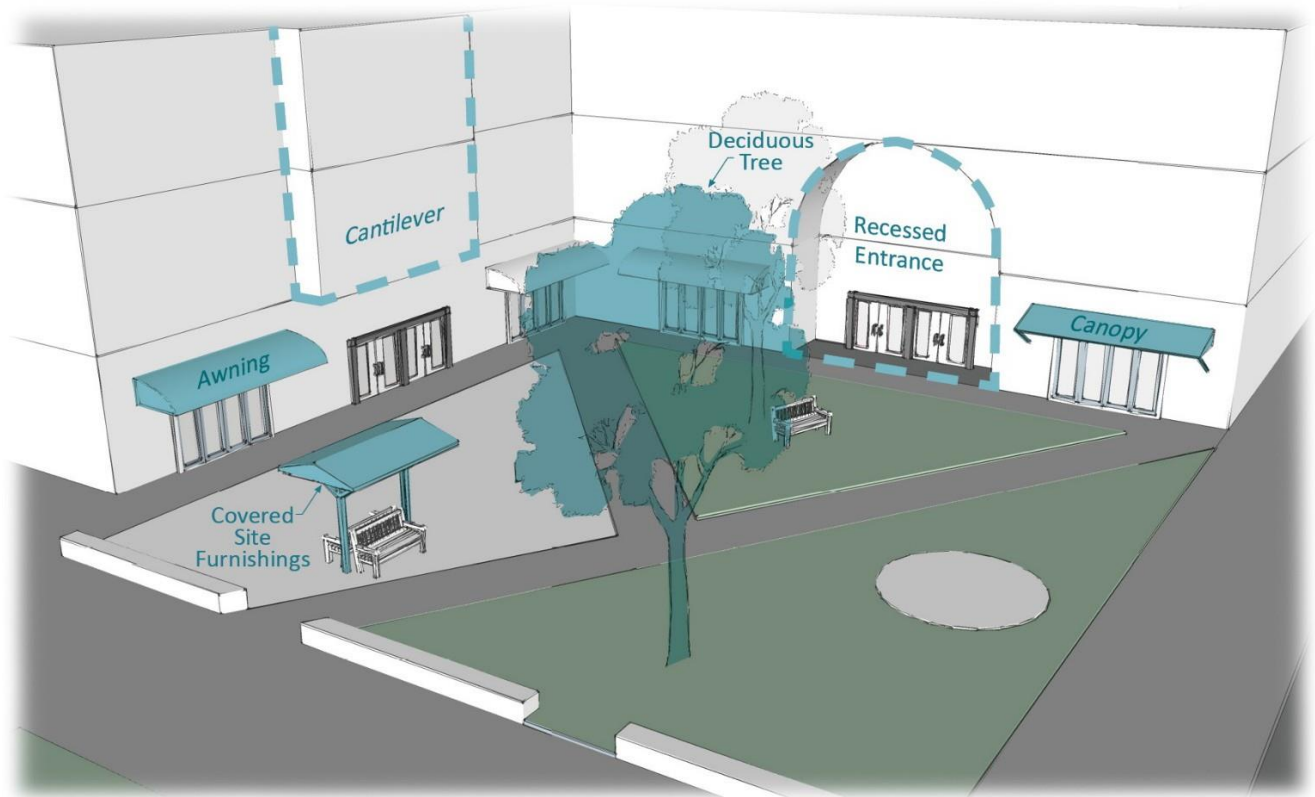
- (a) an arena;
- (b) a chemical storage facility;
- (c) an emergency services use;
- (d) a shelter use;
- (e) a gymnasium;
- (f) a major spectator venue use;
- (g) a minor spectator venue use; or
- (h) a religious institution use.

## Part VI, Chapter 2: Site Design Requirements

### Design Requirement: Outdoor Amenity Space

- 150 (1) This Section applies where outdoor amenity space is:
- (a) provided either at-grade or on a rooftop;
  - (b) required by Section 45; and
  - (c) equal to or greater than 30.0 square metres in size.
- (2) Outdoor amenity space shall:
- (a) include both of the following elements:
    - (i) permanent seating, and
    - (ii) general lighting, as per the requirements of Section 161; and
  - (b) offer weather protection to its users, by providing a minimum of one of the following methods (Diagram 7):
    - (i) within the outdoor amenity space, a new deciduous tree that is not a shrub or the retention of an existing deciduous tree that is not a shrub with a minimum base caliper of 100 millimetres,
    - (ii) within the outdoor amenity space, structures such as gazebos, pergolas, or covered site furnishings,
    - (iii) canopies or awnings on facades that abut the outdoor amenity space,
    - (iv) a recessed entrance or facade that abuts the outdoor amenity space, or
    - (v) a cantilever over an entrance of a main building that abuts the outdoor amenity space.
- (3) Subject to Subsection 150(4), in addition to the requirements of Subsection 150(2), outdoor amenity space shall provide a minimum of one of the following materials for groundcover:
- (a) vegetation;
  - (b) brick pavers;
  - (c) stone pavers;

- (d) concrete pavers;
  - (e) permeable vegetative grid system;
  - (f) wood; or
  - (g) composite materials.
- (4) Subsection 150(3) shall not apply to swimming pools, sports courts, or playgrounds.



**Diagram 7:** Weather protection for outdoor amenity space, per Clause 150(2)(b)

**Design Requirement: Privacy for Grade-Related Dwelling Units**

151 Where grade-related dwelling units are provided, the space located between each grade-related dwelling unit and the streetline shall include one of the following methods for privacy (Diagram 8):

- (a) the planting of a deciduous tree, that is not a shrub, with a minimum base caliper of 50 millimetres;
- (b) the planting of a minimum of two shrubs, each no less than 1.0 metre in height;
- (c) the installation of a planter ranging in height from 0.25 to 1.0 metre; or
- (d) the installation of a masonry wall or decorative fence ranging in height from 0.25

to 1.0 metre.



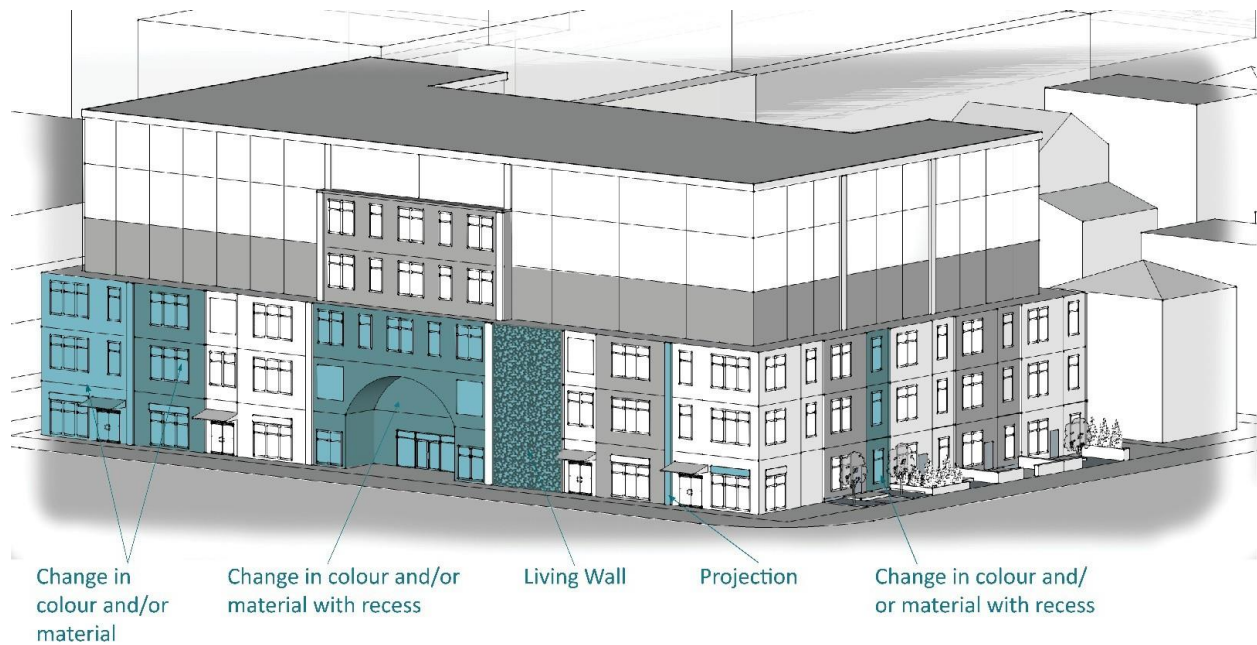
**Diagram 8:** Methods for providing privacy to grade-related dwelling units, per Section 151

## Part VI, Chapter 3: Building Design Requirements

### Design Requirement: Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 90.0 Metres or Less in Width

- 152 (1) This Section applies to an exterior wall that is 90.0 metres or less in width and is either:
- (a) a streetwall; or
  - (b) an exterior wall that abuts a front or flanking yard.
- (2) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width no greater than 90.0 metres, shall be divided into distinct sections between 1.0 metre and 16.0 metres in width, extending from the ground to the top of the streetwall.
- (3) Each distinct section required under Subsection 152(2) shall be differentiated from abutting distinct sections by using a minimum of two of the following methods (Diagram 9):
- (a) different colours;
  - (b) different materials;
  - (c) different textures;
  - (d) living walls;
  - (e) projections; or
  - (f) recesses.
- (4) Projections or recesses used under Subsection 152(3) shall be no less than 0.15 metre deep.





**Diagram 9:** Methods for articulation for streetwalls or exterior walls that abut a front or flanking yard, per Sections 152 or 153

**Design Requirement: Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 90.0 Metres in Width**

- 153 (1) This Section applies to an exterior wall that is greater than 90.0 metres in width and is either:
- (a) a streetwall; or
  - (b) an exterior wall that abuts a front or flanking yard.
- (2) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width greater than 90.0 metres, shall be divided into distinct sections between 1.0 metre and 16.0 metres in width, extending from the ground to the top of the streetwall.
- (3) Each distinct section required under Subsection 153(2) shall be differentiated from abutting distinct sections by (Diagram 9):
- (a) providing projections or recesses that are no less than 0.6 metre deep; and
  - (b) using a minimum of two of the following methods:
    - (i) different colours,

- (ii) different materials,
  - (iii) different textures, or
  - (iv) living walls.
  
- (4) Streetwalls or exterior walls that abut a front or flanking yard under this Section shall incorporate a minimum of one recess in the wall, that extends vertically from the ground to the top of the wall, which has a minimum required dimension of 5.0 metres in width and 2.0 metres in depth.

#### Design Requirement: Corner Treatment

- 154 Any main building at the corner of two streets shall be detailed in a manner that provides visual prominence to that corner of the building by:
- (a) providing a consistent architectural treatment to both streetwalls; and
  - (b) using a minimum of two of the following methods:
    - (i) a change in the building massing at the corner that has a dimension either vertically or horizontally of no less than 1.0 metre,
    - (ii) the use of a distinctive architectural treatment at the corner, such as a spire, a turret, a belvedere, a portico, an arcade, or an archway,
    - (iii) the provision of a corner pedestrian entrance,
    - (iv) public art,
    - (v) an eroded building corner (Diagram 10), or
    - (vi) a change in both material and color.



**Diagram 10:** Eroded building corner, per Subclause 154(b)(v)

### Design Requirement: Pedestrian Entrances Along Streetwalls

- 155 (1) Excluding entrances for grade-related dwelling units, pedestrian entrances in the streetwall shall be distinguished from the streetwall by using a minimum of two of the following methods:
- (a) different colours;
  - (b) different materials;
  - (c) projections;
  - (d) recesses;
  - (e) a change in height; or
  - (f) a change in the roofline.
- (2) Projections or recesses used under Subsection 155(1) shall be a minimum depth of 0.15 metre.
- (3) Canopies or awnings shall not be used to meet the requirements of Subsection 155(1).

### Design Requirement: Ground Floor Transparency

- 156 Within a streetwall, the building's ground floor façade shall consist of clear glass glazing as follows:

- (a) for commercial uses, a minimum requirement of 30%; or
- (b) for all other uses, a minimum requirement of 20%.

### Design Requirement: Weather Protection for Entrances

- 157 (1) Subject to Subsection 157(2), where entrances for multi-unit dwelling uses, any commercial uses listed under the “**COMMERCIAL**” heading in Table 1, or any institutional uses listed under the “**INSTITUTIONAL**” heading in Table 1 are provided in the streetwall, weather protection for pedestrians shall be required above the entrances and shall consist of a minimum of one of the following methods (Diagram 11):
- (a) canopies;
  - (b) awnings;
  - (c) recessed entrances;
  - (d) second storey balconies; or
  - (e) cantilevers.
- (2) Subsection 157(1) shall not apply to the entrances of grade-related dwelling units.



**Diagram 11:** Methods of weather protection for entrances, per Section 157

### Design Requirement: Exposed Foundations and Underground Parking Structures

- 158 Exterior foundation walls and underground parking structures protruding more than 0.6 metre above grade shall be required to be clad in the same material as those used on the wall that connects to the exterior foundation wall or underground parking structure.

**Design Requirement: Rooftop Mechanical Features**

- 159 Rooftop mechanical features shall be required to be visually integrated into the overall design of the building top and screened from view from any streetline abutting the subject property.

## Part VI, Chapter 4: Parking, Access, and Utility Design Requirements

### Design Requirement: Parking Internal to a Building or Within a Parking Structure

- 160 Where parking is internal to a building, including a parking structure, motor vehicle parking areas shall be required to be screened from view from any streetline abutting the subject property.

## Part VI, Chapter 5: Other Design Requirements

### Design Requirement: General Lighting

161 The following features shall be required to be illuminated:

- (a) common building entrances;
- (b) pedestrian walks, as per the requirements of Subsection 194(1);
- (c) shared outdoor amenity spaces, as per the requirements of Section 150; and
- (d) accessory parking lots.

### Design Requirement: Prohibited Awning or Canopy Materials

162 Vinyl or high-gloss fabrics shall be prohibited materials in awnings or canopies.

## PART VII: WIND ENERGY FACILITIES



## Part VII, Chapter 1: Wind Energy Facility Requirements

### Wind Energy Overlay Zone

163 For the purposes of this Part, this By-law establishes the Restricted (R) wind energy overlay zone over the Port Wallace Lands, as shown on Schedule 1.

### Restricted (R) Zone

164 Wind energy facilities are prohibited in the R zone.

## PART VIII: LANDSCAPING

## Part VIII, Chapter 1: General Landscaping Requirements

### Exemptions for a Change of Use and Minor Additions

- 165 Additional hard landscaping or soft landscaping shall not be required for:
- (a) a change of use in a structure; or
  - (b) an addition to any main building less than 200.0 square metres of floor area.

### Existing Soft Landscaping

- 166 (1) Existing trees and shrubs may be counted toward the requirements of Part VIII if they are:
- (a) adequately protected from damage during development;
  - (b) meet the minimum size or caliper requirements specified within the applicable section(s) of this Part; and
  - (c) present and in good health, as certified by a landscape architect or arborist prior to the issuance of the first occupancy permit.
- (2) Any existing tree or shrub in a required landscaped buffer may be counted as one tree or shrub toward the requirements of Sections 177 to 179.

### Requirement to Maintain Soft Landscaping

- 167 All soft landscaping required under this By-law shall be maintained.

### Soft Landscaping Species

- 168 (1) Where soft landscaping is required, a minimum number of unique plant species shall be provided, as follows:
- (a) if Part VIII requires the planting of a minimum of 10 trees or shrubs, but less than 20 trees or shrubs, a minimum of three different tree or shrub species are required; or
  - (b) if this Part VIII requires the planting of 20 or more trees or shrubs, a minimum of four different tree or shrub species are required.

- (2) Invasive or highly toxic plant species, as listed in Appendix 2, are prohibited as soft landscaping material.

### Soft Landscaping for Accessory Parking Lots

- 169 (1) Where permitted in Part IX and with the exception of an accessory parking lot that is shared between two properties, an accessory parking lot that is located in a PW-CEN, PW-HR, PW-CH, or PW-PCF zone, but is not located within an interior courtyard, shall meet the following soft landscaping requirements along any portion of a lot line that runs adjacent to the accessory parking lot:
  - (a) a 2.5-metre wide strip of soft landscaping with one of either:
    - (i) one shrub no less than 1.0 metre in height for every 2.0 linear metres, or
    - (ii) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres;
  - (b) an existing strip of vegetation that has a minimum width of 2.5 metres; or
  - (c) a combination of Clauses 169(1)(a) and 169(1)(b).
- (2) Excluding accessory parking lots for a community recreation use or a school use, accessory parking lots shall contain soft landscaping, as per the following requirements:
  - (a) for every 20 parking spaces in a row, a raised landscaped area shall be provided at each end of the row;
  - (b) each raised landscaped area shall be delineated with curbs and shall contain a minimum of two trees that are not shrubs, with a minimum base caliper of 50 millimetres; and
  - (c) each raised landscaped area's ground area shall include soft landscaping.

### Landscaping Treatment for the Roof Slabs of Underground Parking Structures

- 170 (1) In any zone, the roof slab of an underground parking structure, which protrudes above grade, shall be treated with soft landscaping or hard landscaping on any above grade portion that is exposed.
- (2) The roof slab landscaping treatment required under Subsection 170(1) shall be certified by a professional engineer to ensure that the structure is capable of supporting the load.

## Part VIII, Chapter 2: Zone Specific Hard Landscaping or Soft Landscaping Requirements

### Specific Landscaping Requirements in any PW-CEN or PW-HR zone

- 171 (1) In any PW-CEN or PW-HR zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, patio areas, or accessory structures shall be landscaped.
- (2) No less than 50% of the required landscaping on a lot shall be soft landscaping.
- (3) Excluding decks and patios, at-grade outdoor amenity space that contains soft landscaping may be counted towards the requirement in Subsection 171(2).
- (4) In any PW-CEN zone, fences are prohibited within the required front or flanking setbacks, excluding grade-related dwelling units.

### Specific Landscaping Requirements in any PW-CDD, PW-LDR, or PW-CH Zone

- 172 (1) In any PW-CDD, PW-LDR, or PW-CH zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be landscaped.
- (2) In any PW-CDD, PW-LDR, or PW-CH zone, a minimum of one new tree that is not a shrub, with a minimum base caliper of 50 millimetres, shall be required for any new main building.
- (3) An existing tree that is not a shrub, which meets the minimum base caliper of 50 millimetres, can be counted towards the new tree required in Subsection 172(2).

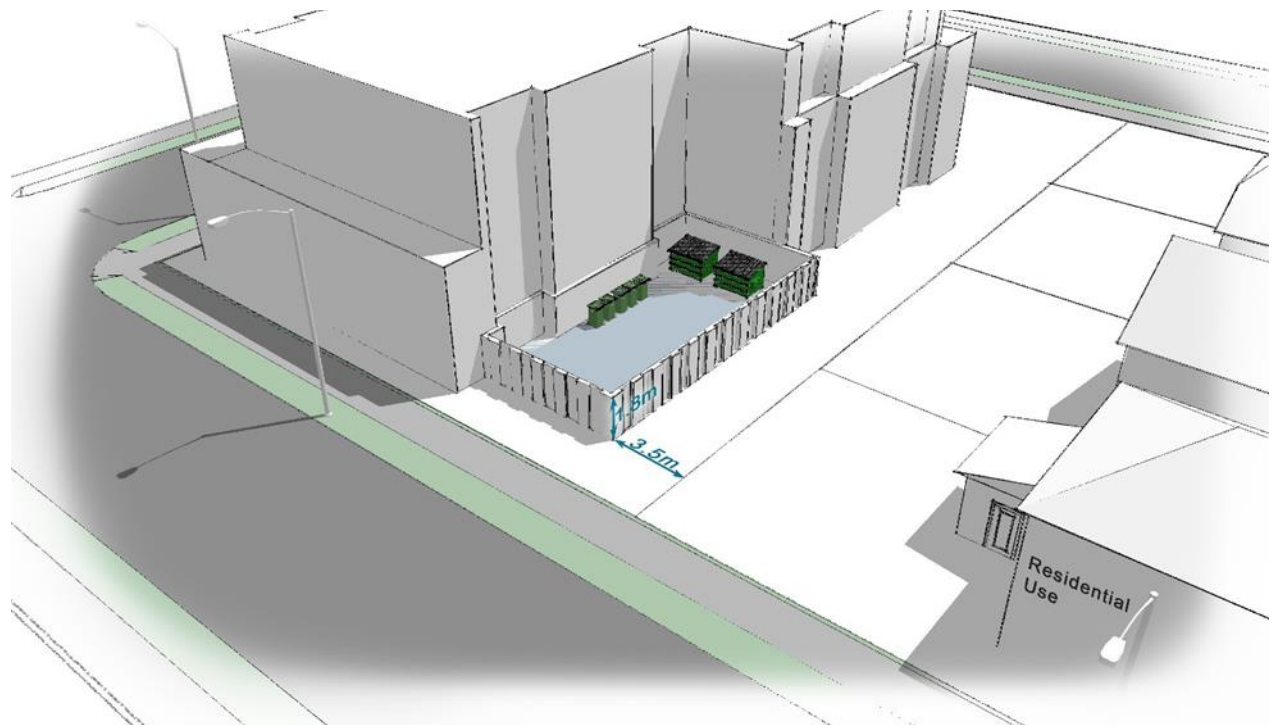
## Part VIII, Chapter 3: Screening Requirements

### Screening for Daycare Uses

- 173 In any PW-LDR or PW-CH zone, outdoor recreational spaces or play areas associated with a daycare use shall be required to be screened from any residential use on an abutting lot, along the portions of the lot line that runs adjacent to the outdoor recreational spaces or play areas, with a minimum of one of the following:
- (a) a continuous coniferous hedge no less than 1.8 metres in height;
  - (b) an opaque fence no less than 1.8 metres in height; or
  - (c) a masonry wall no less than 1.8 metres in height.

### Screening for Solid Waste Management Areas

- 174 Except where associated with a low-density dwelling use, any outdoor solid waste management area shall be fully enclosed by an opaque fence or a masonry wall that is no less than 1.8 metres in height (Diagram 12).



**Diagram 12:** Screening requirements for solid waste management areas, per Section 34 and 174

## Screening for Accessory Parking Lots or Off-Street Loading Spaces

- 175 (1) Subject to Subsections 175(2) and 175(3), in addition to the soft landscaping requirements for accessory parking lots contained within Section 169, along the edge of any accessory parking lot or off-street loading space that is located within a yard that abuts any PW-LDR, PW-CH, or PW-PCF zone, a minimum of one of the following shall be required:
- (a) a continuous coniferous hedge no less than 1.2 metres in height;
  - (b) an opaque fence no less than 1.2 metres in height; or
  - (c) a masonry wall no less than 1.2 metres in height.
- (2) Existing natural vegetation may be used as an alternative to the screening requirement of Subsection 175(1), if the existing natural vegetation can adequately screen the accessory parking lot or off-street loading space from the view of the abutting property.
- (3) The screening requirement under Subsection 175(1), shall not apply if a lot line is required to have an L2 landscaped buffer under Section 177.

## Section VIII, Chapter 4: Landscaped Buffers

### Development Exempted from Landscaped Buffers

- 176 The requirements of Sections 177, 178, and 179 shall not apply to:
- (a) any development exempted from requiring a development permit;
  - (b) a change of use or tenancy in a structure;
  - (c) accessory structures located in a PW-CEN or PW-HR zone;
  - (d) an addition to any main building less than 200.0 square metres in floor area;
  - (e) low-density dwelling uses;
  - (f) interior renovations;
  - (g) exterior renovations that do not alter the footprint or volume of a building; or
  - (h) temporary construction uses.

### General Landscaped Buffer Requirements

- 177 (1) A landscaped buffer, where required in Table 11, shall be provided where a development abuts a different zone. The required landscaped buffer shall be either “L1” or “L2”, as shown in Table 11.
- (2) Any landscaped buffer, if required in Subsection 177(1), shall be provided along each lot line that separates the development from the different zone.
- (3) Any required landscaped buffer shall have a minimum width of 2.5 metres.
- (4) No structures or parking areas are permitted within any required landscaped buffer, except for:
- (a) masonry walls or opaque fences required in Sections 175 or 179; or
  - (b) subject to Subsection 177(5), underground parking structures that do not protrude more than 0.6 metre above the average finished grade within any side or rear yard.
- (5) If an underground parking structure extends into the required landscaped buffer, as permitted in Clause 177(4)(b), then the applicable landscape buffer shall apply to the surface of the underground parking structure.



**Table 11: Landscaped buffer requirement**

Zone where the development is located	Zone abutting the development			
	PW-CEN	PW-HR	PW-LDR PW-CH	PW-PCF PW-CON
PW-CEN		L1	L2	L1
PW-HR			L1	

**L1 General Landscaped Buffer**

- 178 (1) Any required L1 landscaped buffer shall contain either:
- (a) one shrub no less than 1.0 metre in height for every 2.0 linear metres of buffer; or
  - (b) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.
- (2) Trees or shrubs required in Clauses 178(1)(a) and 178(1)(b) may be grouped.
- (3) The remainder of a required L1 landscaped buffer shall contain soft landscaping.

**L2 Screen Landscaped Buffer**

- 179 (1) Any required L2 landscaped buffer shall contain:
- (a) subject to Subsection 179(2), a continuous coniferous hedge no less than 1.0 metre in height; and
  - (b) a minimum of one tree with a base caliper that is no less than 50 millimetres for every 4.5 linear metres of buffer.
- (2) Where an L2 landscaped buffer abuts a PW-LDR or PW-CH zone, an opaque fence, masonry wall, or coniferous hedge no less than 1.8 metres in height shall be required along the lot line abutting the PW-LDR or PW-CH zone.
- (3) Trees in a required L2 landscaped buffer may be grouped.
- (4) The remainder of a required L2 landscaped buffer shall contain soft landscaping.

## Part VIII, Chapter 5: Landscape Plan Requirements

### Requirement to Submit a Landscape Plan

- 180 (1) Excluding any developments located within the PW-CDD, PW-LDR, or PW-CH zone, a landscape plan is required when submitting a development permit application for:
- (a) a new building equal to or greater than 2,000 square metres; or
  - (b) an addition equal to or greater than 1,000 square metres.
- (2) When landscape plan is required in Subsection 180(1), it shall be stamped and signed by a landscape architect, certifying that the plan meets the minimum requirements of this By-law.
- (3) The landscape plan shall depict the design of all hard landscaping or soft landscaping required for the development, and where applicable shall indicate:
- (a) the current and proposed site topography, including the location of any significant gradients;
  - (b) the footprints of all existing and proposed buildings, including underground parking structures;
  - (c) the planting areas and details for all new vegetation and groundcover, including location, quantity, size, and both the common and botanical names that identify the species and variety;
  - (d) the location and identification of existing vegetation that will be used to meet the requirements of Section 166;
  - (e) the soft landscaping on the roof slab of any underground parking structure, as per the requirements of Section 170;
  - (f) the protection measures, such as hoardings, for any existing soft landscaping that is to be maintained;
  - (g) the construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
  - (h) the manufacturers' specifications, such as model and colour, for all seating, light standards and fixtures, waste receptacles, bicycle parking racks, roofed bicycle cages, enclosed bicycle lockers, tree grates or guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management area enclosures, railings, and fencing; and
  - (i) any other information that the Development Officer requires to determine if the development complies with this By-law.

- (4) All soft landscaping specified on a landscape plan shall comply with the latest edition of the *Canadian Landscape Standard*.

## PART IX: PARKING AND OFF-STREET LOADING

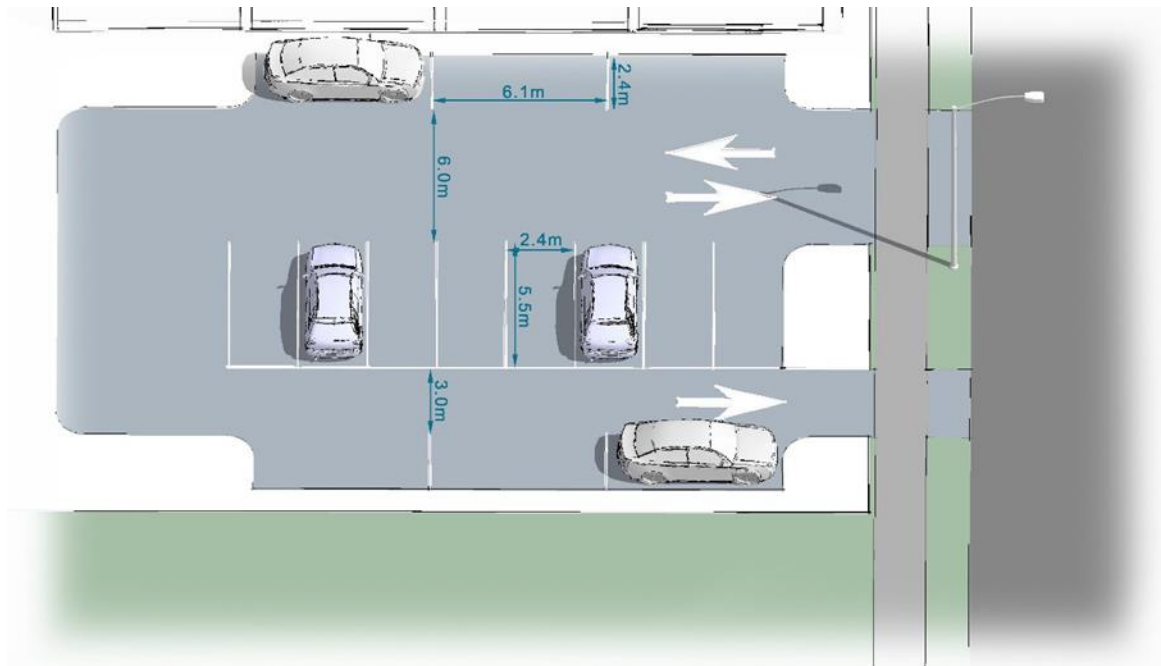
## Part IX, Chapter 1: Motor Vehicle Parking

### General Motor Vehicle Parking Requirements

- 181 (1) All accessory parking lots and parking spaces shall be located on the same lot as the main use.
- (2) A change of use in an existing structure shall not require any additional parking, and parking that is already provided shall remain unless it exceeds the minimum required number of motor vehicle parking spaces.
- (3) Subsections 181(4) and 181(5) do not apply to parking spaces or accessory parking lots associated with any:
- (a) low-density dwelling use;
  - (b) cluster housing use;
  - (c) secondary suite use;
  - (d) backyard suite use;
  - (e) small shared housing use; or
  - (f) home occupation use.
- (4) All accessory parking lots shall be required to be:
- (a) surfaced with a hard material such as asphalt, concrete, or permeable pavers; and
  - (b) delineated by concrete curbs, with all motor vehicle parking spaces and driving aisles clearly delineated.
- (5) The parking or storage of motor vehicles is prohibited in any driveway or driving aisle associated with an accessory parking lot.

### Parking Space and Driving Aisle Dimensions

- 182 (1) For any accessory parking lot, parking structure use, or parking internal to a building:
- (a) subject to Clause 182(1)(b), any required motor vehicle parking space shall be a minimum of 2.4 metres in width and 5.5 metres in length (Diagram 13); and
  - (b) in the case of parking parallel to an internal driveway, any required motor vehicle parking space shall be a minimum of 6.1 metres in length (Diagram 13).



**Diagram 13:** Motor vehicle parking space and driving aisle dimensions, per Section 182

- (2) Driving aisles between rows of motor vehicle parking spaces in an accessory parking lot, in a parking structure, or for parking internal to a building shall be required to be 6.0 metres in width for two-way traffic, and 3.0 metres in width for one-way traffic (Diagram 13).

### Minimum Number of Motor Vehicle Parking Spaces

- 183 (1) Table 12 sets out the minimum number of motor vehicle parking spaces required by zone for each listed use. Where a use is not listed in Table 12, no minimum parking requirement applies.
- (2) If there is more than one use requiring motor vehicle parking, as listed in Table 12, then the amount of motor vehicle parking required on-site shall be the cumulative total of what is required for each use.
- (3) Where bicycle parking spaces are required in Section 198, two additional bicycle parking spaces of any type may be provided in substitution for one required motor vehicle parking space, to a maximum of 25% of required motor vehicle parking spaces.
- (4) In addition to the substitution permitted in Subsection 183(3), one enhanced bicycle parking space may be substituted for a maximum of one required motor vehicle parking space.

**Table 12: Required minimum number of motor vehicle parking spaces per lot, by zone and use**

<b>Use</b>	<b>PW-CDD</b>	<b>PW-CEN</b>	<b>PW-HR</b>	<b>PW-LDR</b>	<b>PW-CH</b>	<b>PW-PCF</b>
Single-unit dwelling use	Not required	Not applicable	Not applicable	Not required	Not required	Not applicable
Semi-detached dwelling use; Townhouse dwelling use; Two-unit dwelling use	Not applicable	Not applicable	Not applicable	Not required	Not applicable	Not applicable
Three-unit dwelling Use and Four-unit dwelling use	Not applicable	Not applicable	Not applicable	Minimum of 1 space per lot	Not applicable	Not applicable
Cluster housing use	Not applicable	Not applicable	Not applicable	Not applicable	Minimum 0.5 space per unit	Not applicable
Multi-unit dwelling use	Not applicable	Minimum 0.5 space per unit	Minimum 0.5 space per unit	Not applicable	Not applicable	Not applicable
Small shared housing use	Not applicable	Not required	Not required	Not required	Not required	Not applicable
Large shared housing use	Not applicable	Not required	Not required	Not applicable	Not applicable	Not applicable
Secondary suite use or backyard suite use	Not applicable	Not applicable	Not applicable	Not required	Not applicable	Not applicable
Shelter use	Not applicable	Minimum 1 space	Minimum 1 space	Not applicable	Not applicable	Not applicable
Daycare use	Not applicable	Minimum 1 space per 100 square metres	Minimum 1 space	Minimum 1 space	Minimum 1 space	Minimum 1 space
Home office use	Not required	Not required	Not required	Not required	Not required	Not applicable
Home occupation use	Minimum 1 space	Not required	Not required	Minimum 1 space	Minimum 1 space	Not applicable
Work-live unit use	Not applicable	Minimum 1 space	Minimum 1 space	Not applicable	Not applicable	Not applicable

<b>Use</b>	<b>PW-CDD</b>	<b>PW-CEN</b>	<b>PW-HR</b>	<b>PW-LDR</b>	<b>PW-CH</b>	<b>PW-PCF</b>
Restaurant use; Drinking establishment use; Local drinking establishment use	Not applicable	Minimum 1 space for every 35 sq. m of floor area	Minimum 1 space for every 35 sq. m of floor area	Not applicable	Not applicable	Not applicable
Fitness centre use	Not applicable	Minimum 1 space for every 25 sq. m of floor area	Minimum 1 space for every 25 sq. m of floor area	Not applicable	Not applicable	Not applicable
Hotel use	Not applicable	Minimum 1 space per room	Not applicable	Not applicable	Not applicable	Not applicable
Local commercial uses	Not applicable	Not required	Not required	Not applicable	Not applicable	Not applicable
Office use; Financial institution use	Not applicable	Minimum of 1 space for every 75 square metres of floor area	Not applicable	Not applicable	Not applicable	Not applicable
Any other commercial use not listed within this table	Not applicable	Minimum of 1 space for every 35 square metres of floor area	Not applicable	Not applicable	Not applicable	Not applicable
Minor spectator venue use; Cultural use	Not applicable	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Not applicable	Not applicable	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less
Medical clinic use; Religious institution use	Not applicable	Minimum 1 space for every 100 square metres of floor area	Minimum 1 space for every 100 square metres of floor area	Not applicable	Not applicable	Not applicable
School use	Not applicable	1.5 spaces per classroom	1.5 spaces per classroom	Not applicable	Not applicable	1.5 spaces per classroom
Major spectator venue use	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Minimum 1 space for every 5 permanent seats
University or college use	Not applicable	4 spaces per classroom	Not applicable	Not applicable	Not applicable	Not applicable
Industrial use	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Community recreation use	Not applicable	Not required	Not required	Not required	Not required	Not required
Club recreation use	Not applicable	Minimum 1 space for every 400 square metres of lot area	Minimum 1 space for every 400 square metres of lot area	Not applicable	Not applicable	Minimum 1 space for every 400 square metres of lot area





## Parking Prohibition in PW-CON Zone

184 Motor vehicle parking spaces are not permitted in a PW-CON zone.

## Rounding Regulation

185 Where the calculation for motor vehicle parking results in a fraction of a motor vehicle parking space, the required number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

## Parking Within a Front or Flanking Yard for Low-Density Dwelling Uses

186 For a low-density dwelling use, a maximum of 50% of the width of any front or flanking yard may be used for the parking and maneuvering of motor vehicles.

## Commercial Vehicles

- 187 (1) Subject to Subsection 187(2), any commercial vehicle that exceeds a weight of 3,000 kilograms of gross vehicle weight shall be prohibited in any PW-CDD, PW-LDR, or PW-CH zone.
- (2) A commercial vehicle described in Subsection 187(1) is permitted to park in any PW-CDD, PW-LDR, or PW-CH zone, if:
- (a) the vehicle is necessary for the purposes of construction; and
  - (b) the vehicle is parked on the lot during the period of construction.

## Motor Vehicle Sharing Spaces

188 Any required motor vehicle parking space may be used as a motor vehicle sharing space.

## Parking Structure Use

- 189 (1) All parking spaces associated with a parking structure use shall be required to be located inside the parking structure or on the roof of the parking structure.
- (2) Rooftop parking on a parking structure shall not be visible from any streetline.
- (3) All parking structure uses shall meet the requirements of Part V.

## Automated Vehicle Parking System

- 190 (1) Motor vehicle parking space and driving aisle dimension requirements do not apply where an automated vehicle parking system is used.
- (2) An automated vehicle parking system shall be required to be located internal to a building or in a parking structure.

## Parking Lots

- 191 Parking lots are prohibited in all zones, except for accessory parking lots which meet the requirements of Sections 192 or 193.

## Accessory Parking Lots: PW-CEN Zone

- 192 (1) Accessory parking lots are permitted in a PW-CEN zone.
- (2) Accessory parking lots in a PW-CEN zone shall not be located:
- (a) within any required front or flanking yard; and
  - (b) between the closest building to a streetline and the streetline.

## Accessory Parking Lots: All Other Zones

- 193 (1) Accessory parking lots are permitted in a PW-HR zone, but only in a side yard, rear yard, or an internal courtyard.
- (2) Accessory parking lots are permitted in a PW-CH zone and shall meet the following requirements:
- (a) be located within any yard;
  - (b) not exceed groupings of 12 motor vehicle parking spaces; and
  - (c) each grouping of motor vehicle parking spaces shall be separated by soft landscaping.
- (3) Accessory parking lots are permitted in any PW-PCF zone, but shall not be located in any minimum required front or flanking setback.

## Pedestrian Walks Through Accessory Parking Lots

- 194 (1) A minimum of one pedestrian walk through an accessory parking lot

shall be required where more than 24 spaces are provided, and shall provide a direct route between parking areas, building entrances, and the nearest streetline.

- (2) Pedestrian walks within accessory parking lots shall be required to be no less than 1.8 metres wide.
- (3) Pedestrian walks within accessory parking lots shall consist of:
  - (a) poured concrete;
  - (b) brick pavers;
  - (c) stone pavers;
  - (d) concrete pavers; or
  - (e) asphalt.
- (4) Where a pedestrian walk crosses a driving aisle in an accessory parking lot, the surface of the pedestrian walk shall be delineated with a change of colour or material from the driving aisle.

## Part IX, Chapter 2: Bicycle Parking

### Bicycle Parking Exemptions for Specific Uses

195 Bicycle parking spaces are not required for any of the following uses:

- (a) low-density dwelling use;
- (b) cluster housing use;
- (c) grade-related dwelling units;
- (d) secondary suite use;
- (e) backyard suite use;
- (f) daycare use in any PW-LDR or PW-CH zone;
- (g) home occupation use;
- (h) home office use;
- (i) small shared housing use;
- (j) work-live unit use;
- (k) car wash use;
- (l) self-storage facility use;
- (m) urban agriculture use;
- (n) cemetery use; or
- (o) accessory structure or accessory use.

### Bicycle Parking Exemptions for a Change of Use

196 A change of use in a structure shall not:

- (a) require bicycle parking beyond what is already provided on-site; and
- (b) reduce any existing bicycle parking that is provided on-site, unless it exceeds the minimum required number of bicycle parking spaces.

### General Bicycle Parking Requirements

- 197
- (1) Direct access to all bicycle parking spaces shall be required from a streetline.
  - (2) All bicycle parking spaces shall be required to be illuminated.
  - (3) All bicycle parking racks shall be required to provide two points of contact between each bicycle and rack.

### Required Number of Bicycle Parking Spaces

198 (1) Table 13 sets out the bicycle parking space requirements that shall apply for each use listed.

(2) If there is more than one use requiring bicycle parking, as listed in Table 13, then the amount of bicycle parking required on-site shall be the cumulative total of what is required for each use.

**Table 13: Required number of bicycle parking spaces**

Use	General requirement	Required percentage of Class A or Class B bicycle parking	Minimum requirement for Class B bicycle parking	Maximum permitted
Multi-unit dwelling use	1 space for every 2 units	80% Class A 20% Class B	4 spaces	Not Applicable
Large shared housing use	1 space for every 20 bedrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Hotel use	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Retail use; Local commercial use; Personal service use; Grocery store use; Restaurant use	1 space for every 300 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Financial institution use; Office use; Hospital use; Medical clinic use; Religious institution use	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable
Cultural use; Minor spectator venue use; Major spectator venue use	1 space for every 20 permanent seats or 1 space for every 250 sq. m of floor area, whichever is less	20% Class A 80% Class B	2 spaces	50 spaces
School use; University or college use	1 space for every 150 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Club recreation use; Community recreation use (indoor facilities)	10 spaces if less than 500 sq. m of floor area; 20 spaces for larger facilities	20% Class A 80% Class B	Not Applicable	Not Applicable
Community recreation use (outdoor facilities)	1 space for every 1,250 sq. m lot area	100% Class B	2 spaces	50 spaces
Parking structure use	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces	50 spaces

Any other use not specified in this Table or not exempted from bicycle parking requirements in Sections 195 and 196	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable
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## Rounding Regulation

199 Where the calculation for bicycle parking results in a fraction of a bicycle parking space, the required number of bicycle parking spaces shall be rounded down to the nearest whole number.

## Class A Bicycle Parking Requirements

- 200 (1) Required Class A bicycle parking racks shall be located:
- (a) within a room that is dedicated to the storage of bicycles;
  - (b) within a roofed bicycle cage outside of a building;
  - (c) within an enclosed bicycle locker outside of a building;
  - (d) within a covered parking area reserved for bicycles; or
  - (e) within a resident storage unit located in an indoor parking area that is associated with a multi-unit dwelling use.
- (2) Any bicycle room, roofed bicycle cage, enclosed bicycle locker, covered parking area, or resident storage unit reserved for bicycles shall be lockable.
- (3) Required Class A bicycle parking racks shall be one or more of the following types:
- (a) inverted-U that is a minimum of 0.90 metre in height;
  - (b) post-and-ring that is a minimum of 0.90 metre in height;
  - (c) vertical racks that are wall-mounted, not exceeding 50% of the total number of required Class A bicycle parking spaces; or
  - (d) two-tier racks with a lift-assist.
- (4) All bicycle parking racks and bicycle lockers shall be required to be secured to the ground, floor, or wall.
- (5) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.
- (6) All indoor Class A bicycle parking spaces shall be required to be:
- (a) located on a ground floor; or

- (b) located within one storey of a ground floor and be:
  - (i) accessible from a ground floor with ramps, which are protected from motor vehicle traffic, or
  - (ii) accessible from a ground floor by elevator.
- (7) The distance from any Class A bicycle parking space to the nearest building entrance shall not exceed 200 metres.

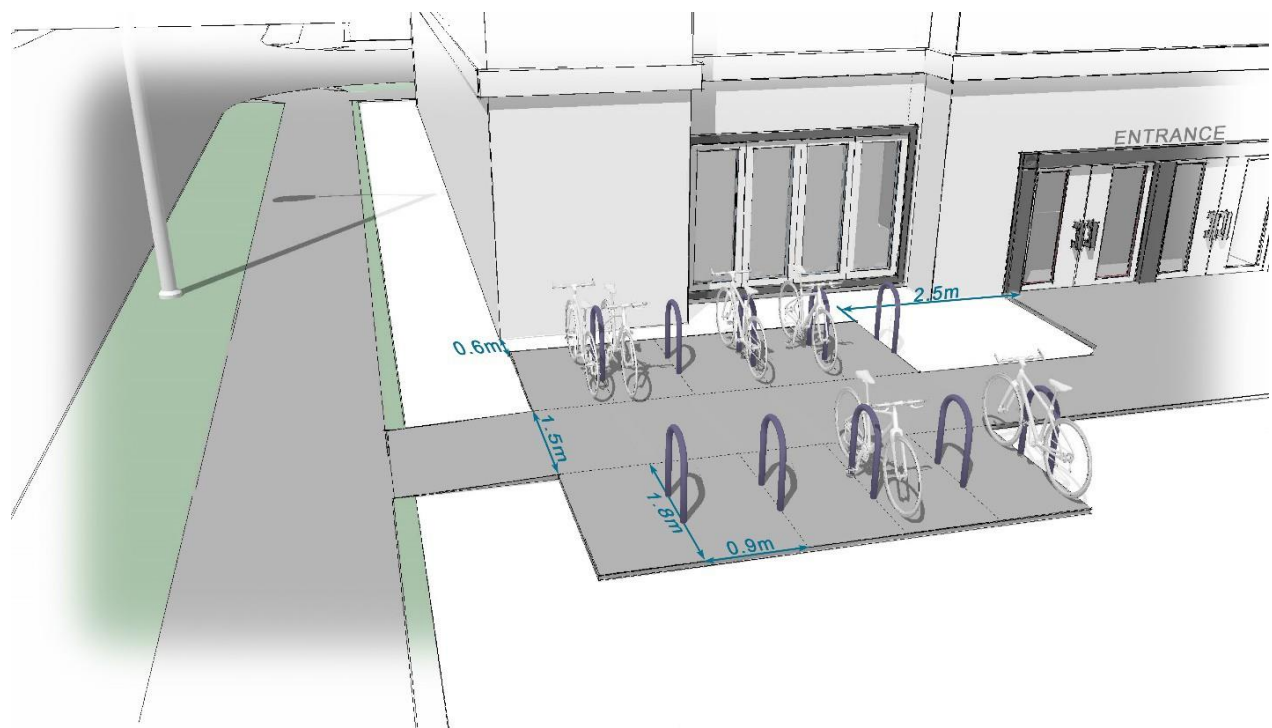
### Class B Bicycle Parking Requirements

- 201 (1) Subject to Subsection 201(6), Class B bicycle parking spaces shall be located outside of a building in a location that is visible and accessible from the street.
- (2) Required Class B bicycle parking racks shall be a minimum height of 0.90 metre and be one or more of the following types:
  - (a) inverted-U; or
  - (b) post-and-ring.
- (3) All bicycle parking racks shall be required to be secured to the ground, floor, or wall.
- (4) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.
- (5) The required distance from any Class B bicycle parking space to the nearest visitor-accessible building entrance shall not exceed:
  - (a) 15.0 metres for unsheltered bicycle parking; or
  - (b) 30.0 metres for sheltered bicycle parking.
- (6) If the location of the main building prohibits the requirements of this Section from being satisfied, then:
  - (a) the owner may request an encroachment license from the Municipality to install the required Class B bicycle parking spaces in the adjacent public right-of-way. If the Municipality has granted an encroachment license allowing Class B bicycle parking spaces to be located in the street, then any Class B bicycle parking space provided in accordance with that license may be counted towards any required Class B bicycle parking; or
  - (b) the amount of Class B bicycle parking required can be located inside the main building within 30.0 metres of the nearest visitor-accessible building entrance.



## Minimum Bicycle Parking Geometric Requirements

- 202 (1) Bicycle parking racks are prohibited within 2.5 metres of any main building entrance (Diagram 14).
- (2) Bicycle parking racks shall be required to be spaced:
- (a) no less than 0.9 metre apart in the direction of a bicycle's width (Diagram 14); and
  - (b) centered no less than 1.8 metres apart in the direction of a bicycle's length (Diagram 14).
- (3) A 1.5-metre wide clear aisle shall be provided between rows of any required bicycle parking racks (Diagram 14).
- (4) Excluding wall-mounted racks, a space of 0.6 metre shall be required to be provided between bicycle parking spaces and any obstruction, on all sides (Diagram 14).



**Diagram 14:** Bicycle parking requirements, per Section 202

## Part IX, Chapter 3: Off-Street Loading

### Off-Street Loading Space

- 203 (1) Subject to Subsection 203(2), in any PW-CEN or PW-HR zone, in addition to any required motor vehicle parking spaces, off-street loading shall be required, as set out in Table 14, for the following uses:

**Table 14: Minimum required number and type of off-street loading space per lot, by use**

Use	Minimum required number and type of loading spaces
Multi-unit dwelling use – 40 units to 299 units	1 Type A
Multi-unit dwelling use – 300 units or more	2 Type A
Any commercial use – 500 square metres to 2,000 square metres of floor area	1 Type A
Any commercial use – greater than 2,000 square metres to 5,000 square metres of floor area	2 Type A
Any commercial use – greater than 5,000 square metres in floor area	2 Type A and 1 Type B
Minor spectator venue use	1 Type A
Major spectator venue use	1 Type A and 1 Type B

- (2) Off-street loading spaces shall not be required:
- (a) for a change of use within an existing structure; or
  - (b) for an addition that is less than 500 square metres of floor area.
- (3) Any required off-street loading space shall be located on the same lot as the use it is intended to serve.
- (4) Any required off-street loading space shall be surfaced with a hard material such as asphalt, concrete, and permeable pavers, and delineated by concrete curbs or painted lines.
- (5) Subject to Subsection 203(6), any required off-street loading space shall be located:
- (a) internal to a building;
  - (b) in a parking structure; or

- (c) in any area of a lot where an accessory parking lot is permitted in Sections 192 and 193.
- (6) For a multi-unit dwelling use that contains 120 units or less, an off-street loading space may be located within a driving aisle, providing there is unobstructed access within the driving aisle of 3.0 metres to enable vehicles to maneuver around the loading space.
- (7) The driving access to an off-street loading space shall meet the width and height requirements of Sections 204 or 205.
- (8) The screening requirements for required off-street loading spaces are provided in Section 175.
- (9) An off-street loading space shall not be used for motor vehicle parking.

#### **Type A Off-Street Loading Space**

204 A Type A off-street loading space shall have the following minimum required dimensions:

- (a) 3.0 metres in width;
- (b) 6.0 metres in length; and
- (c) 3.0 metres in height clearance.

#### **Type B Off-Street Loading Space**

205 A Type B off-street loading space shall have the following minimum required dimensions:

- (a) 3.5 metres in width;
- (b) 17.0 metres in length; and
- (c) 4.3 metres in height clearance.

## PART X: SIGNS

## Part X, Chapter 1: General Signage Requirements

### Temporary Sign By-law

206 This By-law does not apply to any sign regulated by HRM By-law S-801, *A By-law Respecting Licensing of Temporary Signs*.

### Sign Permit Exemptions

- 207 The following signs are exempt from the requirement of a development permit:
- (a) signs giving the name of a building or its civic address;
  - (b) signs regulating activities that are not related to traffic, such as “No Trespassing” or “Beware of Dog” signs, if the sign does not exceed 0.2 square metre in area;
  - (c) signs that pertain to the sale, rental, or lease of real property on a lot where the signs are displayed, if they:
    - (i) are non-illuminated,
    - (ii) do not exceed 2.0 square metres in area,
    - (iii) are removed within 14 days following the sale, rental, or lease, and
    - (iv) are limited in number to a maximum of one sign for every streetline;
  - (d) signs regulating traffic on a lot, including directional signage, if the sign does not exceed 0.5 square metre in area;
  - (e) signs erected by any government;
  - (f) notification signs required under municipal by-laws;
  - (g) signs interior to a structure;
  - (h) commemorative signs;
  - (i) signs identifying motor vehicle sharing spaces;
  - (j) signs that are incidental to a construction in progress, if the signs:
    - (i) are non-illuminated,
    - (ii) are located on the same lot as the construction in progress,
    - (iii) do not exceed 5.0 square metres in area, and
    - (iv) are removed within 14 days following the conclusion of construction;
  - (k) one internally illuminated menu-box sign per restaurant use, if the sign:
    - (i) is located within 2.0 metres of the pedestrian entrance for the restaurant use,
    - (ii) does not exceed 0.4 square metre in area, as measured from the outside

- of the box, and
    - (iii) does not project more than 0.1 metre from the wall on which it is affixed;
  - (l) any sign related to a drive-through;
  - (m) subject to Sections 217 and 218, in a PW-CDD, PW-LDR, or PW-CH zone, signs for any of the following uses:
    - (i) home occupation use,
    - (ii) daycare use,
    - (iii) sale of urban agricultural products as an accessory use, and
    - (iv) urban farm use;
  - (n) the replacement of a sign face where there is no alteration of the structure holding the sign;
  - (o) community signs; and
  - (p) window and door signs.

## Prohibited Signs

208 The following types of signs are prohibited in all zones:

- (a) signs that create a hazard to public safety;
- (b) in the opinion of the traffic authority, signs that:
  - (i) are a source of danger to traffic on the street, or that obstruct or interfere with the vision of road users because of their location, appearance, or illumination,
  - (ii) obscure or interfere with any traffic control sign or device, or
  - (iii) resemble the traffic control signs of any public authority, in shape, colour, message, symbol, or location;
- (c) signs that obscure or interfere with any warning or instructional sign;
- (d) signs that obstruct or interfere with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
- (e) signs that obstruct access to any emergency related equipment or infrastructure, such as fire hydrants and firefighting hose connections;
- (f) signs located on fences or retaining walls;
- (g) excluding signs on a registered heritage property, signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation;
- (h) signs located on the roof of any structure;
- (i) signs that project above a roof edge or a streetwall stepback, or extend

- beyond the edges of any wall to which they are affixed;
- (j) excluding any property located in an PW-CDD, PW-LDR, or PW-CH zone, signs affixed to or painted on natural objects such as trees or boulders;
- (k) excluding neon gas tubing and variable message signs, signs that use fluorescent colours;
- (l) internally-illuminated fascia signs, except for:
  - (i) neon gas tubing,
  - (ii) open or exposed neon gas tubing channel letters and characters,
  - (iii) front-lit, individually raised profile letters and characters with LED illumination,
  - (iv) front-lit, standard channel letters and characters with LED illumination, or
  - (v) reverse channel (halo-lit) letters and characters with either neon gas tubing or LED illumination;
- (m) internally-illuminated awning signs;
- (n) signs that incorporate a strobe light or flashing light; and
- (o) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication.

### Variable Message Signs

209 Variable message signs shall only be permitted:

- (a) in a PW-CEN or PW-PCF zone; and
- (b) if, in the opinion of the Engineer, the variable message sign does not pose a risk to public safety.

### Neighbourhood Signs

210 A neighbourhood sign shall:

- (a) be permitted in a PW-CDD, PW-CEN, PW-HR, PW-LDR, or PW-CH zone;
- (b) have a minimum front or flanking setback of 3.0 metres;
- (c) not exceed a height of 4.6 metres; and
- (d) not exceed an area of 8.0 square metres per sign face.

### Billboards

211 Billboards are prohibited in the PW-CDD, PW-CEN, PW-HR, PW-LDR, PW-CH, PW-PCF, or PW-CON zone.





## Section X, Chapter 2: Signage Requirements for the PW-CEN, PW-HR, and PW-PCF Zones

### Fascia Signs

212 In any PW-CEN, PW-HR, or PW-PCF zone, the combined area of all fascia signs on a building wall shall not exceed 10% of the area of the wall that the signs are affixed.

### Ground Signs

- 213 (1) In the PW-CEN zone, no ground sign shall exceed:
- (a) one per lot;
  - (b) a height of 7.6 metres; and
  - (c) an area of 14.0 square metres per sign face.
- (2) In the PW-HR or PW-PCF zone, no ground sign shall exceed:
- (a) one per lot;
  - (b) a height of 4.6 metres; and
  - (c) an area of 4.0 square metres per sign face.

### Projecting Signs

- 214 (1) In any PW-CEN, PW-HR, or PW-PCF zone, projecting signs shall be required to:
- (a) be separated from other projecting signs on the same lot by no less than 2.5 metres;
  - (b) be set back no less than 1.25 metres from any side or rear lot line;
  - (c) not be located within 3.5 metres of the ground directly below; and
  - (d) not exceed 2.0 square metres in area, per sign face.
- (2) No more than one projecting sign is permitted per streetline for each premises.

### Abutting Zone Requirements

- 215 Where a lot is zoned PW-CEN or PW-HR, and abuts a lot that is zoned PW-LDR, PW-CH, or PW-PCF, the following requirements shall apply:
- (a) all non-illuminated signs shall be set back no less than 3.0 metres from the abutting lot line; and

- (b) all illuminated signs shall be set back no less than 10.0 metres from the abutting lot line.

#### Fascia Signs for Home Occupation Uses and Work-Live Unit Uses

216 In any PW-CEN or PW-HR zone, one non-illuminated fascia sign, not exceeding 3.0 square metres in area, is permitted for:

- (a) a home occupation use; or
- (b) the commercial use or institutional use component of a work-live unit use.

## Part X, Chapter 3: Signage Requirements for the PW-CDD, PW-LDR and PW-CH Zones

### Signs for Home Occupation Uses, Daycare Uses, and the Sale of Urban Agricultural Products as an Accessory Use

- 217 In any PW-CDD, PW-LDR, or PW-CH zone, the following requirements shall apply to any sign advertising a home occupation use, daycare use, or the sale of urban agricultural products as an accessory use:
- (a) A maximum of one sign is permitted per use;
  - (b) The sign shall only be a ground sign, fascia sign, or projecting sign;
  - (c) The sign shall not exceed 0.6 square metre in area;
  - (d) Any ground sign shall not exceed a height of 1.2 metres; and
  - (e) The sign shall not be illuminated.

### Signs for Urban Farm Uses

- 218 In any PW-LDR or PW-CH zone, the following requirements shall apply to any sign advertising an urban farm use:
- (a) A maximum of one ground sign is permitted per street frontage for any urban farm use;
  - (b) The ground sign shall not exceed 2.0 square metres in area, and shall not exceed a height of 1.2 metres; and
  - (c) The ground sign shall not be illuminated.

### Signs for Community Recreation Uses

- 219 In any PW-LDR or PW-CH zone, any sign for a community recreation use shall meet the requirements of Sections 212 to 215.

## PART XI: DEFINITIONS

## Part XI, Chapter 1: Definitions

220 This By-law uses the following terms as defined within this Section:

- (1) **Accessory Hen Use** means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not for commercial purposes.
- (2) **Accessory Parking Lot** means a parking lot, not contained within a structure, that supports the main use of a lot. For further clarity, a dealership use is not considered an accessory parking lot.
- (3) **Accessory Structure** means a structure that is:
  - (a) subordinate, incidental, and devoted to a main use or structure; and
  - (b) not attached to any main building.
- (4) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot.
- (5) **Adult Cabaret** means premises where a person feels, handles, touches, paints, dances, is in the presence of, or is entertained by another person's nude body, or observes, views, or photographs any such activity. This definition excludes plays, dramas, ballets, and classes in any theatre, concert hall, fine arts academy, school use, institution of higher education, or other similar establishment, where nudity is used as a form of expression of opinion or in the communication of ideas or information.
- (6) **Adult Entertainment Use** means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours, but excludes the standalone retailing of adult material.
- (7) **Adult Theatre** means premises where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence, which are either unrated or have been classified as A (Adult) by the provincial film rating agency or its designate.
- (8) **Amenity Space** means non-commercial indoor or outdoor space dedicated for private or shared use by a building's occupants, such as balconies, decks, grade-related dwelling unit patios, courtyards, planters and plots for gardening, rooftop barbeque areas, shared indoor and outdoor kitchens, swimming pools, saunas, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, and meeting rooms.

- (9) **Applicant** means any person, including an owner, applying for a development permit, variance, site plan approval, or development agreement.
- (10) **Arcade** means a structure characterized by a central covered passageway with the roof supported by a series of arches on piers or columns, providing refuge for pedestrians from the weather.
- (11) **Archway** means a standalone or attached curved structure forming a passageway or entrance.
- (12) **Arena** means a building that is used for recreational purposes that may or may not contain a sheet of ice and is used primarily for indoor skating, figure skating, speed skating, hockey, ringette, lacrosse, arena soccer, or basketball. For additional clarity, an arena is not a minor spectator venue use or a major spectator venue use.
- (13) **Assembly** means, for the purpose of a light manufacturing use, the fitting or joining together of parts of an item by means such as fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.
- (14) **Attached** means a building that depends for structural support, upon a division wall or walls shared in common with an adjoining building or buildings.
- (15) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.
- (16) **Auto Repair Use** means premises used for the repair, servicing, or inspection of motor vehicles, engines, or motors.
- (17) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure.
- (18) **Awning** means a textile covering, and any supporting structure, that projects from the wall of a building.
- (19) **Awning Sign** means a sign incorporated into an awning (Diagram 21).
- (20) **Backyard Suite Use** means a dwelling unit that is:
- (a) located within an accessory structure;
  - (b) located on its own footing or foundation; and

- (c) not attached to a main building.
- (21) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.
- (22) **Belvedere** means a small-roofed structure on the rooftop of a building with open sides or windows.
- (23) **Billboard** means a sign that does not relate to or advertise a use on the lot on which it is located, excluding a community sign or a neighbourhood sign.
- (24) **Boathouse** means a structure that:
  - (a) is used for the shelter or storage of boats, watercraft, or marine accessories and equipment, but not for the shelter, storage, or accommodation of persons, animals, or motor vehicles;
  - (b) is roofed; and
  - (c) does not contain toilet facilities, a kitchen, or sleeping facilities.
- (25) **Broadcast and Production Studio Use** means radio, television, film, or music production or broadcasting facilities.
- (26) **Building** means every continuous enclosed area with exterior walls on a lot that:
  - (a) is built, erected, and framed of a combination of materials;
  - (b) is either portable or fixed;
  - (c) has a roof;
  - (d) forms a structure for the shelter of persons, animals, or property; and
  - (e) is located, in whole or in part, above or below grade.
- (27) **Building Depth** means the distance between the wall of a building that is closest to the front lot line and the wall of the same building that is farthest away from the front lot line.
- (28) **Building Width** means the distance between the outermost edges of two building walls that face:
  - (a) two side lot lines;
  - (b) a side lot line and a flanking lot line; or
  - (c) two flanking lot lines, excluding any flanking lot line that is opposite to the front lot line on a through lot.
- (29) **C&D Materials Disposal Site Use** means land where C&D materials, or residue

from C&D processing facilities, are disposed of by land application or burying, excluding the use of inert C&D materials, where approved by Nova Scotia Environment or its designate, for site rehabilitation within gravel pits or quarry operations licensed by the Province of Nova Scotia.

- (30) **C&D Materials Processing Facility Use** means premises used to sort, alter, grind, or otherwise process C&D materials for reuse or recycling into new products, excluding:
- (a) the retail of used building materials;
  - (b) the processing of inert C&D materials on the site of generation, where the processed material does not leave the site except for inert C&D materials described in Subsection 9(3) of *HRM C&D License By-law (L-200)*;
  - (c) the de-construction of a building on site;
  - (d) a municipal processing facility for used asphalt or concrete;
  - (e) facilities associated with the reclamation of a gravel pit or quarry operation licensed by the Province of Nova Scotia; and
  - (f) forestry manufacturing processes.
- (31) **C&D Materials Transfer Station Use** means land or premises at which C&D materials are received and sorted for subsequent transport to a C&D materials disposal site or a C&D materials processing facility.
- (32) **Cannabis Lounge Use** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products, or any of its derivatives such as oils or edible products. A cannabis lounge may include cannabis retail sales.
- (33) **Cannabis Production Facility Use** means premises licensed by the Government of Canada for the production of cannabis or cannabis products,
- (a) including:
    - (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
    - (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction; and
  - (b) excluding:
    - (i) industrial hemp, and
    - (ii) premises used for personal production permitted by federal legislation.

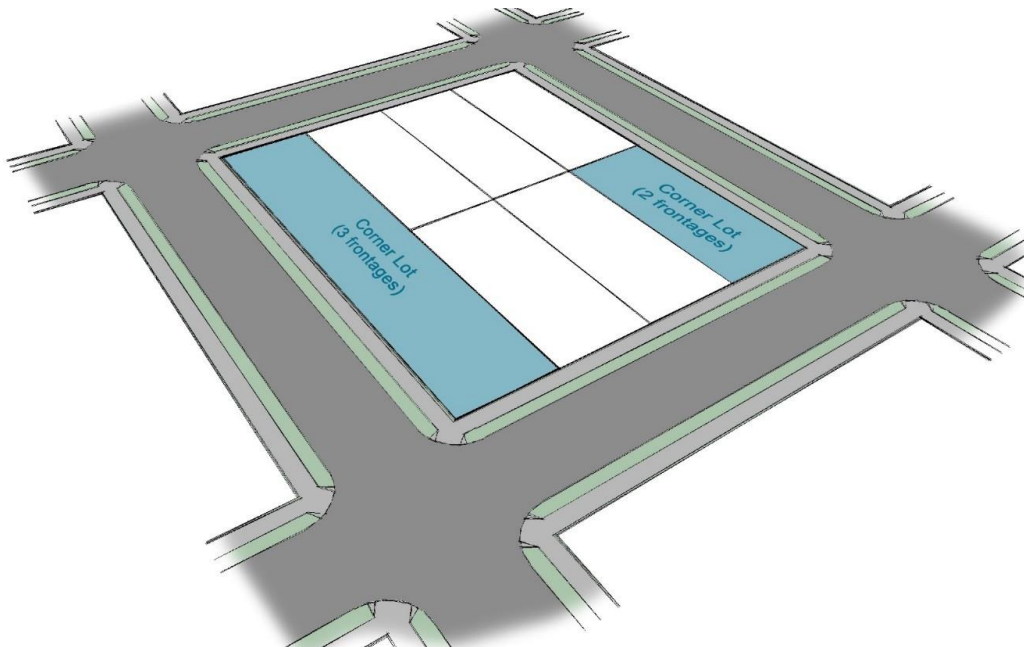


- (34) **Cannabis Retail Sales Use** means premises used for the retail sale of cannabis, cannabis products, or any of its derivatives, such as oils or edible products, to the public.
- (35) **Canopy** means a rigid roofed structure that is connected to and projects outward from a building. A canopy may also include a supporting structure that extends to the ground.
- (36) **Cantilever** means an enclosed portion of an upper floor extending beyond the ground floor façade, including window bays, but excluding balconies and any portion of the building above a recessed pedestrian entrance.
- (37) **Car Wash Use** means premises where motor vehicles are washed within a permanent structure.
- (38) **Casino Use** means premises primarily used for the purpose of playing or operating blackjack, roulette, baccarat, mini-baccarat, keno, video poker, video blackjack, video keno or similar game of chance or a slot machine and is conducted and managed by the Nova Scotia Gaming Corporation as an agent of Her Majesty in right of the Province.
- (39) **Catering Use** means the business of preparing food at one location to be then distributed and consumed at a different location. Catering does not include a restaurant use.
- (40) **Cemetery Use** means land used for the burial of the dead and accessory purposes, such as columbaria and mausoleums, but excludes a crematorium use.
- (41) **Change of Use** means a change in the use of any land, building, structure, or any combination thereof.
- (42) **Charter** means the Halifax Regional Municipality Charter, S.N.S., 2008, c. 39, as amended.
- (43) **Chemical Storage Facility** means an accessory structure used for the storage of chemicals.
- (44) **Clock Tower** means a structure which vertically extends from a building and contains a large clock at the top.
- (45) **Club Recreation Use** means land or premises operated for recreational purposes, by membership, such as golf courses, country clubs, curling clubs, tennis clubs,

lawn bowling clubs, boating clubs, marinas, and equine facilities.

- (46) **Cluster Housing Block** means attached cluster housing dwelling units.
- (47) **Cluster Housing Dwelling Unit** means a non-movable dwelling unit that:
- (a) is located on a lot that is in the Port Wallace Cluster Housing (PW-CH) zone, as shown in the development agreement for the Port Wallace Lands;
  - (b) has an independent pedestrian entrance; and
  - (c) may be attached to another cluster housing dwelling unit on the same lot.
- (48) **Cluster Housing Use** means land containing a cluster housing dwelling unit.
- (49) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.
- (50) **Commercial Recreation Use** means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, bingo halls, and miniature golf courses. For further clarity, a commercial recreation use excludes a club recreation use and a community recreation use.
- (51) **Commercial Use** means any use listed under the “ ” heading in Table 1.
- (52) **Commercial Vehicle** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles or any vehicle designed, maintained, or used primarily for the transportation of property or persons associated with a business, such as a truck, a bus, a delivery van or wagon, a tractor, a truck tractor, a trailer, heavy equipment, and construction equipment, but excludes a private passenger motor vehicle.
- (53) **Community Recreation Use** means a publicly owned or operated recreation facility, such as a park, recreation centre, pool, skating rink, arena, gymnasium, picnic area, community oven, dog park, playground, splash pad, skateboard park, boating facility and ramps, sports court, field, and trail, but excludes a convention centre use, cultural use, minor spectator venue use, and major spectator venue use.
- (54) **Community Sign** means a sign identifying a community or district that is erected by the Municipality, which may be erected on the behalf of a neighbourhood group or community organization.

- (55) **Conservation Use** means a use carried out for the purposes of conserving soils, water, flora, or fauna, including a wildlife sanctuary.
- (56) **Construction and Demolition (C&D) Materials** means materials that are normally used in the construction of structures, roadways, walls, or hard landscaping or soft landscaping, such as soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles, and metals.
- (57) **Controlled Access Highway** means a highway or a part of land that is designated under the *Public Highways Act, S.N.S., 1989, c. 371*, as amended.
- (58) **Convention Centre Use** means indoor premises that are primarily used for hosting conventions, exhibitions, or other events.
- (59) **Corner Lot** means a lot with contiguous frontage on two or more streets. (Diagram 15).



**Diagram 15:** Corner lot, per Subsection 220(59)

- (60) **Council** means the Council of the Municipality.
- (61) **Crematorium Use** means premises containing apparatus certified, intended, or used for the cremation of human or animal remains.

- (62) **Cultural Use** means premises with permanent seating of between zero and 500 seats that are used for the production, collection, or presentation of art, films, musical or artistic performances, lectures, materials, or exhibits, including libraries, archives, museums, art galleries, and cultural centres. For further clarity, a cultural use excludes a minor spectator venue use, a major spectator venue use, a convention centre use, and a recreation use.
- (63) **Data Storage Centre Use** means premises which contains a large group of networked computer servers that are used by organizations for the remote storage, processing, or distribution of large amounts of data.
- (64) **Daycare Use** means premises in which supervision is provided for individuals during the day. This definition excludes a school use, a hospital use, a small shared housing use, a large shared housing use, and a community recreation use.
- (65) **Dealership Use** means land or premises used primarily for the outdoor display and sale of products, and may include as an accessory use the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snow blowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excludes a garden centre use.
- (66) **Decorative Fence** means a fence that is made of finished wood or finished metal, but does not include a chain link fence, a barbed wire fence, or a snow fence.
- (67) **Development** means the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.
- (68) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.
- (69) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the Liquor Control Act, S.N.S., 1989, c. 260, as amended.
- (70) **Drive-Through** means a designated on-site queueing area for motor vehicles and which provides or dispenses products or services using an attendant, window, or automated machine to customers in motor vehicles, but excludes a car wash use.
- (71) **Dwelling Unit** means living quarters that:
- (a) are accessible from a private entrance, either outside the building or in a

- common area within the building;
  - (b) are occupied or, if unoccupied, are reasonably fit for occupancy;
  - (c) contain kitchen facilities within the unit; and
  - (d) have toilet facilities that are not shared with the occupants of other dwelling units.
- (72) **Educational Farm Use** means a farm that is used as an educational facility for preserving and interpreting the agricultural past, and which may include the keeping of livestock, but which excludes the slaughtering of animals.
- (73) **Emergency Services Use** means premises housing personnel and equipment related to protective or first responder services, such as fire stations, police stations, search and rescue stations, emergency medical stations, and ambulance stations.
- (74) **Enhanced Bicycle Parking** means bicycle parking that accommodates and secures bicycle trailers and cargo bikes.
- (75) **Erect** means excavating ground for a foundation or footing, laying a foundation or footing, constructing, reconstructing, removing, or changing the location or orientation of a structure or any part thereof.
- (76) **Façade** means a building wall facing a street, a park, or an outdoor amenity space.
- (77) **Farmers' Market Use** means a market where individual sellers or a cooperative of producers offer items for sale to the public, such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages.
- (78) **Fascia Sign** means a sign that is affixed directly to or painted on an exterior wall of a building (Diagram 21).
- (79) **Financial Institution Use** means premises providing financial or banking services to customers, including banks, trust companies, savings banks, credit unions, and lending establishments.
- (80) **Fitness Centre Use** means indoor premises that are primarily used for the purposes of human fitness, where people use equipment or space for physical exercise, such as health clubs, dance studios, and yoga studios.
- (81) **Flanking Lot Line** means a streetline that is not the front lot line.

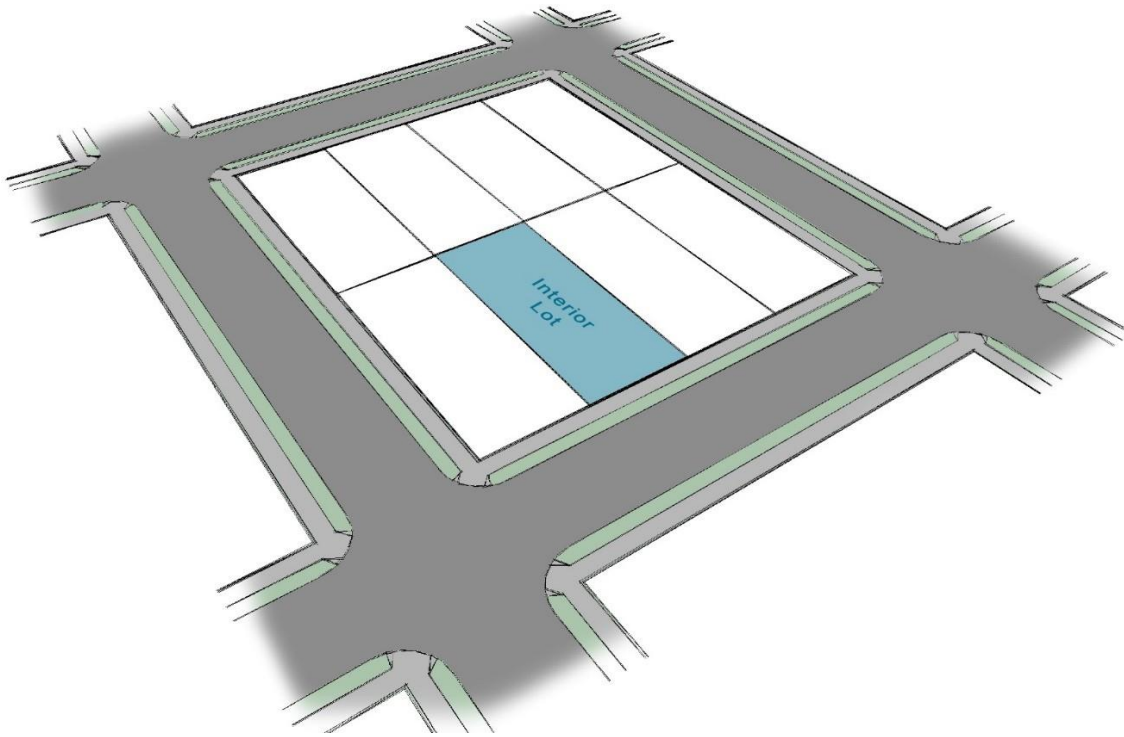
- (82) **Flanking Yard** means a yard between the nearest exterior wall of the main building and a flanking lot line, but excludes any area of the lot that is a front yard (Diagram 26).
- (83) **Floor Area** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
- (a) unenclosed space outside any exterior walls or located on a rooftop; such as balconies, decks, and patios;
  - (b) elevator shafts;
  - (c) rooftop greenhouses;
  - (d) any space open to a floor below; and
  - (e) pedways.
- (84) **Footprint** means the area a building occupies on the ground in between the outermost edges of the exterior walls, including any land that has a cantilever portion that projects above the ground, but excludes eaves that project no more than 0.6 metre, unenclosed balconies, decks, stairs, and patios.
- (85) **Four-Unit Dwelling Use** means a building containing four dwelling units on the same lot, but excludes a cluster housing use.
- (86) **Front Lot Line** means:
- (a) for an interior lot, the streetline;
  - (b) for a corner lot where the streetlines are not of equal length, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines;
  - (c) where a corner lot has streetlines of equal length, any streetline may be deemed to be the front lot line, and the remaining streetlines shall be deemed flanking lot lines;
  - (d) for a through lot, either streetline may be deemed to be the front lot line, and the other streetline shall be deemed a flanking lot line; or
  - (e) in the absence of a streetline, where a registered access easement crosses a lot line.
- (87) **Front Yard** means the yard extending across the full lot width, between the front lot line and the nearest exterior wall of any main building on the lot (Diagrams 25 and 26)
- (88) **Garden Centre Use** means land or premises where retail or wholesale gardening products are sold, which may include a nursery and greenhouses.

- (89) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet facilities, a kitchen, or sleeping facilities.
- (90) **Grade-Related Dwelling Unit Use** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.
- (91) **Greenhouse** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- (92) **Grocery Store Use** means a retail establishment with a minimum of 200 square metres of floor area that primarily sells food, including the accessory sale of food being prepared on-site, and that may also sell other convenience and household goods, but excludes a farmers' market use.
- (93) **Ground Floor** means, for each streetwall, the first floor level of a main building that is predominantly above grade and faces a streetline or a transportation reserve. For the purposes of Subsections 47(4) and 200(6), a ground floor shall be the first floor of a main building that is predominantly above grade.
- (94) **Ground Floor Height** means the distance between the floor of a ground floor and the floor directly above.
- (95) **Ground Sign** means a sign affixed to the ground and supported by one or more posts, or other similar means (Diagram 21).
- (96) **Gymnasium** means a building or room designed for indoor sports, exercise, or physical education.
- (97) **Hard Landscaping** means an outdoor surface covered by solid or impermeable material, such as outdoor furniture, water fountains, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, wood decking, trees in soil cells, and trees in planters. For further clarity, hard landscaping excludes parking areas and driving aisles.
- (98) **Heavy Industrial Use** means a use of land that involves:
- (a) the manufacture or processing of products from raw materials, including animal processing beyond making cuts from pre-processed carcasses;
  - (b) the production or use of flammable, explosive, or hazardous products and materials; or

- (c) the bulk storage of flammable, explosive, or hazardous products and materials.
- (99) **Hedge** means a boundary or barrier formed by closely growing shrubs.
- (100) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point.
- (101) **Height Precinct** means the portion of a lot to which a single height limit applies.
- (102) **Hen** means an adult female chicken.
- (103) **High-Density Dwelling Use** means a building containing 13 or more dwelling units on the same lot, but excludes a cluster housing use.
- (104) **High-Rise Building** means a main building that exceeds a height of 32.0 metres above the average finished grade.
- (105) **High-Rise Typology** means a portion of a main building, above the height of a streetwall, or in the absence of a streetwall above a height of 14.0 metres, that exceeds a height of 32.0 metres above the average finished grade to the top of the roof.
- (106) **Home Occupation Use** means the use of a portion of a dwelling unit or an accessory structure for gainful employment, but excludes a short-term rental use, a daycare use, a work-live unit use, and a home office use.
- (107) **Home Office Use** means an office-related activity operated within a dwelling unit that does not regularly require direct in-person contact with clients on the premises, but excludes a home occupation use.
- (108) **Hospital Use** means an institution providing human inpatient health services, including accessory facilities such as laboratories, treatment of patients on an outpatient basis, training facilities, and staff offices, but excludes a small shared housing use and a large shared housing use.
- (109) **Hotel Use** means premises that are regulated as a roofed accommodation in accordance with the Tourist Accommodations Registration Act, S.N.S., 2019, c.9, as amended.
- (110) **Industrial Training Facility Use** means a commercial facility that provides outdoor educational instruction and safety certification relating to industrial apparatus and activities.



- (111) **Industrial Use** means any use listed under the “ ” heading in Table 1.
- (112) **Institutional Use** means any use listed under the “ ” heading in Table 1.
- (113) **Interior Lot** means a lot with frontage on one street only (Diagram 16).



**Diagram 16:** Interior lot, per Subsection 220(113)

- (114) **Internal Conversion** means the change of use in an existing building that does not increase the height or volume of the building. For further clarity, an internal conversion excludes the addition of an exterior staircase.
- (115) **Kennel Use** means premises used for:
- (a) the keeping of more than two dogs for the purposes of commercial breeding or sale;
  - (b) excluding for veterinary purposes, the overnight boarding of dogs;
  - (c) the commercial training of dogs; or
  - (d) the shelter of stray or abandoned animals.
- (116) **Kitchen** means premises used for food preparation, and shall include:

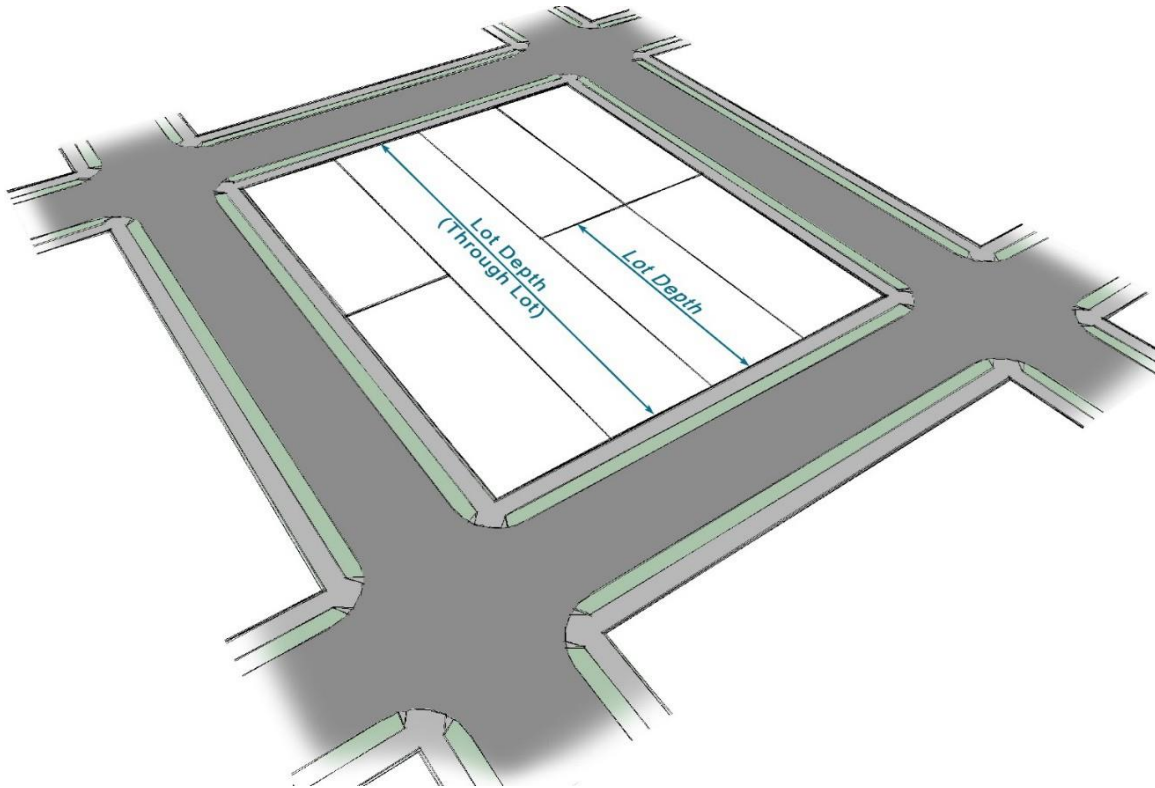
- (a) a refrigerator;
  - (b) any appliance used to heat food for consumption; and
  - (c) a sink.
- (117) **Landscape Architect** means a full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (118) **Large Shared Housing Use** means a shared housing use that contains a minimum of 11 bedrooms.
- (119) **Large Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 300 kW.
- (120) **Library Use** means a building which may contain literary, musical, artistic, or reference materials for the purposes of study, reference, or recreation, and does not include the retailing of such materials.
- (121) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, or packaging of products from previously prepared materials, finished products or parts, but does not include the processing of animals.
- (122) **Living Wall** means a vertical support system, that:
- (a) is affixed to an external wall of a building;
  - (b) includes a growth medium, such as soil, substitute substrate, and hydroculture felt;
  - (c) has an integrated irrigation and drainage system; and
  - (d) supports vegetative growth.
- (123) **Local Commercial Use** means commercial premises that:
- (a) offers goods or products for sale or rent, including food prepared on or off site, but excludes a restaurant use and a grocery store use; or
  - (b) offers personal service uses.
- (124) **Local Drinking Establishment Use** means a drinking establishment use with a customer service area not exceeding a floor area of 65 square metres. For further clarity, a customer service area does not include washroom areas, or areas that are only accessible by staff, such as a kitchen and a storage area.
- (125) **Lot** means a parcel of land that is:
- (a) described in a deed filed in the Office of the Registrar of Deeds for Halifax

County on or before the 15th day of April 1987;

- (b) described in a plan and deed pursuant to the *Land Titles Clarification Act*;
- (c) approved on a plan of subdivision endorsed and filed in the Provincial Land Registration Office; or
- (d) created pursuant to Section 278(2) of the *Charter*.

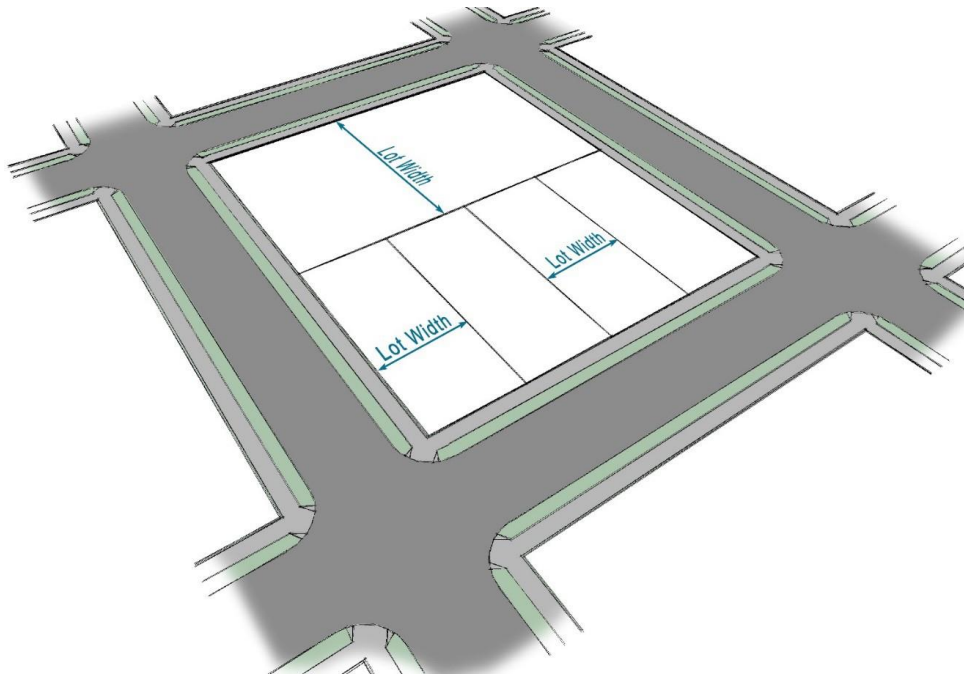
(126) **Lot Coverage** means the percentage of a lot that is covered by roofed structures that are a minimum of 0.6 metre in height, including any area over which a roofed structure projects, but excludes projecting roof eaves that are 0.6 metre or less.

(127) **Lot Depth** means the distance from the front lot line to the rear lot line, or between the front lot line and the flanking lot line on a through lot (Diagram 17).



**Diagram 17:** Lot depth, per Subsection 220(127)

(128) **Lot Width** means the distance between the side lot lines, side and flanking lot lines, or parallel flanking lot lines, measured at a right angle to the lot depth (Diagram 18).



**Diagram 18:** Lot width, per Subsection 220(128)

- (129) **Low-Density Dwelling Use** means a building that contains no more than four dwelling units on a lot.
- (130) **Low-Rise Building** means a main building that is 14.0 metres or less in height.
- (131) **Main Building** means a building that contains a primary use on a lot.
- (132) **Major Spectator Venue Use** means premises, with 3,000 or more permanent seats, where people gather for sports and other major events.
- (133) **Makerspace Use** means indoor premises used for the artisanal production of goods in limited quantities. A makerspace use also includes premises where individuals may borrow tools or equipment for the purposes of designing, repairing, prototyping, or constructing objects.
- (134) **Marine-Related Use** means a use that is dependent upon access to or use of the Atlantic Ocean, such as tugboat facilities, boat building facilities, ocean research and development, and accessory uses to the foregoing.
- (135) **Massage Parlour** means premises where a massage, body rub, or similar activity is performed, offered, advertised, or solicited. This definition excludes premises where medical or therapeutic treatment is routinely offered or performed by a registered physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse.

- (136) **Medical Clinic Use** means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinic, dentistry, optometry, podiatry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.
- (137) **Medium Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW.
- (138) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.
- (139) **Micro-Brewery Use** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.
- (140) **Micro-Distillery Use** means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.
- (141) **Micro Wind Energy Facility** means a wind energy facility consisting of a single turbine, designed to supplement other electricity sources as an accessory use to existing buildings or facilities, and has a total rated capacity of 10 kW or less.
- (142) **Mid-Rise Building** means a main building that is greater than 14.0 metres in height, but no more than 20.0 metres in height.
- (143) **Mid-Rise Typology** means a portion of a main building, above the height of a streetwall, or in the absence of a streetwall above a height of 14.0 metres, that is:
- (a) no more than 20.0 metres in height above the average finished grade to the top of the roof; and
  - (b) not connected above the height of the streetwall to any other portion of the building that would exceed a height of 20.0 meters from the average finished grade.

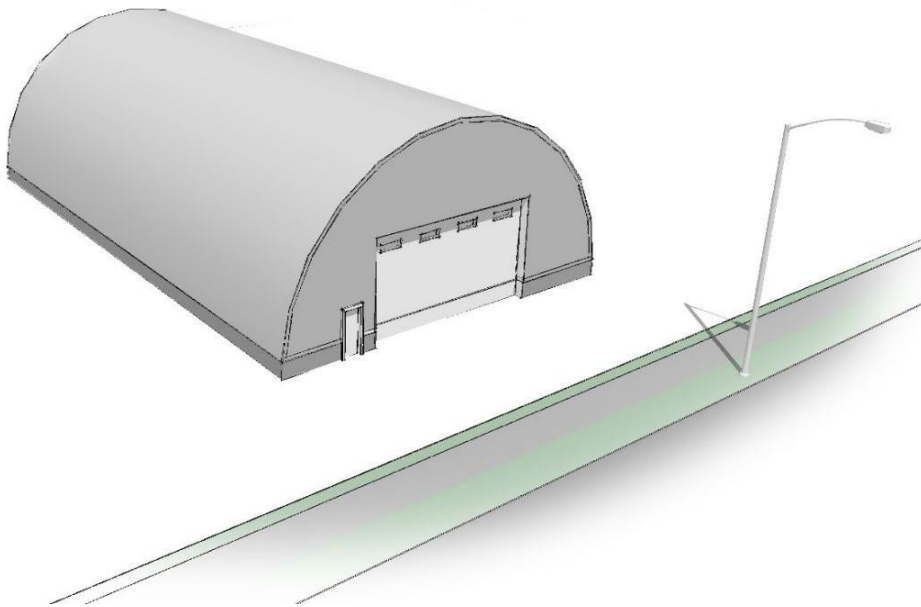
- (144) **Minor Building Features** means portions of a building that are either flush with the exterior wall of a building or protrude beyond the exterior wall of a building, such as vents, downspouts, gutters, doorknobs, architectural detailing, sills, cornices, eaves, stovepipes, chimneys, shutters, and mailboxes.
- (145) **Minor Spectator Venue Use** means indoor premises where people gather, with a capacity of more than 500 permanent seats and fewer than 3,000 permanent seats, such as cinemas, theatres, concert halls, auditoriums, social and cultural gathering places, and venues for sporting events. For further clarity, a minor spectator venue use excludes a convention centre use, a cultural use, a major spectator venue use, a club recreation use, a commercial recreation use, and a community recreation use.
- (146) **Model Suite Use** means premises used to display a sample dwelling unit that is available for sale or rental in a residential development, approved by the Municipality, and may incorporate sales or rental offices.
- (147) **Monument Use** means a structure that commemorates an event, individual, or group.
- (148) **Motor Vehicle Sharing Space** means a parking space for motor vehicles that is marked and registered for use by a motor vehicle sharing service. The renting organization may be a commercial business, a company, a public agency, a cooperative, or an ad hoc grouping.
- (149) **Multi-Unit Dwelling Use** means a building containing five or more dwelling units, but excludes a cluster housing use.
- (150) **Municipality** means the Halifax Regional Municipality.
- (151) **Nacelle** means the frame and housing at the top of the wind turbine that encloses the gearbox and generator.
- (152) **Neighbourhood Sign** means a sign identifying a neighbourhood that is erected by the applicant.
- (153) **Nude** means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.
- (154) **Obnoxious Use** means any use that creates a nuisance or is offensive through the creation of noise, vibration, glare, electrical interference, fire, or explosion hazard, or the emission of gas, fumes, dust, smoke, oil, runoff, or objectionable odours.
- (155) **Office Use** means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office use.

- (156) **Off-Street Loading Space** means a dedicated area, located on a lot, that is designed for loading and unloading goods from motor vehicles.
- (157) **Ordinary High Water Mark** means as defined in the Nova Scotia Land Surveyors Regulations.
- (158) **Owner** means the owner of lot, which includes:
- (a) a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of land or a building;
  - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession, or a person having the care or control of the land or building;
  - (c) a person who occupies shores, beaches, or shoals; or
  - (d) in the absence of proof to the contrary, the person assessed for the lot.
- (159) **Parking Lot** means a surface parking area, not contained within a structure or on top of a structure, for five or more motor vehicles.
- (160) **Parking Structure Use** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use.
- (161) **Park Use** means land that is owned or operated by a government entity and primarily used for outdoor recreational purposes, either active or passive, but excludes commercial recreation uses. A park use may include land and buildings for uses that are accessory to the park use or uses associated with government or not-for-profit organizations.
- (162) **Patio** means an uncovered flat surfaced area that is up to 0.6 metre in height above the finished grade.
- (163) **Pawn Shop Use** means premises where a person may give, pledge, or deposit goods as security in return for a payment or loan, but excludes financial institution uses.
- (164) **Pedestrian Walk**, for the purposes of Section 194, means an at-grade pathway system that:
- (a) is intended for the movement of pedestrians;
  - (b) does not meet the definition of a street under this By-law; and
  - (c) does not meet the definition of a walkway under the Regional Subdivision By-law.

- (165) **Pedway** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.
- (166) **Penthouse** means an enclosed rooftop space used for residential, mechanical, or shared amenity space purposes.
- (167) **Permanent Seating** means seats or benches that are affixed in place to the ground or affixed to a floor of a structure.
- (168) **Permeable Vegetated Grid System** means a grid system made up of hard materials, such as plastic, concrete, or other similar materials, together with gaps to allow vegetation to grow throughout the grid pattern.
- (169) **Personal Service Use** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, tutoring, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the retail sale of products accessory to any service provided. For further clarity, a personal service use does not include veterinary facility uses, kennel uses, pet daycare uses, and crematorium uses.
- (170) **Pet Daycare Use** means premises where the daytime boarding and care of pets occurs, but excludes overnight boarding and a kennel use.
- (171) **Playground** means a landscaped area that contains play equipment, such as swings, slides, sandboxes, and jungle gyms.
- (172) **Portal** means an at-grade opening in a streetwall that provides a passage through the building to an unenclosed portion of the lot. A portal may be used for vehicular or pedestrian access, but is not a recessed pedestrian entrance.
- (173) **Portico** means an open space lined with columns, and covered by a roof, serving as a porch or transition space before the entrance to a building.
- (174) **Premises** means a structure or portions of a structure occupied by a use.
- (175) **Primary Residence** means a dwelling unit owned or rented, and occupied by an individual either alone or jointly with others, in which the individual is ordinarily a resident.
- (176) **Processing of Urban Agricultural Products** means activities associated with the chopping, packaging, pickling, or preserving of urban agricultural products.
- (177) **Professional Artist** means an artist who:



- (a) has proven, specialized training in an artistic field;
  - (b) is recognized as a professional by their peers who are working in the same artistic tradition; and
  - (c) has a history of public presentation or publication.
- (178) **Professional Engineer** means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.
- (179) **Projecting Sign** means a sign that (Diagram 21):
- (a) projects horizontally from a supporting wall;
  - (b) is attached to the underside of a building; or
  - (c) is attached to a canopy.
- (180) **Public Art** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia.
- (181) **Public Building Use** means any municipal, provincial, or federal government owned building and includes any building owned by a corporation, board, commission, or other authority of the municipality, provincial government, or federal government.
- (182) **Quick Charging Station Use** means infrastructure used for the rapid charging of electrical vehicles.
- (183) **Quonset Hut** means a corrugated metal building with a wall that is not vertical, where the roof meets the foundation (Diagram 19).



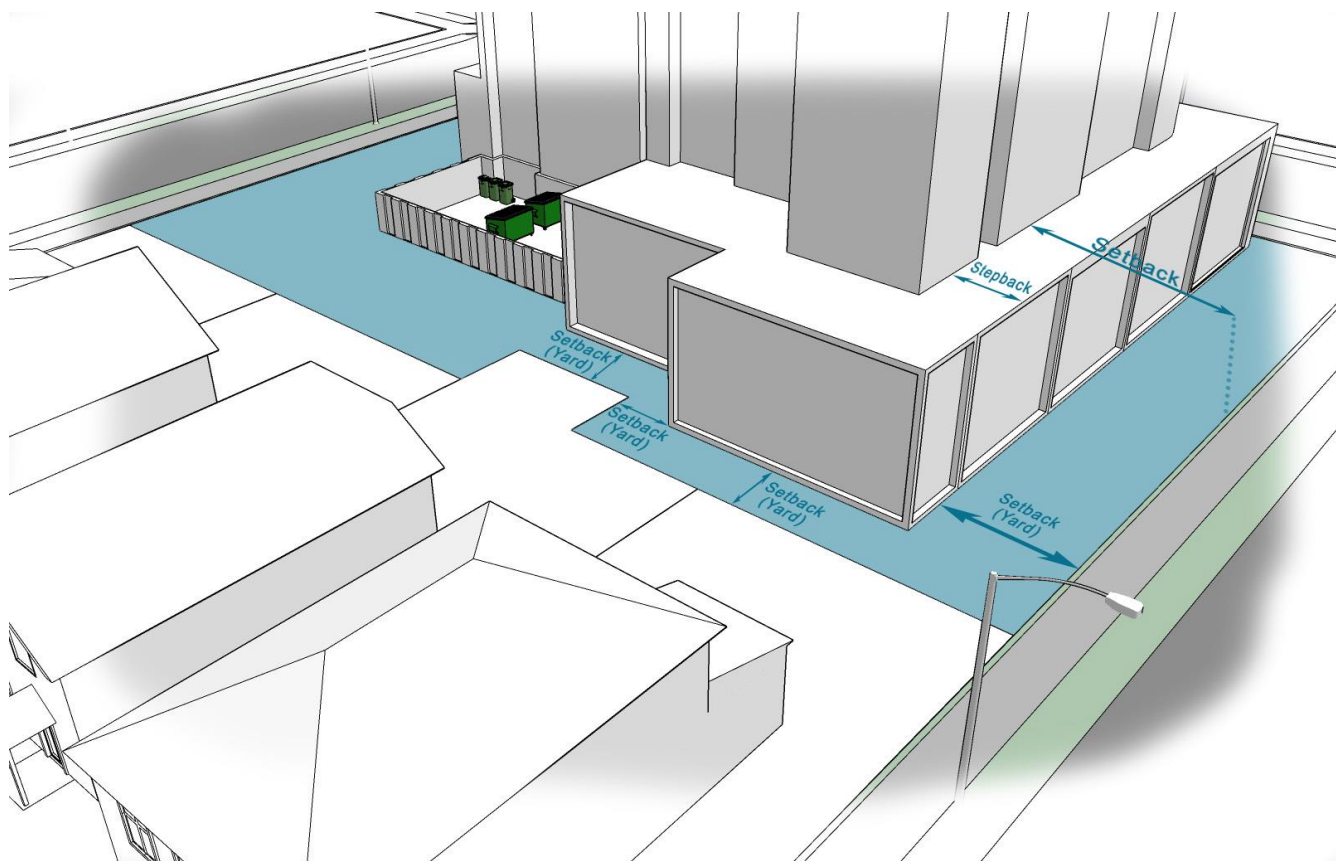
**Diagram 19:** Quonset Hut, per Subsection 220(183)

- (184) **Rear Lot Line** means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line.
- (185) **Rear Yard** means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main building on the lot, excluding any area of the lot that is a flanking yard, as shown on Diagrams 25 and 26.
- (186) **Recessed Pedestrian Entrance** means a doorway that is recessed from the ground floor portion of the streetwall, but excludes a portal.
- (187) **Recreational Vehicle** means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.
- (188) **Recycling Depot Use** means a collection site for materials in a municipal or provincial recycling program that is licensed by the Province, but excludes a scrapyards or salvage use.
- (189) **Religious Institution Use** means a place of worship, a place of religious gathering, or a columbarium, including accessory uses that are on-site, such as a rectory, a convent, a private school, a meeting hall, offices for administration of the institution, a daycare use, and a shelter use.

- (190) **Research and Development Facility Use** means premises used for scientific or technical research, analysis, experimentation, or prototyping, which may include laboratories, workshops, or an accessory chemical storage facility. For further clarity, a research and development facility use does not involve the manufacturing or processing of products for the purpose of retailing or wholesaling.
- (191) **Residential Use** means any use listed under the “**RESIDENTIAL**” heading in Table 1.
- (192) **Restaurant Use** means premises, excluding a catering use, whose primary purpose is to prepare, serve, and sell food and non-alcoholic beverages for consumption on or off the premises. A restaurant use may be licensed to serve alcoholic beverages, but this shall be incidental to the preparation, serving, and selling of food.
- (193) **Retail Use** means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items like those being sold.
- (194) **Roof** means the portion of a structure forming the upper covering of that structure.
- (195) **Roof Slab** means a thick plate of concrete supported by beams or columns that provides a flat surface at the top of the structure.
- (196) **Salvage Use** means the collection, storage, and sale of waste materials. The collecting, dismantling, storage, salvaging, or sale of parts associated with motor vehicles, not in running condition, are considered salvage uses. For clarity, an impounding yard is not considered a salvage use.
- (197) **School Use** means a public or private institution of learning for grades pre-primary to twelve.
- (198) **Secondary Suite Use** means a self-contained subordinate dwelling unit contained within a main dwelling unit.
- (199) **Self-Storage Facility Use** means premises in one building or a group of buildings that contain individually rented storage units.
- (200) **Semi-Detached Dwelling Use** means two dwelling units, where each is located on an individual lot, but joined along a single lot line.
- (201) **Service Station Use** means premises used primarily for:
- (a) the retailing of motor vehicle fuels, lubricants, motor vehicle accessories; or
  - (b) the electric charging of motor vehicles; and

may also include an accessory car wash use.

- (202) **Service Use** means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, and taxis.
- (203) **Setback** means a required distance to a specified lot line or a transportation reserve boundary from an exterior wall of a building or a use at, above, or below grade (Diagram 20).



**Diagram 20:** Setback and stepback, per Subsections 220(203) and 220(222)

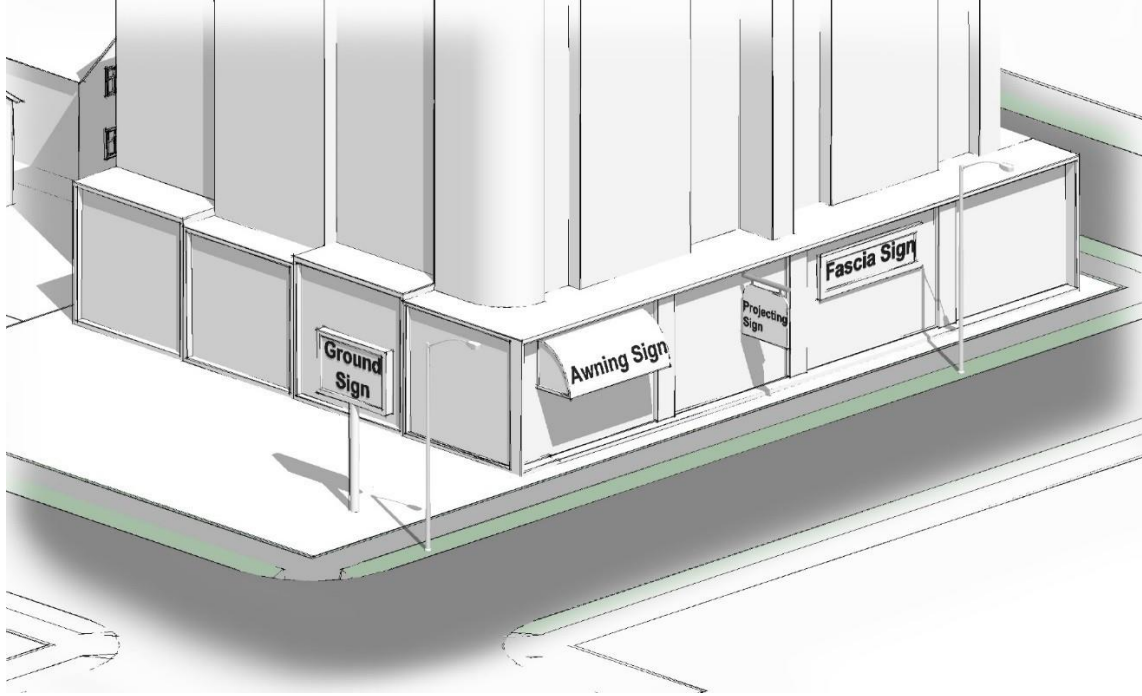
- (204) **Shared Housing Use** means a use that contains 4 or more bedrooms, that meets one or more of the following:
  - (a) that are rented for remuneration as separate rooms for residential accommodation; or

- (b) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use.

A shared housing use includes a shared housing with special care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the *Tourist Accommodation Regulation Act*.

- (205) **Shared Housing with Special Care** means a type of shared housing use that is designed to provide a level of care to residents with cognitive, physical, or behavioural limitations, and for further clarity, shared housing with special care may include individual dwelling units for occupants, and shall meet the definition of shared housing use.
- (206) **Shelter Use** means premises providing an individual with overnight sleeping accommodations, free of charge.
- (207) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck.
- (208) **Short-Term Rental Use** means a building, structure, dwelling unit, or part thereof, used as temporary accommodation for compensation, to a single party or group, for a period of 28 days or less.
- (209) **Shrub** means a woody plant that has several main stems arising at or near the ground.
- (210) **Side Lot Line** means a lot line that is not a front, flanking, or rear lot line.
- (211) **Side Yard** means a yard between the front yard and the rear yard, and between the side lot line and the nearest exterior wall of any main building on the lot (Diagrams 25 and 26).
- (212) **Sign** means any structure designed or intended to convey information using words, images, symbols, pictures, logos, or any combination thereof, for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea. For

further clarity, decorations or festival signage are not considered a sign.



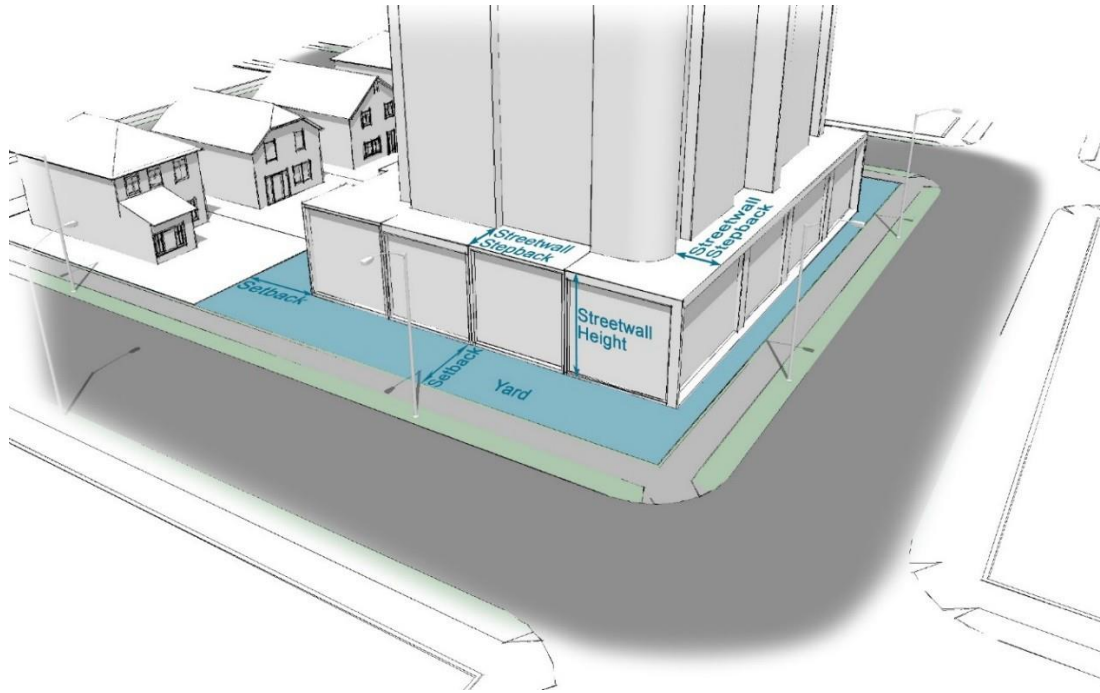
**Diagram 21:** Awning sign, fascia sign, ground sign, and projecting sign, per Subsections 220(19), 220(78), 220(95), and 220(179)

- (213) **Sign Area** means the area or portion of a sign, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for outlines or borders. Where letters, logos, or images are mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.
- (214) **Sign Height** means the vertical distance of a sign between the lowest point of grade directly below the sign and the highest point of the sign.
- (215) **Single-Unit Dwelling Use** means a detached building containing one dwelling unit. For further clarity, a single-unit dwelling use shall include a mobile dwelling.
- (216) **Sloped Roof** means a roof exceeding a pitch of 1/12 (rise to run).
- (217) **Small Shared Housing Use** means a shared housing use that contains no less than 4 and no more than 10 bedrooms.
- (218) **Small Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW.

- (219) **Soft Landscaping** means covered by water-permeable material or vegetation, such as trees, hedges, shrubs, flowers, grass, mulch, fruit and vegetable plants, sod, planter boxes, another vegetative groundcover, or a permeable vegetative grid system. Excluding a swimming pool, a hot tub, or a water fountain, a water feature is considered soft landscaping.
- (220) **Solar Collector** means a system designed to collect solar radiation and convert it to useable forms of energy, such as photovoltaic and solar thermal systems. For further clarity, a solar collector excludes windows, unless the windows are treated with a photovoltaic film.
- (221) **Solid Waste Management Area** means an area of a building or a lot used for the storage of waste materials and separation into waste streams.
- (222) **Stepback** means a horizontal recess that breaks the vertical plane of an exterior wall on a main building (Diagram 20).
- (223) **Storage Yard Use** means the storage of equipment, merchandise, inventory, products, or materials outside a building that are not available for immediate sale, but excludes dealership uses and salvage uses.
- (224) **Storey** means a portion of building between a floor and another floor, or a floor and a ceiling. Any portion of a building partly below the finished grade abutting the building will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the finished grade abutting the building.
- (225) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge and square, and the curbs, gutters, culverts, and retaining walls in connection therewith. For additional clarity, a road listed on Schedule A of the Regional Subdivision By-law shall also be considered a street under this By-law.
- (226) **Streetline** means any lot line dividing a lot from a street or private road.
- (227) **Streetwall** means the wall of a building, or the portion of a wall of a building that:
- (a) faces the streetline or a transportation reserve; and
  - (b) is located below the height of a specified stepback; or
  - (c) where no specified stepback is required, the streetwall is the wall facing the streetline or a transportation reserve.

A streetwall shall not apply to any wall of a building, or the portion of a wall of a building that faces Highway 107 or Montague Road, or is located 40.0 metres or more from a streetline.

- (228) **Streetwall Height** means the vertical distance between the finished grade abutting the building and the top of the streetwall, extending across the width of the streetwall (Diagram 22).

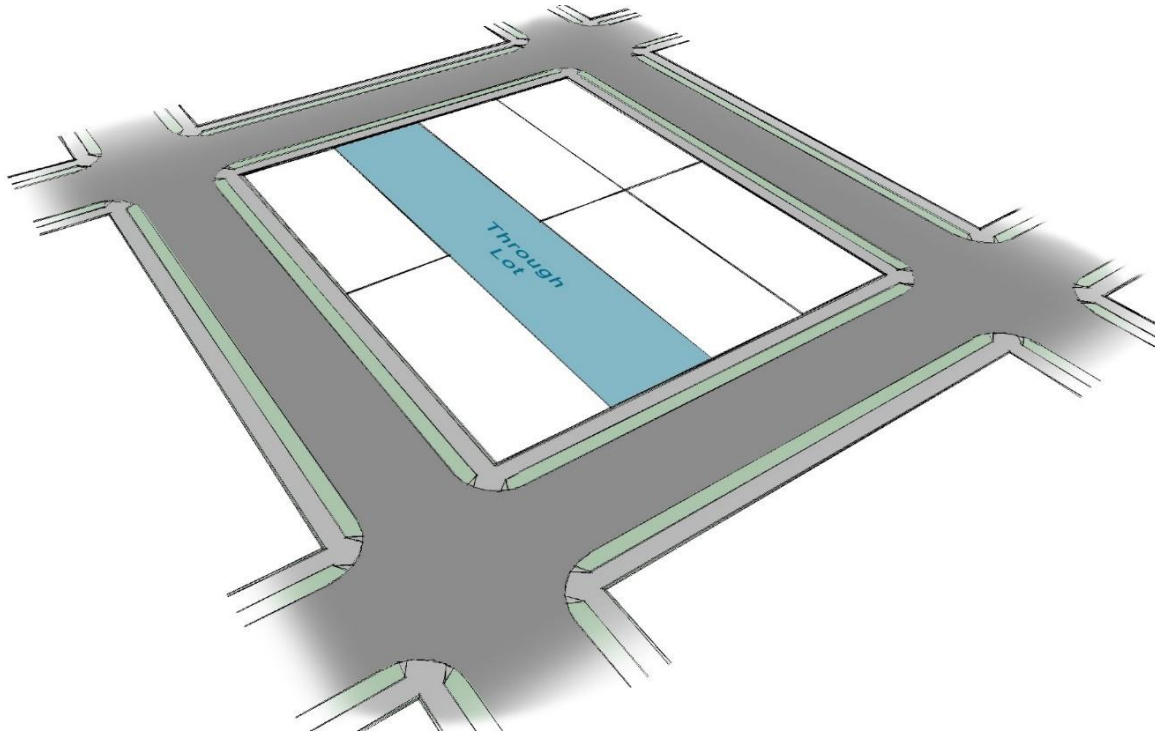


**Diagram 22:** Streetwall height and streetwall stepback, per Subsections 220(228) and 220(229)

- (229) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 22).
- (230) **Structure** means everything that is erected, built, or constructed of parts joined together, and includes a building.
- (231) **Studio Use** means the commercial use of space for artistic or artisanal purposes, with or without instruction, but excludes any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.
- (232) **Surveyor** means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.
- (233) **Tall Mid-Rise Building** means a main building that is greater than 20.0 metres in height, but not higher than 32.0 metres in height.



- (234) **Tall Mid-Rise Typology** means a portion of a main building, above the height of a streetwall, or in the absence of a streetwall above a height of 14.0 metres, that:
- (a) has an overall height from average finished grade to the top of the roof that is greater than 20.0 metres, but not higher than 32.0 metres; and
  - (b) is not connected above the height of the streetwall to any other portion of the building that would exceed a height of 32.0 meters from the average finished grade.
- (235) **Temporary Construction Use** means a use, which in the opinion of the Development Officer, is of limited duration and accessory to a development in progress, such as:
- (a) work camps;
  - (b) construction camps;
  - (c) rock crushers;
  - (d) sales or rental offices;
  - (e) on-site construction management offices;
  - (f) tool or maintenance sheds; and
  - (g) shipping containers that serve as one of the foregoing.
- (236) **Temporary Use** means a use:
- (a) that is:
    - (i) associated with a holiday or special event, or
    - (ii) accessory to a permitted main use;
  - (b) is 90 cumulative days or less in duration within any one calendar year; and
  - (c) excludes a temporary construction use.
- (237) **Three-Unit Dwelling Use** means a building containing three dwelling units on the same lot, but excludes a cluster housing use.
- (238) **Through Lot** means a lot with frontage on two or more streets, where frontages are not contiguous (Diagram 23).

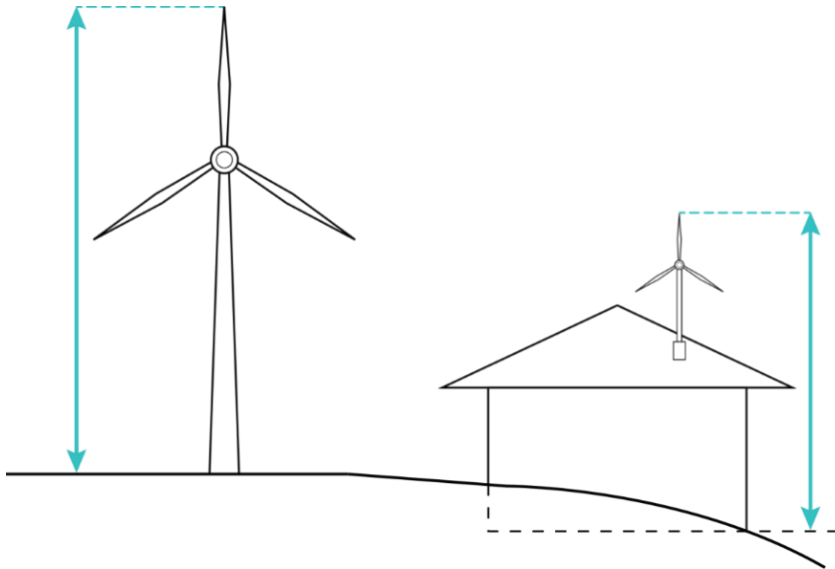


**Diagram 23:** Through lot, per Subsection 220(238)

- (239) **Total Rated Capacity** means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility.
- (240) **Townhouse Block** means a specified number of attached townhouse dwelling units permitted to form a group of townhouses, constructed in a row.
- (241) **Townhouse Dwelling Use** means a building that is divided vertically into three or more dwelling units, where each unit is located on a separate lot, and each unit has an independent pedestrian entrance.
- (242) **Transportation Facility Use** means public or private transit facilities, bus stations, ferry terminals, and train stations, excluding storage yards and maintenance facilities.
- (243) **Turret** means a small projecting tower at the corner of a building, or above the roof of a larger tower, which is either circular or octagonal in plan view.
- (244) **Two-Unit Dwelling Use** means a building containing two dwelling units on the same lot, but excludes a cluster housing use.

- (245) **University or College Use** means a post-secondary institution that awards individuals with academic degrees, diplomas, or certificates in various disciplines, such as universities, community colleges, trade schools, career colleges, language schools, and culinary schools.
- (246) **Urban Agriculture Use** means any use listed under the “**URBAN AGRICULTURE**” heading in Table 1.
- (247) **Urban Farm Use** means:
- (a) the keeping of bees as an accessory use;
  - (b) the keeping of egg-laying hens as an accessory use; or
  - (c) the harvesting of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- undertaken by an owner, a community organization, or a commercial operator, including a community garden.
- (248) **Use** means:
- (a) the purpose for which a structure or land is used or occupied, or intended or designed to be used or occupied; or
  - (b) the conduct of an activity, or the performance of a function or operation, on a lot or in a structure.
- (249) **Utility Use** means structures, equipment, or materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use.
- (250) **Variable Message Sign** means any advertising display that is capable of displaying digital content, projected content, or automatically changing content.
- (251) **Variance** means a variance under Sections 250 to 252 of the *Charter*.
- (252) **Veterinary Facility Use** means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.
- (253) **Warehousing Use** means a building or part of a building used for the storage or the wholesale and distribution of manufactured products, supplies, or equipment, but excludes a wholesale food production use.
- (254) **Water Access Structure Use** means any structure connected to the shore that provides berthing for water-based vessels, including a dock and a wharf.

- (255) **Watercourse** means a lake, river, stream, ocean, or other natural body of water.
- (256) **Wholesale Food Production Use** means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the-counter or other retailing of food products is limited to an accessory retail outlet, and which excludes a catering use, a restaurant use, and the slaughtering of animals.
- (257) **Wholesale Use** means premises where merchandise is sold or distributed to retailers, industrial, commercial, or institutional users, or other wholesalers.
- (258) **Wind Energy Facility** means a wind energy conversion system to produce electricity, consisting of one or more roof mounted turbines or turbines at grade, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines.
- (259) **Wind Turbine** means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- (260) **Wind Turbine Height** means the distance measured from the average finished grade of a wind turbine to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation. In the case of a roof-mounted wind turbine, the distance measured from the building's average finished grade to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation (Diagram 24).

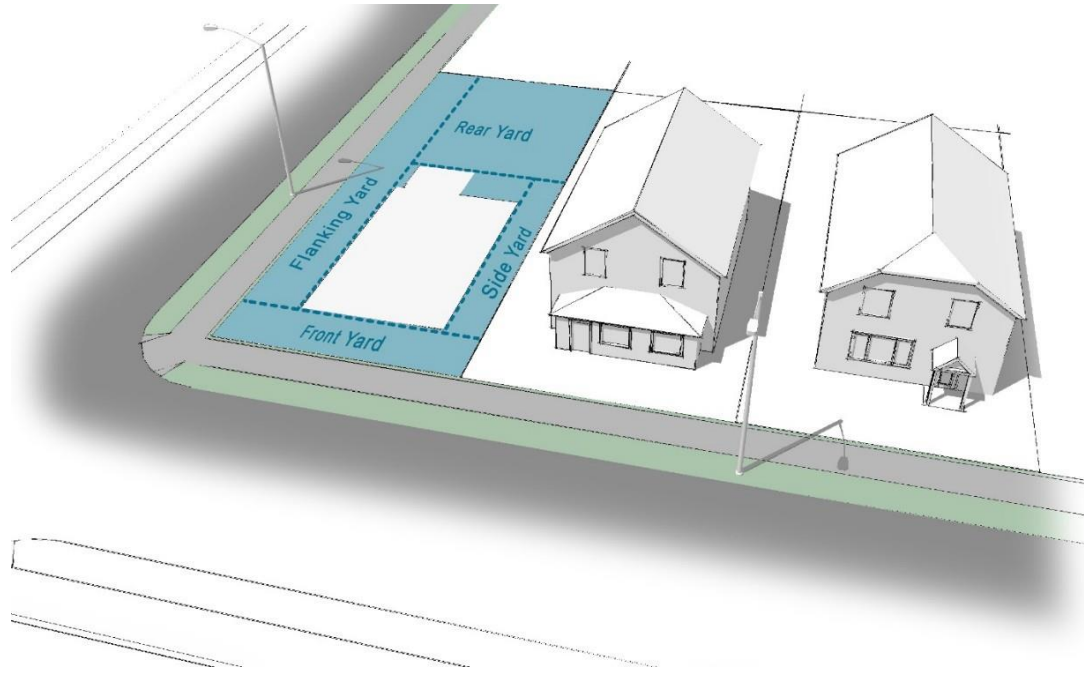


**Diagram 24:** Wind turbine height, per Subsection 220(260)

- (261) **Work-Live Unit Use** means premises that contains both a dwelling unit and a permitted commercial use or institutional use, but excludes a home occupation use and a home office use.
- (262) **Yard** means an open area at ground level that is uncovered by any main building, except those structural and building features permitted in Section 60.



**Diagram 25:** Front yard, side yard, and rear yard, per Subsections 220(87), 220(185), and 220(211)



**Diagram 26:** Front yard, flanking yard, side yard, and rear yard, per Subsections 220(82), 220(87), 220(185), and 220(211)

- (263) **Zone** means any area identified on Schedule 2 or on a land use schedule contained within a development agreement for the Port Wallace Lands.

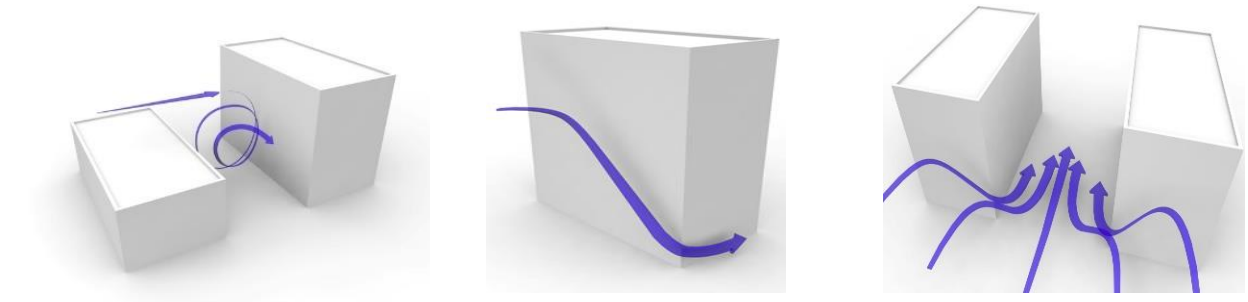
# APPENDICES

## Appendix 1: Pedestrian Wind Impact Assessment Protocol

### Background

This protocol provides guidance for the preparation and review of pedestrian wind impact assessments, including detailed assessment methodologies and local wind climate data, as well as wind mitigation measures. It is intended to ensure enhanced consistency and accountability in the development approval process.

Buildings taller than their immediate surroundings are exposed to stronger winds at higher elevations. These winds can be redirected down by building walls and can subsequently accelerate around exposed building corners and along the gaps between buildings, resulting in high wind activity in pedestrian areas (Diagram A1-1).



**Diagram A1-1:** Typical wind flow patterns around buildings

Increased wind speeds may affect pedestrian comfort and safety on and around a proposed development and, therefore, a project's success. The potential wind impact can be assessed through an experience-based review and computer simulations. If a negative wind impact is predicted, mitigation strategies shall be developed.

### Qualitative Assessments

When an application is made for a new building or an addition to an existing building higher than 20.0 metres, a pedestrian wind impact assessment shall be conducted. Table A1-1 shall be used as a guide in the determination of an appropriate assessment approach for the proposed development.

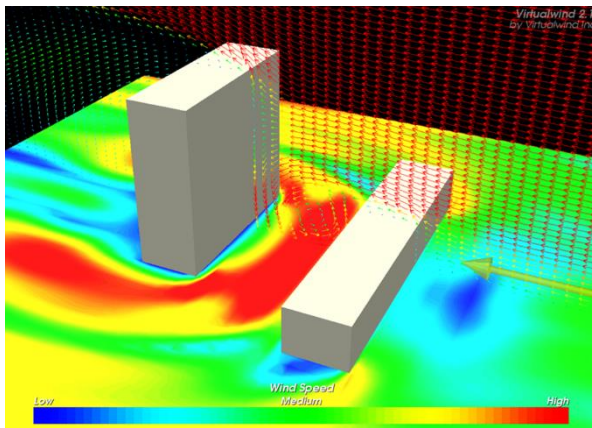
A qualitative assessment of wind conditions, including a letter of opinion and a desktop analysis, is largely based on wind consultants' knowledge of wind flows around buildings, local wind climate, and experience with wind tunnel tests on similar building projects in the Halifax Regional Municipality. A desktop analysis may involve using numerical tools to predict wind conditions around simplified building forms. It may also use Computational Fluid Dynamics (CFD) software to visualize the flow patterns for select (or all) wind directions (Diagram A1-2).



The qualitative assessments shall cover key pedestrian areas on the development site and around the adjacent street blocks, typically including building entrances, sidewalks/walkways, bus stops, outdoor restaurant uses, parks, playgrounds, roof terraces, and so on.

**Table A1-1: Assessment Approach According to the Proposed Building Height**

Proposed building height	Assessment approach
20 to 40 metres, with the same or taller surroundings	An experience-based letter of opinion sufficient to: (a) identify any building design issues; and (b) provide conceptual solutions for wind control, where needed.
20 to 40 metres, with lower surroundings	For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD.
> 40 metres	For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD.

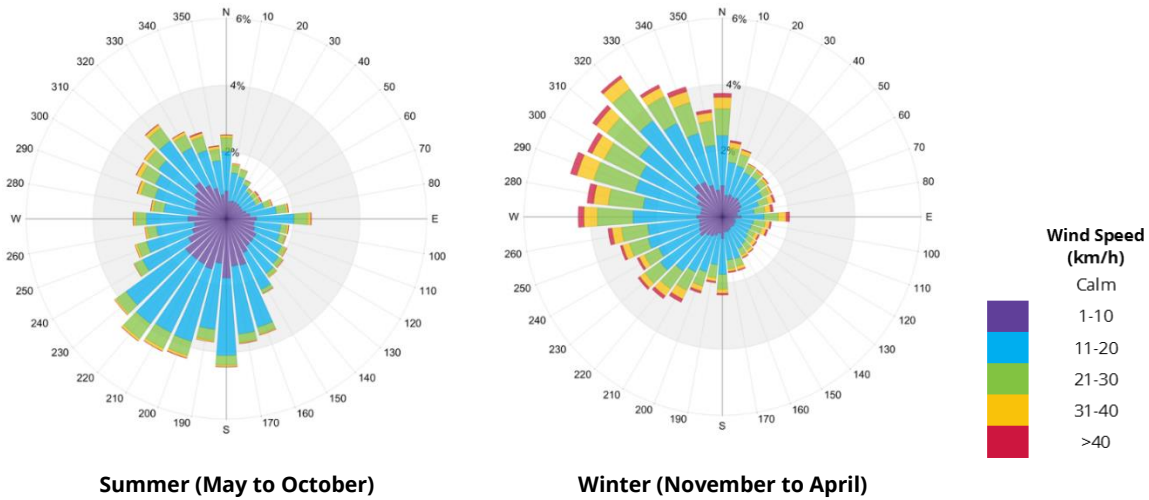


**Diagram A1-2:** An example of computer simulation (CFD) of wind flows around buildings

The assessment of pedestrian-level wind conditions should be conducted as early as possible, when building massing can still easily be altered for wind control, if necessary.

## Local Wind Climate Data

Long-term data from Shearwater Airport (Diagram A1-3) shall be used as a reference for the wind assessment of projects in the Halifax Regional Municipality. The data shall be grouped into two seasons: summer (May to October) and winter (November to April), to account for the distinct differences in pedestrian outdoor activity during these two periods.

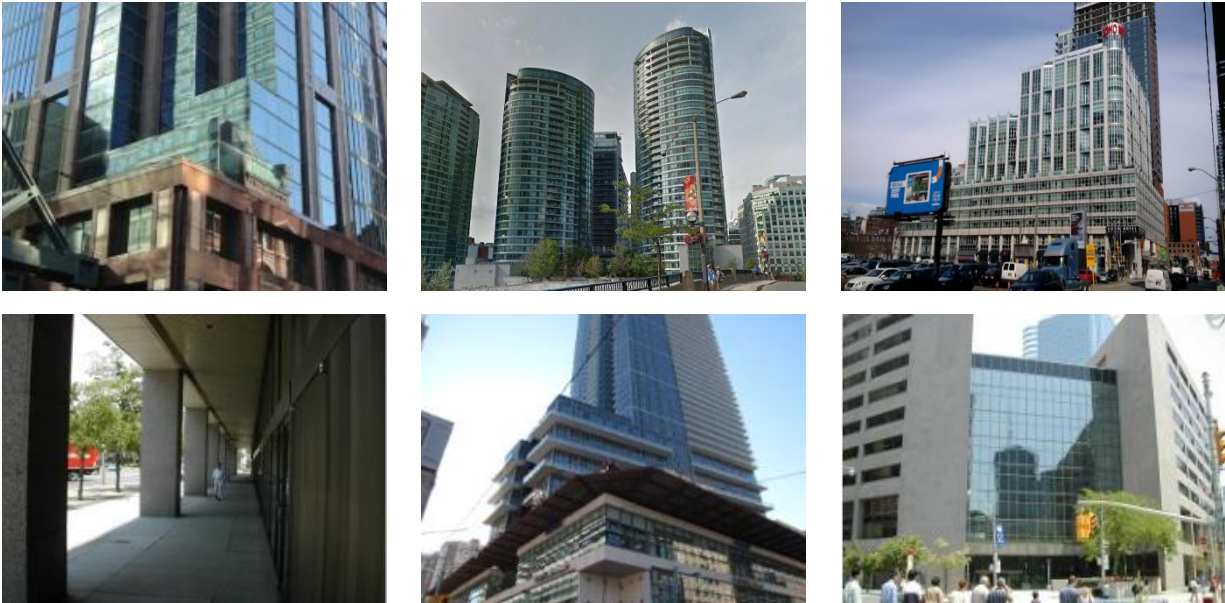


**Diagram A1-3:** Seasonal distribution of winds approaching Shearwater Airport (1988–2017)

To obtain full-scale wind speeds and exceedance frequencies, wind data measured at the airport over the latest 30 years (or longer) shall be converted to a reference height above the study site and combined with the wind speeds predicted by desktop analysis.

## Mitigation Strategies

Wind mitigation may be required for areas where wind conditions are unsuitable for an intended pedestrian use. The most effective wind control measures involve adjustments to the building early in the design process (e.g., massing, shape, and orientation changes) that respond to the local wind climate. These can be assisted by tower setbacks, large podiums, tower shapes, corner articulations, colonnades/arcades, and so on, as illustrated by photos in Diagram A1-4.



**Diagram A1-4:** Examples of large-scale wind control features

Smaller-scale measures such as canopies, trellises, wind screens, and street-level public art can also be used for local wind control. Soft landscaping elements, especially coniferous and marcescent species, are commonly used to reduce wind conditions to appropriate levels throughout the year; deciduous soft landscaping is most effective during the summer months. The use of soft landscaping for wind control requires consideration of species, size, and viability in the predicted local microclimate (i.e., sustainability in a windy environment). Diagram A1-5 shows several examples of design and soft landscaping features used for wind control.





**Diagram A1-5:** Examples of smaller-scale building elements and soft landscaping features for wind control.

## Appendix 2: Invasive or Highly Toxic Plant Species

The following plant materials are considered invasive or highly toxic species under this By-law:

<b>Number</b>	<b>Common Name</b>	<b>Latin Nomenclature (Genus, Species)</b>
1	Belladonna	<i>Atropa belladonna</i>
2	Coltsfoot	<i>Tussilago farfara</i>
3	Common Burdock	<i>Arctium minus</i>
4	Giant Hogweed	<i>Heracleum mantegazzianum</i>
5	Goutweed	<i>Aegopodium podagraria</i>
6	Himalayan Balsam (aka Policeman's Helmet)	<i>Impatiens glandulifera</i>
7	Japanese Knotweed	<i>Polygonum cuspidatum</i>
8	Multiflora Rose (aka Rambler Rose)	<i>Rosa multiflora</i>
9	Purple Loosestrife	<i>Lythrum salicaria</i>
10	Scotch Broom	<i>Cytisus scoparius</i>
11	Wild Parsnip	<i>Pastinaca sativa</i>
12	Yellow Floating Heart	<i>Nymphoides peltatum</i>
13	Japanese Barberry	<i>Barberis thunbergii</i>
14	Garlic Mustard	<i>Alliaria petiolata</i>
15	Glossy Buckthorn	<i>Frangula alnus</i>
16	Oriental Bittersweet	<i>Celastrus orbiculatus</i>
17	Common Horsetail	<i>Equisetum arvense</i>
18	Marsh Horsetail	<i>Equisetum palustre</i>