

# HALIFAX

P.O. Box 1749  
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**Item No. 15.1.5**  
**Halifax Regional Council**  
**January 28, 2020**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
Kelly Denty, Director of Planning and Development

Original Signed by   
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** December 9, 2019

**SUBJECT:** Case 21162: Secondary Suites and Backyard Suites

## **ORIGIN**

On March 27<sup>th</sup>, 2018, Regional Council passed the following motions:

1. *Initiate a process to consider amendments to the Halifax Regional Municipal Planning Strategy and all applicable secondary municipal planning strategies and land-use by-laws as necessary, to simplify, consolidate and remove barriers to the development of secondary suites and backyard suites, consistent with the proposed policy direction outlined within the Discussion section of the staff report dated January 23, 2018; and*
2. *Follow the public participation program as set out in the Community Engagement section of the staff report dated January 23, 2018.*

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.*

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy and all land use by-laws with the exception of the Regional Centre Land Use By-law (Package A), as set out in Attachments A and B, to allow secondary suites accessory to single unit, two unit or townhouse dwellings and backyard suites accessory to single unit dwellings, and schedule a public hearing; and
2. Adopt the proposed amendments to the Regional Municipal Planning Strategy and all land use by-laws with the exception of the Regional Centre Land Use By-law (Package A) , as set out in Attachments A

**Recommendation continued on next page**

and B, to allow secondary suites accessory to single unit, two unit or townhouse dwellings and backyard suites accessory to single unit dwellings.

## **BACKGROUND**

Halifax Regional Municipality (HRM) has begun to see dramatic population growth. With this growth comes the need to house the population. The introduction of policy and legislation that permits intensification will be one of the means by which HRM responds to housing need. Allowing for secondary and backyard suites is one means of intensification.

Secondary suites are additional dwelling units, typically located within single unit dwellings. Backyard suites are additional dwelling units that are located in an accessory building like a detached garage. Both secondary and backyard suites are considered accessory to the principal dwelling and often include additional land use regulations such as floor area restrictions or height requirements. On March 28, 2018 Regional Council initiated the process to consider amendments to the Halifax Regional Municipal Planning Strategy (RMPS) and all applicable secondary municipal planning strategies (SMPS) and land use by-laws (LUB) to simplify, consolidate and remove barriers to the development of secondary suites and backyard suites.

There are several benefits associated with secondary and backyard suites such as increasing the overall density of an area without affecting the overall built form of the neighbourhood (hidden density); providing opportunities for affordable home ownership; providing rental opportunities in areas where there is traditionally little to no rental supply; and providing an additional source of income to existing landowners, including seniors looking to age in place.

The precise number of secondary suites that exist in HRM is difficult to assess. Permit data shows that approximately 350 secondary suites have been created in the municipality since 2005. The number of backyard suites is unknown, but likely quite low as the use is only permitted in two plan areas. Permit data does not capture secondary or backyard suites that may have been created illegally.

### **Municipal Policies and Regulations**

The [January 23, 2018 initiation report](#)<sup>1</sup> discusses the current complex and inconsistent treatment of secondary and backyard suites throughout the 21 community plans. Inconsistencies include, but are not limited to, different approval processes and variations in size or design requirements. Further, there are inconsistencies in how secondary and backyard suites are treated between municipal planning documents and the National Building Code. The complexity and inconsistency of the community plans is a barrier to their development in HRM.

Policy S-30 of the Regional Plan directs that new secondary planning strategies or amendments to existing community plans consider permitting secondary suites within single unit dwellings. To date, however, HRM's land use by-laws and secondary planning strategies have not been updated to reflect the direction of the Regional Plan.

### **Affordable Housing Targets and Work Plan**

In October 2013, Regional Council endorsed HRM's formal participation in the Housing and Homelessness Partnership. The Partnership is made up of various levels of government and organizations with the goal "to end housing poverty and homelessness in the Halifax Region". The Partnership is organized around the Homelessness Working Group and Affordable Housing Working Group.

In July 2018, Regional Council directed staff to proceed with the initiatives contained in the Affordable Housing Work Plan. The Work Plan outlines how the Municipality will support the commitment to the Affordable Housing Working Group 5 Year Strategic Plan, which was endorsed by Regional Council in December 2016. Both the Work Plan and Strategic Plan discuss the target of creating 500 new secondary

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<sup>1</sup> <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/180327rc91.pdf>

units. As HRM is experiencing a low rental vacancy rate there is a need for more rental opportunities throughout the municipality. Secondary and backyard suites not only provide an opportunity for more rental housing, but they also provide more variety in the types of rental units and housing in areas where there may already be few rental options. Secondary and backyard suites also contribute to making homeownership more affordable and provide more choice for those wishing or needing to downsize.

The proposal to remove regulatory barriers to secondary and backyard suites is an important action needed to support the goals of the Work Plan and Strategic Plan and to enable more people to develop secondary and backyard suites in all parts of the Municipality.

### **Illegal Secondary Suites / Compliance Issues**

Over half of the 700-800 annual land use by-law compliance issues are related to illegal secondary dwelling units. Common reasons for providing units illegally includes the use not being permitted or the length and cost of an application for discretionary approval. Even where the use is permitted, the cost of the permit fee, potential upgrades required to meet the National Building Code and potential increase in property tax can discourage people from obtaining the required permits.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved by providing information and seeking comments through the HRM website, a public questionnaire, direct mailouts to community and neighbourhood groups, and several small roundtable meetings.

### **Online Questionnaire**

The online questionnaire was open in the fall of 2018 for a total of 78 days and received over 2,500 responses. The questionnaire indicated that HRM residents were mostly supportive of allowing both secondary suites (92% agreed or strongly agreed) and backyard suites in their area (84% agreed or strongly agreed). Responses were collected from all polling districts with Districts 7 (Halifax South Downtown), 8 (Halifax Peninsula North), and 9 (Halifax West Armdale) comprising the largest percentage of responses.

When asked what the major concerns respondents had with secondary and backyard suites the three most popular responses were:

- parking and traffic;
- no concerns; and
- property standards and nuisance.

The three most frequently cited reasons for wanting a secondary or backyards suite were:

- it would provide an opportunity to house a family member either now or in the future;
- it would allow the respondent or a family member to remain in the home (age in place); and
- it would make housing more affordable by providing additional income.

A more detailed summary of the questionnaire results is provided in Attachment C.

### **Stakeholder/Group Consultations**

As part of the consultation process, staff conducted various stakeholder and group consultations with government, housing groups, and residential and business associations. These consultations again showed that participants were generally supportive of secondary and backyard suites in residential areas. The main concerns voiced at these sessions were:

- the use of secondary and backyard suites as short term rentals;
- the inability of the Municipality to guarantee a specific rent-geared-to-income threshold; and
- the overall cost of building secondary and backyard suites.

The stakeholder consultations emphasized the immediacy of housing need across the municipality for all

income levels and the general declining affordability and quality of the existing rental housing stock. Many respondents emphasized that this amendment needs to occur as soon as possible.

Discussions regarding secondary and backyard suites were also included in consultations regarding the Centre Plan. A summary of public feedback on the Centre Plan 2017 framework document has been provided [online](#) as part of the community engagement process on the Centre Plan website<sup>2</sup>.

## **DISCUSSION**

The RMPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the municipality. Amendments to the RMPS are significant undertakings and Council is under no obligation to amend its policy direction. In this case, staff advise that the RMPS, and applicable LUBs should be amended to enable secondary and backyard suites in all residential zones, provided they meet specific lot, unit size, and other requirements. The following sections discuss the proposed amendments, the relationship to the Centre Plan, the concerns raised during the public consultation process, public education and financial incentives.

### **Proposed RMPS and LUB Amendments**

While the RMPS encourages the development of secondary suites within single unit dwellings, the proposed amendments to the RMPS (Attachment A) bolster the Municipality's support for secondary and backyard suites by including specific references to both uses. The proposed amendments also expand where such uses should be permitted from only within single unit dwellings to all low density residential uses. This reflects changes in public interest, regulations in other municipalities and changes in the National Building Code since the RMPS was adopted. Further amendments to the RMPS provide specific direction to each community LUB to allow secondary suites in association with single unit dwellings, two unit dwellings and townhouse dwellings and to allow backyard suites in association with single unit dwellings. As such, additional amendments to all secondary municipal planning strategies are not necessary.

The proposed amendments to the LUBs (Attachment B) include a definition for both secondary suites and backyard suites and set out general provisions for each use. The following provides a summary of the proposed LUB amendments:

- secondary suites are permitted within a single unit, two unit and townhouse dwelling;
- backyard suites are permitted on a lot containing a single unit dwelling;
- only one type of secondary dwelling unit (secondary suite, backyard suite or accessory dwelling that may already be permitted under the LUB) is permitted on a lot;
- maximum floor area of 80m<sup>2</sup> for secondary suites (to provide consistency with the National Building Code);
- no additional parking is required;
- secondary suites are subject to the land use requirements for a main dwelling such as height and setbacks from property lines as set out in each LUB; and
- backyard suites will generally be subject to the requirements for an accessory building, with the exception to floor area as discussed below, and will only be permitted on lots of at least 371m<sup>2</sup>.

### **Coordination with the Centre Plan – Package B**

The proposed amendments contained in the report will apply to those areas of the Regional Centre to be included in Package B. While additional consultation on this issue may be carried out as part of Centre Plan Package B, this region-wide amendment package responds to the extensive feedback already received from Regional Centre residents and provides Council with the opportunity to enable secondary and backyard suites as part of this more streamlined process. Given the currently low vacancy rates in HRM, the proposed changes can immediately enable opportunities to add to the housing supply and can be further refined through Package B. This report also provides Council with an alternative to defer the implementation of secondary suites and backyard suites in the Regional Centre until additional consultation

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<sup>2</sup> <https://www.shapeyourcityhalifax.ca/5901/documents/11726>

on Package B is completed. Package A of the Centre Plan was approved by Regional Council in September 2019 and includes provisions to allow secondary and backyard suites.

While the intent of the proposed amendments is to provide consistency among all LUBs, due to the differences in the urban environment, the proposed amendments vary the maximum permitted size of backyard suites between the Regional Centre and other areas as follows:

- 60m<sup>2</sup> maximum footprint and 90m<sup>2</sup> maximum floor area within the Halifax Peninsula and Downtown Dartmouth LUBs;
- 90m<sup>2</sup> maximum floor area or the maximum permitted floor area for an accessory building for the rest of the municipality; and
- within the Dartmouth LUB, which partially applies to the Regional Centre, the maximum floor area is limited to 60m<sup>2</sup> by existing accessory building requirements, consistent with the proposed requirements for the Halifax Peninsula and Downtown Dartmouth LUBs.
- within the Downtown Halifax LUB, the maximum floor area is limited to 23.5m<sup>2</sup> by existing accessory building requirements.

The following table summarizes the proposed LUB amendments.

	<b>Secondary Suites</b>	<b>Backyard Suites</b>
<b>Permitted Accessory to</b>		
- Single Unit Dwelling	Yes	Yes
- Two Unit Dwelling	Yes	No
- Townhouse Dwelling	Yes	No
<b>Maximum Floor Area</b>	80 m <sup>2</sup>	90m <sup>2</sup> (unless the land use by-law requires a smaller accessory building) ***** In the Halifax Peninsula and Downtown Dartmouth Land Use By-law the maximum floor area is 90m <sup>2</sup> , but the maximum building foot print is 60m <sup>2</sup> .
<b>Minimum Lot Area</b>	Refer to requirements for Main Dwelling in the Land Use By-law	371m <sup>2</sup>
<b>Parking Required</b>	No	No
<b>Other Land Use Requirements</b>	Refer to requirements for Main Dwelling in the Land Use By-law	Refer to requirements for Accessory Use and Building in the Land Use By-law

**Secondary and Backyard Suite LUB Amendment Table**

### **Existing Secondary Unit Provisions**

The January 23, 2018 initiation report outlines existing zones where uses similar to secondary and backyard suites, such as accessory dwellings or garden flats are already permitted. The proposed amendment will not remove these permissions and will instead add to the variety of available housing forms. In any context, only one form of secondary dwelling unit will be permitted per lot, either a secondary suite, a backyard suite, or one of the other types of accessory dwelling units currently permitted. This approach would allow a region-wide policy to be applied while continuing to respect the existing SMPS policies and avoiding a possible loss of housing options or creating non-conforming uses. This approach also reduces the overall complexity and length of this amendment process.

Given that the permissions for secondary and backyard suites will be simpler and more widely available, it is anticipated that there will be a gradual decline of applications under the existing regulations for other forms of accessory dwellings. Existing regulations regarding accessory dwellings will be revisited through the Plan and By-law Simplification Program.

Through the consultations, some respondents were concerned about the impacts these amendments might have on existing development agreements or land covenants. For clarity, the proposed amendments to the RMPS and LUBs will not impact existing secondary dwellings that have been permitted through a development agreement or that lawfully existed prior to Council's first notice to adopt the proposed amendments.

### **Lands Subject to Development Agreements**

There are hundreds of development agreements throughout HRM that allow for a variety of residential developments, including many for large comprehensive neighbourhood scale developments. Due to variations in wording and intent, each development agreement will need to be reviewed through the permitting process to determine if secondary or backyard suites are permitted. For example, development agreements that reference the applicable land use by-law, as amended from time to time, may permit secondary and backyard suites as a result of the proposed amendments. However, development agreements that do not reference the applicable land use by-law would likely not be impacted. As noted in the preceding section, development agreements that specifically permit secondary or backyard suites would continue to permit these uses, subject to the terms of conditions contained in the agreement.

### **Concerns regarding Secondary and Backyard Suites**

A number of concerns were raised during the initiation report stage of this project as well as during the public consultations. These concerns are largely based around the following topics:

- Tenancy: who would be permitted to reside in secondary and backyard suites?
- Property Values: what impact would these changes have to property values?
- Parking: how much parking would be required per unit?
- Short Term Rentals: can secondary and backyard suites be used for short term rentals?
- Water and Sewer Services: how would secondary and backyard suites be serviced?
- Noise and Property Standards: what controls will be put in place to ensure the secondary dwelling does not become a nuisance to neighbours?

#### Tenancy

While public comments showed general support for secondary and backyard suites, some expressed interest in only allowing family members such as an aging parent or adult children to live in the additional unit. However, under the *HRM Charter*, land use planning policy cannot control who lives in a residential unit. While a registration or licencing regime may be able to require specific relationships between a tenant and owner, staff advise that limiting occupancy based on any form of identifiable characteristic may not be consistent with the *Human Rights Act of Nova Scotia* and may result in legal challenges based on discriminatory access to housing. Further, such a requirement would be difficult to enforce. Housing forms like secondary and backyard suites are already permitted in HRM and do not have any specific tenancy requirements. Any move to add more requirements on secondary or backyard suites would create additional regulatory burden, both on the homeowner and on the Municipality and would be contrary to the intent of the proposed amendments.

### Property Values

Through the public consultation process, there were concerns regarding the possible impacts secondary and backyard suites would have on property values. This concern was also expressed by Regional Council when this project was initiated. Concerns regarding property values are understood to refer to assessment value rather than sale value. Assessment in the Municipality is completed by the Property Valuation Services Corporation (PVSC). All properties are assessed at market value with most single family home's assessed value "capped" at inflation. The assessed value is used to determine the property taxes charged.

PVSC updates the value of each property annually and a wide variety of factors contribute to a home's value including economic and market conditions across the municipality as well as factors related to specific properties such as any construction or alterations that may have occurred. The amendments allowing secondary and backyard suites are unlikely in themselves to have a significant impact on property values. Any individual property owner, however, that undertakes construction or alterations to their property, should expect PVSC to review its market value and whether the cap still applies to the entire property.

### Parking

Public consultation identified parking as one of the most common concerns. Typically, at least one parking space is required per dwelling unit. However, under the Integrated Mobility Plan, HRM is working to reduce parking requirements overall and instead allow the market to determine its own needs. Additional parking requirements for secondary and backyard suites may be unwarranted in some areas or unnecessarily limit the location of where such uses can be created. The cost of an additional parking space may also add to the cost of the overall development, thereby increasing the costs that may be needed to be recovered through rents. Further, parking requirements may be unnecessary in cases where tenants do not own or cannot operate an automobile, or in neighbourhoods that are close to services and have access to transit.

Not having specific parking requirements for these units does not prohibit homeowners from providing the parking, it simply means a parking space is not mandatory where additional parking is not necessary or cannot be provided. Consequently, the proposed amendments do not include parking requirements for secondary or backyard suites.

### Short Term Rentals (STRs)

Over the years, concerns have been raised by the hotel industry regarding the impact of Short Term Rentals (STRs), such as Airbnb or VRBO to their businesses. Affordable housing groups have also suggested that STRs can negatively impact rental housing supply as owners will often generate more income from an STR than a traditional rental agreement. Planning researchers have further expressed concern about the rise of virtual hotels in tourist destinations, where whole residential buildings or streets become STRs without permanent residents. Many of these concerns were noted during the consultation process for this project regarding the potential listing of secondary and backyard suites as STRs.

The rental of a dwelling unit doesn't necessarily change the use of a dwelling unit, but the length of the term of rental could. Many zones permit STRs as bed and breakfasts, hotels or tourism accommodation uses, and most LUBs permit up to three boarders or lodgers in a dwelling unit. The Tourism Accommodation Act requires a license for operators offering a term of stay for the travelling public. STRs that occur outside of those regulations, or in a zoning context without specific regulation to address STRs are responded to by Land Development and Compliance staff on a on a case-by-case basis. Any enforcement activities depend on the particular nature of the STRs and the specific wording of related LUB provisions that apply to the area.

In April 2019, the *Tourist Accommodations Registration Act* received royal assent, but has yet to come into force. The *Tourist Accommodations Registration Act* is intended to modernize Nova Scotia's tourist accommodations legislation and support tourism growth across the province. The new legislation defines STRs and will require STRs, except those who rent in their primary residence, to register through an online system. The legislation also amends the *Assessment Act* to ensure small-scale operators will pay a residential property tax rate, rather than a commercial rate. The Province has been engaging with municipalities to develop regulations that will define a small-scale tourist accommodation establishment,

including the maximum number of rooms. The legislation and related regulations are expected to come into effect in spring 2020.

Further, in May 2019, the Community Planning and Economic Development Standing Committee (CPED) requested a staff report that considers the creation of a by-law designed to regulate and address concerns regarding STRs. While concerns about STRs were identified regarding secondary and backyard suites, the challenges associated with STRs are broader and apply to any type of housing. Staff will further analyze the issue, monitor the work of the province and return to Council with a separate report specifically discussing STRs.

#### Water and Sewer Services

It is anticipated that secondary and backyard suites will not negatively impact capacity issues. Trends have been towards smaller household sizes, and hence small increases in capacity are anticipated. However, where secondary and backyard suites are developed within serviced areas, they will be subject to review by Halifax Water. Halifax Water has the ability to deny any application if capacity does not exist. In unserviced areas, the property owner is required to provide confirmation from Nova Scotia Environment that the additional unit can be accommodated by on-site services.

#### Noise and Property Standards

Concerns regarding the additional noise or garbage resulting from a secondary or backyard suite were expressed during the public consultation process. The *HRM Charter*, which includes regulations regarding dangerous and unsightly premises, By-law N-200 Respecting Noise, and By-law M-200 Respecting Standards for Residential Occupancies are already in place to address these concerns for all forms of housing. Further, the Municipality is in the process of developing a Rental Registration By-law which will require all rental units to be registered within the Municipality. This by-law is expected to include secondary and backyard suites that are being rented. The Rental Registration By-law intends to require all residential rental units to register with the Municipality to facilitate a more strategic inspection process and help ensure rental units meet minimum safety standards. The proposed Rental Registration By-law will also serve as a means to provide education on the rights and responsibilities of landlords and tenants and tips on how to be a good neighbour.

#### **Education Program**

Through the public consultation process, the most popular forms of potential assistance identified was having access to clear information about how the permitting process works, including details on building and fire code requirements. Secondary and backyard suites will require a building permit and will be subject to fees, such as the Halifax Water Regional Development Charge. There are many variables and costs that need to be considered that may impact the feasibility of developing a secondary or backyard suite for individual homeowners. Given this need, staff advise that the Municipality will launch a public education program about developing secondary and backyard suites following the adoption of the amended planning documents.

At a minimum the proposed education program will consist of an information sheet that would be made available on the HRM website and in HRM offices. The information sheet will provide an overview of secondary and backyard suites and the Municipality's new approach to allowing both uses more broadly and consistently throughout the municipality. In general, the following information may be included:

- outline of the Land Use By-law changes and under what circumstances secondary and backyard suites will be permitted;
- the general permits required;
- information on how to access federal or provincial grants; and
- a frequently asked question (FAQ) section.

Should Regional Council approve the proposed amendments, staff will use various tools to ensure the public is notified, including social media, and Municipal digital signage. Staff will also ensure that the 311 Contact Centre is updated on the amendments and that they have the necessary information to address general questions from the public. In addition, staff will work with development groups and associations



such as Investment Properties Owners of Nova Scotia (IPONS) to ensure they are aware and informed of the changes to secondary and backyard suites and so HRM can share any useful tools or resources that these associations may provide to new landlords.

### **Financial Incentives**

The initiation report noted that some municipalities provide financial incentives to homeowners who are developing secondary suites through grant programs or waiving fees. Financial incentives can be useful in relation to bringing illegal units into compliance or as an incentive to develop units that are affordable to those with low to moderate incomes. Since HRM is unaware of the location of the majority of illegal secondary dwellings, financial incentives can be an effective mechanism to encourage individuals to come forward and work towards compliance which will ensure minimum building and fire code standards are met

As part of the Affordable Housing Workplan, staff are exploring the development of a Municipal affordable housing funding program aimed at encouraging affordable housing developments. A variety of approaches including grants or fee waivers will be reviewed to ensure any proposed program makes the most effective use of limited municipal resources. This will include collaboration on initiatives already underway with the Department of Finance, Asset Management and ICT. Staff advise that incentives for secondary and backyard suites will be considered as part of this broader review.

### **Conclusion**

Secondary and backyard suites have many positive attributes including allowing residents to age in place, contributing to affordable home ownership and increasing the overall rental stock. Through consultation specific to this project and broader consultation under the Centre Plan there has been strong support for allowing secondary and backyard suites throughout the municipality. The proposed amendments to the RMPS and LUBs enable the development of secondary suites in association with low density residential uses and backyard suites in association with single unit dwellings. These amendments will provide consistency amongst community LUBs and contribute to the targets of the Housing and Homelessness Partnership. Therefore, staff recommend that the proposed RMPS and LUB amendments be approved.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the proposed amendments and related education program can be accommodated within the approved 2019-2020 operating budget. Any costs associated with a potential municipal financial incentive program for secondary and backyard suites will be further discussed in a future report discussing a Municipal affordable housing funding program.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. The proposed amendments involve proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

Allowing for secondary and backyard suites encourages the intensification of existing developed areas. This has several positive environmental implications including reducing the costs and environmental impacts associated with the need to build new roads and extend infrastructure. In addition, using existing structures to house more people limits the need for new buildings, which has significant resource and energy savings. Densifying neighbourhoods can also encourage increased active transportation and transit use.

Allowing for secondary and backyard suites also supports more inclusive and resilient communities, which is important for preparing for the impacts of climate change (climate change adaptation).

## **ALTERNATIVES**

Regional Council may choose to:

1. Modify the proposed amendments to the RMPS and LUBs for secondary and backyard suites as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Modify the proposed amendments for secondary and backyard suites as set out in Attachments A and B of this report, by excluding backyard suites and deferring any further consideration of backyard suites to the Plan and By-law Simplification Process, including Centre Plan Package B. Such modifications may require a supplementary report. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Modify the proposed amendments for secondary and backyard suites as set out in Attachment B of this report, by excluding those areas located within the Regional Centre and deferring any further consideration of secondary and backyard suites for the Regional Centre to the Centre Plan Package B process. Such modifications may require a supplementary report. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.
4. Refuse the proposed amendments to the RMPS and LUBs for secondary and backyard suites. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Attachment A	Proposed RMPS Amendments
Attachment B	Proposed LUB Amendments
Attachment C	Public Consultation Results

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jillian MacLellan, Planner III, 902.490.4871

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**Attachment A**  
**Regional Municipal Planning Strategy Amendments**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby further amended as follows:

1. Within Section 3.6, Housing Diversity and Affordability, amend Policy S-30 by deleting the text shown in strikethrough and inserting the text shown in bold as follows.

- S-30 When preparing new secondary planning strategies or amendments to existing secondary planning strategies to allow new developments, means of furthering housing affordability and social inclusion shall be considered including:
- a) creating opportunities for a mix of housing types within designated growth centres and encouraging growth in locations where transit is or will be available;
  - b) reducing lot frontage, lot size and parking requirements;
  - c) permitting ~~auxiliary dwelling units or~~ **secondary and backyard suites within single unit dwellings in all residential areas;**
  - d) permitting homes for special care, of more than three residents of a scale compatible with surrounding neighbourhoods
  - e) permitting small scale homes for special care as single unit dwellings and eliminating additional requirements beyond use as a dwelling;
  - f) introducing incentive or bonus zoning in the Regional Centre;
  - g) permitting infill development such as and housing densification in areas seeking revitalization; and,
  - h) identifying existing affordable housing and development of measures to protect it.

2. Within Section 3.6, Housing Diversity and Affordability, insert Policies S-35 and S-36, following Policy S-34, as shown in bold as follows.

- S-35 HRM shall, through the applicable land use by-laws, permit secondary suites in all zones that permit low density residential uses, including single unit, two-unit, and townhouse dwellings. Land use by-law requirements shall ensure that the secondary suite remains accessory to the main dwelling.**
- S-36 HRM shall, through the applicable land use by-laws, permit backyard suites in conjunction with a single unit dwelling. Land use by-law requirements shall ensure the backyard suite remain accessory to the main dwelling.**
- S-37 Existing policies and land use provisions for secondary dwellings established under Secondary Planning Strategies will continue to exist in addition to those land use provisions created under policies S-35 and S-36,, subject to a maximum of one secondary dwelling permitted on a lot.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council of the Halifax Regional Municipality for held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Attachment B  
Proposed Land Use By-Law Amendments**

**Proposed Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following in bold after Section 2.76 STRUCTURES:

**2.76.5 SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend Section 4.4 ONE DWELLING ON A LOT, by inserting the text shown in bold:

4.4 ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot **except where backyard suites are permitted**. Notwithstanding, in any C-5 (Hammonds Plains Commercial) Zone, a lot may contain more than one (1) dwelling. (RC-Feb 9/10;E-Apr 3/10)

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, by inserting the text shown in bold after Section 4.12 ACCESSORY BUILDINGS:

**4.12A SECONDARY SUITES AND BACKYARD SUITES**

(a) **SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling or a two unit dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.26, additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

(b) **BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**

- (ii) **A backyard suite is not considered a separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;**
- (vi) **Notwithstanding the parking requirements of Section 4.26, additional off-street parking shall not be required; and**
- (vii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

#### **Proposed Amendments to the Land Use By-law for Bedford Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions in bold after the definition **Structure**:

**Suite, Backyard means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**

**Suite, Secondary means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 5: GENERAL PROVISIONS FOR ALL ZONES, Section 21A (2) Coastal Areas, by inserting the text shown in bold:

21A. Coastal Areas (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependent uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

- 3) Amend PART 5: GENERAL PROVISIONS FOR ALL ZONES, Section 29 (a) (i) Accessory Buildings, by inserting the text shown in bold:

29. **Accessory Buildings**

- a) Accessory uses, buildings and structures shall be permitted in any zone within the Town but shall not:
  - i) be used for human habitation, **except where backyard suites are permitted;**
- 4) Amend PART 5: GENERAL PROVISIONS FOR ALL ZONES, GENERAL PROVISIONS: ACCESSORY BUILDINGS OR STRUCTURES by inserting the text shown in bold after Section 29A Shipping Containers as Accessory Buildings:

## **29B Secondary Suites and Backyard Suites**

### **(a) Secondary Suites**

**Secondary suites shall be permitted accessory to a single detached dwelling, linked dwelling, semi-detached dwelling, duplex dwelling or rowhouse/townhouse dwelling subject to the following provisions:**

- (i) No more than one total garden flat, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) Notwithstanding the parking requirements of Part 5 Section 34, additional off-street parking shall not be required; and**
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

### **(b) Backyard Suites**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile home/mini home subject to the following provisions:**

- (i) No more than one total garden flat, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) A backyard suite is not considered a separate main building or main dwelling;**
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Part 5 Sections 28 and 29;**
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Part 5 Section 29, whichever is less;**
- (vi) Notwithstanding the parking requirements of Part 5 Section 34, additional off-street parking shall not be required; and**
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Cole Harbour/Westphal Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/Westphal is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions in bold after Section 2.70 STRUCTURE:

**2.70.5 SUITE**

- (a) **Suite, Backyard** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (b) **Suite, Secondary** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, by inserting the text shown in bold after Section 4.11B QUONSET HUTS;

**4.11C SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling, semi-detached dwelling or rowhouse dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **A backyard suite is not considered a separate separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.10 and 4.11;**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.11, whichever is less;**
- (vi) **Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and**



**(vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.17A (2) COASTAL AREAS by inserting the text shown in bold:

4.17A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for the Dartmouth Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby amended as follows:

- 1) Amend SECTION 1: DEFINITIONS by inserting the following definitions in bold after Subsection (akc) STUDIO

**(akd) SUITE, BACKYARD - means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**

**(ake) SUITE, SECONDARY - means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend SECTION 2: GENERAL PROVISIONS, Subsection 10A by inserting the text shown in bold:

10A There shall be no more than one dwelling per lot in any zone, **excepting where a backyard suite is permitted or** excepting that more than one mobile dwelling per lot is permitted in a T zone (HEMDCC-Jul 30/15 E-Aug 15/15)

- 3) Amend SECTION 2: GENERAL PROVISIONS, by inserting the text shown in bold after Subsection 27C:

**SECONDARY AND BACKYARD SUITES****(a) SECONDARY SUITES**

Secondary suites shall be permitted accessory to a single-family dwelling, two-family dwelling, duplex dwelling, semi-detached dwelling or townhouse dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling, basement apartment, secondary suite or backyard suite shall be permitted on a lot;
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;
- (iii) A two-family dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;
- (iv) Notwithstanding the parking requirements of Sections 14 and 15, additional off-street parking shall not be required; and
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single-family dwelling or one mobile home or dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling, basement apartment, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 27A, 27B and 27C. Backyard Suites within the Main Street Designation shall also meet the requirements of Sections 27BA and 27BB;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Sections 27A, whichever is less;
- (vi) Notwithstanding the parking requirements of Sections 14 and 15, additional off-street parking shall not be required; and
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

- 4) Amend SECTION 2: GENERAL PROVISIONS Subsection 32(B)2 COASTAL AREAS by inserting the text shown in bold:

32B COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

32B(1) No development permit shall be issued for any dwelling a on lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

32B(2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the

above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments**  
**Proposed Amendments to the Land Use By-law for the Downtown Dartmouth Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Downtown Dartmouth is hereby amended as follows:

- 5) Amend SECTION 3: DEFINITIONS by inserting the following definitions in bold after Subsection (ar) SALVAGE YARD

**(ar.5) SUITE**

- (i) **Suite, Backyard means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (ii) **Suite, Secondary means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 6) Amend SECTION 5: GENERAL PROVISIONS, by inserting the text shown in bold after Subsection 11(a):

**11(b) SECONDARY AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single-unit dwelling, duplex dwelling and semi-detached dwelling or townhouse dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two-family dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 6.(1), additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single-unit dwelling subject or one mobile/mini home to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**

- (ii) **A backyard suite is not considered a separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory buildings requirements as set out in Sections 5(11) and 5(11a);**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The gross floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 5(11), whichever is less;**
- (vi) **The footprint of a backyard suite shall not exceed 60.0 square metres, unless the backyard suite is located in an accessory building that existed prior to this amendment (INSERT DATE);**
- (vii) **Notwithstanding the parking requirements of Section 6.(1), additional off-street parking shall not be required; and**
- (viii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

7) Amend SECTION 5: GENERAL PROVISIONS Subsection 18 ONE RESIDENTIAL BUILDING PER LOT, by inserting the text shown in bold;

18 ONE RESIDENTIAL BUILDING PER LOT (HECC- Sep 5/02;E-Sep 29/02)

There shall be no more than one building containing residential uses per lot, excepting multiple unit and townhouse dwellings in the DB Zone **or excepting where a backyard suite is permitted.**

8) Amend SECTION 5: GENERAL PROVISIONS Subsection 26 COASTAL AREAS by inserting the text shown in bold:

26 COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (a) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (b) clause (a) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC – Dec 11/18; E-D 29/18)

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments**  
**Proposed Amendments to the Downtown Halifax Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Downtown Halifax is hereby amended as follows:

- 1) Amend SECTION 2 DEFINITIONS by inserting the following text shown in bold:
  - b) “*Accessory Building*” means a detached subordinate building, not used for human habitation **except where backyard suites are permitted**, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.
- 2) Amend SECTION 2 DEFINITIONS by inserting the following definition in bold after the definition Subsection (k) *Average Grade*
  - k.5) *Backyard Suite* means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- 3) Amend SECTION 2 DEFINITIONS by inserting the following definition in bold after the definition Subsection (bq) *Retail Use*
  - bq.5) *Secondary Suite* means a self-contained subordinate dwelling unit that is located within a residential main building.**
- 4) Amend SECTION 5 DEVELOPMENT PERMIT Subsection 11 NON-SUBSTANTIVE APPLICATIONS by inserting the following text shown in bold

(11) The following developments are non-substantive site plan approval applications:

- (a) accessory buildings and structures **including backyard suites**;
  - (b) development that does not materially change the external appearance of a building facing streetlines;
  - (c) new window and door openings or alterations to existing window and door openings abutting streetlines;
  - (d) alteration of external cladding material that does not affect the external appearance of a building facing streetlines;
  - (e) signs;
  - (f) decks, patios, and similar unenclosed features; and (g) steps, stairs and other entryways.
- 5) Amend SECTION 7 LAND USE REQUIREMENTS by inserting the following general provision in bold immediately after Subsection (5):

## **5.5 SECONDARY SUITES AND BACKYARD SUITES**

### **(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling or townhouse dwelling subject to the following provisions:**

- (i) No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**

- (iii) A duplex dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling; and
- (vi) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single unit dwelling subject to the following provisions:

- (i) No more than one total secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Section 8(19) ;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The gross floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building permitted in this Land Use Bylaw, whichever is less; and
- (vi) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

**Proposed Land Use By-Law Amendments**

**Proposed Amendments to the Land Use By-law for Eastern Passage/Cow Bay Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.66 STRUCTURE;

**2.66.5 SUITE**

- (a) **Backyard Suite** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (b) **Secondary Suite** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 4: GENERAL PROVISIONS by inserting the following Section shown in bold immediately after Section 4.11A SHIPPING CONTAINERS;

**4.11B SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling, semi-detached dwelling or townhouse dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;

- (iii) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;
- (iv) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.10 and 4.11;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.11, whichever is less;
- (vi) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

- 3) Amend PART 4: GENERAL PROVISIONS Section 4.18A (2) COASTAL AREAS by inserting the following text shown in bold:

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore East is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.90. STRUCTURE:

**2.90A SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, section 4.6 ONE DWELLING ON A LOT, by inserting the text shown in bold:

4.6 ONE DWELLING ON A LOT

Not more than one (1) dwelling shall be erected on a lot, **except where backyard suites are permitted.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.12 ACCESSORY BUILDINGS:

**4.12A SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling or two unit dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **A backyard suite is not considered a separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;**



- (vi) **Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- (vii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

- 4) Amend PART 4: GENERAL PROVISIONS Section 4.18A (2) COASTAL AREAS by inserting the following text shown in bold:

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any lands within the I-1 (Business Industry Zone), abutting the port of Sheet Harbour or any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

\_\_\_\_\_  
Kevin Arjoon

Municipal Clerk

**Proposed Land Use By-Law Amendments**  
**Proposed Amendments to the Land Use By-law for Eastern Shore West Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore West is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.98. STRUCTURE:

**2.98A SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.12 ACCESSORY BUILDINGS:

**4.12A SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling or two unit dwelling subject to the following provisions:**

- (i) No more than one total auxiliary dwelling unit, garden suite, secondary suite or backyard suite shall be permitted on a lot;
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;
- (iii) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;
- (iv) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, garden suite, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;
- (vi) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required;
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

- 3) Amend PART 4: GENERAL PROVISIONS Section 4.18A (2) COASTAL AREAS by inserting the following text shown in bold:

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

- 1) Amend the DEFINITIONS Section by inserting the following text shown in bold:

“Accessory Building” means a building that is:

- (a) not used for human habitation **except where backyard suites are permitted** ;
- (b) located on the same lot as the main building;
- (c) naturally and normally incidental, subordinate and exclusively devoted to the main use of the land or the main building; and
- (d) separate from a main building, except for a connection pursuant to the requirements for this By-law.

- 2) Amend the DEFINITIONS Section by inserting the following definition in bold after the definition for “Bachelor Unit”:

**Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**

- 3) Amend the DEFINITIONS Section by inserting the following definition in bold after the definition for “Schmidtville Heritage Property”:

**Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 4) Amend GENERAL PROVISIONS section by inserting the following general provision in bold immediately after Subsection 4K:

#### **4L SECONDARY SUITES AND BACKYARD SUITES**

##### **(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a detached one-family dwelling house, a duplex dwelling, a semi-detached dwelling or a townhouse subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A duplex dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 6, additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

##### **(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a detached one-family dwelling house subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**

- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4D to 4K;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The gross floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building permitted in this Land Use Bylaw, whichever is less;
- (vi) The footprint of a backyard suite shall not exceed 60.0 square metres, unless the backyard suite is located in an accessory building that existed prior to this amendment (**INSERT DATE**);
- (vii) Notwithstanding the parking requirements of Section 6, additional off-street parking shall not be required; and
- (viii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

- 5) Amend the GENERAL PROVISIONS Section, Subsection 16K (2) COASTAL AREAS by inserting the following text shown in bold:

16K COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots, temporary uses permitted and permitted accessory buildings. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

### **Proposed Land Use By-Law Amendments** **Proposed Amendments to the Land Use By-law for Halifax Mainland Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

- 1) Amend Section 2, the DEFINITIONS section by inserting the following text shown in bold:
  - (a) "Accessory Building" means a detached subordinate building not exceeding one storey and 14 feet in height, not used for human habitation **except where backyard suites are permitted**, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;
- 2) Amend Section 2, the DEFINITIONS section by inserting the following definition in bold after the definition for "Areas of Elevated Archaeological Potential":

**Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**

- 3) Amend Section 2, the DEFINITIONS section by inserting the following definition in bold after the definition for "Schedule L":

**Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 4) Amend GENERAL PROVISIONS section by inserting the following general provision in bold immediately after Subsection 14B HOME OCCUPATION – BED AND BREAKFAST:

**14BA SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single family dwelling, a duplex dwelling, a semi-detached dwelling or a townhouse subject to the following provisions:**

- (i) No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) A duplex dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) Notwithstanding the parking requirements of Section 9, additional off-street parking shall not be required; and**
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single family dwelling or one mobile dwelling subject to the following provisions:**

- (i) No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) A backyard suite is not considered a separate main building or main dwelling;**
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in each zone;**
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building permitted in this Land Use Bylaw, whichever is less;**
- (vi) Notwithstanding the parking requirements of Section 9, additional off-street parking shall not be required; and**
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

- 5) Amend the GENERAL PROVISIONS Section, Subsection 14QB (2) COASTAL AREAS by inserting the following text shown in bold:

**14QB COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)**

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28)**

- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

- 6) Amend the R-1 ZONE: SINGLE FAMILY DWELLING ZONE Section, Subsection 21 REQUIREMENTS by inserting the following text shown in bold immediately after Subsection 21(g):

21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:

- (a) lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet
- (b) lot area minimum 5,000 square feet
- (ba) Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the "Mainland South Area", shall be 6,000 square feet;
- (c) lot coverage maximum 35 percent
- (ca) height maximum 35 feet
- (d) floor coverage of living 950 square feet space, minimum
- (e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building

#### ACCESSORY BUILDINGS

- (f) notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building
- (g) notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.
- (ga) Notwithstanding Subsection (d), Backyard Suites are not subject to a minimum living space.**

- 7) Amend the R-2 ZONE: TWO FAMILY DWELLING ZONE Section, Subsection 26 REQUIREMENTS by inserting the following text shown in bold immediately after Subsection 21(g):

26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:

- (a) Lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet
- (b) Lot area minimum 5,000 square feet
- (ba) Notwithstanding clause (b), the minimum lot area for lots abutting an inland watercourse in the "Mainland South Area", shall be 6,000 square feet;
- (c) Lot coverage maximum 35 percent
- (ca) The maximum height shall be 35 feet
- (d) Floor coverage of 900 square feet living space, minimum

- (e) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;

#### ACCESSORY BUILDINGS

- (f) Notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building;
- (g) Notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line. **(ga) Notwithstanding the provisions of Subsection 21(d), Backyard Suites are not subject to a minimum floor coverage of living space.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

### **Proposed Land Use By-Law Amendments Proposed Amendments to the Land Use By-law for Lawrencetown Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown is hereby amended as follows:

- 1) Amend PART 2 DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.71 STRUCTURE:

#### **2.71.5 SUITE**

- (a) **Suite, Backyard means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Suite, Secondary means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.5 ONE DWELLING ON A LOT, by inserting the text shown in bold:

#### 4.5 ONE DWELLING ON A LOT

No person shall erect more than one dwelling on a lot, **except where backyard suites are permitted.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.13 ACCESSORY USES AND STRUCTURES:

#### 4.13A SECONDARY SUITES AND BACKYARD SUITES

##### (a) SECONDARY SUITES

Secondary suites shall be permitted accessory to a single unit dwelling or two unit dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;
- (iii) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;
- (iv) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

##### (b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.12 and 4.13;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.13, whichever is less;
- (vi) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

- 4) Amend PART 4: GENERAL PROVISIONS Section 4.19A (2) COASTAL AREAS by inserting the following text shown in bold:

#### 4.19A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which does not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].



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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Musquodoboit Valley/Dutch Settlement Plan  
Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley/Dutch Settlement is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.84 STRUCTURE:

**2.84A SUITE**

- (a) **Suite, Backyard** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (b) **Suite, Secondary** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.2 ONE DWELLING ON A LOT, by inserting the text shown in bold directly after subsection 4.2(b):

**4.2 ONE DWELLING ON A LOT**

- (a) No person shall erect more than one (1) dwelling on a lot.
- (b) Notwithstanding Section 4.2(a) above, two dwellings may be erected on a lot within a MU (Mixed Use) Zone provided that each dwelling is located on an area of land that is capable of meeting subdivision requirements and a preliminary subdivision examination has been completed in accordance with the municipal Subdivision By-law and provided that all other applicable provisions of this By-law are satisfied.
- (c) **Notwithstanding Sections 4.2(a) & 4.2(b), a single unit dwelling and a backyard suite may be located on the same lot.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.12 ACCESSORY BUILDINGS:

**4.12A SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling or two unit dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.23, additional off-street parking shall not be required; and**

- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;
- (vi) Notwithstanding the parking requirements of Section 4.23, additional off-street parking shall not be required; and
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for North Preston/Lake Major/Lake Loon/Cherry  
Brook/East Preston Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.67 STRUCTURE:

**2.67.5 SUITE**

- (a) **Backyard Suite** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (b) **Secondary Suite** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.2A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS;

**4.2B SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling or row/townhouse dwelling subject to the following provisions:**

- (i) No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) Notwithstanding the parking requirements of Section 4.22, additional off-street parking shall not be required; and**
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) A backyard suite is not considered a separate main building or main dwelling;**
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.1 and 4.2;**
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.2, whichever is less;**
- (vi) Notwithstanding the parking requirements of Section 4.22, additional off-street parking shall not be required; and**
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Planning District 4 (Prospect) Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 (Prospect) Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.87 STRUCTURE:

**2.87A SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**  
(b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.2 ONE DWELLING ON A LOT, by inserting the text shown in bold:

4.2: ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot, **except where backyard suites are permitted.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.12A SHIPPING CONTAINERS:

**4.12B SECONDARY SUITES AND BACKYARD SUITES.**

**(a) SECONDARY SUITES**

Secondary suites shall be permitted accessory to a single unit dwelling or a two unit dwelling subject to the following provisions:

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**  
(ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**  
(iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**  
(iv) **Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and**  
(v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**  
(ii) **A backyard suite is not considered a separate main building or main dwelling;**  
(iii) **The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;**  
(iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**  
(v) **The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;**  
(vi) **Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and**  
(vii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

- 4) Amend PART 4: GENERAL PROVISIONS Section 4.19A (2) COASTAL AREAS by inserting the following text shown in bold:

4.19A COASTAL AREAS (RC-Jun 27/06;E-Aug 26/06)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to residential accessory structures **which does not contain a backyard suite** permitted in accordance with this by-law.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments**  
**Proposed Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula) Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.70 STRUCTURE:

**2.70.5 SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.3 ONE DWELLING ON A LOT, by inserting the text shown in bold:

4.3 ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot, **except where backyard suites are permitted.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.13A SHIPPING CONTAINERS:

#### 4.13B SECONDARY SUITES AND BACKYARD SUITES

##### (a) SECONDARY SUITES

Secondary suites shall be permitted accessory to a single unit dwelling, two-unit dwelling or townhouse dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;
- (iii) Notwithstanding Section 4.14, a secondary suite is permitted within a two unit dwelling;
- (iv) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;
- (v) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and
- (vi) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

##### (b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling to the following provisions:

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.12 and 4.13;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.13, whichever is less;
- (vi) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

- 4) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.20A (2) COASTAL AREAS by inserting the following text shown in bold:

#### 4.20A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not contain a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted, permitted in accordance with the requirements of this by-law. (HW, HEMD and NWCC – Dec 11/18; E- D 29/18)

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments**  
**Proposed Amendments to the Land Use By-law for Planning District 1 & 3 (St. Margaret's Bay Area) Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 1 & 3 (St. Margaret's Bay Area) Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.76 STRUCTURE:

**2.76.5 SUITE**

- (a) **Suite, Backyard** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (b) **Suite, Secondary** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.4 ONE DWELLING ON A LOT, by inserting the text shown in bold:

4.4 ONE DWELLING ON A LOT

No person shall erect more than one (1) dwelling on a lot, **except where backyard suites are permitted.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.13A SHIPPING CONTAINERS:

**4.13B SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling, semi-detached dwelling or townhouse dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and**

- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
  - (ii) A backyard suite is not considered a separate main building or main dwelling;**
  - (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.12 and 4.13;**
  - (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;**
  - (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.13, whichever is less;**
  - (vi) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and**
  - (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.**
- 4) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A (2) COASTAL AREAS by inserting the following text shown in bold:

**4.19A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)**

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).**
- (2) Subsection (1) does not apply to any residential accessory structures **which do not containing a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Planning District 14 & 17 (Shubenacadie Lakes) Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 14 & 17 (Shubenacadie Lakes) Plan Area is hereby amended as follows:



- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.77 STRUCTURE:

**2.77A SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.11 ACCESSORY BUILDINGS

**4.11A SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling or townhouse dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.25 additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **A backyard suite is not considered a separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory building requirements as set out in Sections 4.10 and 4.11;**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.11, whichever is less;**
- (vi) **Notwithstanding the parking requirements of Section 4.25 additional off-street parking shall not be required; and**
- (vii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments**  
**Proposed Amendments to the Land Use By-law for Planning District 8 & 9 (Lake Echo/Porters Lake) Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 8 & 9 (Lake Echo/Porters Lake) Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.62 STRUCTURE:

**2.62.5 SUITE**

- (a) **Backyard Suite means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Secondary Suite means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.6 ONE DWELLING ON A LOT, by inserting the text shown in bold directly after subsection 4.6(b):

4.6 ONE DWELLING ON A LOT

- (a) Not more than one (1) dwelling shall be erected on a lot.
- (b) Notwithstanding Section 4.6(a) above, two dwellings may be erected on a lot within an RE (Rural Enterprise) or MR (Mixed Resource) Zone provided that each dwelling is located on an area of land that is capable of meeting subdivision requirements and a preliminary subdivision examination has been completed in accordance with the municipal Subdivision By-law and provided that all other applicable provisions of this By-law are satisfied.
- (c) **Notwithstanding Sections 4.2(a) & 4.2(b), a single unit dwelling and a backyard suite or a mobile dwelling and a backyard suite may be located on the same lot.**

- 3) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.12 ACCESSORY BUILDINGS:

**4.12A SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling or a two unit dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) No more than one total auxiliary dwelling unit, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) A backyard suite is not considered a separate main building or main dwelling;**
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.11 and 4.12;**
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;**
- (vi) Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

- 4) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.18A (2) COASTAL AREAS by inserting the following text shown in bold:

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).
- (2) Subsection (1) does not apply to any residential accessory structures **which do not containing a backyard suite**, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Sackville Drive Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Sackville Drive Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after the definition for **Structure**:

## Suite

**BACKYARD SUITE** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.

**SECONDARY SUITE:** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 33. (1) Accessory Buildings by inserting the following text shown in bold:
  33. Accessory buildings and structures shall be permitted in any zone but shall not:
    - (1) be used for human habitation, **except where a backyard suite is a permitted;**
- 3) Amend PART 6: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 34A. Shipping Containers as Accessory Buildings

## Secondary Suites and Backyard Suites

### 34B. (1) Secondary Suites

**Secondary suites shall be permitted accessory to a single unit dwelling, duplex dwelling, semi-detached dwelling or townhouse dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A duplex dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Part 7 Section 16(a), additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

### (2) Backyard Suites

**Backyard suites shall be permitted accessory to a single unit dwelling subject to the following provisions:**

- (i) **No more than one total secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **A backyard suite is not considered a separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory building requirements as set out in Part 6 Sections 33, 34 and 34A;**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The gross floor area of a backyard suite shall not exceed 90.0 square metres;**
- (vi) **Notwithstanding the parking requirements of Part 7 Section 16(a), additional off-street parking shall not be required; and**
- (vii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Sackville Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Sackville Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after definition 2.73 STRUCTURE:

**2.73A SUITE**

- (a) **Backyard Suite** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (b) **Secondary Suite** means a self-contained subordinate dwelling unit that is located within a residential main building.

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.11A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS

**4.11B SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two-unit dwelling, townhouse, or rowhouse dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **The floor area of a secondary suite shall not exceed 80.0 square metres;**
- (iii) **A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;**
- (iv) **Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- (v) **Where a residential use is a non-conforming use a secondary suite shall not be permitted.**

**(b) BACKYARD SUITES**

**Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:**

- (i) **No more than one total auxiliary dwelling, secondary suite or backyard suite shall be permitted on a lot;**
- (ii) **A backyard suite is not considered a separate main building or main dwelling;**
- (iii) **The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.10 and 4.11;**
- (iv) **A backyard suite is only permitted on lots of at least 371.0 square metres;**
- (v) **The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.11, whichever is less;**
- (vi) **Notwithstanding the parking requirements of Section 4.24, additional off-street parking shall not be required; and**
- (vii) **Where a residential use is a non-conforming use a backyard suite shall not be permitted.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

**Proposed Land Use By-Law Amendments  
Proposed Amendments to the Land Use By-law for Timberlea/Lakeside/Beechville Plan Area**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville Plan Area is hereby amended as follows:

- 1) Amend PART 2: DEFINITIONS by inserting the following definitions shown in bold immediately after Section 2.68 STRUCTURE

**2.68A SUITE**

- (a) **Suite, Backyard means a self-contained subordinate dwelling unit that is located within an accessory building or structure.**
- (b) **Suite, Secondary means a self-contained subordinate dwelling unit that is located within a residential main building.**

- 2) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES by inserting the following general provision in bold immediately after Section 4.13A SHIPPING CONTAINERS:

**4.13B SECONDARY SUITES AND BACKYARD SUITES**

**(a) SECONDARY SUITES**

**Secondary suites shall be permitted accessory to a single unit dwelling, two unit dwelling or townhouse dwelling subject to the following provisions:**

- (i) No more than one total auxiliary dwelling, secondary suite or backyard suite shall be permitted on a lot;
- (ii) The floor area of a secondary suite shall not exceed 80.0 square metres;
- (iii) A two unit dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;
- (iv) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and
- (v) Where a residential use is a non-conforming use a secondary suite shall not be permitted.

**(b) BACKYARD SUITES**

Backyard suites shall be permitted accessory to a single unit dwelling or one mobile dwelling subject to the following provisions:

- (i) No more than one total auxiliary dwelling, secondary suite or backyard suite shall be permitted on a lot;
- (ii) A backyard suite is not considered a separate main building or main dwelling;
- (iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.12 and 4.13;
- (iv) A backyard suite is only permitted on lots of at least 371.0 square metres;
- (v) The floor area of a backyard suite shall not exceed 90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.13, whichever is less;
- (vi) Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and
- (vii) Where a residential use is a non-conforming use a backyard suite shall not be permitted.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Regional Council held on [DATE], 201[#].

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Kevin Arjoon  
Municipal Clerk

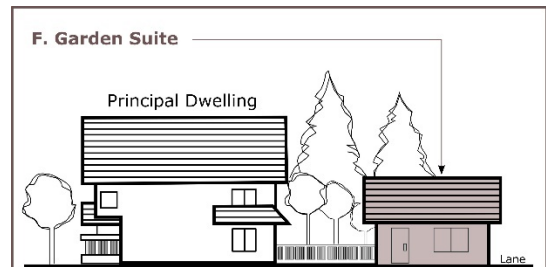
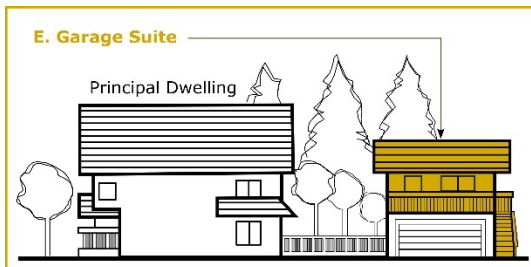
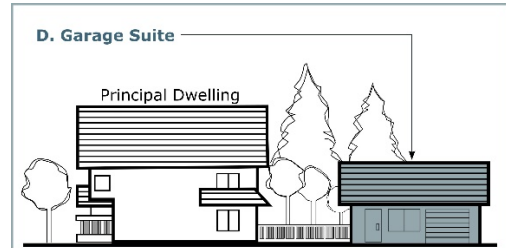
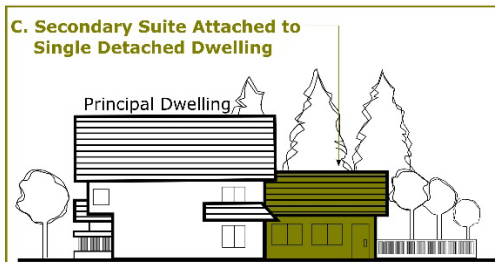
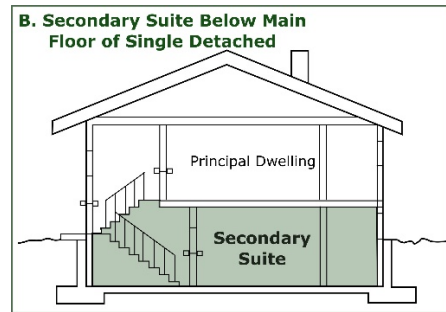
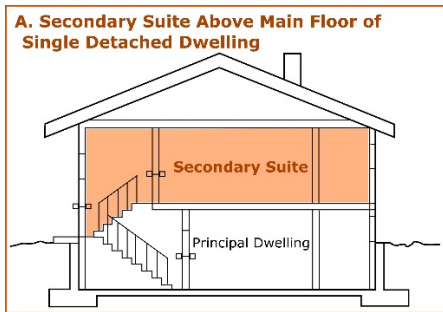
## Attachment C - Summary of Secondary and Backyard Suites Questionnaire

From September 4 to November 21, 2018 the public was encouraged to participate in an online questionnaire regarding secondary and backyard suites. The questionnaire was hosted on the HRM Shape Your City website and was advertised through social media such as Twitter and Facebook and direct invitations to housing groups and resident associations. During the 78 days the questionnaire was live, a total of 2,487 residents completed the online questionnaire and 6,221 people visited the webpage.

The questionnaire comprised of 13 questions. The following is a copy of each question broken up into subject categories and a summary of the response. Response for questions 1-8 are further broken up by district at the end of this attachment.

### Preferred Forms of Housing

**Question 1:** *Thinking of your area, which of these forms of secondary or backyard suites would fit in where you live? (Select all that apply) (Images used with permission from Regional District of Nanaimo)*

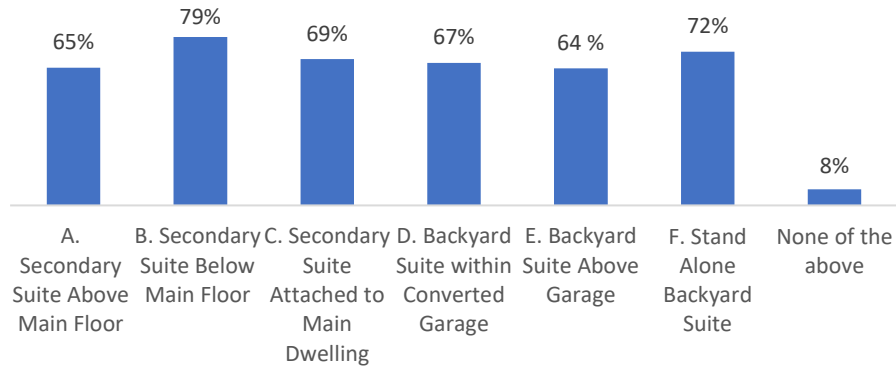




**Response**

There was a preference for a secondary suite to be located in the basement of a dwelling unit and for a standalone backyard suite. However, generally all forms were accepted. In all Districts secondary suites below main floor were the preferred form of dwelling unit. The exceptions were Districts 2, 11, 13, 14 where the standalone backyard suite was the preferred form of dwelling unit.

Question 1: Typology



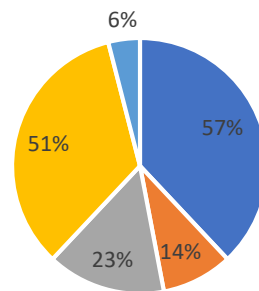
Question 2 - In what forms of housing do you think secondary suites should be permitted (Select all that apply):

- a. Single unit detached housing
- b. Townhouses
- c. Semi-detached housing
- d. All of the above
- e. None of the above
- f. Other: \_\_\_\_\_

**Response**

While a slight majority preferred limiting secondary suites to a single unit dwelling (1430 respondents) there appeared to be an acceptance with allowing the use in other forms of housing such as two unit dwellings and townhouses. 1262 respondents thought the use should be located in all types of low density dwellings.

Question 2: Forms of Housing



- Single unit detached housing
- Townhouses
- Semi-detached housing
- All of the above
- None of the above

## Benefits of secondary and backyard suites

Research has shown that there are many benefits for homeowners and renters of secondary and backyard suites. Benefits range from obvious ones, like more affordable housing for renters to less obvious ones like reducing social isolation for both renters and owners.

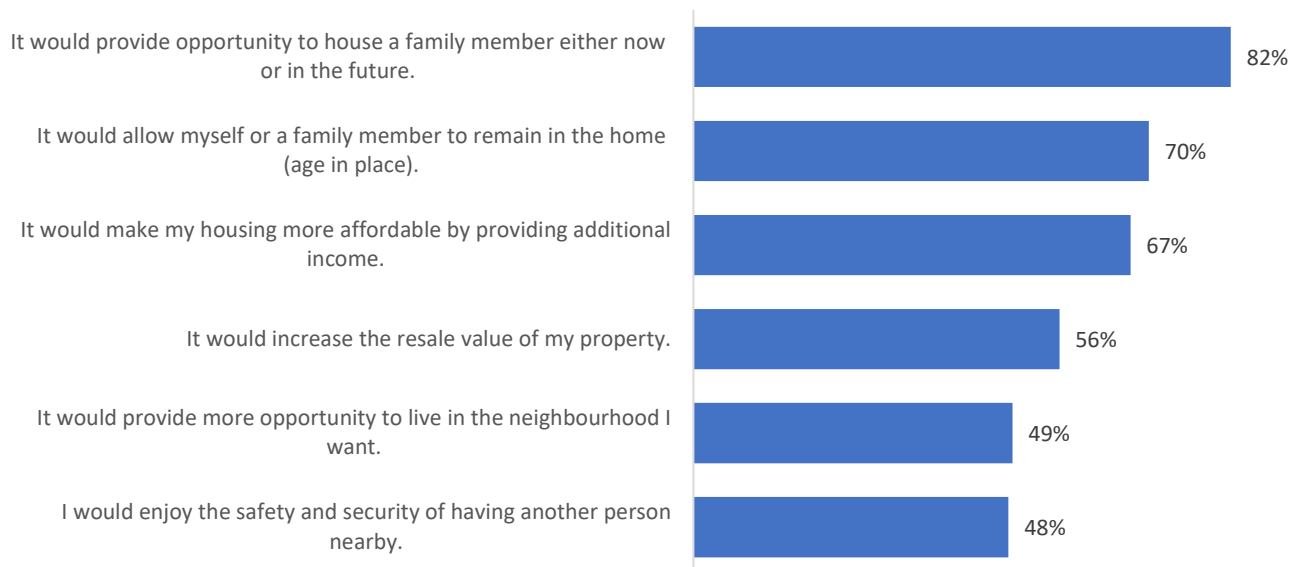
Question 3: Thinking of your situation, how do you think you would benefit from adding a secondary or backyard suite to your property?

- a. It would make my housing more affordable by providing additional income.
- b. It would provide opportunity to house a family member either now or in the future.
- c. It would increase the resale value of my property.
- d. It would provide more opportunity to live in the neighbourhood I want.
- e. It would allow myself or a family member to remain in the home (age in place).
- f. I would enjoy the safety and security of having another person nearby
- g. Other:\_\_\_\_\_

### Response

The main benefit homeowners saw was to house a family member either now or in the future. The second most popular response was the ability it would provide for a homeowner or family member to remain in their home. This suggests that the majority of respondents see secondary and backyard suites as an opportunity to house or care for a relative (*Select all that apply*).

Question 3: Benefits to Adding a Secondary or Backyard Suite



## Concerns Regarding Secondary and Backyard Suites

**Question 4:** Do you have any of the following concerns with allowing secondary suites in single unit dwellings? (Select all that apply)

- |  |   |
|--|---|
| a. Density/overcrowding                        | g. Property values  |
| b. Changing the character of the neighbourhood | h. Property standards and nuisance (garbage, noise, etc.) |
| c. Parking and traffic                         | i. No concerns  |
| e. Appearance of properties                    | j. Other: _____   |
| f. Privacy                                     |   |

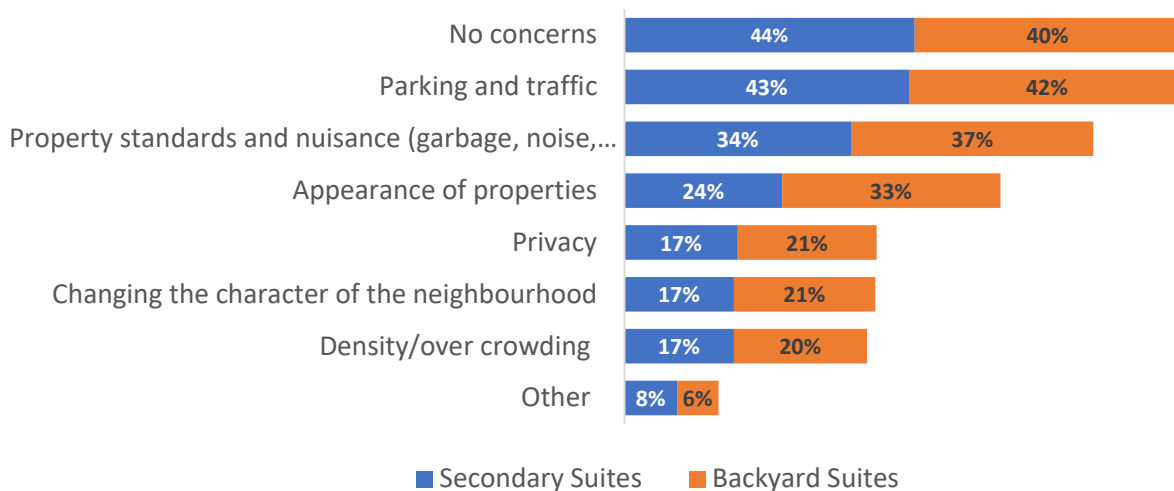
**Question 5:** Considering backyard suites do you have any of the following concerns? (Select all that apply)

- |  |   |
|--|---|
| a. Density/overcrowding                        | g. Property values  |
| b. Changing the character of the neighbourhood | h. Property standards and nuisance (garbage, noise, etc.) |
| c. Parking and traffic                         | i. No concerns  |
| e. Appearance of properties                    | j. Other: _____   |
| f. Privacy                                     |   |

### Response

The top three concerns regarding secondary and backyard suites related to parking and traffic; property standards and nuisances and the appearance of the building. It is important to note that the second most popular response was “No Concerns”

Question 4 & 5: Concerns regarding permitting secondary and backyard suites across HRM



The majority of responses in the ‘Other’ category fell within several specific categories of concerns:

1. Lot coverage concerns regarding loss of vegetation and drainage issues
2. Absentee landlords
3. Impacts to property values though it was not specified whether the concern was an increase or a decrease in value.
4. Short term rental use like Airbnb
5. Garbage pick up limits, i.e. how many bags could be picked up per civic address
6. Design of units, in particular backyard suites.
7. Crime and vandalism.

There were also many comments that discussed the positive aspects of these types of housing. Comments discussed the value of housing relatives, maximizing use of existing infrastructure, reducing sprawl, and encouraging multi-modal modes of transportation.

## Tools for Prospective Owners of Secondary and Back Yard Suites

Question 6: What would be most useful to you if you were interested in creating a secondary suite or backyard suite on your property? (Select all that apply)

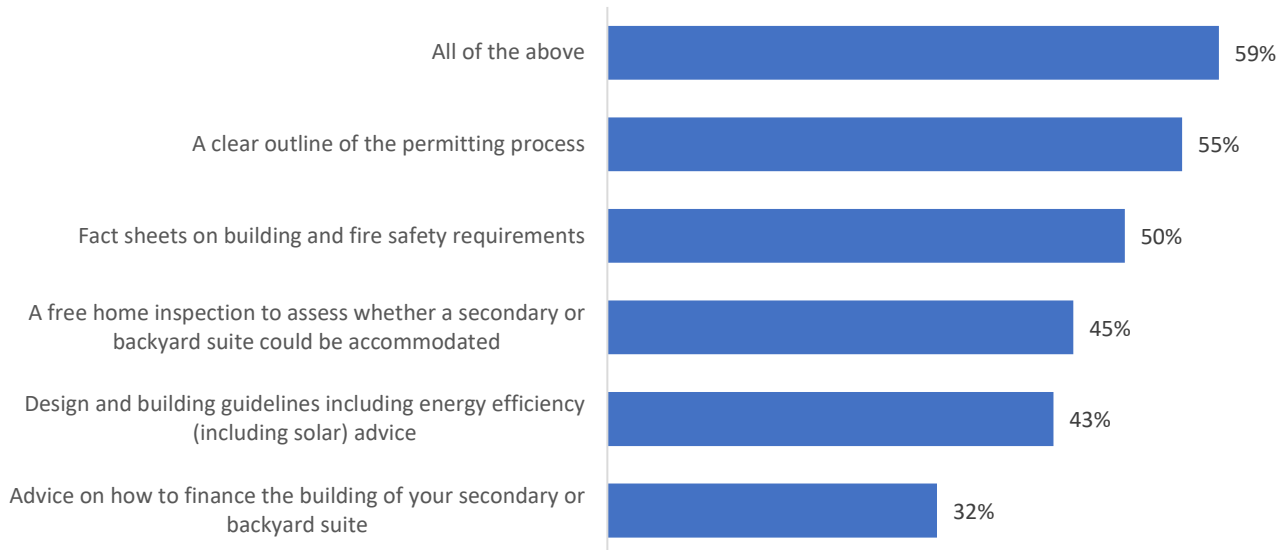
- a) *Fact sheets on building and fire safety requirements*
- b) *A clear outline of the permitting process*
- c) *A free home inspection to assess whether a secondary or backyard suite could be accommodated*
- d) *Design and building guidelines including energy efficiency advice*
- e) *Advice on how to finance the building of your secondary or backyard suite*
- g) *All of the above.*
- h) *Other:\_\_\_\_\_*

### Response

Most jurisdictions in Canada provide some form of incentive or assistance program to create secondary or backyard suites. Ranging from advice and guidance to free home inspections to assistance with understanding the income tax implications of rental income. Responses to the question of municipal tools or assistance for those interested in creating secondary or backyard suites, showed there is interest in a variety of forms of assistance with “all of the above” the most popular response.

By selecting ‘Other’ respondents were able to suggest additional incentives that they would prefer. Several indicated some type of loan program to help offset the initial upgrade as well as property tax reductions. However, neither of these options are available to HRM. A number also indicated that they felt any assistance that created an expense to the municipality should be avoided. In general, most were just looking for clear and consistent rules on where and how these suites could be permitted.

Question 6: Preferred assistance in creating secondary or backyard suites



## General Support for Secondary and Backyard Suites

**Question 7:** *Thinking of where you live, please indicate your level of agreement with the following statement: I generally support allowing secondary suites in single unit dwellings in my area.*

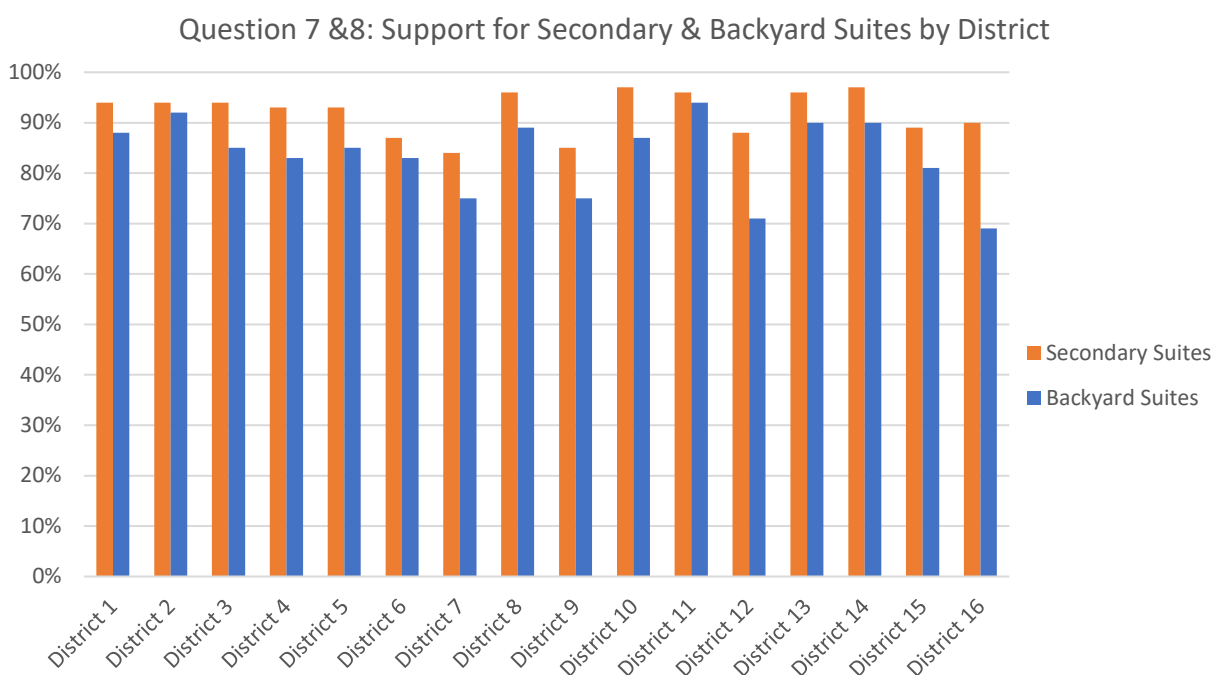
*(Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree, Unsure)*

**Question 8:** *Thinking of where you live, please indicate your level of agreement with the following statement: I generally support allowing backyard suites in my area.*

*(Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree, Unsure)*

### Response

Based on the questionnaire, support for secondary suites and backyard suites is high. An average of 92% of participants either agree or strongly agree with supporting allowing secondary suites throughout HRM. An average of 84% of participants either agree or strongly agree with supporting backyard suites throughout HRM. There are only a few districts with relatively less support for secondary suites and backyard suites as demonstrated in graph below.



## General Comments

**Question 9** *We would welcome any other comments, opinions, or concerns you may have regarding secondary suites and backyard suites. Please provide your comments below:*

General comments regarding secondary and backyard suites were both positive and negative. Several comments praised HRM for considering such uses and noted that allowing secondary and backyard suites would allow them to house a family member in need or would make home ownership more affordable. Favorable comments further noted that they would prefer hidden density over tall buildings and that by allowing secondary and backyard suites the Municipality would be encouraging affordable and complete communities.

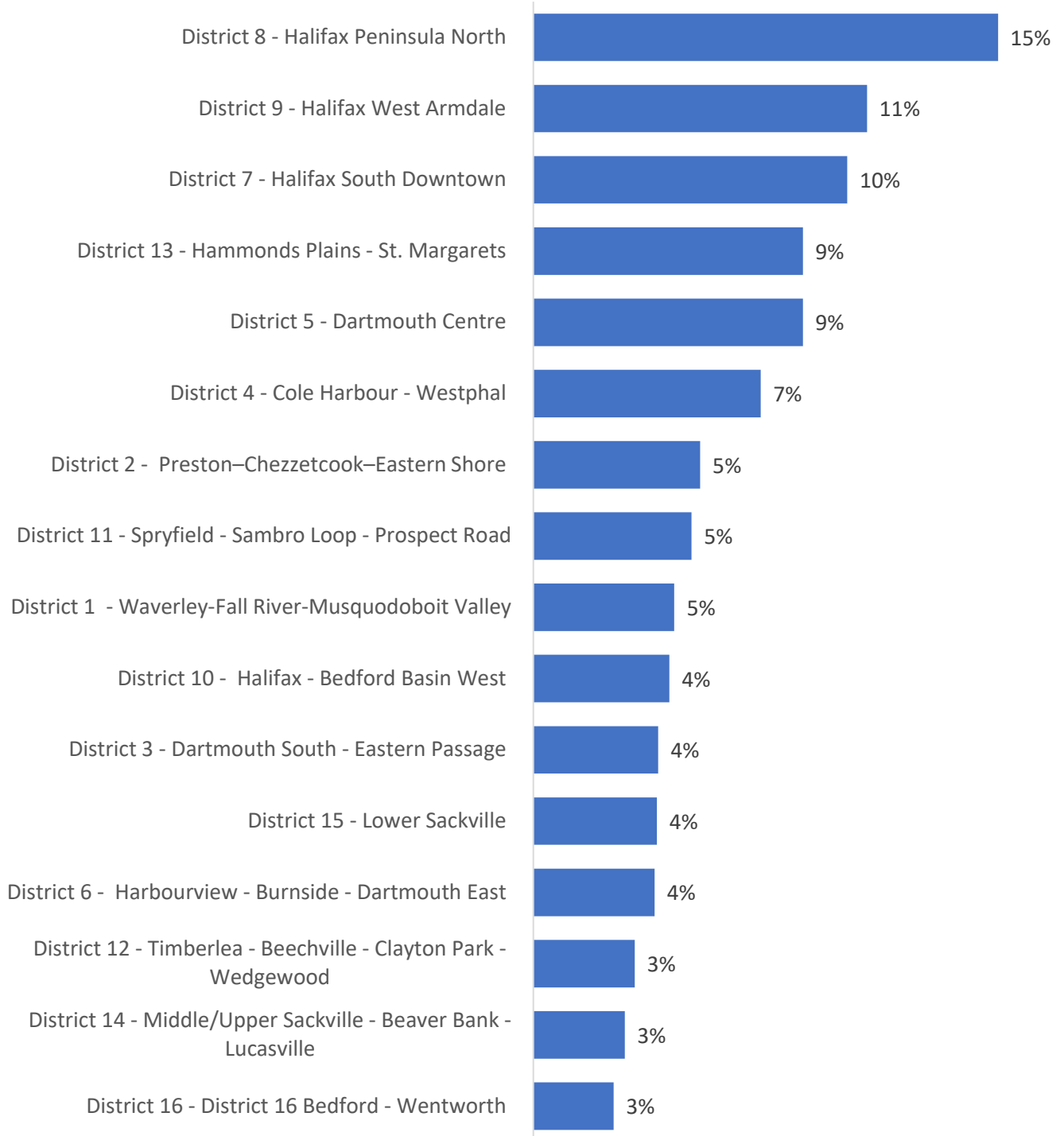
Those who were not in support of secondary and backyard suites felt the extra density would have a negative impact on their neighbourhood and more consideration was required for the neighbours of dwellings with secondary or backyard suites. Other comments warned that lot size should be an important consideration, especially for backyard suites and that the permitting process must be simplified if the Municipality wishes to prevent illegal units.

**Profile of Respondents**

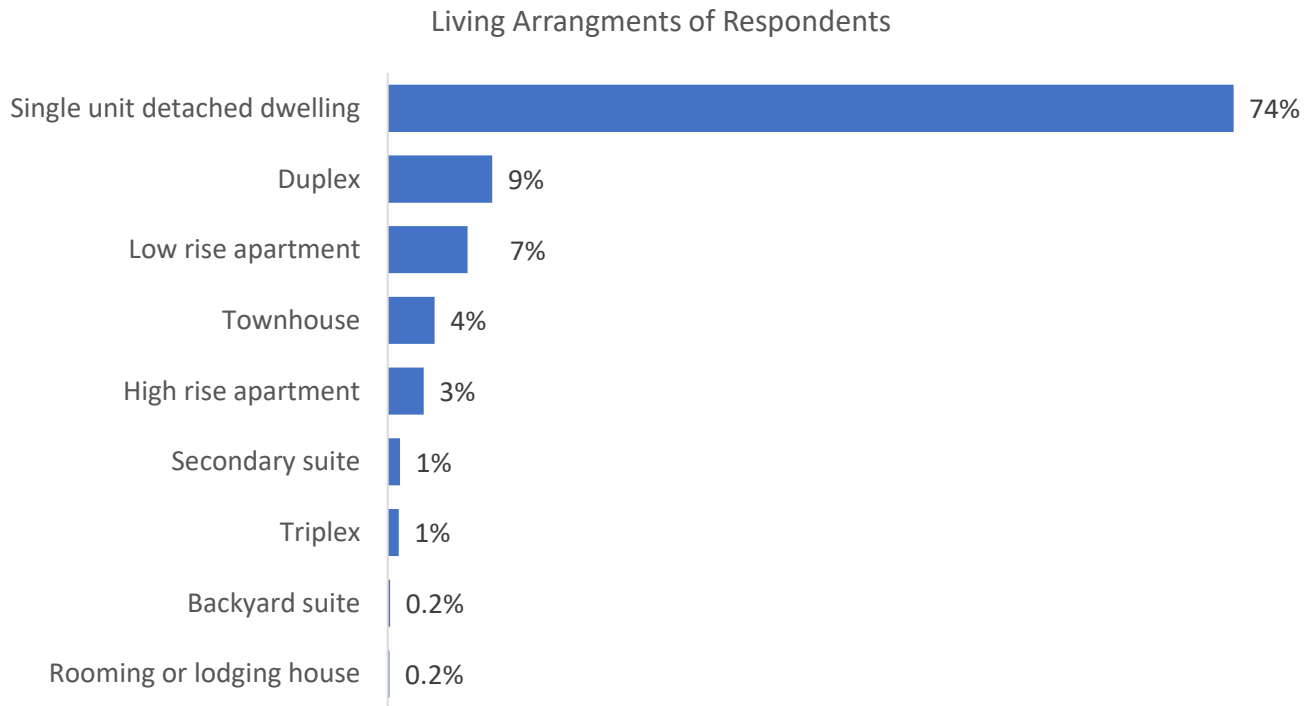
The remaining 4 questions consisted of identifying questions regarding the living arrangements of respondents and their age. Overall the majority of respondents were homeowners, between the ages of 35 – 65, and lived in single unit detached dwellings. The majority of respondents reside in Districts 8, 9, 7, 13 and 5.

Question 10: What district do you live in?

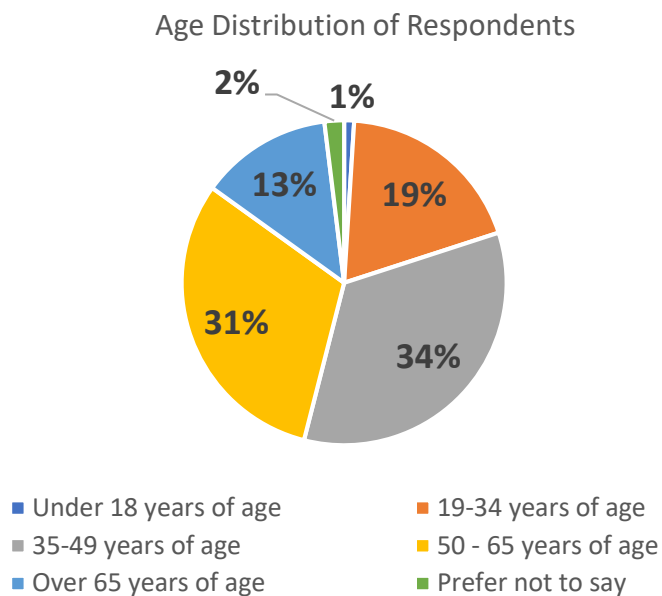
Number of Respondents by Polling District



Question 11: What type of housing do you live in?

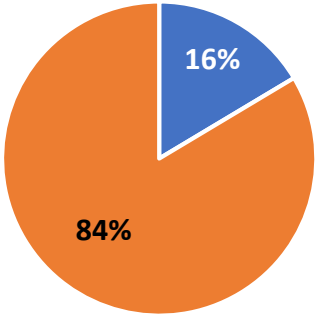


Question 12: What is your age?



Question 13: In terms of your own housing do you Own or Rent

Respondent Tenure



■ Rent ■ Own