



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.2
Harbour East-Marine Drive Community Council
February 4, 2021
North West Community Council;
February 8, 2021
Halifax and West Community Council;
February 16, 2021

TO: Chair and Members of Harbour East-Marine Drive Community Council
Chair and Members of North West Community Council
Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

DATE: January 4, 2021

SUBJECT: **Case 23274: Secondary and Backyard Suites - Housekeeping Amendments**

ORIGIN

On September 1st, 2020, the following motion of Regional Council was put and passed:

THAT Halifax Regional Council 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 and B of the supplementary staff report dated June 2, 2020, to allow secondary suites and backyard suites accessory to single-unit, two-unit or townhouse dwellings.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

1. It is recommended that Harbour East-Marine Drive Community Council:

- A. Give first reading to consider approval of the proposed amendments to the Land Use By-laws for Dartmouth, Downtown Dartmouth, Lawrencetown and Planning Districts 8 & 9, as set out in Attachment A, to complete housekeeping amendments for provisions regarding secondary and backyard suites, and schedule a public hearing;

Recommendation continued on next page

- B. Adopt the proposed amendments to the Land Use By-laws for Dartmouth, Downtown Dartmouth, Lawrencetown and Planning Districts 8 & 9 as set out in Attachment A.

2. It is recommended that North West Community Council:

- A. Give first reading to consider approval of the proposed amendments to the Land Use By-laws for Bedford, Planning Districts 1 & 3 and Sackville Drive as set out in Attachment B, to complete housekeeping amendments to the provisions regarding secondary and backyard suites, and schedule a public hearing;
- B. Adopt the proposed amendments to the Land Use By-laws for Bedford, Planning Districts 1 & 3 and Sackville Drive as set out in Attachment B.

3. It is recommended that Halifax and West Community Council:

- A. Give first reading to consider approval of the proposed amendments to the Land Use By-laws for Halifax Peninsula, Planning District 4 and Planning District 5 as set out in Attachment C, to complete housekeeping amendments to the provisions regarding secondary and backyard suites, and schedule a public hearing;
- B. Adopt the proposed amendments to the Land Use By-laws for Halifax Peninsula, Planning District 4 and Planning District 5 as set out in Attachment C.

4. It is recommended that Halifax and West Community Council and North West Community Council:

- A. Give first reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Mainland, as set out in Attachment D, to complete housekeeping amendments to the provisions regarding secondary and backyard suites, and schedule a joint public hearing;
- B. Adopt the proposed amendments to the Land Use By-law for Halifax Mainland as set out in Attachment D.

BACKGROUND

On September 1st, 2020, Halifax Regional Council approved amendments¹ to the Regional Municipal Planning Strategy (RMPS) and all land use by-laws (LUB), with the exception of the Regional Centre LUB (Package A), to allow secondary and backyard suites accessory to single-unit, two-unit and townhouse dwellings.

After the amendments were approved, staff became aware of several typographical errors and incorrect or missing references. This report provides housekeeping amendments, as provided in the attachments, to ensure the proper implementation of the secondary and backyard suites policy amendments.

DISCUSSION

Housekeeping amendments are required for eleven LUBs that are dispersed throughout the municipality. This report divides the amendments into the three community council areas.

¹ See staff report online at <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/200901rc81.pdf>

Harbour East-Marine Drive Community Council Area:

Typos were noted in four of the land use by-laws that apply to the Harbour East-Marine Drive Community Council as further described in the table below and in Attachment A.

Land Use By-law	Text from September 1, 2020 Amendments Package	Error	Corrected Text
Dartmouth	Section 2: GENERAL PROVISIONS, Subsection 27D(b)(iv): 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;	The text "Sections" should not be plural.	Section 2: GENERAL PROVISIONS, Subsection 27D(b)(iv): 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;
Downtown Dartmouth	Section 5: GENERAL PROVISIONS, Subsection 18 ONE RESIDENTIAL BUILDING PER LOT: 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.	The September 1, 2020 amendments package references an older version of the Downtown Dartmouth LUB. On September 18, 2019, the LUB was amended to remove the text "excepting multiple unit and townhouse dwellings in the DB Zone".	Section 5: GENERAL PROVISIONS, Subsection 18 ONE RESIDENTIAL BUILDING PER LOT: 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.
Lawrencetown	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2): Subsection (1) does not apply to residential accessory structures which does not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20) permitted in accordance with this by-law	The text "does" should be "do"	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2): Subsection (1) does not apply to residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20) permitted in accordance with this by-law
Planning District 8 & 9	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.6 ONE DWELLING ON A LOT, subsection (c):	Incorrect section reference: Should reference subsections 4.6(a) and 4.6(b).	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.6 ONE DWELLING ON A LOT, subsection (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.		Notwithstanding Sections 4.6(a) & 4.6(b) , a single unit dwelling and a backyard suite or a mobile dwelling and a backyard suite may be located on the same lot.
Planning District 8 & 9	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.18A COASTAL AREAS, Subsection (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.	“ing” in “containing” should not be included in bold text	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.18A COASTAL AREAS, Subsection (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.

North West Community Council Area:

Typos and missing references were noted in three of the land use by-laws that apply to the North West Community Council as further described in the table below and in Attachment B.

Land Use By-law	Text from September 1, 2020 Amendments Package	Error	Corrected Text
Bedford	Missing reference	The Residential Single Dwelling Unit (RSU), Residential Two Dwelling Unit (RTU), Residential Townhouse (RTH), Residential Reserve (RR), and Cushing Hill Residential (CHR) zones include a “Maximum number of dwelling units per lot” provision. Without stating an exception, this provision would prohibit secondary and backyard suites.	In RSU, RTU, RTH, RR, CHR zones, where there is a reference to a maximum number of dwelling units per lot, insert “ (not including secondary and backyard suites) ”.

<p>Planning District 1 & 3</p>	<p>Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2):</p> <p>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</p>	<p>“ing” in “containing” should not be included in bold text</p>	<p>Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2):</p> <p>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.</p>
<p>Sackville Drive</p>	<p>PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 33:</p> <p>Accessory buildings and structures shall be permitted in any zone but shall not:</p> <p>(1) be used for human habitation, except where a backyard suite is a permitted;</p>	<p>“a” should not be included in bold text</p>	<p>PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 33:</p> <p>Accessory buildings and structures shall be permitted in any zone but shall not:</p> <p>(1) be used for human habitation, except where a backyard suite is permitted;</p>
<p>Sackville Drive</p>	<p>PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 34B. (1)(iv) and (2)(v):</p> <p>Notwithstanding the parking requirements of Part 7 Section 16(a), additional off-street parking shall not be required;</p>	<p>Incorrect section reference: Should reference Section 16.</p>	<p>PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 34B. (1)(iv):</p> <p>Notwithstanding the parking requirements of Part 7 Section 16, additional off-street parking shall not be required;</p>
<p>Sackville Drive</p>	<p>PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 34B. (2)(iii):</p> <p>The backyard suite shall meet the accessory building requirements as set out in Part 6 Sections 33, 34 and 34A;</p>	<p>Incorrect section reference: Should reference Sections 32,33 and 34</p>	<p>The backyard suite shall meet the accessory building requirements as set out in Part 6 Sections 32, 33 and 34;</p>

Halifax and West Community Council Area:

A missing reference was noted in three land use by-laws that apply to the Halifax and West Community Council as further described in the table below and in Attachment C.

Land Use By-law	Text from September 1, 2020 Amendments Package	Error	Corrected Text
Halifax Peninsula	General Provisions: Section 4L(b)(vi): Notwithstanding the parking requirements of Section 6, additional off-street parking shall not be required; and	“and” was included in error.	General Provisions: Section 4L(b)(vi): Notwithstanding the parking requirements of Section 6, additional off-street parking shall not be required; and
Halifax Peninsula	Missing reference	Section 26D should exclude backyard suites from the Maximum Residential Gross Floor Area provisions. Without stating an exception, this provision could prohibit backyard suites.	26D: The maximum residential gross floor area for dwellings (excluding backyard suites) within the R-1, R-1A (RCSep 27/11;E-Nov 26/11) and R-2 Zones shall be as follows:
Planning District 4	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.12B SECONDARY SUITES AND BACKYRAD SUITES	“Backyard” spelled incorrectly.	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.12B SECONDARY SUITES AND BACKYARD SUITES
Planning District 4	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2): Subsection (1) does not apply to residential accessory structures which does not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20) permitted in accordance with this by-law	The text “does” should be “do”	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2): Subsection (1) does not apply to residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20) permitted in accordance with this by-law
Planning District 5	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.13B SECONDARY SUITES AND BACKYARD SUITES	Missing the text “subject”	Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.13B SECONDARY SUITES AND BACKYARD SUITES

	<p>Subsection (b) BACKYARD SUITES</p> <p>Backyard suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a two-unit dwelling or a townhouse dwelling to the following provisions:</p>		<p>Subsection (b) BACKYARD SUITES</p> <p>Backyard suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a two-unit dwelling or a townhouse dwelling subject to the following provisions:</p>
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Halifax and West Community Council and North West Community Council Areas:

Typos were noted in one of the land use by-laws that applies to the Halifax and West and North West Community Councils as further described in the table below and in Attachment D.

Land Use By-law	Text from September 1, 2020 Amendments Package	Error	Corrected Text
Halifax Mainland	<p>R-1 ZONE: SINGLE FAMILY DWELLING ZONE, Subsection (21):</p> <p>(ga) Notwithstanding Subsection (d), Backyard Suites are not subject to a minimum living space.</p>	Not consistent with amendments elsewhere.	<p>R-1 ZONE: SINGLE FAMILY DWELLING ZONE, Subsection (21):</p> <p>(ga) Notwithstanding the provisions of Subsection 21(d), Backyard Suites are not subject to a minimum floor coverage of living space.</p>
Halifax Mainland	<p>R-2 ZONE: TWO FAMILY DWELLING ZONE, Subsection (26):</p> <p>(ga) Notwithstanding the provisions of Subsection 21(d), Backyard Suites are not subject to a minimum floor coverage of living space.</p>	Should reference subsection 26(d).	<p>R-2 ZONE: TWO FAMILY DWELLING ZONE, Subsection (26):</p> <p>(ga) Notwithstanding the provisions of Subsection 26(d), Backyard Suites are not subject to a minimum floor coverage of living space.</p>

Conclusion

These housekeeping amendments will ensure the recently passed RMPS and LUB amendments that enable secondary and backyard suites can be implemented as intended. Therefore, staff recommends that the Harbour East-Marine Drive Community Council, North West Community Council and Halifax and West Community Council approve the proposed LUB amendments as contained in Attachments A, B, C and D.

FINANCIAL IMPLICATIONS

The HRM costs associated with the proposed amendments can be accommodated within the approved 2020-2021 operating budget.

RISK CONSIDERATION

There are no risks associated with the recommendations contained within this report.

COMMUNITY ENGAGEMENT

No further community engagement was completed as part of this report for housekeeping amendments.

ENVIRONMENTAL IMPLICATIONS

There are no additional environmental implications in regard to these housekeeping amendments

ALTERNATIVES

The Community Councils for Halifax and West, North West, and Harbour East-Marine Drive may choose to:

1. Not complete housekeeping amendments to the provisions regarding secondary and backyard suites. Doing so may impact the ability to apply the provisions for secondary and backyard suites.

ATTACHMENTS

Attachment A: Proposed Amendments for Harbour East-Marine Drive Community Council

Attachment B: Proposed Amendments for North West Community Council

Attachment C: Proposed Amendments for Halifax and West Community Council

Attachment D: Proposed Amendments for Halifax and West Community Council and North West Community Council

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Meaghan Dalton, Planner I, 902.719.9380
Jill MacLellan, Planner III, 902.717.3167

Attachment A: Proposed Amendments for Harbour East-Marine Drive Community Council

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

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

- 1) Amend SECTION 2: GENERAL PROVISIONS, Subsection 27D(b)(iv) by deleting the text shown in strikethrough:

27D SECONDARY AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20)

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single-family dwelling, a mobile home dwelling or a two-family dwelling, a duplex dwelling, a semidetached dwelling or a 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) 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) 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;
- (v) Notwithstanding the parking requirements of Sections 14 and 15, additional off-street parking shall not be required;
- (vi) Where a residential use is a non-conforming use a backyard suite shall not be permitted;
- (vii) A backyard suite must be located on the same lot as the main dwelling unit; and
- (viii) Where the main dwelling unit does not have a side yard on both sides, a backyard suite must have unobstructed access upon the same lot in which the backyard suite is located to a public street.

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East-Marine Drive Community Council held on [DATE], 202[#].

Municipal Clerk

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

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

- 1) Amend SECTION 5: GENERAL PROVISIONS, Subsection 18: ONE RESIDENTIAL BUILDING PER LOT by deleting the text shown in strikethrough:

(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 (RC-Sep 18/19;E-Nov 30/19) ~~or~~ excepting where a backyard suite is permitted (RC-Sep 1/20;ENov 7/20)

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East-Marine Drive Community Council held on [DATE], 202[#].

Municipal Clerk

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

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

- 1) Amend Part 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2) by deleting the text shown in strikethrough:

4.19A COASTAL AREAS

- (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 (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East-Marine Drive Community Council held on [DATE], 202[#].

Municipal Clerk

Proposed Amendments to the Land Use By-law for Planning Districts 8 and 9

BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 and 9 is hereby amended as follows:

- 1) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.6(c), by deleting the text shown in strikethrough and inserting the text shown in bold:

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 ~~4.26~~(a) & ~~4.26~~(b), a single unit dwelling and a backyard suite or a mobile dwelling and a backyard suite may be located on the same lot.

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

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~~ing~~ a backyard suite, marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East-Marine Drive Community Council held on [DATE], 202[#].

Municipal Clerk

Attachment B: Proposed Amendments for North West Community Council

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

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

- 1) Amend Part 6: RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE by inserting the text shown in bold:

PART 6: RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE

ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,000 Sq. Ft. serviced;
Minimum Lot Frontage.....	60 Ft.
Minimum Front Yard.....	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard.....	20 Ft.
Minimum Side Yard	8 Ft.
Minimum Flankage Yard.....	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building.....	35 Ft.
Maximum Number of Dwelling Units on Lot (not including secondary or backyard suites)	1
Maximum Lot Coverage	35%

- 2) Amend Part 7: RESIDENTIAL TWO DWELLING UNIT (RTU) ZONE by inserting the text shown in bold:

ZONE REQUIREMENTS RTU

In any Residential Two Dwelling Unit (RTU) Zone, no development permit shall be issued except in conformity with the following requirements:

	Duplex Dwellings & Singles with <u>Basement Apartment</u>	Each Semi-Detached Unit or <u>Linked Dwelling Unit</u>
Minimum Lot Area	6,000 Sq.Ft.	3,000 Sq.Ft.
Minimum Lot Frontage	60 Ft.	30 Ft.
Minimum Front Yard	15 Ft. on Local and Collector Streets; 30 Ft. on Arterial	15 Ft. on Local and Collector Streets; 30 Ft. on Arterial
Minimum Rear Yard	20 Ft.	20 Ft.
Minimum Side Yard	8 Ft.	8 Ft.
Minimum Common Side Yard For Link Homes	N/A	2.5 Ft.
Minimum flankage yard	15 Ft. on Local and Collector Streets; 30 Ft. on Arterial	15 Ft. on Local and Collector 30 Ft. on Arterial
Maximum Height of Building	35 Ft.	35 Ft.
Maximum Number of		

Dwelling Units Per Lot (not including secondary or backyard suites)	2	1
Maximum Lot Coverage	35% 3	5%

- 3) Amend Part 9: RESIDENTIAL TOWNHOUSE (RTH) ZONE by inserting the text shown in bold:

ZONE REQUIREMENTS RTH

In any Residential Townhouse (RTH) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	2,000 sq. ft. per unit
Minimum Lot Frontage	20 ft. per unit
Minimum Front Yard	15 ft. on local or collector streets where a garage is within or attached to the dwelling or where off-site parking is provided; 30 ft. on arterial streets
Minimum Rear Yard	20 ft.
Minimum Side Yard	10 ft.
Flankage Yard	15 ft. on local and collector streets; 30 ft. on arterial streets
Maximum Height of Building	35 ft.
Number of Dwelling Units Per Lot (not including secondary or backyard suites)	1
Lot Coverage	35%

- 4) Amend Part 9A: CUSHING HILL RESIDENTIAL (CHR) ZONE Subsection 2(h) by inserting the text shown in bold:

2. Buildings to be developed or occupied as rowhouses or townhouses on individual lots shall comply with the following requirements:

(a)	Minimum lot frontage per unit	6.1 metres (20 feet) per unit
(b)	Minimum lot area	50.04 square metres (1,615 square feet)
(c)	Maximum height	10.67 metres (35 feet)
(d)	Maximum lot coverage	40 percent
(e)	Minimum front yard	6.1 metres (20 feet)
(f)	Minimum rear yard	7.62 metres (25 feet)
(g)	Minimum side yard	3.05 metres (10 feet) for end units
(h)	Maximum number of units per building (not including secondary or backyard suites)	8 units
(i)	Minimum unit width	5.5 metres (18 feet)

(j) Minimum yard along the 9.14 metres (30 feet) Bedford Highway

5) Amend Part 9A: CUSHING HILL RESIDENTIAL (CHR) ZONE Subsection 3(l) by inserting the text shown in bold:

3. Buildings to be occupied or developed as a single detached dwelling, a semi-detached dwelling or a duplex, and rowhouses or townhouse on a common lot shall conform with the following requirements:

- | | | |
|-----|---|--|
| (a) | Minimum Lot Frontage | 7.62 m (25 feet) |
| (b) | Minimum Lot Area | 1486.4 sq. m. (16,000 sq. ft.) |
| (c) | Minimum Lot Area Per Dwelling Unit | Single Detached
315.9 square metres (3400 square feet)
Semi Detached/Duplex
232.3 square metres (2,500 square feet)
Rowhouse/Townhouse
167.2 square metres (1800 square feet) |
| (d) | Minimum yard along Oakmount Drive | 6.1 metres (20 feet) |
| (e) | Minimum yard along the Bedford Highway | 9.14 metres (30 feet) |
| (f) | Minimum Rear Yard | 6.1 metres (20 feet) |
| (g) | Minimum Side Yard | 3.05 metres (10 feet) |
| (h) | Maximum Height of Building | 10.67 metres (35 feet) |
| (i) | Maximum Lot Coverage | 40 percent |
| (j) | Minimum width of a dwelling Unit | 5.5 metres (18 feet) |
| (k) | Maximum number of rowhouses/ townhouses units per building | 8 |
| (l) | Maximum number of dwelling units per lot (not including secondary and backyard suites) | 24 |

6) Amend Part 11: RESIDENTIAL RESERVE (RR) ZONE by inserting the text shown in bold:

ZONE REQUIREMENTS RR

In any Residential Reserve (RR) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area 5 acres

Minimum Lot Frontage.....	360 feet
Minimum Front Yard.....	30 ft. setback
Minimum Rear Yard.....	50 ft.
Minimum Side Yard	8 ft.
Maximum Height of Building.....	35 ft.
Maximum Number of Dwelling Units on Lot (not including secondary or backyard suites)	1
Lot Coverage	10%

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 202[#].

Municipal Clerk

Proposed Amendments to the Land Use By-law for Planning District 1 & 3

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 1 & 3 is hereby amended as follows:

- 1) Amend PART 4: GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A (2) COASTAL AREAS by deleting the text shown in strikethrough:
 - (2) Subsection (1) does not apply to any residential accessory structures which do not contain~~ing~~ a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law.

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 202[#].

Municipal Clerk

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

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

- 1) Amend PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 33. (1) Accessory Buildings by deleting the text shown in strikethrough:
 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

- 2) Amend PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 34B. Secondary Suites and Backyard Suites, Subsection (1) Secondary Suites by deleting the text shown in strikethrough:

34B. (1) Secondary Suites

Secondary suites shall be permitted accessory to a single unit dwelling, a duplex dwelling, a semi-detached dwelling or a 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.

- 3) Amend PART 6: GENERAL PROVISIONS FOR ALL ZONES, Section 34B. Secondary Suites and Backyard Suites, Subsection (2) Backyard Suites by deleting the text shown in strikethrough and inserting the text shown in bold:

(2) Backyard Suites

Backyard suites shall be permitted accessory to a single unit dwelling, a duplex dwelling, a semi-detached dwelling or a 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) 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~~ **32, 33 and 34**;
- (iv) The gross floor area of a backyard suite shall not exceed 90.0 square metres;
- (v) Notwithstanding the parking requirements of Part 7 Section 16(a), additional off-street parking shall not be required;
- (vi) Where a residential use is a non-conforming use a backyard suite shall not be permitted;
- (vii) A backyard suite must be located on the same lot as the main dwelling unit; and
- (viii) Where the main dwelling unit does not have a side yard on both sides, a backyard suite must have unobstructed access upon the same lot in which the backyard suite is located to a public street.

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 202[#].

Municipal Clerk

Attachment C: Proposed Amendments for Halifax and West Community Council

Proposed Amendments to the Land Use By-law for Halifax Peninsula Plan Area

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

- 1) Amend GENERAL PROVISIONS, Section 4L SECONDARY SUITES AND BACKYARD SUITES, Subsection (b)(vi) by deleting the text shown in strikethrough:
 - (b) **BACKYARD SUITES**
Backyard 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) 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) 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;
 - (v) 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 (November 7, 2020);
 - (vi) Notwithstanding the parking requirements of Section 6, 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;
 - (viii) A backyard suite must be located on the same lot as the main dwelling unit; and
 - (ix) Where the main dwelling unit does not have a side yard on both sides, a backyard suite must have unobstructed access upon the same lot in which the backyard suite is located to a public street.
- 2) Amend GENERAL PROVISIONS, Section 26D MAXIMUM RESIDENTIAL GROSS FLOOR AREA by inserting the text shown in bold:

MAXIMUM RESIDENTIAL GROSS FLOOR AREA

26D The maximum residential gross floor area for dwellings (**excluding backyard suites**) within the R-1, R-1A (RC Sep 27/11; E-Nov 26/11) and R-2 Zones shall be as follows:

Lot Size	GFA Requirement
<=3,500	The maximum GFA shall be a FAR of 0.75
>3,500 to 4,000	The maximum GFA shall be 2,625 sq. ft. or a FAR of 0.70, whichever is greater.
>4,000 to 4,500	The maximum GFA shall be 2,800 sq. ft. or a FAR of 0.65, whichever is greater.
>4,500 to 5,500	The maximum GFA shall be 2,925 sq. ft. or a FAR of 0.60, whichever is greater.
>5,500 to 7,000	The maximum GFA shall be 3,300 sq. ft. or a FAR of 0.55, whichever is greater.

>7,000 to 9,000	The maximum GFA shall be 3,850 sq. ft. or a FAR of 0.50, whichever is greater.
>9,000 to 11,000	The maximum GFA shall be 4,500 sq. ft or a FAR of 0.45, whichever is greater.
>11,000 to 13,000	The maximum GFA shall be 4,950 sq. ft. or a FAR of 0.40, whichever is greater.
>13,000	The maximum GFA shall be 5,200 sq. ft. or a FAR of 0.35, whichever is greater.

GFA: Gross Floor Area
FAR: Floor Area Ratio”

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 202[#].

Municipal Clerk

Proposed Amendments to the Land Use By-law for Planning District 4

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 is hereby amended as follows:

- 1) Amend Part 4 GENERAL PROVISIONS FOR ALL ZONES, Section 4.12B SECONDARY SUITES AND BACKYRAD SUITES by deleting the text shown in strikethrough and inserting the text shown in bold:

4.12B ~~SECONDARY SUITES AND BACKYRAD SUITES~~ **BACKYARD SUITES**

- 2) Amend Part 4 GENERAL PROVISIONS FOR ALL ZONES, Section 4.19A COASTAL AREAS, Subsection (2) by deleting the text shown in strikethrough:

4.19A ~~COASTAL AREAS~~

- (2) Subsection (1) does not apply to residential accessory structures which does not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20) permitted in accordance with this by-law.

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 202[#].

Municipal Clerk

Proposed Amendments to the Land Use By-law for Planning District 5

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 is hereby amended as follows:

- 1) Amend Part 4 GENERAL PROVISIONS FOR ALL ZONES, Section 4.13B SECONDARY SUITES AND BACKYARD SUITES, Subsection (b) BACKYARD SUITES by inserting the text shown in bold:

(b) BACKYARD SUITES

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

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 202[#].

Municipal Clerk

Attachment D: Proposed Amendments for Halifax and West Community Council and North West Community Council

Proposed Amendments to the Land Use By-law for Halifax Mainland Plan Area

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

- 1) Amend the R-1 ZONE: SINGLE FAMILY DWELLING ZONE Section, Subsection 21(ga) by inserting the text shown in bold:

REQUIREMENTS

- 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 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) 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 **the provisions of** Subsection 21(d), Backyard Suites are not subject to a minimum **floor coverage of** living space. (RC-Sep 1/20;E-Nov 7/20)
- 2) Amend the R-2 ZONE: TWO FAMILY DWELLING ZONE Section, Subsection 26(ga) by deleting the text shown in strikethrough and inserting the text shown in bold:

REQUIREMENTS

- 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 246(d), Backyard Suites are not subject to a minimum floor coverage of living space. (RC-Sep 1/20;ENov 7/20)

I, {Insert Name}, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 202[#] and the North West Community Council held on [DATE], 202[#].

Municipal Clerk