

## ATTACHMENT D02

### Proposed Amendments to the Beaver Bank-Hammonds Plains-Upper Sackville Land Use By-law

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

1 Part 2 is amended by adding the new section after section 2.76.5 as shown below in **bold**:

**2.76.7 URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law**

2 Part 4, clause 4.12(a) of the By-law is amended by striking out “R-1 (Single Unit Dwelling) Zone or R-2 (Two Unit Dwelling) Zone or” in subclause (iv) and by striking out “(90 m<sup>2</sup>)” and replacing it with “(93 square metres) in gross floor area or 25 feet (7.7 metres) in height” in subclause (v) as shown below in **bold** and ~~strikeout~~:

(iv) exceed fifteen (15) feet (4.6 m) in height in any ~~R-1 (Single Unit Dwelling) Zone or R-2 (Two Unit Dwelling) Zone~~ or C-5 (Hammonds Plains Commercial) Zone;

(v) exceed one thousand (1000) square feet ~~(90 m<sup>2</sup>)~~ **(93 square metres) in gross floor area or 25 feet (7.7 metres) in height** in any R-1 (Single Unit Dwelling) Zone or R-2 (Two Unit Dwelling) Zone;

3 Part 4, clause 4.12(c) of the By-law is repealed.

4 Part 4, section 4.12 of the By-law is amended by adding a new clause (d) after clause (c) as shown below in **bold**:

**(d) Notwithstanding anything else in this by-law, an enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum gross floor area requirements for accessory buildings or structures.**

5 Part 4, clause 4.12A(a) of the By-law is amended by adding “or” after “dwelling unit” in subclause (i), striking out “or backyard suite” in subclause (i), and by striking out “Where a residential use is a non-conforming use a secondary suite shall not be permitted” in subclause (vi) and replacing it with “A secondary suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone” by adding the text as shown below in **bold** and by striking out the text as shown below in ~~strikeout~~:

(a) **SECONDARY SUITES**

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

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

(v) ~~Where a residential use is a non-conforming use a secondary suite shall not be permitted~~ **A secondary suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone.**

6 Part 4, clause 4.12A(b) of the By-Law is amended by striking out “or” in the portion before subclause (i), by adding “, or a multiple unit dwelling containing three (3) units,” after “a two unit dwelling” in the portion before subclause (i), by adding “gross” before “floor area of a backyard suite” in subclause (iv), by striking out “90.0 square metres” in subclause (iv) and replacing it with “1000 square feet (93 square metres);”, by striking out “or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;” in subclause (iv), and by striking out “Where a residential use is a non-conforming use a backyard suite shall not be permitted” in subclause (vi) and replacing it with “A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone” by adding the text as shown below in **bold** and by striking out the text as shown below in ~~strikeout~~:

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, ~~or~~ a two unit dwelling, **or a multiple unit dwelling containing three (3) units** subject to the following provisions:

(iv) The **gross** floor area of a backyard suite shall not exceed ~~90.0 square metres~~ **1000 square feet (93 square metres)** ~~or the maximum floor area of an accessory building as set out in Section 4.12, whichever is less;~~

(vi) ~~Where a residential use is a non-conforming use a backyard suite shall not be permitted~~ **A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone.**

7 Part 4, clause 4.12A(b) of the By-law is amended by striking out “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.” in subclause (viii) and replacing it with “A backyard suite shall have unobstructed access that (A) connects the backyard suite to a street or private road, (B) is located on the same lot on which the backyard suite is located, and (C) has a minimum width of 1.1 metres” and by adding the new subclause (ix) after subclause (viii) as shown below in **bold** and ~~strikeout~~:

(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.~~ **A backyard suite shall have unobstructed access that**

(A) **connects the backyard suite to a street or private road,**

(B) **is located on the same lot on which the backyard suite is located, and**

(C) **has a minimum width of 1.1 metres.**

(ix) **Notwithstanding Subsection (iii), a non-conforming accessory building may be converted to a backyard suite if the gross floor area of the backyard suite does not exceed 1000 square feet (93 square metres).**

- 8 Part 4, clause 4.26(a) of the By-law is amended by striking out “1 space” after “Any dwelling except as specified below” and replacing it with “0 spaces” and by striking out “1.5” after “Multiple unit dwellings” and replacing it with “0.33” as shown below in **bold** and ~~strikeout~~:

Any dwelling except as specified below	<del>1 space</del> <b>0 spaces</b> per dwelling unit
Multiple unit dwellings	<del>1.5</del> <b>0.33</b> spaces per dwelling unit

- 9 Part 6, section 6.1 of the By-law is amended by adding “New two unit dwellings within the Urban Service Area; Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Existing two unit dwellings” as shown below in **bold**:

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Single unit dwellings

Existing two unit dwellings

**New two unit dwellings within the Urban Service Area**

**Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit

Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings

Offices in conjunction with permitted dwellings

Open space uses

- 10 Part 7, section 7.1 of the By-law is amended by adding “Two unit dwellings within the Urban Service Area; Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Single unit dwellings” as shown below in **bold**:

Residential Uses

Single unit dwellings;

**Two unit dwellings within the Urban Service Area**

**Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Auxiliary dwelling units;

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Day care facilities for not more than seven (7) children in conjunction with permitted dwellings;

Offices in conjunction with permitted dwellings;

Open space uses

- 11 Part 7A, section 7A.1 of the By-law is amended by adding “Two unit dwellings within the Urban Service Area; Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Single unit dwellings” as shown below in **bold**:

Single unit dwellings

**Two unit dwellings within the Urban Service Area**

**Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Auxiliary dwellings

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Open space uses

- 12** Part 8, section 8.1 of the By-law is amended by adding “Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Two unit dwellings”, as shown below in **bold**:

Single unit dwellings

Two unit dwellings

**Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings

Offices in conjunction with permitted dwellings

Open space uses

Existing Home Businesses

- 13** Part 9, section 9.1 of the By-law is amended by adding “Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Two unit dwellings”, as shown below in **bold**:

Single unit dwellings

Two unit dwellings

**Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Open space uses

- 14** Part 11, section 11.1 of the By-law is amended by adding “Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Two unit dwellings”, as shown below in **bold**:

Single unit dwellings

Two unit dwellings

**Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Open space uses

Agriculture uses

Forestry uses

- 15** Part 13, section 13.1 of the By-law is amended by adding “New multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area” after “Existing multiple unit dwellings”, as shown below in **bold**:

Single unit dwellings

Two unit dwellings

Shared housing use

Existing on properties listed in Appendix A-1

Existing multiple unit dwellings

**New multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area**

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk