

ATTACHMENT D06

Proposed Amendments to the Cole Harbour-Westphal Land Use By-law

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

- 1 Part 2 of the By-law is amended by adding the new section after section 2.70.5 "SUITE" and before Section 2.70A "USED BUILDING MATERIAL RETAIL OUTLET" as shown below in **bold**:

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

- 2 Part 4, clause 4.11(a) of the By-law is amended by striking out "15 feet (4.57 metres)" in subclause (iii) and replacing it with "25 feet (7.7 metres)", by striking out "the height of the main dwelling" in subclause (iii)(a) and replacing it with "25 feet (7.7 metres)", and by repealing subclause (vii) as shown below in **bold** and ~~strikeout~~:

(iii) no accessory building in any residential zone in the Urban Service Area shall be greater than ~~15 feet (4.57 metres)~~ **25 feet (7.7 metres)** in height, from the established grade to the highest point of the roof surface, nor have a footprint greater than 750 square feet (69.68 square metres) in area.

(iii)(a) no accessory building in any residential zone or a residential accessory building in the RPK (Regional Park) zone located outside the Urban Service Area shall exceed ~~the height of the main dwelling~~ **25 feet (7.7 metres)**, nor have a footprint that exceeds 80% of the footprint of the main dwelling up to a maximum of 1,250 square feet (116.13 square metres), or 750 square feet (69.68 square metres), whichever is the greater.

(vii) ~~no accessory building shall be located closer to the front lot line than the dwelling on the property in any Residential Zone. (HECC-Jul 12/01;E-Aug 5/01)~~

- 3 Part 4, Section 4.11 of the By-law is amended by adding a new clause after clause (b) as shown below in **bold**:

(c) **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.**

- 4 Part 4, clause 4.11C(a) of the By-law is amended by 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 (v) 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 deleting the text as shown in ~~strikeout~~:

(i) No more than one total 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.**

5 Part 4, clause 4.11C(b) of the By-law is amended by striking out “a mobile dwelling” in the portion before subclause (i), by adding “ a multiple unit dwelling containing three (3) units” after “a semi-detached dwelling” in the portion before subclause (i), by striking out “total secondary suite or” in subclause (i), by adding “gross” before “floor area of a backyard suite” in subclause (iv), and by striking out “90.0 square metres or the maximum floor area of an accessory building as set out in Section 4.11, whichever is less;” in subclause (iv) and by replacing it with “1,000 square feet (93 square metres), 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 striking out “and” in subclause (vii), by striking out 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~~:

(b) **BACKYARD SUITES**

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

- (i) No more than one ~~total secondary suite or~~ backyard suite shall be permitted on a lot;
- (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 as set out in Section 4.11, whichever is less~~ **1,000 square feet (93 square metres)**;
- (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;**
- (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.~~
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) a non-conforming accessory building may be converted to a backyard suite if the gross floor area of the backyard suite does not exceed 1,000 square feet (93 square metres).

- 6 Part 4, section 4.25 of the By-law is amended by striking out “1 space per dwelling unit” 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~~:

USE

Any dwelling except as specified below
Multiple unit dwellings

PARKING REQUIREMENT

~~1 space per dwelling unit~~ **0 spaces**
~~1.5~~ **0.33** spaces per dwelling unit

- 7 Part 6, section 6.1 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**:

6.1 R-1a USES PERMITTED

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

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;

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

- 8 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**:

7.1 R-1 USES PERMITTED

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

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;

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

Home business uses in conjunction with permitted dwellings;

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

- 9 Part 7 of the By-law is amended by adding the new sections 7.1A and 7.1B after Section 7.1 as shown below in **bold**:

7.1A OTHER REQUIREMENTS: R-2 USES

Notwithstanding Section 7.1, where uses are permitted as Two-Unit Dwellings, no development permit shall be issued except in conformity with the provisions of Section 8.2.

7.1B OTHER REQUIREMENTS: R-4 USES

Notwithstanding Section 7.1, where uses are permitted as Multiple-Unit Dwellings, no development permit shall be issued except in conformity with the provisions of Section 10.2.

- 10 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**:

8.1 R-2 USES PERMITTED

No development permit shall be issued in any R-2 (Two Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings;

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

Two unit dwellings;

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

Home business uses in conjunction with permitted single unit dwellings;

Day care facilities for not more than five (5) children and in conjunction with permitted two unit dwellings

Home offices in conjunction with permitted two unit dwellings

- 11 Part 8, section 8.2 of the By-law is amended by adding “and Multiple Unit Dwelling” after “Two Unit Dwelling”, by adding “(1858.1 m²)” after “otherwise 20,000 square feet”, by striking out “(1858.1 m²)” after “separate lot”, and by adding “m²)” after “(1858.1” as shown below in **bold and strikeout**:

	Singles Unit Dwelling	Two Unit Dwelling and Multiple Unit Dwelling
Minimum Lot Area	6,000 square feet (557.4 m ²) where central services are available; otherwise 20,000 square feet (1858.1 m²)	7,000 square feet (650.3 m ²) or 3,500 square feet (325.2 m ²) per dwelling unit where each dwelling unit is located on a separate lot (1858.1 m²) and where central services are available; otherwise 20,000 square feet (1858.1 m ²)

- 12 Part 9, section 9.1 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**:

9.1 R-3 USES PERMITTED

No development permit shall be issued in any R-3 (Mobile Dwelling) Zone except for the following:

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;

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

Home business uses in conjunction with permitted dwellings;

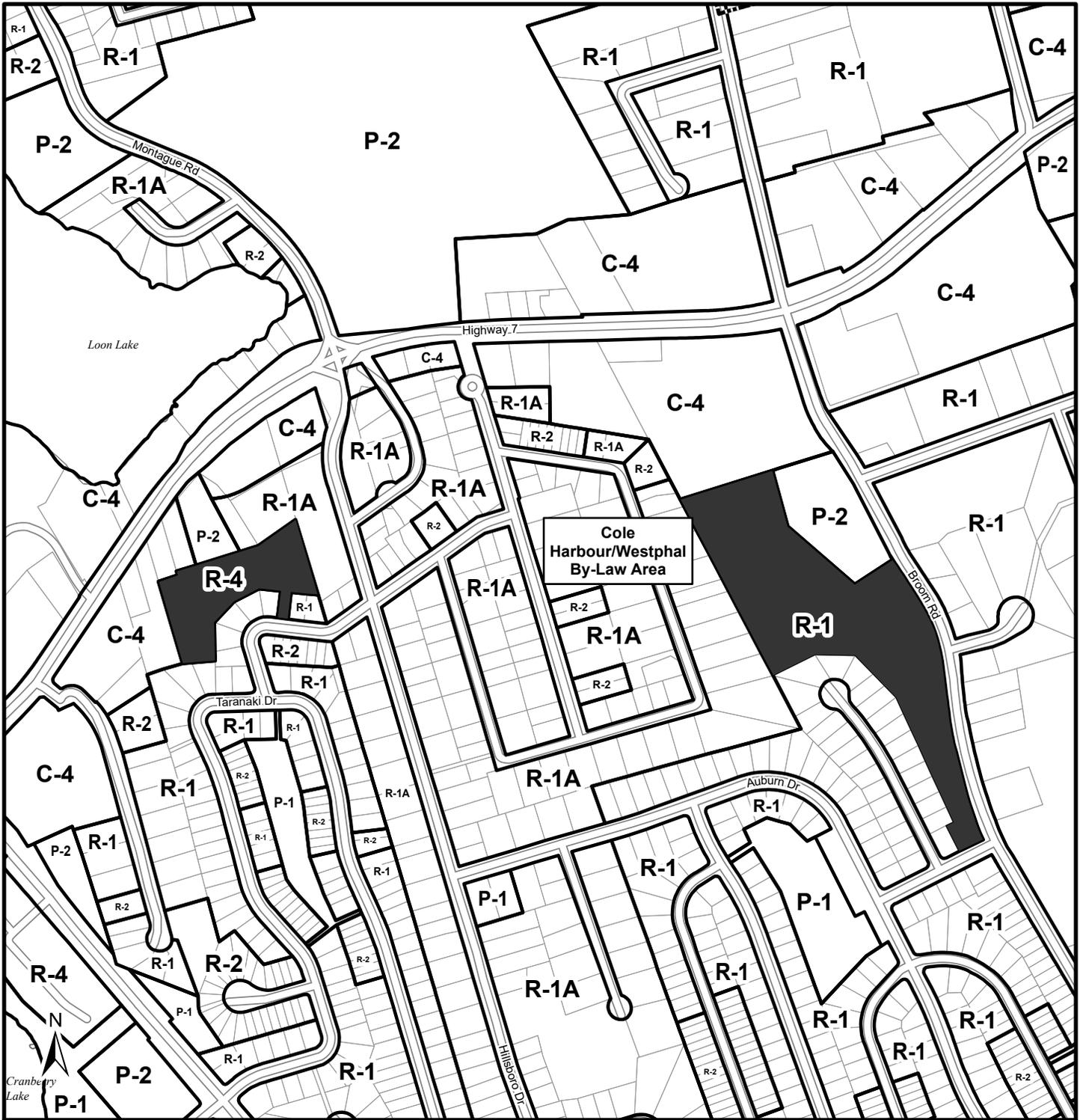
Daycare facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

- 13 Schedule A – Cole Harbour / Westphal Zoning is amended by removing certain lands from the Cole Harbour-Westphal By-Law Area as shown in Attachment-D06-Schedule A-1 and Attachment-D06-Schedule A-2.

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



Attachment D06 - Schedule A-1

Cole Harbour/Westphal

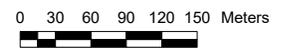


Area to be removed from Planning Area

Zone

- C-4 Highway Commercial
- P-1 Open Space
- P-2 Community Facility
- R-1 Single Unit Dwelling
- R-1A Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-4 Multiple Unit Dwelling

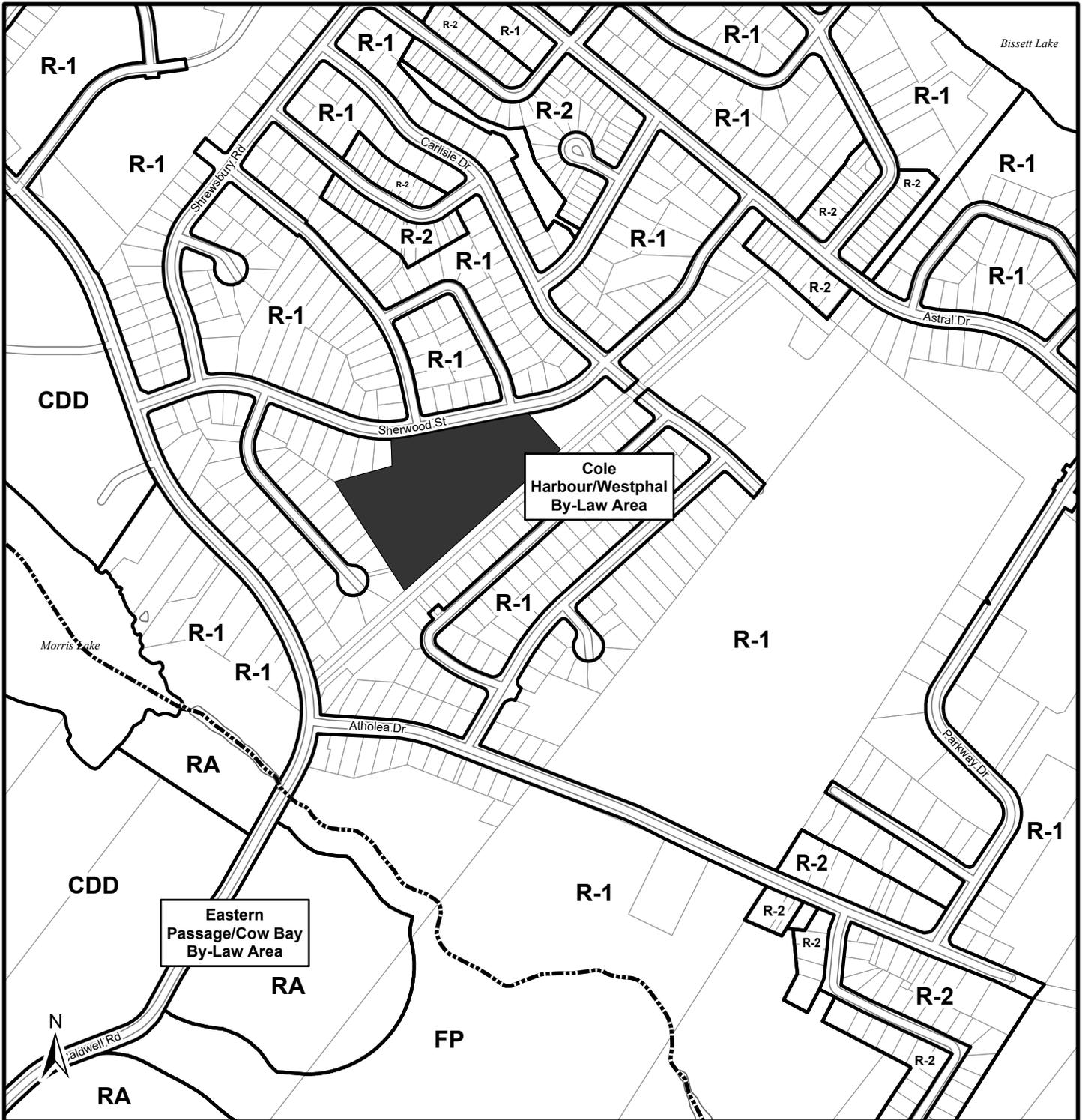
HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Cole Harbour/Westphal Land Use By-Law Area



Attachment D06 - Schedule A-2

Cole Harbour/Westphal

 Area to be removed from Planning Area

 By-law Area Boundary

Zone

Cole Harbour/Westphal

CDD Comprehensive Development District

R-1 Single Unit Dwelling

R-2 Two Unit Dwelling

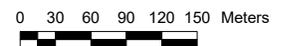
Eastern Passage/Cow Bay

CDD Comprehensive Development District

FP Floodplain

RA Rural Area

HALIFAX



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Cole Harbour/Westphal Land Use By-Law Area