

## ATTACHMENT D10

### Proposed Amendments to the Eastern Passage-Cow Bay Land Use By-law

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

- 1 Part 2 is amended by adding the new section after section 2.66AA and before section 2.66AAA as shown below in **bold**:

**2.66AB URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law.**

- 2 Part 4, subclause 4.11(a)(iii) of the By-law is amended by striking out “15 feet (4.57 metres)” and replacing it with “25 feet (7.7 metres)”, and by striking out “, except on properties within the Heritage Hills development as shown on Schedule A-1 where lots are identified as being of classification D, E, F and G, on which lots the maximum height shall be 12 feet (3.7m), the maximum floor area shall be 350 square feet (32.5 square metres), and only one accessory building shall be permitted per lot” 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, ~~except on properties within the Heritage Hills development as shown on Schedule A-1 where lots are identified as being of classification D, E, F and G, on which lots the maximum height shall be 12 feet (3.7m), the maximum floor area shall be 350 square feet (32.5 square metres), and only one accessory building shall be permitted per lot;~~

- 3 Part 4, subclause 4.11(a)(iii)(a) of the By-law is amended by striking out “exceed the height of the main dwelling, nor” as shown below in ~~strikeout~~:

(iii)(a) no accessory building in any residential zone or the P-3 Zone located outside the Urban Service Area shall ~~exceed the height of the main dwelling, 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.

- 4 Part 4, subclause 4.11(a)(vi) of the By-law is repealed.

- 5 Part 4, section 4.11 of the By-law is amended by adding the following 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.**

- 6 Part 4, clause 4.11B(a) of the By-law is amended by striking out “total auxiliary dwelling unit, secondary suite or backyard suite” and replacing it with “secondary suite”, 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” as shown below in **bold** and ~~strikeout~~:

- (i) No more than one ~~total auxiliary dwelling unit, secondary suite or backyard suite~~ **secondary 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.**

7 Part 4, clause 4.11B(b) of the By-law is amended by adding “, a multiple unit dwelling containing 3 units,” after “a semi-detached dwelling” in the portion before subclause (i), by striking out “total auxiliary dwelling unit, secondary suite or” in subclause (i), by adding “gross” before “floor area” in subclause (iv), by striking out “90.0 square metres” in subclause (iv) and replacing it with “1,000 square feet (93 square metres)”, by adding a semi-colon after “metres” in subclause (iv), by striking out “or the maximum floor area of an accessory building as set out in Section 4.11, whichever is less;” in subclause (iv), 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 “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 public street, private road, or private right-of-way, (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, one mobile dwelling, a two unit dwelling, a semi-detached dwelling, **a multiple unit dwelling containing 3 units**, or a 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;
- (iv) The **gross** floor area of a backyard suite shall not exceed ~~90.0 square metres~~ **1,000 square feet (93 square metres)** ~~or the maximum floor area of an accessory building as set out in Section 4.11, 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.**
- (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 public street, private road, or private right-of-way,
  - (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).

8 Part 4, section 4.25 of the By-law is amended by adding “below” after “Any dwelling except as specified”, by striking out “1 space per dwelling unit below” after “Any dwelling except as specified” and replacing it with “0 spaces” and by striking out “1.5” after “Multiple dwellings” and replacing it with “0.33” as shown below in **bold** and ~~strikeout~~:

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Any dwelling except as specified <b>below</b>	<b>0 spaces</b> <del>1 space per dwelling unit below</del>
Multiple 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 “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**
- Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit;
- Existing day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
- Home child care services for not more than three (3) children and in conjunction with permitted dwellings;
- Home business uses, except on Class G lots within Heritage Hills as shown on Schedule A-1 where only Home Offices shall be permitted; and
- Deleted - (RC-Feb 21/23;E-Sept 01/23)

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;

Home child care services for not more than three (3) children and in conjunction with permitted dwellings;

Home business uses

Deleted (RC-Feb 21/23;E-Sept 01/23)

- 11 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**:

Residential Uses

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;

Existing day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings except in two unit dwellings where each unit is held under separate title;

Home child care services for not more than three (3) children and in conjunction with permitted dwellings;

Home offices in conjunction with permitted two unit dwellings

Home business uses in conjunction with permitted single unit dwellings

Deleted (RC-Feb 21/23;E-Sept 01/23)

- 12 Part 9, section 9.1 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**

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

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

Home child care services for not more than three (3) children and in conjunction with permitted dwellings;

Home business uses.

Deleted (RC-Feb 21/23;E-Sept 01/23)

- 13 Part 11, section 11.1 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**

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

- 14 Part 14, section 14.1 of the By-law is amended by striking out “up to a maximum of twelve (12) units including apartments” as shown below in ~~strikeout~~:

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Townhouse dwellings
- Multiple unit dwellings ~~up to a maximum of twelve (12) units including apartments~~
- Shared housing use
- Home business uses in conjunction with permitted dwellings

- 15 Part 14, section 14.2 of the By-law is amended by striking out “40 feet” after “Minimum Rear Yard” and replacing it with “20 feet”, and by striking out “35 feet” after “Maximum Building Height” and replacing it with “46 feet” as shown below in **bold** and ~~strikeout~~:

LOT AND YARD REQUIREMENTS: COMMERCIAL AND INSTITUTIONAL USES, MULTIPLE UNIT DWELLINGS, AND SHARED HOUSING USES

- Minimum Lot Area: 4000 square feet
- Minimum Lot Frontage: 50 feet
- Minimum Front / Flankage Yard: 4 feet except for 25 foot daylighting triangle on corner lots.
- Minimum Rear Yard: ~~40 feet~~ **20 feet**
- Minimum Side Yard: 4 feet on one side, 20 feet on the other
- Maximum Lot Coverage: 50 percent
- Maximum Building Height: ~~35 feet~~ **46 feet**

- 16 Part 14, section 14.3 of the By-law is amended by striking out “Maximum Gross Floor Area: 15,000 square feet” as shown below in **bold** and ~~strikeout~~:

BUILDING SIZE REQUIREMENTS

For any new, renovated or expanded commercial or institutional buildings in the C2 Zone, the following shall apply:

- Maximum Building Footprint: 7500 square feet
- ~~Maximum Gross Floor Area: 15,000 square feet~~

- 17 Schedule D “Developments Subject to Interim Bonus Zoning Requirements” of the By-law is amended by adding the following rows in Table 1 as shown below in **bold**:

Ref. #	Case #	PIDs
SS112	2023-01065 (HAF)	40081176, 00373167, 00373142

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\_\_\_\_\_.

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Municipal Clerk