

ATTACHMENT D12

Proposed Amendments to the Halifax Mainland Land Use By-law

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

- 1 Chapter "Administration", section 1 is amended by adding a new subsection after subsection (3) as shown below in **bold**:

1(4) A development permit shall expire 24 months from the date it is issued.

- 2 The definition *accessory building* in section 2 of the By-law is amended by striking out "one storey and 14 feet in height not used for human habitation except where backyard suites are permitted" and replacing it with "25 feet (7.7 metres) in height" and by adding "or on a lot which directly abuts the lot containing the main building or use it is intended to serve," after "which it is accessory," as shown below in **bold** and ~~strikeout~~:

"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~~ **25 feet (7.7 metres) in height**, located on the same lot as the main building, structure or use to which it is accessory, **or on a lot which directly abuts the lot containing the main building or use it is intended to serve**, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

- 3 The definition *Schedule K* in section 2 of the By-law is repealed.
- 4 The definition *street* in section 2 of the By-law is amended by striking out "any public street, road, highway or travelled way or portion thereof" and replacing it with "a public street, highway, road, lane, sidewalk, thoroughfare, bridge and square, and the curbs, gutters, culverts, and retaining walls in connection therewith. For greater certainty, a road listed on Schedule A of the Regional Subdivision By-law shall also be considered a street under this By-law" as shown below in **bold** and ~~strikeout~~:

"Street" means ~~any public street, road, highway or travelled way or portion thereof~~ **a public street, highway, road, lane, sidewalk, thoroughfare, bridge and square, and the curbs, gutters, culverts, and retaining walls in connection therewith. For greater certainty, a road listed on Schedule A of the Regional Subdivision By-law shall also be considered a street under this By-law.**

- 5 Section 2 of the By-law is amended by adding a new definition after "Townhouse Style Residential Development" as shown below in **bold**:

"Urban Service Area" means the Urban Service Area under Schedule B of the Regional Subdivision By-law.

- 6 Chapter "General Provisions", clause 9(a) is amended by striking out "each dwelling unit" in subclause (ii) and replacing it with "every three dwelling units, rounded down to the nearest whole

number if this results in a fraction,” and by repealing subclause (iia) as shown below in **bold** and ~~strikeout~~:

- (ii) Such accommodation shall consist of one parking space for ~~each dwelling unit~~ **every three dwelling units, rounded down to the nearest whole number if this results in a fraction**, contained in such dwelling;

~~(iia) Notwithstanding clause (ii), for R-3 uses in the R-3 Zone, in the "Bedford Highway Area", such accommodation shall consist of:~~

- ~~(a) one space for every unit of two or more bedrooms; and~~
- ~~(b) one space for every four or less bachelor or one-bedroom units.~~

- 7 Clause 14BA(a) of the By-law is amended by striking out “a duplex dwelling,” before subclause (i), by striking out “or backyard suite” in subclause (i), by repealing subclauses (iii), by striking out “Where a residential use is a non-conforming use a secondary suite shall not be permitted” 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~~:

- (a) Secondary suites

Secondary suites shall be permitted accessory to a single family 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;
- (iii) ~~A duplex dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;~~
- (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.**

- 8 Clause 14BA(b) of the By-law is amended by striking out “or” in the portion before subclause (i) and replacing it with a comma, by adding “, or an apartment house containing only 3 dwelling units” after “a townhouse 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), by striking out “90.0” in subclause (iv) and replacing it with “93.0”, by striking out “or the maximum floor area of an accessory building permitted in this Land Use Bylaw, 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 “and” in subclause (vii), 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~~:

(b) Backyard suites

Backyard suites shall be permitted accessory to a single family dwelling, a duplex dwelling, a semi-detached dwelling, ~~or a townhouse dwelling,~~ **or an apartment house containing only 3 dwelling units** 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~~ **93.0** square metres (1000 square feet) ~~or the maximum floor area of an accessory building permitted in this Land Use Bylaw, 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;**
- (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 93 square metres.**

9 Chapter “General Provisions” of the By-law is amended by adding a new section after section 14BB as shown below in **bold**:

14BC Accessory Buildings

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 floor area requirements for accessory buildings or structures.

10 Chapter “General Provisions” of the By-law is amended by adding the new sections after section 14F as shown below in **bold**:

UNDERSIZED LOTS

- 14G(1)** A lot with less than the minimum required lot area, lot frontage, or lot dimensions may be developed if it existed on or before August 1, 1987, is within the Mainland South Area, and
- (a)** abuts and has direct access to a street; or
 - (b)** is accessible through a registered easement no less than 3.0 metres wide.
- 14G(2)** A lot with less than the minimum required lot area, lot frontage, or lot dimensions created as a result of an acquisition of a portion of the land by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Municipality for a provincial or municipal purpose, may be developed as per the requirements of the applicable zone.
- 14G(3)** The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the HRM *Regional Subdivision By-law*, where an undersized lot has had its boundaries altered.
- 11** Subsection 20(1) of the By-law is amended by adding three new clauses after clause 20(1)(a) as shown below in **bold**:
- 20(1) The following uses only shall be permitted in any R-1 Zone:
- (a) a detached one-family dwelling;
 - (a.1) Semi-detached dwellings within the Urban Service Area;**
 - (a.2) Duplex Dwelling within the Urban Service Area;**
 - (a.3) Apartment houses containing 3 or 4 dwelling units within the Urban Service Area;**
 - (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
 - (ba) a home occupation;
 - (c) a public park or playground;
 - (d) a church and church hall;
 - (e) a golf course;
 - (f) a tennis court;
 - (g) a yacht or boat club;
 - (h) a public recreational centre;
 - (i) a day care facility for not more than 8 children in conjunction with a dwelling;
 - (j) a shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit;
 - (ja) a townhouse building on the lands identified as Townhouse Building on ZM-33, subject to the requirements of Section 23E; and
 - (k) uses accessory to any of the foregoing uses.
- 12** Clause 34B37(b) of the By-law is repealed.
- 13** Section 38BB of the By-law is amended by adding a new subsection after subsection (1) by adding the text as shown below in **bold**:

38BB(2) For lands located at 44-58 Main Avenue, Halifax, any use permitted under 38BA(1), other than residential, shall be limited to the ground floor of the building.

14 Clause 38BC(1)(a) of the By-law is amended by striking out “25 m” and replacing it with “50 metres” as shown below in **bold** and ~~strikeout~~:

(a) The maximum building depth shall be ~~25 m~~ **50 metres**;

15 Clause 38BG(1)(c) of the By-law is repealed.

16 Clause 38BL(1)(a) of the By-law is amended by adding “. For greater clarity, a 1.9-metre opaque fence and a landscaping area that is a minimum 3 metres in depth is required along the eastern property boundary for lands located at 44-58 Main Avenue that abuts a residential zone” after “the abutting residential property line” by adding the text as shown below in **bold**:

(a) Where the lands abut any residential zone, a landscaping area that is 6 metres in depth shall be provided along any abutting residential property line. This landscaping area may be reduced to a depth of 1 metre of landscaping if a 1.9 metre wooden, stone or acceptable equivalent, fence is provided along the abutting residential property line. **For greater clarity, a 1.9 metre opaque fence and a landscaping area that is a minimum 3 metres in depth is required along the eastern property boundary for lands located at 44-58 Main Avenue that abuts a residential zone;**

17 “C-2C Zone” of the By-law is amended by adding a new section after section 38BP(2) by adding the text as shown below in **bold**:

INTERIM BONUS ZONING

38BQ(1) Any lands identified under Schedule A, Table 1 shall be subject to the Interim Bonus Zoning Requirements found in Appendix A.

18 Clause 38CH(1)(b) of the By-law is repealed.

19 Subsection 54(1) of the By-law is amended by striking out “and” in clause (b) and replacing it with “to”, and by adding the following clauses after clause 20(1)(a) as shown below in **bold** and ~~strikeout~~:

54(1) The following uses shall be permitted in any T Zone:

(a) mobile home park;

(a.1) Semi-detached dwellings within the Urban Service Area;

(a.2) Duplex Dwelling within the Urban Service Area;

(a.3) Apartment houses containing 3 or 4 dwelling units within the Urban Service Area;

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

(b) any use accessory to the uses in (a), (a.1), (a.2), (a.3) and (aa).

20 Schedule “K”, section 68 of the By-law is repealed.

- 21 Map ZM-1 “Zoning” is amended by removing certain lands from Halifax Mainland Planning Area as shown in Attachment-D12-Map ZM-1-01, Attachment-D12-Map ZM-1-02, Attachment-D12-Map ZM-1-03, Attachment-D12-Map ZM-1-04, Attachment-D12-Map ZM-1-05, Attachment-D12-Map ZM-1-06, Attachment-D12-Map ZM-1-07.
- 22 Map ZM-1 “Zoning” is amended by rezoning 44, 44B, 46, 48, 50A, 50B, 52, 54, and 58 Main Avenue, Halifax from their respective zones to the Dutch Village Road Mixed Use Zone as shown in Attachment-D12-Map ZM-1-03.
- 23 Map ZM-1 “Zoning” is amended by rezoning certain lands from “Schedule K” to the respective zoning as specified in Attachment-D12-Schedule K-1, Attachment-D12-Schedule K-2, Attachment-D12-Schedule K-3, Attachment-D12-Schedule K-4, and Attachment-D12-Schedule K-5.
- 24 Map ZM-28 “Plan Dutch Village Road Overview Map” is repealed and replaced to expand Area D as shown in Attachment-D12-Map ZM-28-1.
- 25 Map ZM-29 “Plan Dutch Village Road Buildings May Exceed Maximum Building Depth Map” is amended by expanding the shaded area onto the properties as shown in Attachment-D12-Map ZM-29-1.
- 26 Map ZM-30 “Plan Dutch Village Road Area Exempt from Front Yard Setback Map” is amended by expanding the shaded area onto the properties as shown in Attachment-D12-Map ZM-30-1.
- 27 Map ZM-31 “Plan Dutch Village Road Street Wall Height Map” is amended by designating a streetwall height of 11 metres onto the properties as shown in Attachment-D12-Map ZM-31-1
- 28 Map ZM-32 “Plan Dutch Village Road Height Map” is amended by designating a maximum building height of 20 metres onto the properties as shown in Attachment-D12-Map ZM-32-1.
- 29 Schedule A, Table 1 “Lands Subject to Interim Bonus Zoning Requirements” is amended by adding a new row by adding the text as shown below in **bold**:

| Ref. # | Case # | PID #s |
|--------|--|---|
| 1 | Cases 22816 and 23245: Amendments to the Halifax MPS and Halifax Mainland LUB – Westerwald Street Study Area and Main Avenue and Titus Street, Halifax – Supplementary Report | PID #: 00198523, 00198531, 00198549, 00198564, 00198572, 00198580, 00198598, 00198606, 00198242, 00189795, 00189548, 00189761, 41260936, 00189571, 00189589, 00189597, 00189605, 00180489, 00180018, 00180026, 00180034 |
| 2 | PLANAPP-2023-00484 (Case 24378): Main Avenue, Halifax | 00180109, 00180091, 00180083, 40702185, 00180075, 00180067, 00180059, 00180042 |

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 D12 - Map ZM-1-01

Halifax

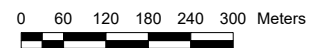


Area to be removed from Planning Area

Zone

| | |
|-------|--|
| C-2 | Commercial |
| C-2A | Minor Commercial |
| C-2B | Highway Commercial |
| I-1 | General Industrial |
| I-2 | Radio Transmitter |
| K | Schedule K |
| P | Park and Institutional |
| R-1 | Single Unit Dwelling |
| R-2 | Two Unit Dwelling |
| R-3 | Low-Rise Apartment |
| R-4 | Multiple Dwelling |
| SRCCD | Seton Ridge Comprehensive Development District |

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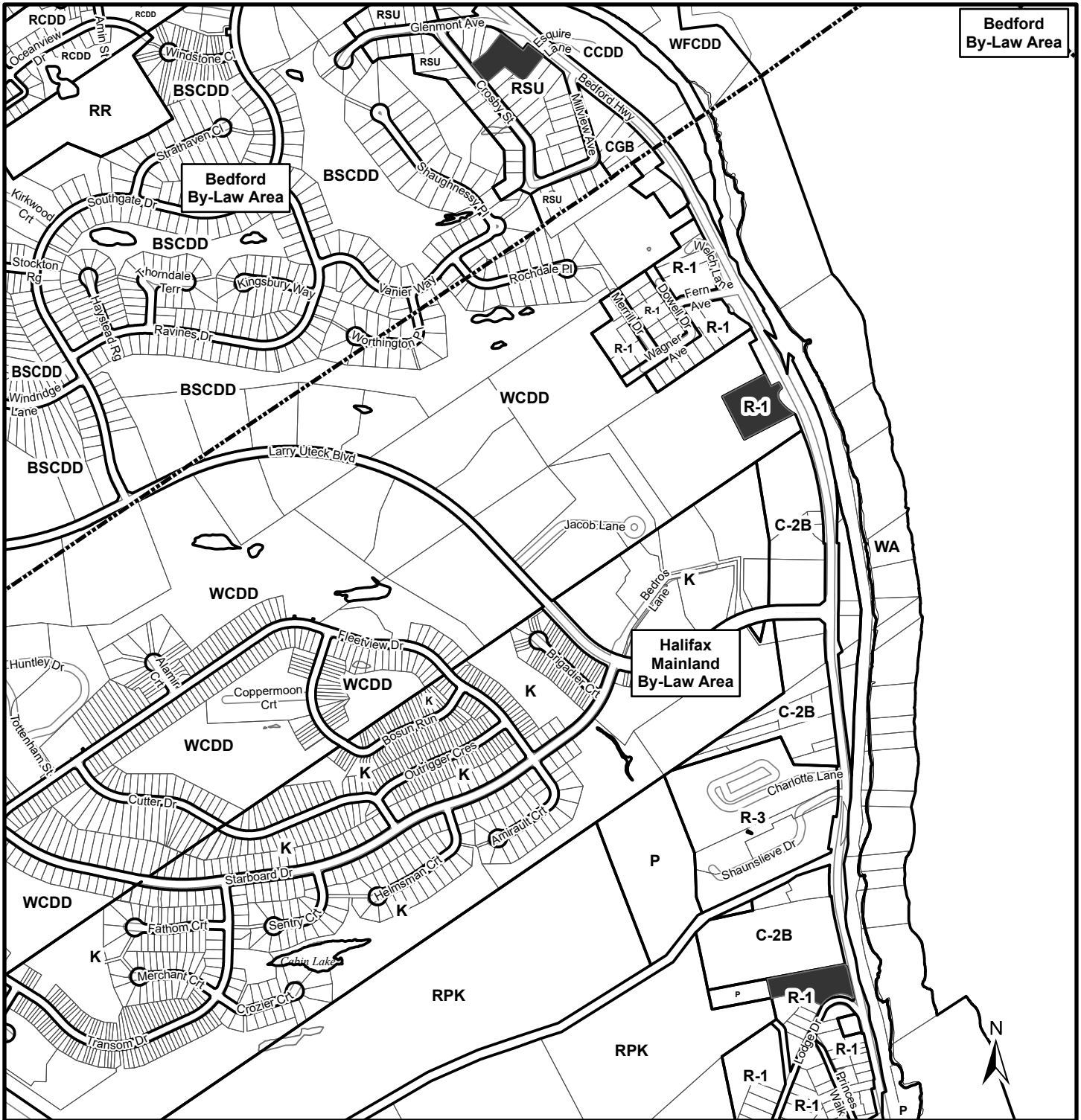


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Halifax Mainland
Land Use By-Law

3 April 2024



Bedford By-Law Area

Bedford By-Law Area

Halifax Mainland By-Law Area

Attachment D12 - Map ZM-1-02

Halifax



Area to be removed from Planning Area



By-law Area Boundary

Halifax Mainland
Land Use By-Law

3 April 2024

Zone

Halifax Mainland

C-2B

Highway Commercial

K

Schedule K

P

Park and Institutional

R-1

Single Unit Dwelling

R-3

Low-Rise Apartment

RPK

Regional Park

WCDD

Wentworth Comprehensive Development District

WA

Water Access

Bedford

BSCDD

Bedford South Comprehensive Development District

CCDD

Commercial Comprehensive Development District

RR

Residential Reserve

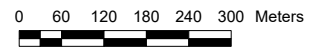
RSU

Single Dwelling Unit

WFCDD

Waterfront Comprehensive Development District

HALIFAX



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Attachment D12 - Map ZM-1-03

Halifax

Zone Halifax Mainland

HALIFAX



Area to be rezoned from R-2M or R-2P to C-2C



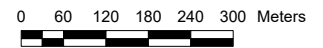
Area to be removed from Planning Area



By-law Area Boundary

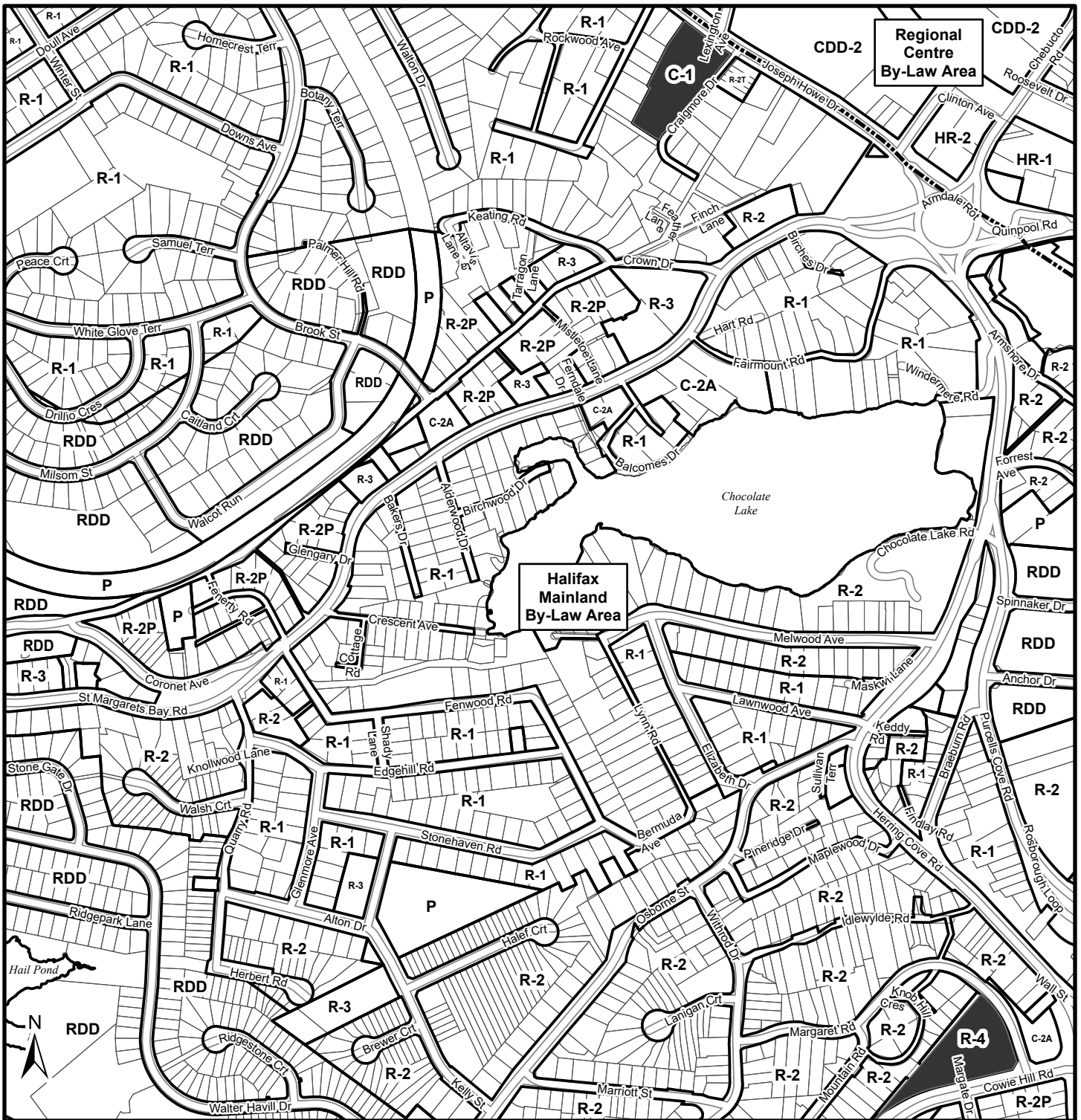
Halifax Mainland
Land Use By-Law

| | |
|-------|--------------------------------------|
| C-1 | Local Business |
| C-2B | Highway Commercial |
| C-2C | Dutch Village Road Mixed Use |
| CDD-2 | Comprehensive Development District 2 |
| ER-2 | Established Residential 2 |
| K | Schedule K |
| P | Park and Institutional |
| PCF | Park and Community Facility |
| R-1 | Single Unit Dwelling |
| R-2 | Two Unit Dwelling |
| R-3 | Low-Rise Townhouse |
| R-4 | Multiple Dwelling |
| T | Mobile Home Park |



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Attachment D12 - Map ZM-1-04

Halifax



Area to be removed from Planning Area



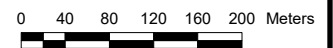
By-law Area Boundary

Zone

Halifax Mainland

- C-1 Local Business
- C-2A Minor Commercial
- P Park and Institutional
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RDD Residential Development District

HALIFAX

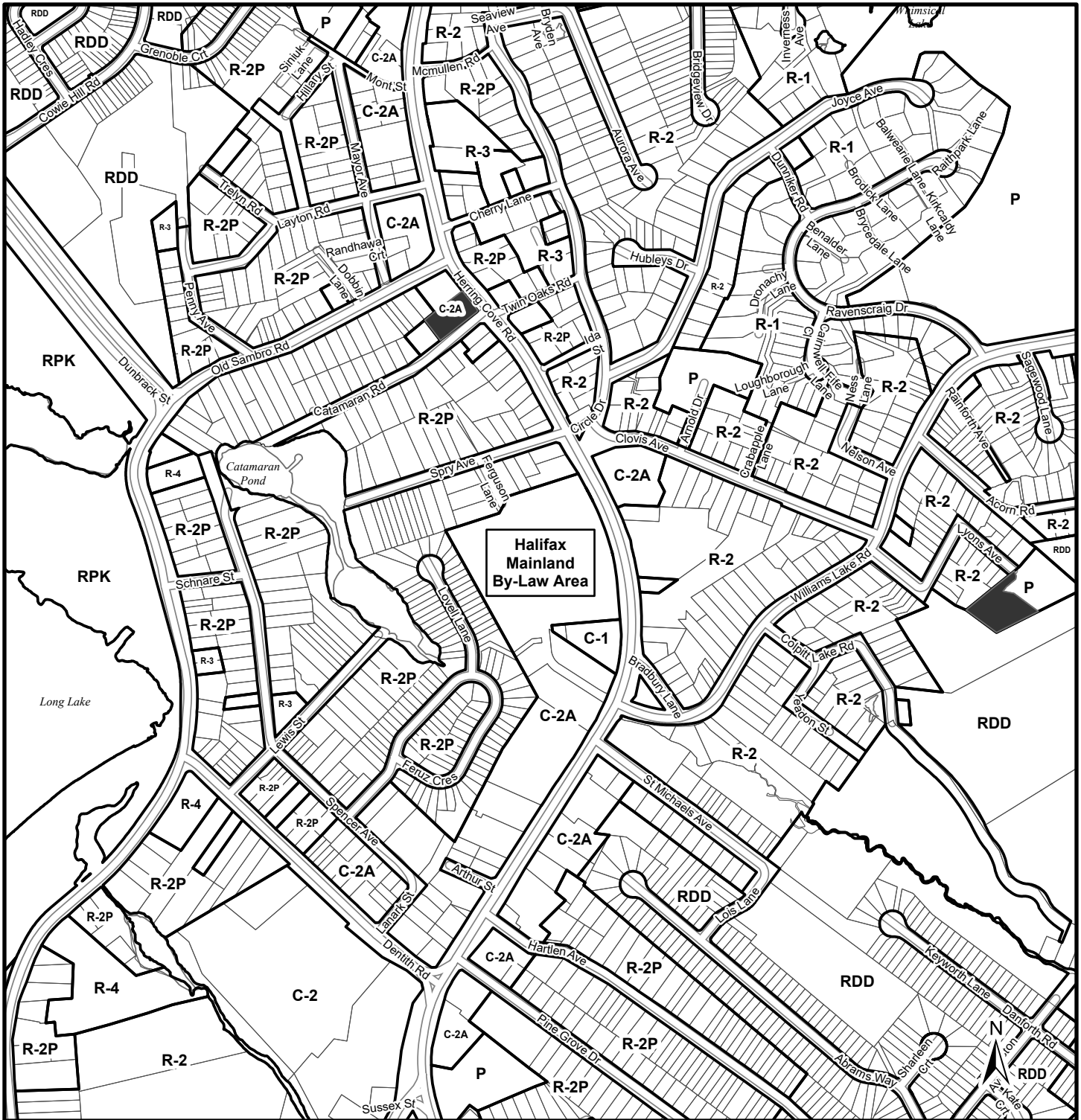


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Halifax Mainland
Land Use By-Law

3 April 2024



Attachment D12 - Map ZM-1-05

Halifax



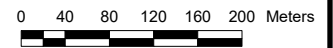
Area to be removed from Planning Area

Zone

Halifax Mainland

- | | |
|------|----------------------------------|
| C-2 | General Business |
| C-2A | Minor Commercial |
| P | Park and Institutional |
| R-1 | Single Unit Dwelling |
| R-2 | Two Unit Dwelling |
| R-2P | General Residential |
| R-3 | Low-Rise Apartment |
| R-4 | Multiple Dwelling |
| RDD | Residential Development District |
| RPK | Regional Park |

HALIFAX

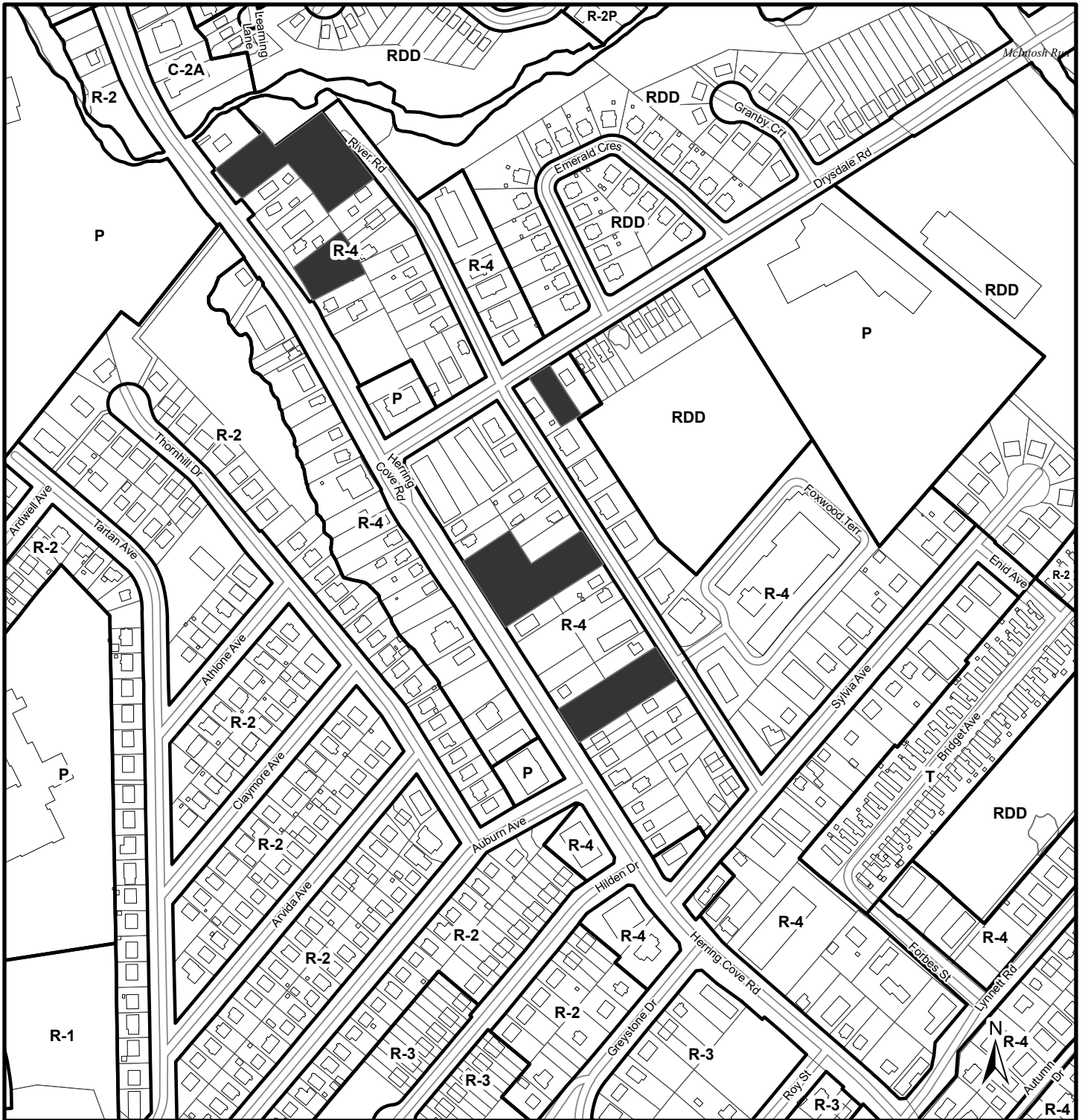


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Halifax Mainland
Land Use By-Law

3 April 2024



Attachment D12 - Map ZM-1-06

Halifax

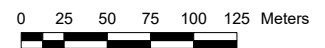


Area to be removed from Planning Area

Zone

- C-2A Minor Commercial
- P Park and Institutional
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RDD Residential Development District
- T Mobile Home Park

HALIFAX

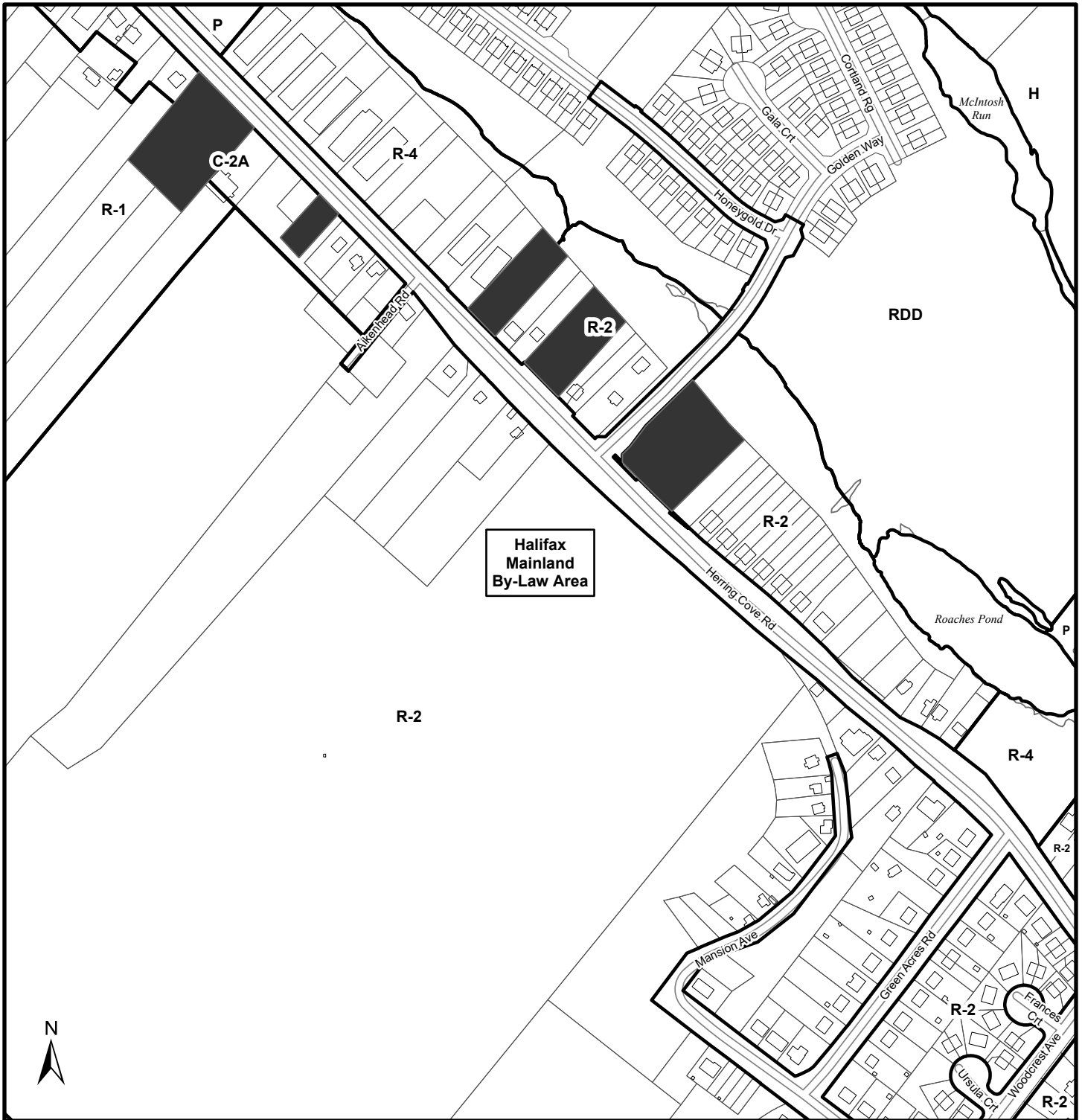


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Halifax Mainland
Land Use By-Law

3 April 2024



Attachment D12 - Map ZM-1-07

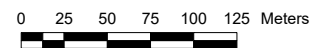
Halifax

 Area to be removed from Planning Area

Zone

- C-2A Minor Commercial
- H Holding
- P Park and Institutional
- R-2 Two Unit Dwelling
- R-4 Multiple Dwelling
- RDD Residential Development District

HALIFAX

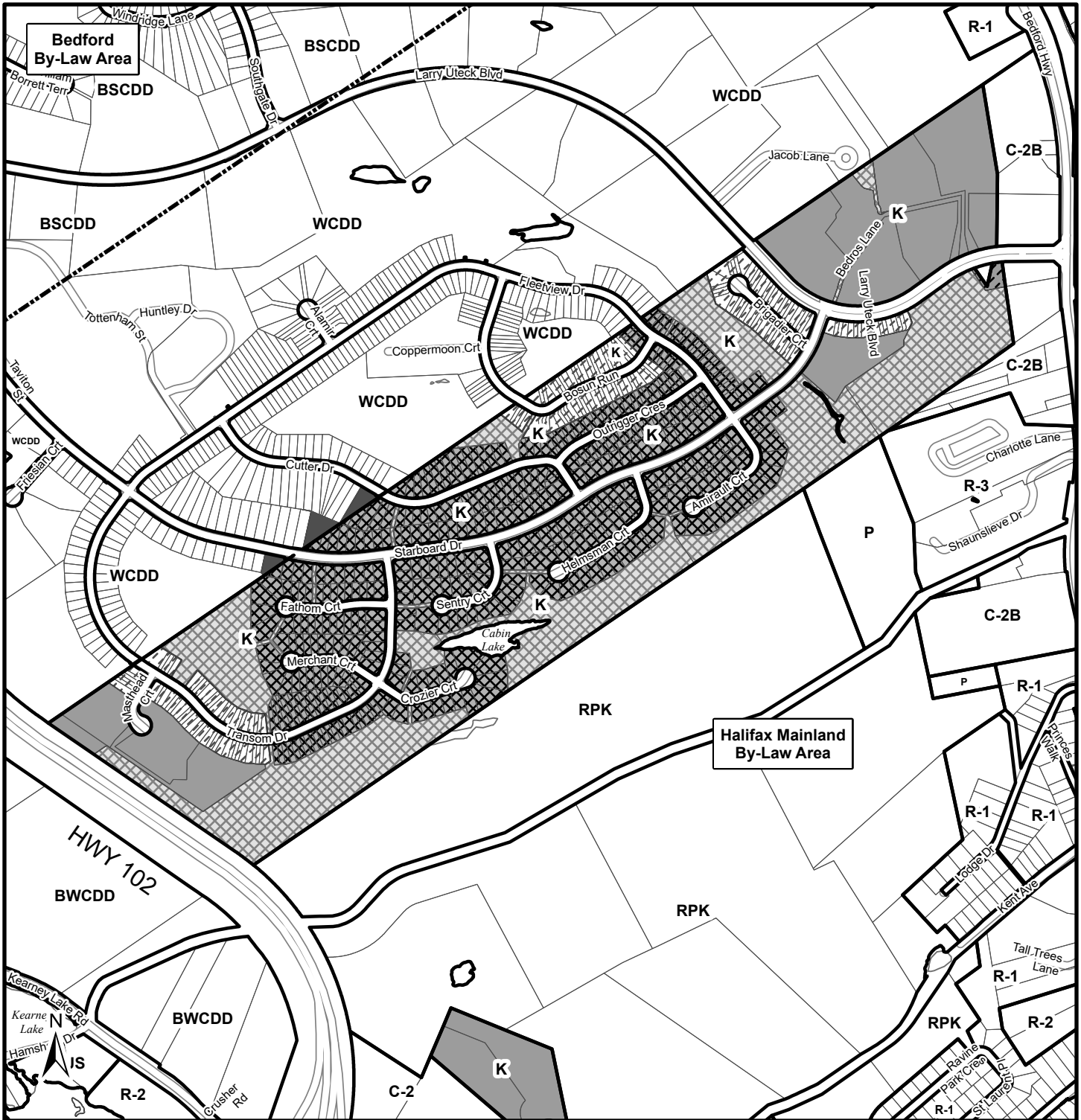


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Halifax Mainland
Land Use By-Law

3 April 2024



Attachment D12 - Schedule K-1

Halifax

- Area to be rezoned from Schedule K to R-2T
- Area to be rezoned from Schedule K to P
- Area to be rezoned from Schedule K to R-1
- Area to be rezoned from Schedule K to R-3
- Area to be rezoned from WCDD to R-1

Halifax Mainland
Land Use By-Law Area

- Area to be rezoned from Schedule K to C-2B
- By-Law Area Boundary

Zone

Bedford

BSCDD Bedford South Comprehensive Development District

Halifax Mainland

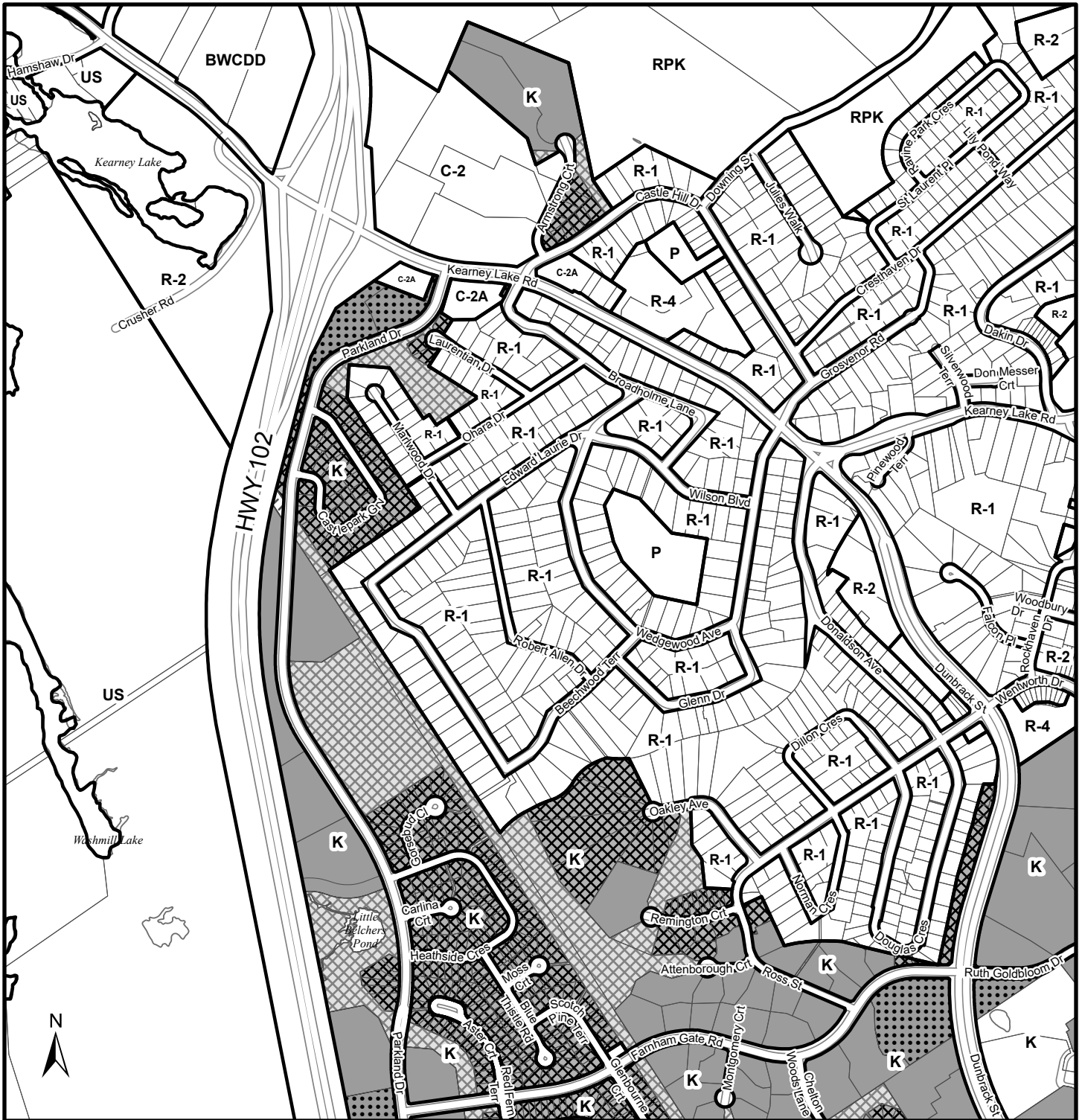
- BWCCD Bedford West Comprehensive Development District
- C-2B Minor Commercial
- K Bedford West (See Section XV)
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-3 Low-Rise Apartment
- RPK Regional Park
- WA Water Access

HALIFAX

0 40 80 120 160 200 240 280 Meters





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Attachment D12 - Schedule K-2

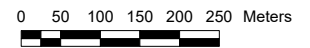
Halifax

-  Area to be rezoned from Schedule K to P
-  Area to be rezoned from Schedule K to R-1
-  Area to be rezoned from Schedule K to R-3
-  Area to be rezoned from Schedule K to C-2A

Zone

- BWCDD Bedford West Comprehensive Development District
- C-2 General Business
- C-2A Minor Commercial
- K Bedford West (See Section XV)
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- RPK Regional Park
- US Urban Settlement

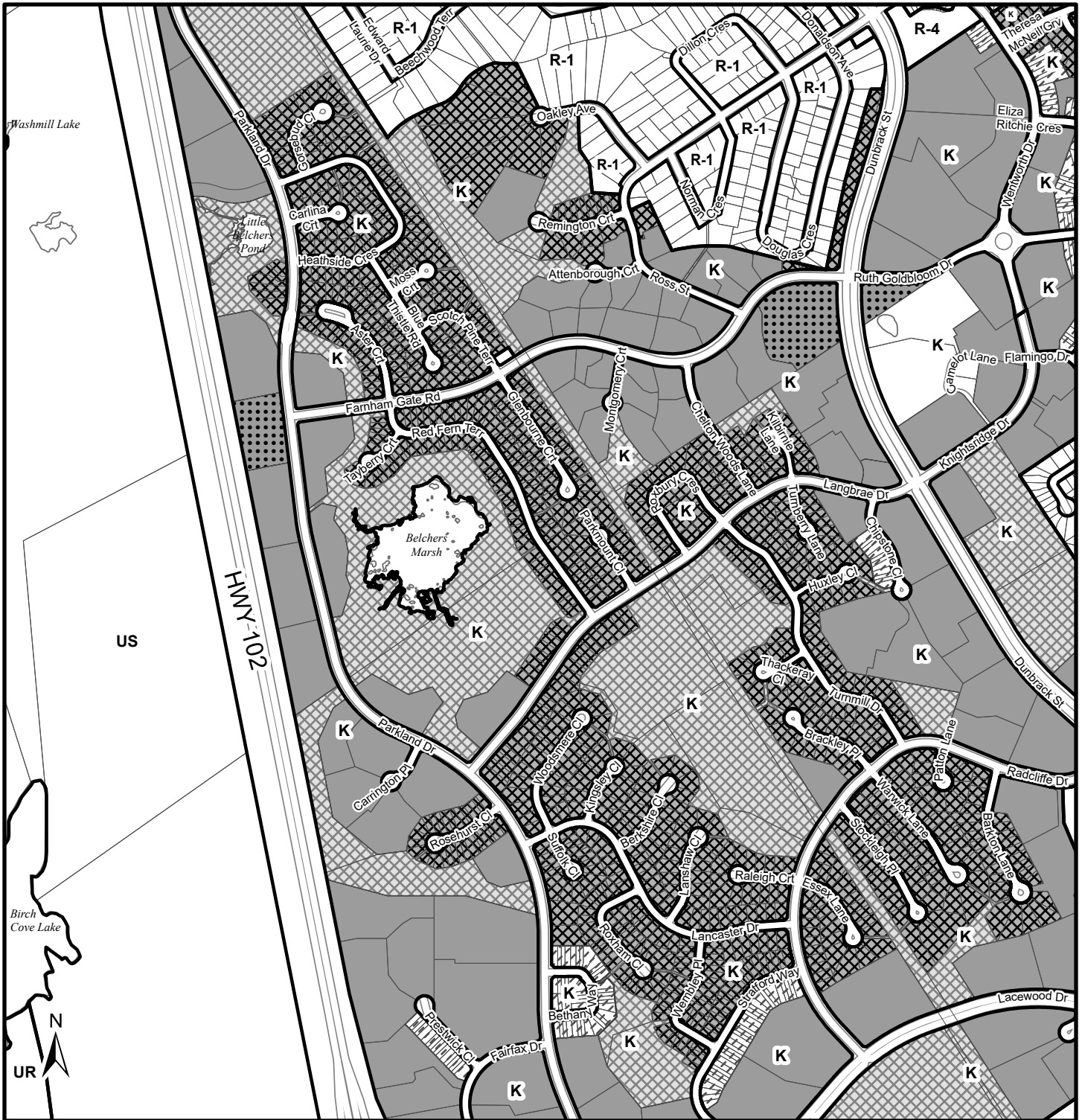
HALIFAX



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




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Halifax Mainland
Land Use By-Law Area



Attachment D12 - Schedule K-3

Halifax

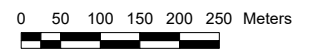
-  Area to be rezoned from Schedule K to R-2T
-  Area to be rezoned from Schedule K to P
-  Area to be rezoned from Schedule K to R-1
-  Area to be rezoned from Schedule K to R-3
-  Area to be rezoned from Schedule K to C-2A

Halifax Mainland
Land Use By-Law Area

Zone

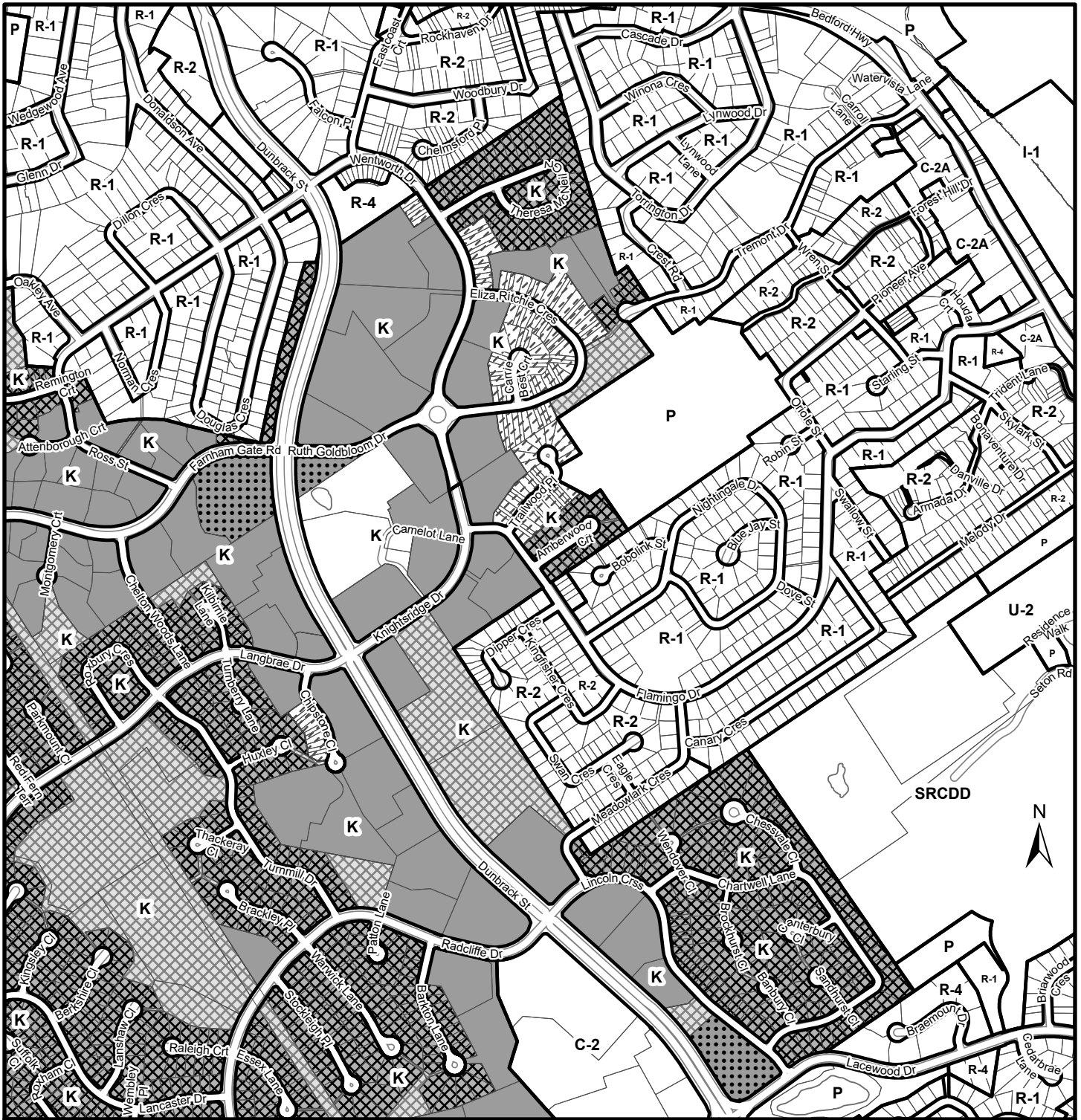
- C-2A Minor Commercial
- K Schedule K
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2T Townhouse
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- US Urban Settlement

HALIFAX



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






Attachment D12 - Schedule K-4

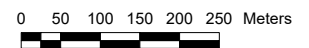
HALIFAX

Halifax

Zone

-  Area to be rezoned from Schedule K to R-2T
-  Area to be rezoned from Schedule K to P
-  Area to be rezoned from Schedule K to R-1
-  Area to be rezoned from Schedule K to R-3
-  Area to be rezoned from Schedule K to C-2A

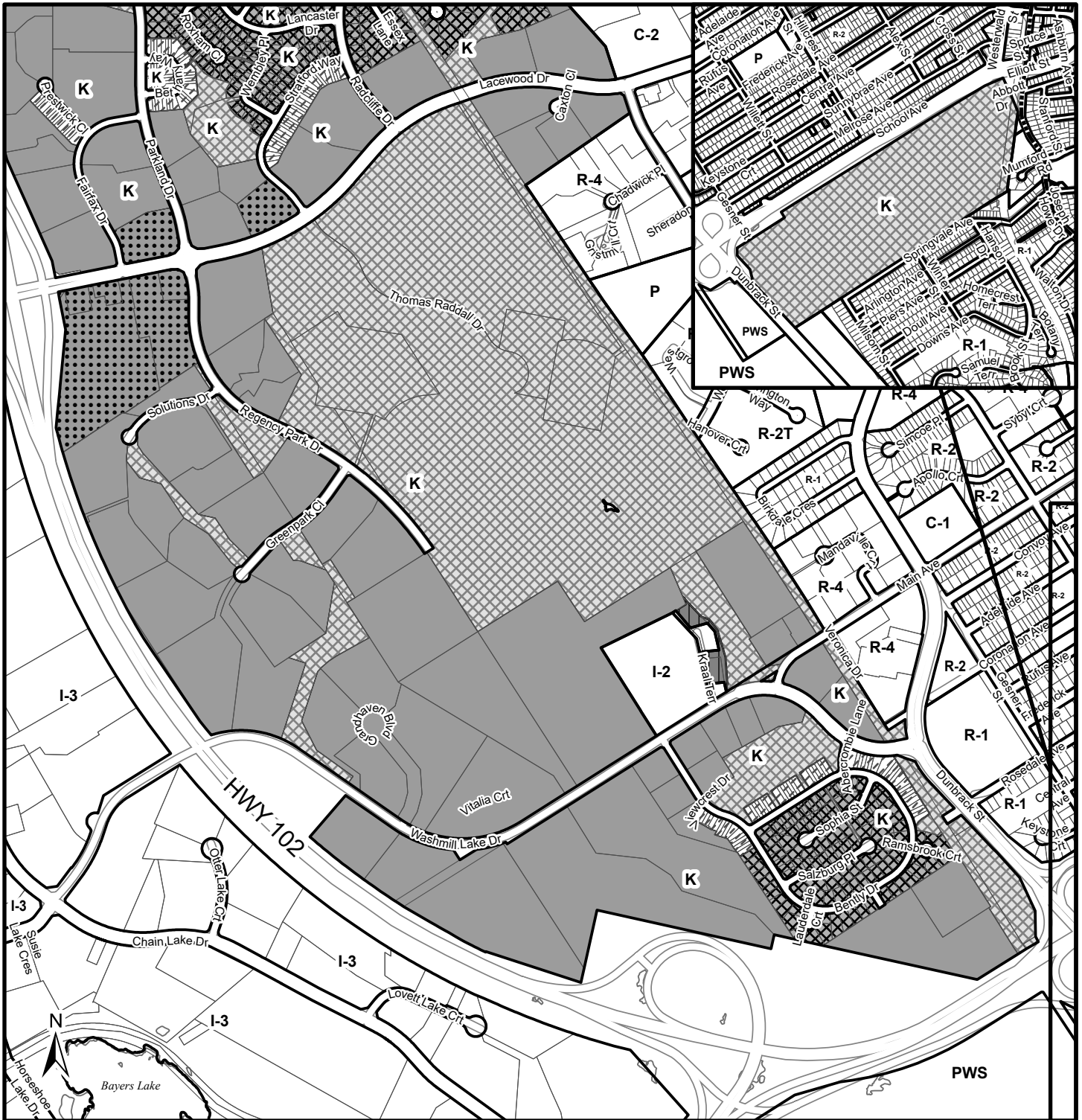
- C-2 General Business
- C-2A Minor Commercial
- I-1 General Industrial
- K Bedford West (See Section XV)
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- SRCCDD Seton Ridge Comprehensive Development District
- U-2 High-Density University



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.

Halifax Mainland
Land Use By-Law Area



Attachment D12 - Schedule K-5

Halifax

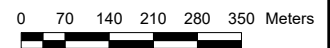
-  Area to be rezoned from Schedule K to R-2P
-  Area to be rezoned from Schedule K to P
-  Area to be rezoned from Schedule K to R-1
-  Area to be rezoned from Schedule K to R-3
-  Area to be rezoned from Schedule K to C-2A

Halifax Mainland
Land Use By-Law Area

Zone

- C-2 General Business
- C-2B Highway Commercial
- C-2C Dutch Village Road Mixed Use
- I-1 General Industrial
- I-2 Radio Transmitter
- I-3 General Industrial
- K Schedule K (See Section XV)
- P Park and Institutional
- PCF Park and Community Facility
- PWS Protected Water Supply
- RDD Residential Development District
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwellings
- SRCCD Seton Ridge Comprehensive Development District
- T Mobile Home Park

HALIFAX



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

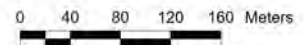
The accuracy of any representation on this plan is not guaranteed.



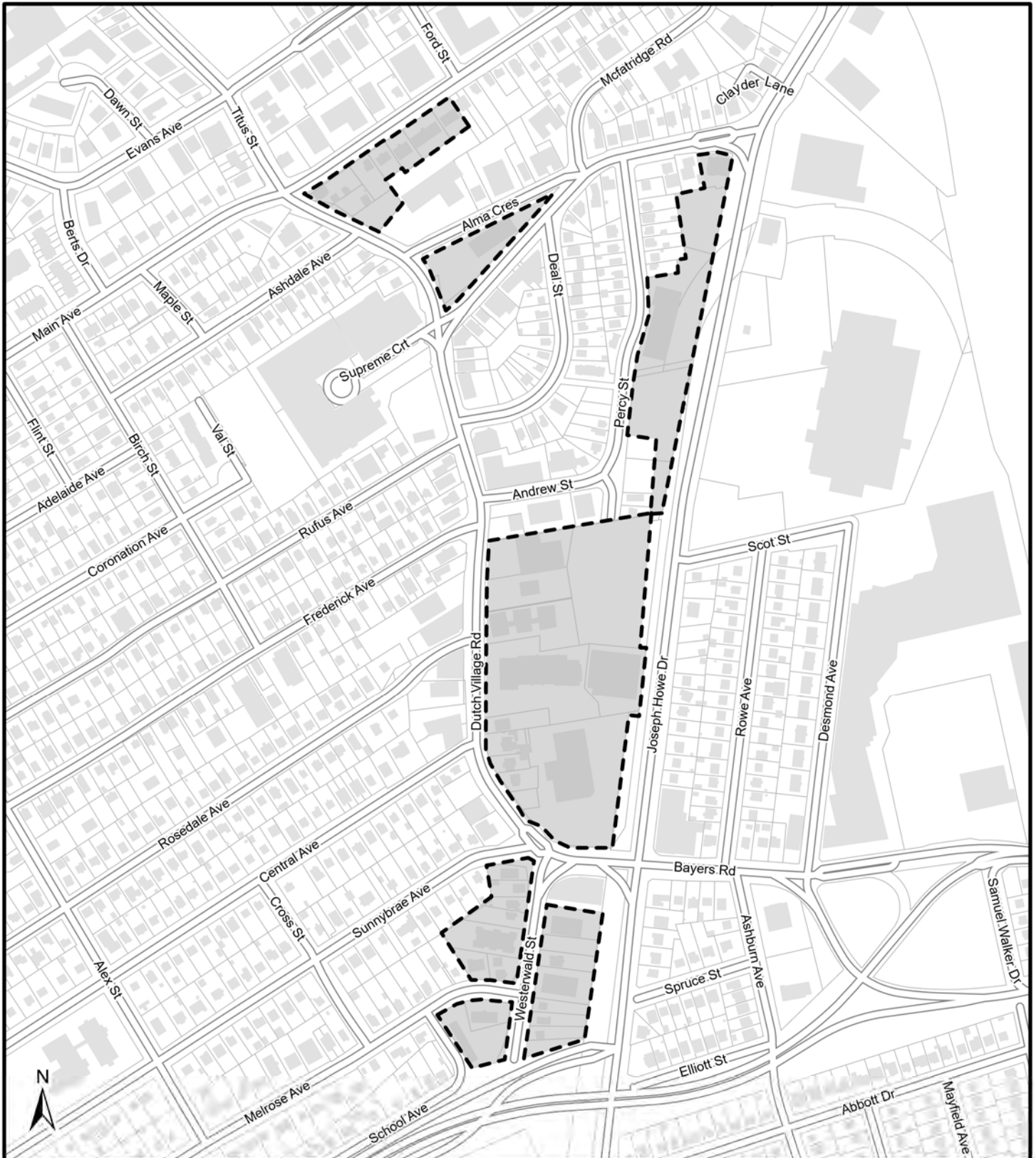
Attachment D12 - Map ZM-28-1

HALIFAX

- Area A
- Area B
- Area C
- Area D




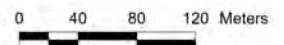
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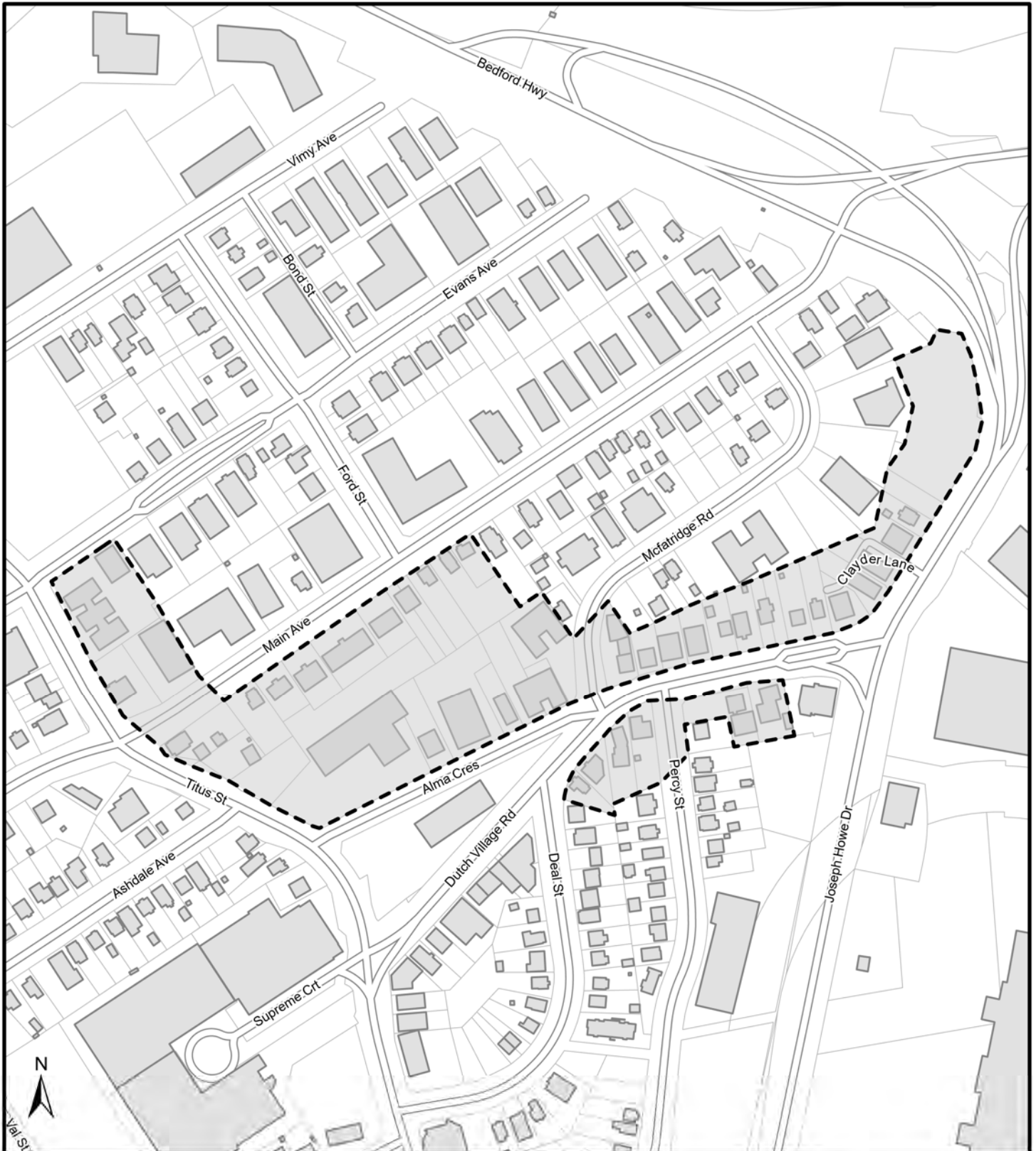
Attachment D12 - Map ZM-29-1

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 May Exceed Maximum Building Depth




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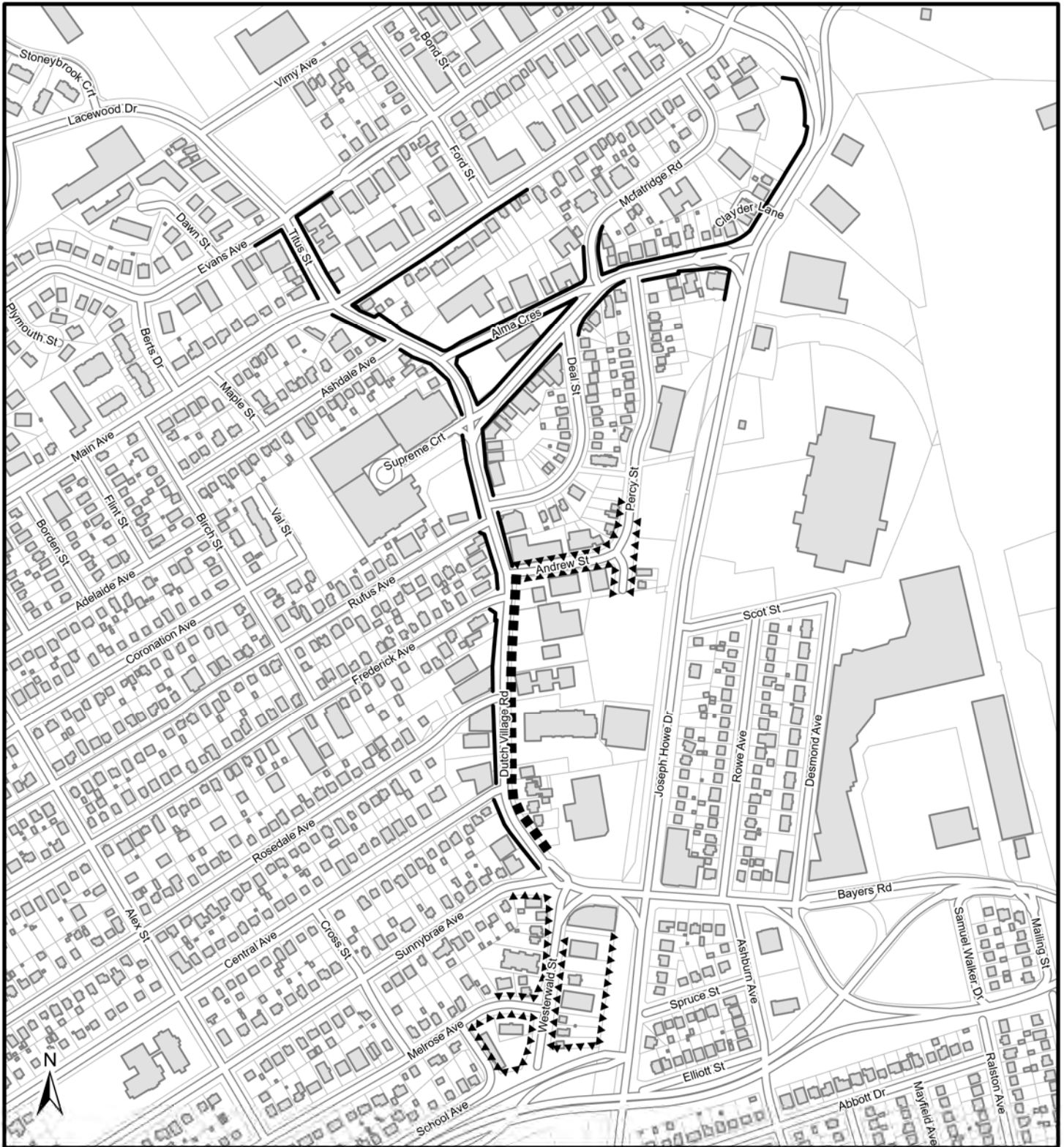
Attachment D12 - Map ZM-30-1

HALIFAX

 Exempt from Maximum Front Yard Setback



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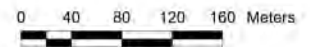


Attachment D12 - Map ZM-31-1

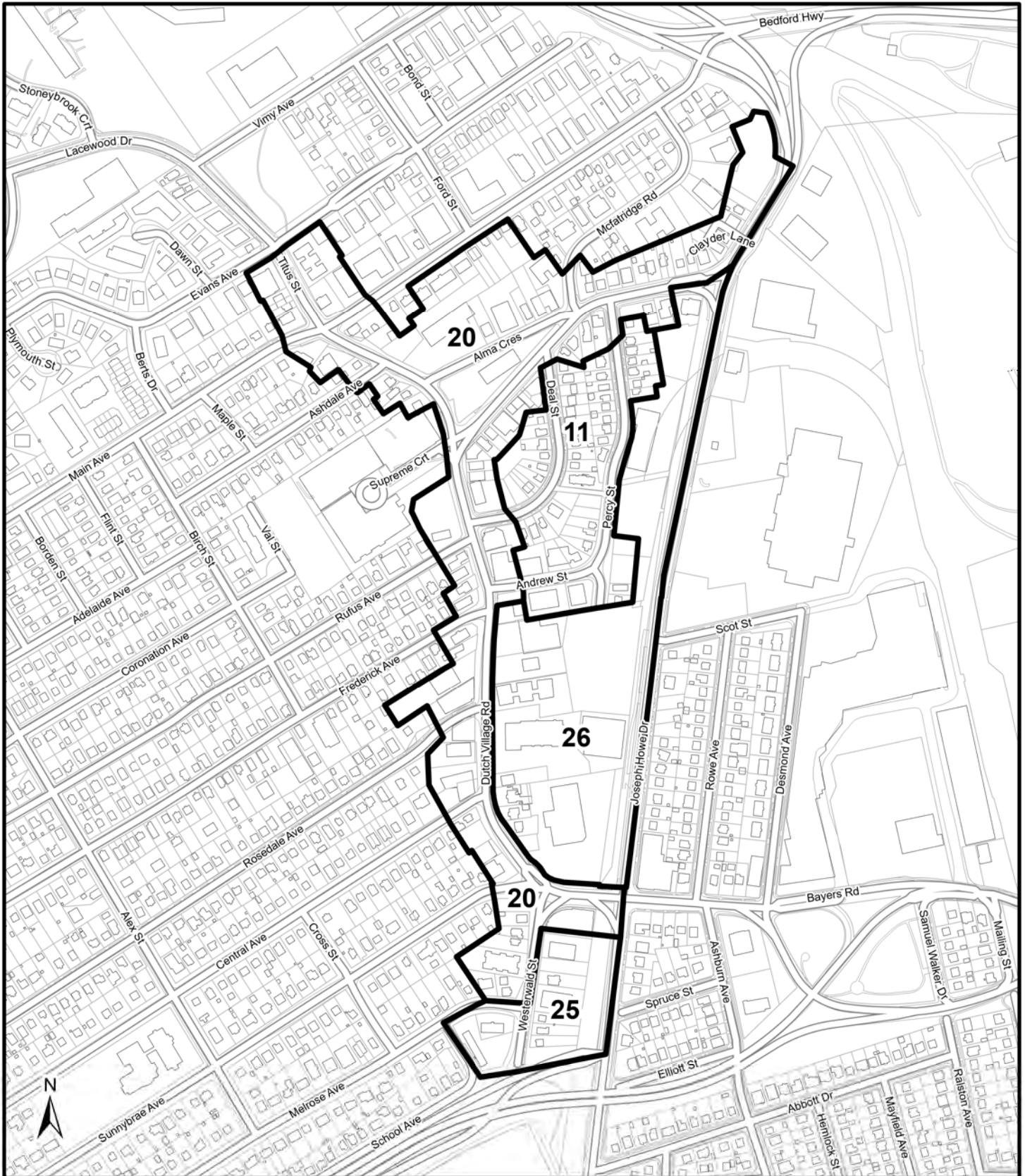
Street Wall Height:

- ▲▲▲▲ 9m
- 11m
- ■ ■ ■ 17m (4 storeys)

HALIFAX



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Attachment D12 - Map ZM-32-1

HALIFAX

 Height (m)



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