

ATTACHMENT D14

Proposed Amendments to the Musquodoboit Valley-Dutch Settlement Land Use By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Musquodoboit Valley-Dutch Settlement Land Use By-law is hereby further amended as follows:

- 1 Part 4, clause 4.12(a) of the By-law is amended by striking out “the height of the main dwelling, or 25 feet, whichever is greater” in clause (iv) and replacing it with “25 feet”, by repealing subclause (v), by striking out “750” in subclause (vi) and replacing it with “1000”, and by striking out “69.68” in subclause (vi) and replacing it with “93”
 - (iv) ~~exceed the height of the main dwelling, or 25 feet, whichever is greater,~~ **25 feet (7.7 metres)** in any VIL or RR-1 Zone or the height of the main commercial, industrial or resource building in any MU Zone;
 - (v) ~~exceed a maximum wall height of 16 feet (4.88 m), measured from the established grade to the underside of the soffit, for any accessory building having a roof pitch of 4:12 or less on any lot without central services in any VIL or RR-1 Zone;~~
 - (vi) exceed 80% of the footprint of the main dwelling, up to a maximum of 2000 square feet (185.81 square m) or ~~750~~ **1000** square feet (~~69.68~~ **93** sq. m), whichever is the greater, on lots that are less than 40,000 square feet in area;
- 2 Part 4, section 4.12 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.**
- 3 Part 4, subclause 4.12A(a)(v) of the By-law is amended 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**:
 - (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.**
- 4 Part 4, clause 4.12A(b) of the By-law is amended by striking out “a mobile dwelling,” in the portion before clause (a), by adding a comma after “a mobile dwelling” in the portion before clause (a), by adding “or a multiple unit dwelling containing three (3) dwelling units” after “a rowhouse dwelling” in the portion before clause (a), 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 “90.9 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 replacing it “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 or a rowhouse dwelling, **or a multiple unit dwelling containing three (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 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 93 square metres.**

5 Part 4, clause 4.23(a) of the By-law is amended by adding “A dwelling within the Urban Service Area: 0.33 spaces per dwelling unit” after “Multiple dwellings” as shown below in **bold** and ~~strikeout~~:

USE

A dwelling within the Urban Service Area

PARKING REQUIREMENT

0.33 spaces per dwelling unit

- 6 Part 7, section 7.1 of the By-law is amended by adding “Multi-unit dwellings containing 3 or 4 dwelling units within the Urban Service Area under Schedule B of the Regional Subdivision By-law” after “Multi-unit dwellings up three units” as shown below in **bold**:

Residential Uses

Single unit dwellings

Two unit dwellings

Auxiliary dwelling units

Multi-unit dwellings up to three units

Multi-unit dwellings containing 3 or 4 dwelling units within the Urban Service Area under Schedule B of the Regional Subdivision By-law

Shared housing use

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