

ATTACHMENT D20

Proposed Amendments to the Sackville Land Use By-law

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

- 1 Part 2, section 2.71 of the By-law is amended by adding “, and may include a private road or Schedule “A” road as defined in the Regional Subdivision By-law, or an access created under the Regional Subdivision By-law” as shown below in **bold**:

2.71 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Halifax County Municipality, **and may include a private road or Schedule “A” road as defined in the Regional Subdivision By-law, or an access created under the Regional Subdivision By-law.**

- 2 Part 2 of the By-law is amended by adding the new definition after section 2.74 as shown below in **bold**:

2.74AA **URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law.**

- 3 Part 4, section 4.11 of the By-law is amended by striking out “the height of the main building or twenty-two (22) feet, whichever is less” in subclause (c)(i) and replacing it with “twenty-five (25) feet (7.7 metres)”, by repealing subclause (c)(ii), and by adding the following after clause (c) as shown below in **bold**:

(c) Notwithstanding section 4.11(a)(ii), 4.11(a)(iii), 4.11(a)(iv), and 4.11(a)(v), an accessory building or structure, excluding boat houses, in any Residential Zone may exceed fifteen (15) feet (4.5m) and seven hundred and fifty (750) square feet (70 m²) where all of the following conditions can be met:

- (i) the height does not exceed ~~the height of the main building or twenty-two (22) feet, whichever is less~~ **twenty-five (25) feet (7.7 metres)**;
- (ii) ~~the side walls of the building do not exceed a height of 12 feet;~~

(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.**

- 4 Part 4, clause 4.11B(a) of the By-law is amended by striking out “, a two-unit dwelling” in the portion before subclause (i), by striking out “total auxiliary dwelling unit,” in subclause (i), by striking out “or backyard suite” in subclause (i), by repealing subclause (v), 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” as shown below in **bold** and ~~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, secondary suite or backyard suite~~ shall be permitted on a lot;
- (v) ~~Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and~~
- (vi) ~~Where a residential use is a non-conforming use a backyard 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 4.11B(b) of the By-law is amended by striking out “one mobile dwelling,” in the portion before subclause (i), by adding “, a multi-unit dwelling containing only 3 dwelling units,” after “a two-unit 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 or the maximum floor area of an accessory building as set out in Section 4.13, whichever is less” in subclause (iv) and replacing it with “1,000 square feet (93.0 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 “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; (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 multiple unit dwelling containing only 3 dwelling units**, a townhouse, or a rowhouse 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 or the maximum floor area of an accessory building as set out in Section 4.13, whichever is less~~ **1,000 square feet (93.0 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;**
- (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;
- (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 floor area of the backyard suite does not exceed 93 square metres.

6 Part 4, section 4.24 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~~:

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Any dwelling except as specified below	1 space 0 spaces per dwelling unit
Multiple unit dwellings	1.5 0.33 spaces per dwelling units

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**:

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 mobile home parks

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

Business uses in conjunction with permitted dwellings

Deleted (RC-Feb 21/23;E-Sept 1/23)

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**:

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

Deleted (RC-Feb 21/23;E-Sept 1/23)

Business uses in conjunction with permitted dwellings

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

- 9 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 (RC-Aug 9/22;E-Sep 15/22)

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

Deleted (RC-Feb 21/23;E-Sept 1/23)

Business uses in conjunction with permitted dwellings

- 10 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 (RC-Aug 9/22;E-Sep 15/22)

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

Deleted (RC-Feb 21/23;E-Sept 1/23)

Business uses in conjunction with permitted dwellings

- 11 Part 12, Section 12.1 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 (RC-Aug 9/22;E-Sep 15/22)

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

Bed and breakfasts in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Pet care facility in conjunction with permitted dwellings (NWCC-Dec 11/17; E-Dec 30/17)

- 12 Part 13, Section 13.1 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 “Two 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 (RC-Aug 9/22;E-Sep 15/22)

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

Deleted (RC-Feb 21/23;E-Sept 1/23)

Business uses in conjunction with permitted dwellings

- 13 Schedule F “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
SS110	2023-01065 (HAF)	40109183

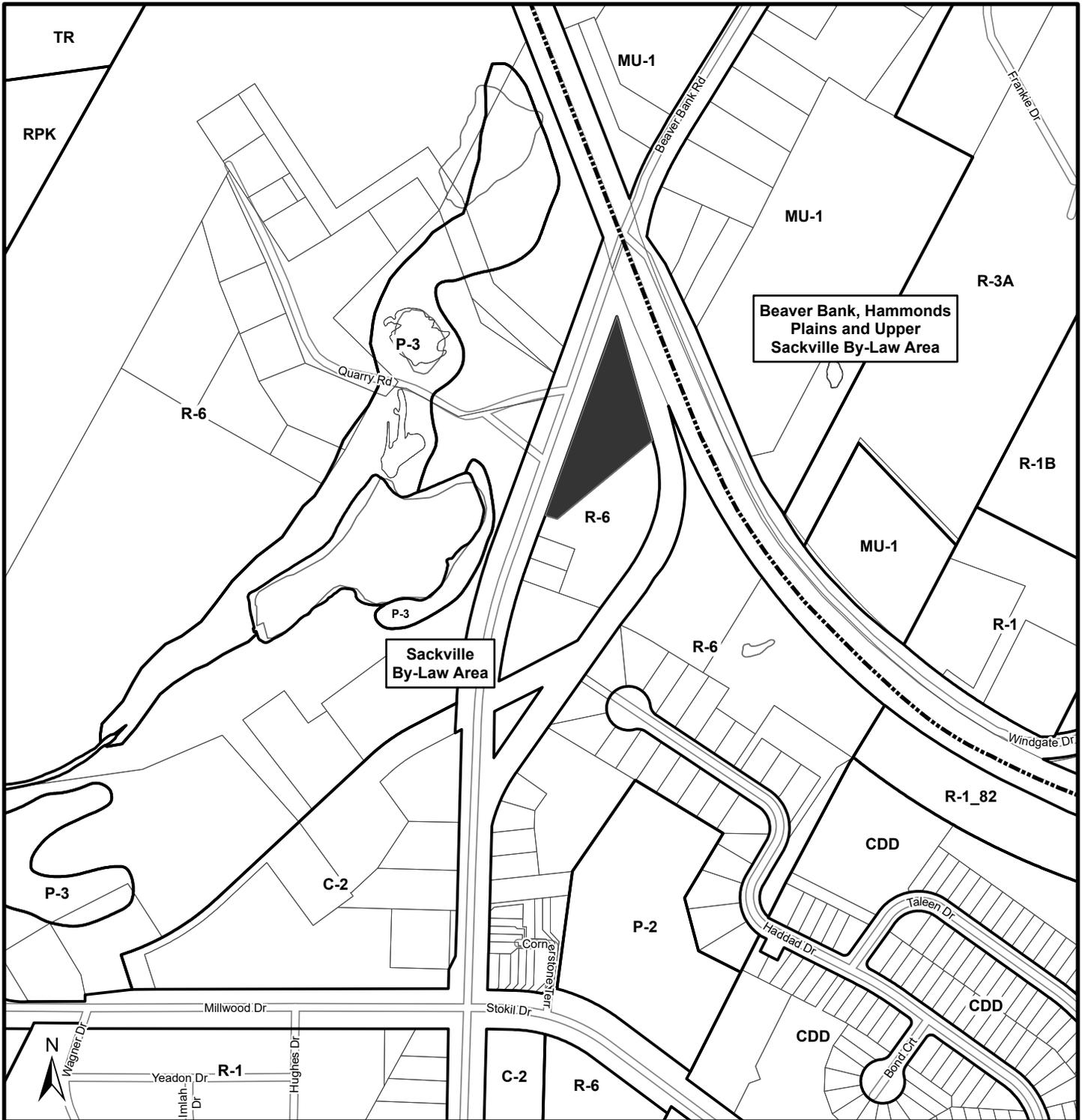
- 14 Schedule “A” Sackville Zoning is amended by removing certain lands from the Sackville Planning Area as shown in Attachment-D20-Schedule A-1.

- 15 Schedule “A” Sackville Zoning is amended by rezoning 10 Beaver Bank Cross Road, Middle Sackville (PID 40109183 and 40739088) from the Community Facility Zone to the Single Unit Dwelling Zone as shown in Attachment-D20-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 D20 - Schedule A-1
Sackville

Zone
Beaver Bank, Hammonds Plains and Upper Sackville



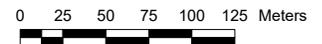
Area to be removed from Planning Area

By-law Area Boundary

- MU-1 Mixed Use 1
- R-1 Single Unit Dwelling
- R-1B Auxiliary Dwelling with Home Business
- R-3A Mobile Home Park

Sackville

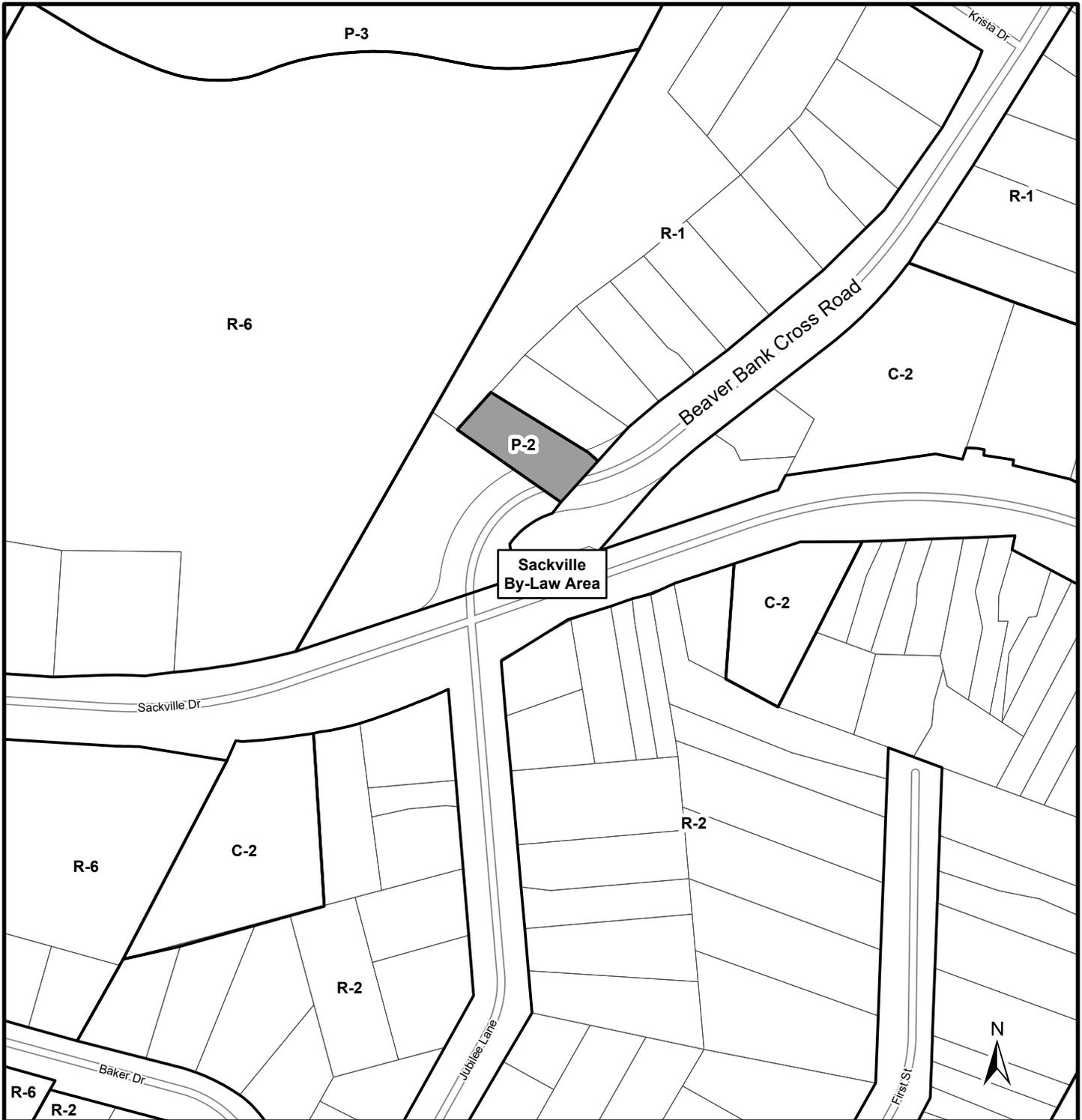
- C-2 Community Commercial
- CDD Comprehensive Development District
- P-2 Community Facility
- P-3 Floodplain
- R-1 Single Unit Dwelling
- R-1_82 Single Unit Dwelling 1982 Policy
- R-6 Rural Residential
- RPK Regional Park
- TR Transportation Reserve



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.

Sackville
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Attachment D20 - Schedule A-2

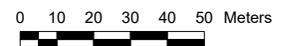
Sackville

 Area to be rezoned from P-2 to R-1

Zone

- C-2 Community Commercial
- P-2 Community Facility
- P-3 Floodplain
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-6 Rural Residential

HALIFAX



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3 April 2024