

ATTACHMENT D22

Proposed Amendments to the Timberlea-Lakeside-Beechville Land Use By-law

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

- 1 Part 2 of the By-law is amended by adding the new definition after section 2.69 as shown below in **bold**:

2.69AAA URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law.

- 2 Part 2 of the By-law is amended by adding the new definition after section 2.7 as shown below in **bold**:

2.7AA BEECHVILLE COMMUNITY BOUNDARY means as defined in Schedule A "Zoning".

- 3 Part 4, section 4.13 of the By-law is amended by striking out "fifteen (15) feet (4.6 m)" in subclause (a)(iii) and replacing it with "twenty-five (25) feet (7.7 metres)", by striking out "seven hundred and fifty (750) square feet (69.7 m²)" in subclause (a)(iv) and replacing it with "one thousand (1000) square feet (93 square metres)", and by adding the new clauses (c) and (d) after clause (b) as shown below in **bold** and ~~strikeout~~:
 - (iii) exceed ~~fifteen (15) feet (4.6 m)~~ **twenty-five (25) feet (7.7 metres)** in height in any residential zone;
 - (iv) exceed ~~seven hundred and fifty (750) square feet (69.7 m²)~~ **one thousand (1000) square feet (93 square metres)** in any residential zone; nor
 - (c) **Notwithstanding anything else in this by-law, but except within the Beechville Community Boundary or the BCDD Zone, 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.**
 - (d) **Notwithstanding subclauses (a)(iii) and (a)(iv), an accessory structure shall not exceed 15 feet (4.6 metres) in height and 750 square feet (69.7 square meters) within the Beechville Community Boundary or the BCDD Zone.**

- 4 Part 4, clause 4.13B(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, secondary suite or backyard suite" in subclause (i) and replacing it with "secondary suite", by adding the new subclause (ia) after subclause (i), by repealing subclause (iv), 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~~:
 - (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~~ **secondary suite** shall be permitted on a lot;
- (ia) Notwithstanding subclause (i), no more than one total secondary suite or backyard suite shall be permitted on a lot within the Beechville Community Boundary or the BCDD Zone;**
- (iv) ~~Notwithstanding the parking requirements of Section 4.27, additional off-street parking shall not be required; and~~
- (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 4.13B(b) of the By-law is amended by striking out “a mobile dwelling,” 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 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 subclauses (ix), (x), and (xi) 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 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 floor area of the backyard suite does not exceed 93 square metres;**

(x) **Notwithstanding subclauses (i), (iv), and (ix), within the Beechville Community Boundary, no more than one total secondary suite or backyard suite shall be permitted on a lot, the gross floor area of a backyard suite shall not exceed 750 square feet (69.7 square metres), and a non-conforming accessory building shall not be converted to a backyard suite.**

(xi) **Notwithstanding subclauses (vi) and (viii), within the Beechville Community Boundary, where a residential use is a non-conforming use a backyard suite shall not be permitted, and 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.**

6 Part 4, section 4.27 of the By-law is amended by striking out “1 space” after “Any dwelling except as specified below”, by striking out “1.5” after “Multiple unit dwellings” and replacing it with “0.33”, and by adding “Any dwelling within Beechville Community Boundary that is not a multiple unit dwelling: 1 space per dwelling unit; Any multiple unit dwelling within Beechville Community Boundary: 1.5 spaces per dwelling unit” after “Shared housing use: 0 spaces” as shown below in **bold** and ~~strikeout~~:

USE

Any dwelling except as specified below
Multiple unit dwellings
Shared housing use
Any dwelling within Beechville Community Boundary that is not a multiple unit dwelling
Any multiple unit dwelling within Beechville Community Boundary

PARKING REQUIREMENT

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

7 Part 6, section 6.1 of the By-law is amended by adding the following after “Single unit dwellings”, as shown below in **bold**:

Residential Uses

Single unit dwellings

Two unit dwellings within the Urban Service Area but outside of the Beechville Community Boundary

Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary

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.

- 8 Part 6, section 6.6 of the By-law is amended by adding “, excluding two unit dwellings and multiple unit dwellings” after “streets” as shown below in **bold**:

6.6 R-1 ZONE REQUIREMENTS – BEECHVILLE COMPREHENSIVE DEVELOPMENT DISTRICT

For lands zoned BCDD, no development permit shall be issued except for R-1 uses on existing public streets, **excluding two unit dwellings and multiple unit dwellings**. In any BCDD Zone, where uses are permitted as R-1 uses, no development permit shall be issued except in conformity with the provisions of Part 6 as are applicable.

- 9 Part 7, section 7.1 of the By-law is amended by adding the following after “Single unit dwellings”, as shown below in **bold**:

Residential Uses

Single unit dwellings

Two unit dwellings within the Urban Service Area but outside of the Beechville Community Boundary

Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary

Auxiliary dwelling units

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

Business uses in conjunction with permitted dwellings

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

- 10 The portion of Part 7, section 7.3 of the By-law before clause (a) is amended by striking out “R-La Zone” and replacing it with “R-1A Zone” as shown below in **bold** and ~~strikeout~~:

Where auxiliary dwelling units are permitted in any ~~R-La Zone~~ **R-1A Zone**, the following shall apply:

- 11 Part 7, clause 7.3(c) of the By-law is amended by adding “within the Beechville Community Boundary” after “dwelling unit” as shown below in **bold**:

(c) Three parking spaces, shall be provided for any single unit dwelling containing an auxiliary dwelling unit **within the Beechville Community Boundary**.

- 12 Part 8, section 8.1 of the By-law is amended by adding the following 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 but outside of the Beechville Community Boundary

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

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

Home child care services for not more than five (5) (HWCC-Sep 23/13; E-Oct 12/13) children in conjunction with permitted two unit dwellings (MC-Jan 24/96; E-Feb 17/96)

Business uses in conjunction with permitted dwellings

- 13 The portion of Part 8, section 8.4 of the By-law before Clause (a) is amended by adding “AND MULTIPLE UNIT DWELLINGS” after “TWO UNIT DWELLINGS” in the heading and by adding “and multiple unit dwellings” after “two unit dwellings” as shown below in **bold**:

ARCHITECTURAL REQUIREMENT: TWO UNIT DWELLINGS AND MULTIPLE UNIT DWELLINGS

Where two unit dwellings **and multiple unit dwellings** are permitted in any R-2 Zone, the following architectural requirements shall apply:

- 14 Part 9, Section 9.1 of the By-law is amended by adding the following after “Two unit dwellings”, as shown below in **bold**:

Residential Uses

Existing mobile home parks

Single unit dwellings

Two unit dwellings within the Urban Service Area but outside of the Beechville Community Boundary

Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area but outside of the Beechville Community Boundary

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; Business uses in conjunction with permitted dwellings

- 15 Part 21F, section 21F.1 of the By-law is amended by striking out “R-1 uses, on existing lots fronting on public streets that exist on the date of adoption of this Part.” and replacing it with the text as shown in **bold**:

BCDD USES PERMITTED

21F.1 No development permit shall be issued in any BCDD (Beechville Comprehensive Development District) Zone except for the following:

~~R-1 uses, on existing lots fronting on public streets that exist on the date of adoption of this Part.~~ **The following uses, on existing lots fronting on public streets that existed on or before July 11, 2023:**

Residential Uses

- Single unit dwellings**
- 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.**

Community Uses

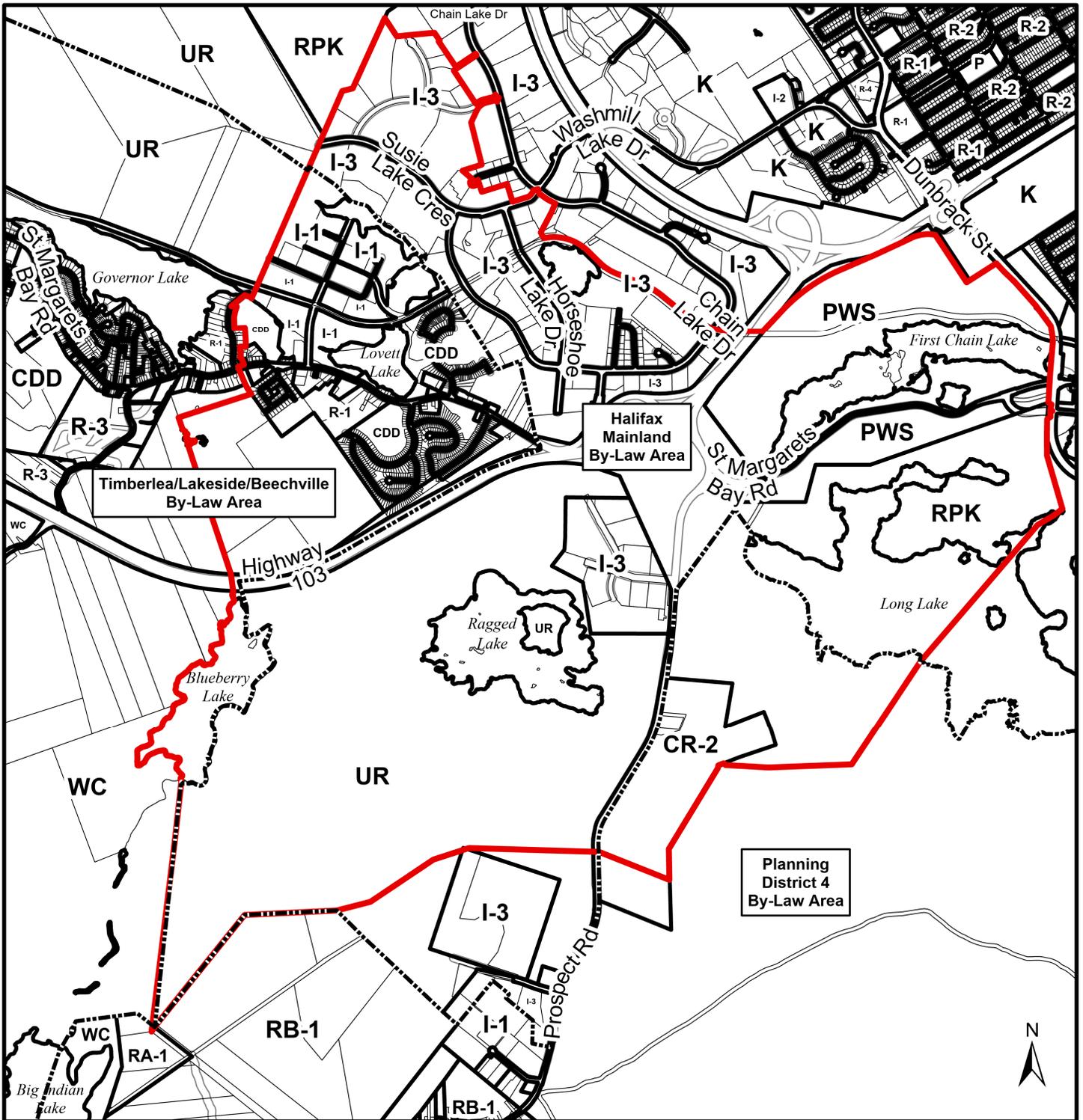
- Open space uses**
- Institutional uses except day care facilities, medical clinics and fraternal centres and halls.**

16 Schedule A of the By-law "Zoning" is amended by adding a new layer named "Beechville Community Boundary" as shown in Attachment-D22-Schedule A-1.

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 D22 - Schedule A-1

Beechville

Beechville Community Boundary

Plan Area Boundary

Timberlea/Lakeside/Beechville
Land Use By-Law Area

Zone

HMAIN

- I-2 Radio Transmitter
- I-3 General Industrial
- K Schedule K (See Section XIV)
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- RPK Regional Park
- PWS Protected Water Supply
- UR Urban Reserve

TLB

- CDD Comprehensive Development District
- I-1 Light Industry
- R-1 Single Unit Dwelling
- R-3 Mobile Dwelling
- UR Urban Reserve
- WC Western Common

PROS

- CR-2 Commercial Recreation 2
- I-1 Light Industry
- I-3 Local Service
- RA-1 Residential A-1
- RB-1 Residential B-1
- WC Western Common

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.