

ATTACHMENT E5

Proposed Amendments to the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Land Use By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Land Use By-law is hereby further amended as follows:

- 1 Part 2, section 2.65 of the By-law is amended by adding “an access created under the *Regional Subdivision By-law*,” after “Schedule ‘A’ road” as shown below in **bold**:

2.65 STREET OR ROAD means the whole and entire right-of-way of every highway, road, private road, Schedule "A" road, **an access created under the *Regional Subdivision By-law***, or road allowance in the Province of Nova Scotia or the Municipality of the County of Halifax.
- 2 Part 4, section 4.2 of the By-law is amended by striking out “fifteen (15) feet (4.6 m)” in subclause (a)(iv) 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)(v) and replacing it with “one thousand (1,000) square feet (93 square metres)”, and by adding the following after clause (b) as shown below in **bold**:

(iv) exceed ~~fifteen (15) feet (4.6 m)~~ **twenty-five (25) feet (7.7 metres)** in height in any RA Zone;

(v) exceed ~~seven hundred and fifty (750) square feet (69.7 m²)~~ **one thousand (1,000) square feet (93 square metres)**, nor be used for the keeping of livestock in any RA Zone;

(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, clause 4.2B(a) of the By-law is amended by striking out “or backyard suite” in subclause (i) 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 secondary suite ~~or backyard 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.**
- 4 Part 4, clause 4.2B(b) of the By-law is amended by striking out “a mobile dwelling,” in the portion before subclause (i), by adding “, or a multiple unit dwelling containing only 3 dwelling units” after “a row/townhouse dwelling” in the portion before subclause (i), by striking out “total 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 4.2, 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 or a row/townhouse dwelling, **or a multiple unit dwelling 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 square metres or the maximum floor area of an accessory building as set out in Section 4.2, 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.**

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