

## ATTACHMENT E1

### Proposed Amendments to the Downtown Halifax Land Use By-law

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

- 1 Section 7 “Land Use Requirements”, clause 5.5(a) of the By-law is amended by striking out “, a two-unit dwelling” in the portion before subclause (i), 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 (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 secondary suite ~~or backyard suite~~ shall be permitted on a lot;
- (vi) ~~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.**

- 2 Section 7 “Land Use Requirements”, clause 5.5(b) of the By-law is amended by adding “, a multiple unit dwelling containing up to 4 units” after “a two-unit dwelling” in the portion before subclause (i), by striking out “total secondary suite or” in subclause (i), by striking out “90.0 square metres or the maximum floor area of an accessory building permitted in the Land Use By-law, whichever is less” in subclause (iv) and replacing it with “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 (v) 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 (vii) 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 (viii) after subclause (vii) as shown below in **bold** and ~~strikeout~~:

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling, a two-unit dwelling, **a multiple unit dwelling containing up to 4 units**, or a townhouse 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 permitted in the Land Use By-law, whichever is less~~ **93.0 square metres;**
- (v) ~~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) ~~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.**
- (viii) **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.**

**3** Section 8 “Built Form Requirements”, subsection 19 “Accessory Buildings” of the By-law is amended by striking out “5” in clause (a) and replacing it with “7.7”, by striking out “23.5” in clause (a) and replacing it with “93.0”, and by adding the new clause after clause (d) as shown below in **bold**:

- (a) a maximum of ~~5~~ **7.7** metres in height and a maximum of ~~23.5~~ **93.0** square metres in floor area;
- (e) **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** Map 1 “Zoning” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.

**5** Map 2 “Downtown Precincts” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area and by removing a reference to “Precinct 8 - Cogswell” from the legend as shown in Attachment-E1-Map 1.

**6** Map 3 “Pedestrian-Oriented Commercial Streets” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.

**7** Map 4 “Maximum Pre-Bonus Heights” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.

**8** Map 5 “Maximum Post-Bonus Heights” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.

- 9** Map 6 “Streetwall Setbacks” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.
- 10** Map 7 “Streetwall Heights” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.
- 11** Map 8 “Central Blocks” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.
- 12** Map 9 “Prominent Visual Terminus Sites” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 1.
- 13** Map 10 “Archaeological Resources” of the By-law is amended by removing PID 00002030 from the Downtown Halifax Planning Area as shown in Attachment-E1-Map 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