

ATTACHMENT D16

Proposed Amendments to the Chebucto Peninsula Land Use By-law

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

- 1 Part 4, clause 4.13(a) of the By-law is amended by striking out “twenty (20) feet (4.6 m)” in subclause (iv) and replacing it with “twenty-five (25) feet (7.7 metres), by striking out “70 m²” in subclause (v) and replacing it with “93 square metres” as shown below in **bold** and ~~strikeout~~:
 - (iv) exceed ~~twenty (20) feet (4.6 m)~~ **twenty-five (25) feet (7.7 metres)** in height in any Residential (R-1, R-2, R-2a) Zone;
 - (v) exceed one thousand (1000) square feet (~~70 m²~~ **93 square metres**) at grade on lots less than 40,000 square feet in any R-1 (Single Unit Dwelling), R-2 (Two Unit Dwelling Zone), R-2a (Residential Home Occupation Zone) Zone.

- 2 Part 4, section 4.13 of the By-law is amended by adding a new clause 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, 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,” 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 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 4.13B(b) of the By-law is amended by striking out “a mobile dwelling,” by adding “, a multi-unit dwelling containing only 3 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, private road, or shared private driveway; (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 units**, or a townhouse dwelling subject (HWCC-Apr 14/21;E-May 1/21) 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, private road, or shared private driveway;**
 - (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.**

5 Part 4, section 4.14 of the By-law is repealed.

- 6 Part 4, section 4.27 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~~:

USE

Any dwelling except as specified below
Multiple unit dwellings

PARKING REQUIREMENT

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

- 7 Part 11, section 11.1 of the By-law is amended by adding “Multiple unit dwellings containing 3 or 4 dwelling units” after “Two unit dwellings” as shown below in **bold**:

11.1 HCR USES PERMITTED

No development permit shall be issued in any HCR (Herring Cove Residential) Zone except in conformity with the following:

Single unit dwellings;

Two unit dwellings;

Multiple unit dwellings containing 3 or 4 dwelling units;

Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit;

Fishery support uses;

Home occupations in conjunction with permitted dwellings;

Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings;

Open space uses;

Recreation uses.

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