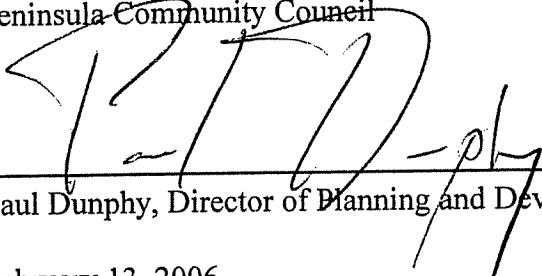




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

District 12 PAC - February 27, 2006
Chebucto Community Council - March 6, 2006
Peninsula Community Council - March 6, 2006

TO: District 12 PAC
Chebucto Community Council
Peninsula Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services

DATE: February 13, 2006

SUBJECT: Case 00866: Amendments to the Halifax Peninsula Land Use Bylaw
Respecting Gross Floor Area Requirements

SUPPLEMENTARY REPORT

ORIGIN

- December 12, 2005 - Motion of the Peninsula Community Council
- Staff Report dated January 5, 2006
- Motion from District 12 Planning Advisory Committee on January 23, 2006 requesting additional information

RECOMMENDATION

It is recommended that Peninsula Community Council and the Chebucto Community Council:

1. Give First Reading to consider the proposed amendments to the Halifax Peninsula Land Use Bylaw (Attachment A of the staff report dated January 5, 2006 as attached), and schedule a joint public hearing of the Peninsula Community Council and the Chebucto Community Council; and
2. Approve the proposed amendments to the Halifax Peninsula Land Use Bylaw.

BACKGROUND

On January 23, 2006 the District 12 Planning Advisory Committee (PAC) considered a staff report that proposed removing the Gross Floor Area Ratio (GFAR) controls that were adopted in September, 2005 for Halifax Peninsula. In response to the report, additional information was requested about the difficulties that are being experienced in making property improvements in light of the new requirements.

DISCUSSION

The rationale for removing the GFAR regulations is outlined in the original January 5, 2006 Staff Report. The District 12 PAC is concerned that their removal will result in the reestablishment of the "quasi-rooming house" phenomenon that was prevalent before Council adopted: 1. The new Land Use Bylaw definitions respecting the number of bedrooms that may contained in a dwelling; and; 2. The GFAR regulations.

Staff conclude that it is primarily the maximum number of bedroom definitions that are precluding the development of "quasi-rooming" houses. Without the ability to establish a high number of bedrooms there is little impetuous to establish "quasi-rooming" houses. With this, the GFAR requirements are seemingly only affecting property improvements that have traditionally been accepted on the Peninsula. One measure of this is the nature of the variance applications that have been considered to date, as follows:

Variance Case	GFA Sought	GFA allowed	Development Officer's Decision	Appeal	Council's Decision
1064 Ridgewood Dr.	8,580	6,265	Refused	Yes	Approved
1612 Cambridge St.	6,170	4,050	Refused	Yes	Approved
6331 Norwood St.	2,475	2,740	Approved	No	Not required
6153 Murray Place	4,204	3,000	Approved	Pending	
6327 Duncan St.	2,539	2,400	Pending		
6544 Berlin Street	3,241	2,800	Approved	Pending	

GFA: Gross Floor Area

The above cases are only those in which a variance has been sought. Development Staff report that since the GFAR amendments have been introduced, approximately 30 inquiries have been for properties that do not meet the regulations. In some cases, building plans have or are being modified

solely so that property owners can proceed without the time, cost and process that is associated with a variance application.

Again, staff conclude that it is the land use bylaw definitions respecting the number of bedrooms which are precluding the "quasi-rooming house" phenomenon. The GFAR regulations are only seemingly effecting what are typically considered to be normal property improvements.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The following alternatives may be considered by Peninsula / Chebucto Community Councils:

1. Council may approve the proposed amendments to the Halifax Peninsula Land Bylaw. This is the recommended alternative.
2. Council may choose to reject the proposed amendments for certain areas of the Peninsula.
3. Council may choose to retain the GFA while planning reviews are accomplished for particular Peninsula neighbourhood areas. Staff does not recommend this due to our observations about the GFAs noted above.

ATTACHMENTS

Attachment A - January 5, 2006 Staff Report with Proposed Amendments to the Halifax Peninsula Land Bylaw

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Planner II, 490-3691

Attachment A

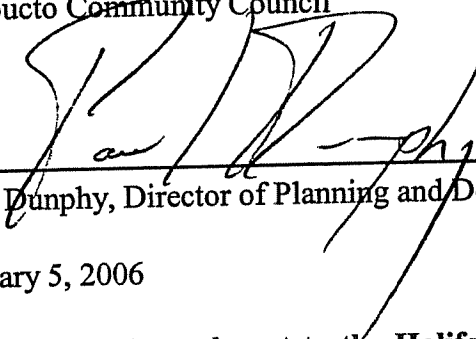


PO Box 1749
Halifax, Nova Scotia
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District 12 PAC - January 23, 2006
Chebucto Community Council - February 6, 2006
Peninsula Community Council - February 13, 2006

TO: District 12 PAC
Peninsula Community Council
Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Planning and Development Services

DATE:

January 5, 2006

SUBJECT:

**Case 00866: Amendment to the Halifax Peninsula Land Use Bylaw
Respecting Gross Floor Area Requirements**

ORIGIN

December 12, 2005 - Motion of the Peninsula Community Council

RECOMMENDATION

It is recommended that Peninsula Community Council and the Chebucto Community Council:

1. Give Notice of Motion to consider the proposed amendments to the Halifax Peninsula Land Use Bylaw (Attachment A), and schedule a joint public hearing of the Peninsula Community Council and the Chebucto Community Council; and
2. Approve the proposed amendments to the Halifax Peninsula Land Use Bylaw.

BACKGROUND

In October 2005, the Chebucto and Peninsula Community Councils adopted amendments to the Peninsula Land Use Bylaw that included limitations over how much gross floor area (GFA) may be established within a house in the R-1 and R-2 Zones (see Attachment A). Since these amendments have had effect, both staff and Councillors have been made aware of difficulties that these regulations entail for some property owners in enlarging their houses.

DISCUSSION

The GFA requirements were introduced at the same time as amendments concerning of the number of bedrooms that house may contain; which was a specific measure to address a problem in differentiating regular dwellings from rooming houses. However, the GFA requirements are not directly linked to the rooming house amendments. Rather, they are a tool that establishes what might be reasonable amount of square footage for a house depending upon its property size. It is designed to help prevent a “monster-house” phenomenon, where houses are established that may be of such a substantially large size that they out-of-character with their surroundings.

At this time, staff believe that the GFA measures should be removed as a regulatory tool. Since their implementation this conclusion has been reached on the basis that:

- By all indications, it is the regulations over the number of bedrooms and not the GFA requirements that are addressing the rooming house issue experienced on the Peninsula. All of the inquiries that the Planning Department has received to establish houses with a high number of bedrooms have been thwarted by the bedroom regulations rather than the GFA requirements.
- There does not seem overwhelming support for, or knowledge for that matter, about the GFA requirements. Although anecdotal, the Department has gained this from public inquires to staff and through the GFA variance applications that have been considered to date. The experience of a recent Cambridge Street variance that involved, by comparison to its surroundings, a very sizable addition that was widely accepted by neighbours is a good example.
- The GFA standards do not necessarily account for the variety of unique neighbourhood characteristics throughout the Peninsula, so that they may prejudice seemingly reasonable redevelopment in some areas and circumstances. Examples of this include older areas of Halifax with relatively large houses on small properties.

The GFA regulations represent a new tool that adds to potential building controls that include lot coverage, height, and setback regulations. However, after some experience with the requirements, staff suggest that these measures might be most appropriately introduced and tailored to particular neighbourhood or even individual street circumstances. Opportunities to consider such measures will be had through the implementation of the Regional Plan and any particular area reviews that are prioritized by Council.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The following alternatives may be considered by Peninsula / Chebucto Community Councils:

1. Council may approve the proposed amendments to the Halifax Peninsula Land Bylaw. This is the recommended alternative.
2. Council may choose to reject the proposed amendments for certain areas of the Peninsula.
3. Council may choose to retain the GFA while planning reviews are accomplished for particular Peninsula neighbourhood areas. Staff does not recommend this due to our observations about the GFAs noted above.

ATTACHMENTS

Attachment A - Proposed Amendments to the Halifax Peninsula Land Bylaw

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Planner II, 490-3691

Attachment "A"
Proposed Amendments to the Halifax Peninsula Land Use Bylaw

1. Within the Definitions Section, the following definitions are deleted:

"Floor Area Ratio" means the gross floor area, in square feet, divided by the area of the lot, in square feet, and is expressed in a ratio of gross floor area to one square foot of lot area. The floor area ratio in each zone shall be deemed to apply only to that portion of such lot which is located within that zone."

"Gross Floor Area" means the aggregate of the area of all floors in a residential building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, and including the basement floor area where the basement ceiling height is 1.95 metres (6 ft. 5 in.) and has access to it with a ceiling height of 1.95 metres (6 ft. 5 in.), but excluding any open porch/verandah and unfinished attic, and area used for a private garage, parking and loading."

2. Within the General Provisions Section the following is deleted:

MAXIMUM RESIDENTIAL GROSS FLOOR AREA

- 26D** The maximum residential gross floor area for dwellings within the R-1 and R-2 Zones shall be as follows:

<u>Lot Size</u>	<u>GFA Requirement</u>
<3,500	The maximum GFA shall be a FAR of 0.75
>3,500 to 4,000	The maximum GFA shall be 2,625 sq. ft. or a FAR of 0.70, whichever is greater.
>4,000 to 4,500	The maximum GFA shall be 2,800 sq. ft. or a FAR of 0.65, whichever is greater.
>4,500 to 5,500	The maximum GFA shall be 2,925 sq. ft. or a FAR of 0.60, whichever is greater.
>5,500 to 7,000	The maximum GFA shall be 3,300 sq. ft. or a FAR of 0.55, whichever is greater.

>7,000 to 9,000	The maximum GFA shall be 3,850 sq. ft. or a FAR of 0.50, whichever is greater.
>9,000 to 11,000	The maximum GFA shall be 4,500 sq. ft or a FAR of 0.45, whichever is greater.
>11,000 to 13,000	The maximum GFA shall be 4,950 sq. ft. or a FAR of 0.40, whichever is greater.
>13,000	The maximum GFA shall be 5,200 sq. ft. or a FAR of 0.35, whichever is greater.

GFA: Gross Floor Area
FAR: Floor Area Ratio”