

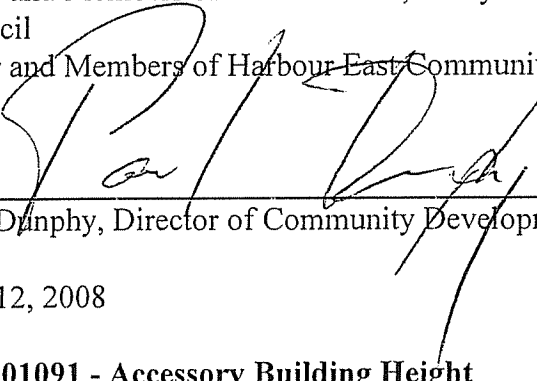
Item 2.1



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council - June 5, 2008
Marine Drive, Valley and Canal Community Council - June 5, 2008

TO: Chair and Members of Marine Drive, Valley and Canal Community Council
Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: May 12, 2008

SUBJECT: Case 01091 - Accessory Building Height

SUPPLEMENTARY INFORMATION REPORT

ORIGIN

On October 30, 2007, Marine Drive, Valley and Canal Community Council (MDVCCC) passed a motion requesting that staff investigate alternatives for amending the height provisions for accessory buildings within that portion of Planning Districts 14 and 17 plan area under the jurisdiction of Harbour East Community Council (HECC) and zoned Suburban Residential (R-1B) Zone.

Staff opened Case 01091 and submitted a report dated March 8, 2008, to both MDVCCC and HECC. On April 23, 2008 Council held a Joint Public Hearing and HECC passed a motion deferring a decision on the matter pending further clarification from staff on how height is determined relative to grade and the steps followed for this application.

accessory buildings are ancillary to the main use of the property as a residence by limiting the height to no more than that of the main building.

The proposed amendments would be consistent with amendments recently approved by HECC and MDVCC at a joint public hearing for the R-1A Zone. This approach would provide a height limit that would vary according to the height of the main building. The proposed amendments would provide a more flexible height restriction than in the nearby residential portions of the abutting Dartmouth plan area where accessory buildings are limited to a height of 15 feet and an area of 650 square feet. Furthermore, the proposed amendment would not effect the height of an attached garage which is considered part of the main dwelling and can therefore be built to a height of 35 feet.

The height of a building is determined based on the height from the average grade around the base. When a building is located on a slope, height is determined by calculating an average of the height of each side of the building. Therefore, portions of a building whose average height has been calculated at 20 feet and that is located on a slope, may be as tall as 25 feet and as short as 15 feet at certain points. As a result, the presence of slope may result in portions of buildings exceeding the maximum height even though the height of the building (the average height) does not. The elevation of the building, as determined from sea level, has no bearing on the height. For instance, a building located on top of a hill would have the exact same height as the exact same building located on the bottom of the hill, presuming both were located on flat ground. If however, two similar buildings were located on two different slopes, they would not have the same height, although this is due to the difference in slope, not elevation.

Conclusion

If HECC and MDVCCC approve the amendments to the LUB, all properties zoned R-1B and under the jurisdiction of HECC would be subject to the new height requirement for accessory buildings; 25 feet or the height of main dwelling, whichever is less. Properties zoned R-1B but located within MDVCCC's jurisdiction would remain under the current height maximum: 25 feet regardless of the height of the main dwelling. The proposed amendments would establish a more restrictive height requirement for accessory buildings within the subject area. However, the properties would have a less restrictive height requirement than that in place for nearby and more urban plan area of Dartmouth.

BUDGET IMPLICATIONS

The cost to process this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

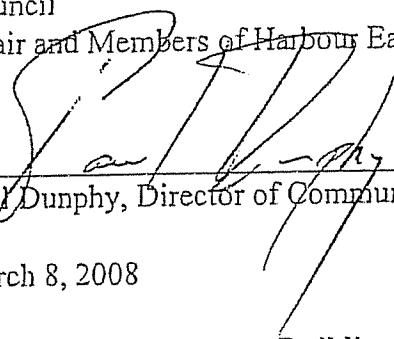
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Marine Drive, Valley and Canal Community Council - March 26, 2008
Harbour East Community Council - April 3, 2008

TO: Chair and Members of Marine Drive, Valley and Canal Community Council
Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: March 8, 2008

SUBJECT: Case 01091 - Accessory Building Height

ORIGIN

On October 30, 2007, Marine Drive, Valley and Canal Community Council (MDVCC) passed a motion requesting that staff investigate alternatives for amending the height provisions for accessory buildings within that portion of Planning Districts 14 and 17 plan area under the jurisdiction of Harbour East Community Council (HECC) and zoned Suburban Residential (R-1B) Zone.

RECOMMENDATION

It is recommended that Marine Drive, Valley and Canal Community Council and Harbour East Community Council:

1. Give First Reading to the proposed amendments to the Land Use By-law for Planning Districts 14 and 17 as provided in Attachment A of this report and schedule a joint public hearing.
2. Approve the proposed amendments to the Land Use By-law for Planning Districts 14 and 17, as provided in Attachment A of this report, to amend the accessory building height provisions for all areas under the jurisdiction of Harbour East Community Council and within the Suburban Residential (R-1B) Zone.

limit that would vary according to the height of the main building. The proposed amendments would provide a more flexible height restriction than in the nearby residential portions of the abutting Dartmouth plan area where accessory buildings are limited to a height of 15 feet and an area of 650 square feet. Furthermore, the proposed amendment would not effect the height of an attached garage which is considered part of the main dwelling and can therefore be built to a height of 35 feet.

Conclusion

The proposed amendments set out in Attachment A would establish a more restrictive height provision for the portion of the plan area under the jurisdiction of HECC than what is currently in place for dwelling less than 25 feet in height. The amendments would also ensure that from a scale perspective, accessory buildings remain secondary to the main use of the property as a residence. Staff are of the opinion that it is reasonable to limit the height of accessory buildings, within this portion of the R-1B Zone adjacent the more restrictive zoning in the Dartmouth plan area, to the height of the main building and recommend that Council approve the proposed amendments set out in Attachment A.

BUDGET IMPLICATIONS

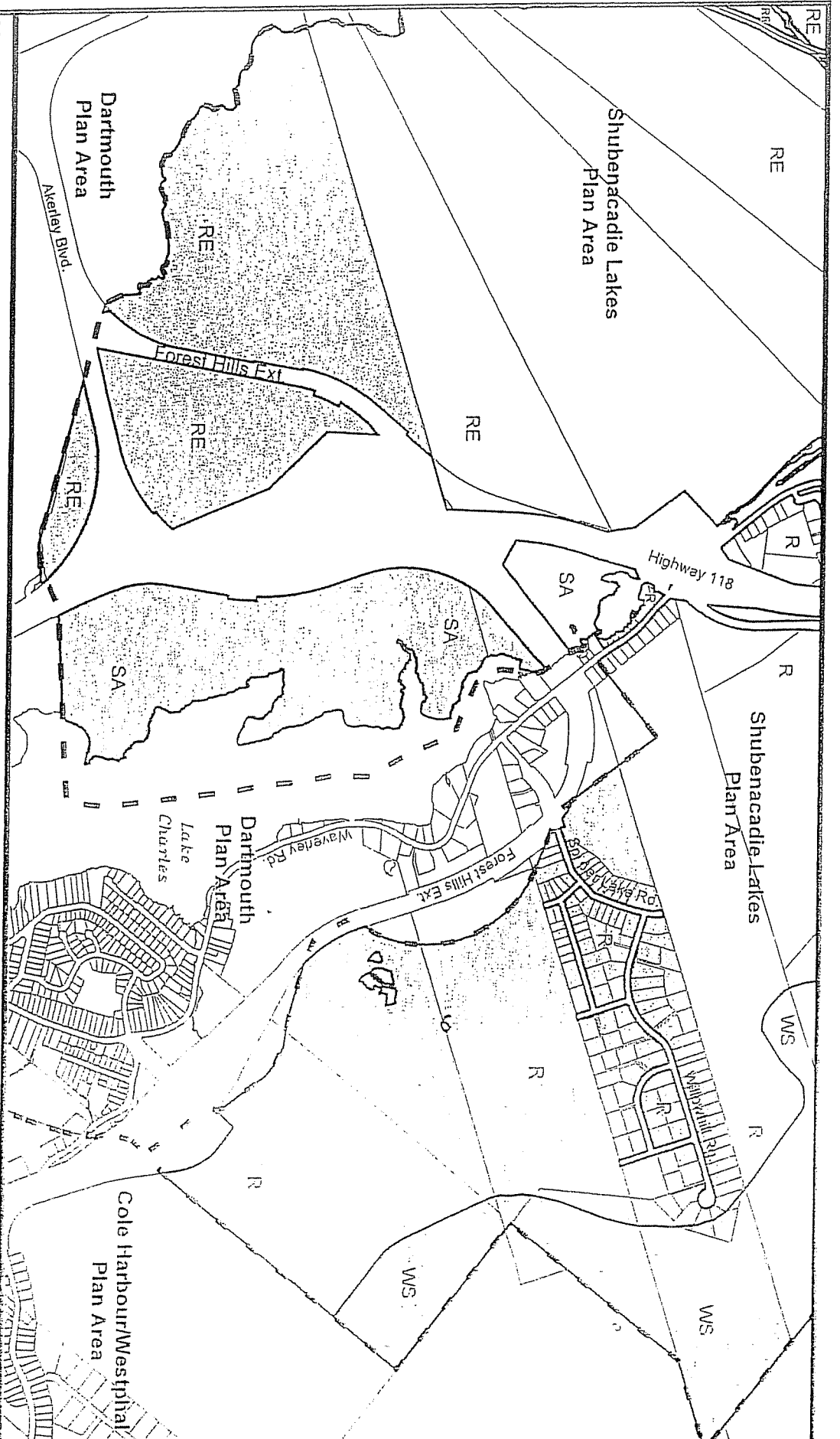
None. The costs to process this application can be accommodated under the approved C310 operating budget.

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

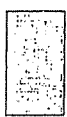

1. Council may choose to amend the Land Use By-law for Planning Districts 14 and 17 to establish a new maximum height provision for portions of the R-1B Zone under the jurisdiction of HECC. This is the recommended action. Staff have included the proposed amendments as Attachment A.
2. Council may choose not to amend the Land Use By-law for Planning Districts 14 and 17. This is not the recommended course of action.

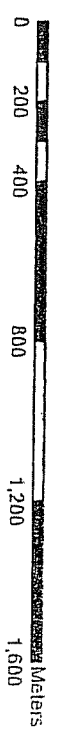


Map 1
Generalized Future Land Use

Shubenacadie Lakes Plan Area

- R Residential Designation
- RE Resource Designation
- SA Special Area Designation
- WS Watershed Designation

-  Portion of Shubenacadie Lakes Plan Area within Harbour East Community Council
-  Plan Area Boundaries



Feb. 26, 2008

HRM does not guarantee the accuracy of any base map information on this map.

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**Attachment A:
Amendments to the Land Use By-law for Planning Districts 14 and 17**

BE IT ENACTED by the Marine Drive, Valley and Canal Community Council and the Harbour East Community Council of the Halifax Regional Municipality that the Land Use By-Law for Planning Districts 14 and 17 as enacted by the former Halifax County Municipality on the 2nd day of May, 1989 and approved by the Minister of Municipal Affairs on the 19th day of July, 1989, as amended, is hereby further amended as follows:

1. Add the following text, after of section 4.11 a) (iii) 3:
 4. **twenty five (25) feet (7.62 m) or the height of the main building, whichever is less, in any R-1B zone within the subject area identified in Schedule I of this By-law;**

I HEREBY CERTIFY that the amendments to the Land Use By-law for Planning Districts 14 and 17 as set out above, were passed by a majority vote of the Marine Drive Valley and Canal Community Council, and Harbour East Community Council at a joint meeting held on the ___ day of _____, 2008.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2008.

Municipal Clerk

**Attachment B:
LUB Requirements for Accessory Buildings**

4.11 ACCESSORY BUILDINGS

(a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:

- (i) be used for human habitation except where a dwelling is a permitted accessory use;
- (ii) be built closer to the front lot line than the minimum distance required for the main building or be built closer than eight (8) feet (2.4 m) to any other lot line except that:
 1. in any Residential Zone, garages which are accessory to dwellings shall be a minimum of four (4) feet (1.2 m) from any side or rear lot line;
 2. common semi-detached garages may be centred on the mutual side lot line;
 3. boat houses, boat docks and float plane hangars may be built to the lot line when the line corresponds to the high water mark;
 4. accessory buildings and structures in a P-2 (Community Facility) Zone shall not be built closer to any side or rear lot line than ten (10) feet (3.0 m) or one half (½) the height of such building or structure, whichever is the greater; and
 5. accessory structures shall be permitted to be constructed within the front yard of an AE-1 (AeroTech Core) Zone and AE-2 (General Airport) Zone, but shall not be permitted within the minimum required front yard.
- (iii) Exceed a height of:
 1. twenty five (25) feet (7.62 m) in any R-1A zone or the height of the main building, whichever is less; (MDVCCC-Dec 6/07;E-Dec 22/07)
 2. twenty five (25) feet (7.6 m) in any R-1B, R-1C, or R-1D zone;
 3. thirty five (35) feet (10.7 m) in any R-6 or R-7 zone;
- (iv) Exceed a gross floor area of:
 1. seven hundred and fifty (750) square feet (70 m²) in any R-1A, R-1B, R-1C or R-1D zone; or
 2. one thousand (1,000) square feet in any R-6 or R-1E zone. (C-Jun 29/93;M-Aug 6/92)
- (v) (deletion - MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)
- (vi) Be built within eight (8) feet (2.4 m) of the main building within any Residential Zone or twelve (12) feet (3.7 m) in any other zone.
- (vii) be used for the keeping of livestock, except where agriculture is a permitted use. (C-Aug 27/90;E-Sep 22/90)

