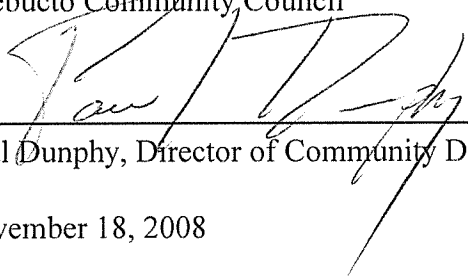




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Chebucto Community Council
December 1, 2008

TO: Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: November 18, 2008

SUBJECT: **Cases 00843 and 00878: Amendments to the Halifax Mainland Land Use By-law**

INFORMATION REPORT

ORIGIN

- Case 00843: Chebucto Community Council Motion, December 12, 2005
Regional Council, January 10, 2006¹
- Case 00878: Request by Councillor Mosher

¹Although Case 00843 was initiated by Regional Council, this Information Report is directed to the Chebucto Community Council as its subject matter is specific to this community council.

BACKGROUND

In 2005, staff was requested to investigate changes to the Halifax Mainland Land Use By-law to address the establishment of quasi-rooming houses and the definition of “height”.

Quasi-Rooming Houses: In 2005 there was a potential problem noted about the establishment of quasi-rooming houses (houses containing an abnormally high number of bedrooms that resemble rooming houses) in Halifax Mainland, near Mount St. Vincent University.

Definition of Height: In 2005, Councillor Mosher requested a review of the Halifax Mainland Land Use By-law definition of “height.” This arose out of a concern with how the maximum height of a building is measured. The Land Use By-law definition can result in relatively tall-looking buildings being established on downward sloping lots.

Staff intend to close both case files that are associated with these matters due to the issue no longer being seen as necessary at this time (Quasi-Rooming Houses) and better addressed through the plan review process (Definition of Height).

DISCUSSION

Quasi-rooming Houses

Prior to the adoption of amendments to the Halifax Peninsula Land Use By-law on October 3, 2005, there was a growing concern with houses being converted to contain a relatively high number of bedrooms, which were largely occupied by university students. To neighbours, these were considered to be rooming houses and not permitted in low density zones, but under the Land Use By-law they met the technical definitions that relate to dwellings. In essence, the Land Use By-law did not distinguish ~~between~~ a three bedroom house from an 18 bedroom house. The types of dwellings that were being established were referred to as “quasi-rooming houses.”

The Halifax Peninsula Land Use By-law amendments created land use distinctions between dwellings based upon the number of bedrooms they contain. Dwellings with a significant number of bedrooms (for example, more than five bedrooms in a single family detached dwelling) were considered to be rooming houses, which are only permitted in higher density zones.

Although the amendments have successfully addressed the quasi-rooming house issue on the Peninsula, they have also proved to be problematic in situations where a dwelling, that is clearly not a rooming house, is proposed with a higher number of bedrooms than that which is enabled under the By-law. However, on the Halifax Peninsula, where this was a considerable issue, the trade-off of the increased restriction was found to be warranted.

In 2005 a similar situation arose in the vicinity of Mount St. Vincent University, where a semi-detached dwelling was established containing a combined total of 14 bedrooms. This area is under the jurisdiction of the Halifax Mainland Land Use By-law. Chebucto Community Council requested that similar amendments be implemented for the area surrounding the University. Regional Council initiated a process to review this matter on January 10, 2006 and expanded the area to include all of District 15.

While the concern in 2005 was that there would be a proliferation of quasi-rooming houses around Mount St. Vincent University, this has not occurred. Staff have therefore concluded that amendments are not necessary at this time and would only serve to restrict the development of houses that may contain a sizable number of bedrooms, but which are not rooming houses.

Definition of Height

The definition of “height” in the Halifax Mainland Land Use By-law states that building height is measured differently for lots, depending on whether they are above or below the grade of its adjoining streets (Attachment “A”, Figure 1, How Building Height is Measured). An issue with the definition is that on a relatively steep downward sloping lot, a house that appears to be quite tall from its rear yard can be established. This matter was raised by Councillor Mosher as amendments were proposed relative to in-filling of the North-west Arm .

An alternative way to measure height is to specify that it is to be the distance between the top of a roof and the average grade of the land around a building. This would lead to a more uniform overall building height and has merit. However, given that there are a considerable number of sloped lot conditions throughout Halifax Mainland, it could lead to situations where some buildings are limited to having a single storey, or less, facing a street.

Staff is not aware of substantial issues that have arose as a result of the current longstanding height definition. Changing the way in which height is measured is a matter that would be most appropriately addressed during an area plan review.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

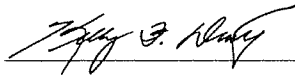
This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS

Attachment A Figure 1, How Building Height is Measured

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Richard Harvey, Senior Planner, 490-5637



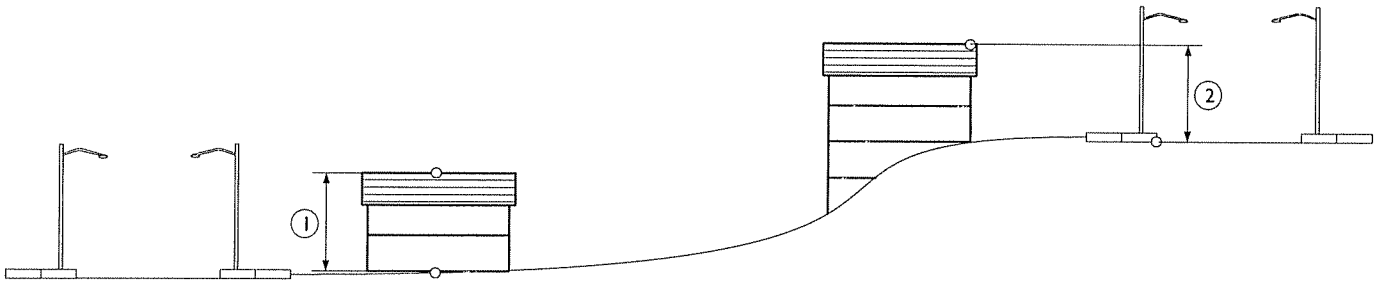
Report Approved by: Kelly Denty, Acting Manger of Planning Services, 490-6011

Attachment "A"

Figure I, How Building Height is Measured

Land Use By-law Definition of Height

"Height" when applied to a building, means the vertical distance of the highest point of the roof above the mean grade of the surface of the all the streets adjoining the building of the mean grade of the natural ground so adjoining if such grade is not below the grade of the surface (Mainland Halifax Land Use By-law)



Interpretation

- ① Where the grade of a lot is equal to or above the grade of adjoining streets, the maximum height of a building is the distance between the highest point of the roof and average grade around the building
- ② Where the grade of a lot is below the grade of adjoining streets, the maximum height of a building is the distance between the highest point of the roof and average grade of adjoining streets