

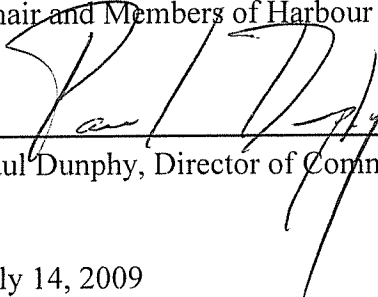


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**Harbour East Community Council**  
**August 6, 2009**

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** July 14, 2009

**SUBJECT:** **Land Use By-law Amendments – Larger Accessory Buildings**

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### INFORMATION REPORT

#### ORIGIN

June 11, 2009 Harbour East Community Council meeting (item 11.1)

*Moved by Councillor Barkhouse, seconded by Councillor Nicoll that Harbour East Community Council request an information report on the impacts of potentially amending the land use by-laws under Harbour East Community Council's jurisdiction to permit larger and taller accessory buildings on larger, more rural residential properties.*

## **BACKGROUND**

Accessory buildings are usually limited to a certain size in residential zones, but the maximum permitted size and height for a residential accessory building varies, depending on the zone and plan area. In many suburban residential zones, accessory buildings are limited to 15 feet in height with a maximum area of 750 square feet. However, larger and taller residential accessory buildings are permitted in more rural plan areas under certain conditions, such as a larger lot size.

In response to public inquiry, Harbour East Community Council (HECC) has requested information on the potential impacts of permitting larger and taller accessory buildings on larger, more rural residential properties within their jurisdiction. Attachment A contains the current maximum permitted size and height of accessory buildings in the Eastern Region.

### **Study Area**

Through discussions with district councillors, staff have confirmed that the general area of interest is the suburban and rural areas within HECC's jurisdiction, including larger, more rural residential properties in:

- Eastern Passage / Cow Bay;
- Cole Harbour / Westphal; and
- Lake Major / Cherry Brook / North Preston / East Preston.

Dartmouth and Downtown Dartmouth are not being considered, since they are generally urban areas, without the larger, more rural residential properties in question.

Finally, although a small portion of the Planning Districts 14 and 17 (Shubenacadie Lakes) plan area falls under HECC's jurisdiction, this area is generally administered through Marine Drive, Valley and Canal Community Council and has not been considered in this report.

## **DISCUSSION**

Staff looked at plan areas with similar land use patterns in the Central and Western regions:

- Timberlea / Lakeside / Beechville,
- Sackville, and
- Beaver Bank, Hammonds Plains and Upper Sackville.

While the Timberlea / Lakeside / Beechville plan area limits residential accessory buildings to the typical 750 square feet in area and 15 feet in height, the other two LUBs allow for taller accessory buildings.

The option for taller accessory buildings was intended to compensate for steep grades in these areas; however, the same regulations also apply to level properties. Attachment B contains the accessory building requirements from the LUB for Beaver Bank, Hammonds Plains and Upper Sackville (which are almost identical to the requirements used in Sackville). Within these two plan areas, taller accessory buildings – only up to the height of the main building – are permitted if the following conditions are met:

- If the side walls are 12 feet tall or less;
- If the side and rear setbacks are increased accordingly; and
- If the property is at least 40,000 square feet in area.

**Compatibility Concerns**

If HECC wishes to initiate an application to allow larger accessory buildings, staff would address potential impacts of such buildings through the creation of new zone standards that deal with:

- minimum lot size;
- setbacks from dwellings or other buildings; and
- maximum floor area and height.

Through public consultation on such an application, staff would gain feedback from residents on:

- whether the height of the accessory building should be limited, relative to the height of the main building;
- whether larger residential properties could be subdivided in the future which may result in future impacts; and
- whether it is desirable for accessory uses to occur in larger or taller accessory buildings in residential areas.

**BUDGET IMPLICATIONS**

None.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

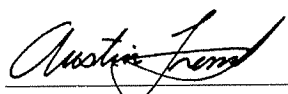
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ATTACHMENTS**

- Attachment A            Summary of Residential Accessory Building Regulations – Eastern Region
- Attachment B            Excerpt from the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

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:            Mackenzie Stonehocker, Planner I, 490-3999

Report Approved by:              
Austin French, Manager of Planning Services, 490-6717

**Attachment A:**  
**Summary of Residential Accessory Building Regulations – Eastern Region**

Land Use By-law	Residential Zones which may typically have 'larger' lots (e.g. ~ 1 acre) (e.g. excluding typically smaller zones, such as R-2)	Maximum accessory building permitted	
		Height (feet)	Area (square feet)
<i>Urban plan areas</i>			
Downtown Dartmouth	none	15	650
Dartmouth	R-1	15	650
<i>Suburban plan areas</i>			
Eastern Passage / Cow Bay	R-1, RA	15	750
Cole Harbour / Westphal	R-1, R-7	15	750
Lake Major / North Preston	RA	15	750
	RS	none	none
<i>Rural plan areas</i>			
Planning Districts 8 & 9 (Lake Echo / Porters Lake*)	R-1, RA	21	750
Lawrencetown**	RR-1	25	1000
Eastern Shore (West)	R-6, FV	21	1000
Eastern Shore (East)	R-6A	21	1000
* In the Lake Echo / Porters Lake plan area, many properties are zoned RE (Rural Enterprise). The RE zone is a Mixed Use zone – not a Residential zone – so accessory buildings in the RE zone are <b>not</b> subject to the same limits as in the R-1 or RA zones.			
** In the Lawrencetown plan area, accessory buildings in the RR-1 zone can exceed the maximum if they are for an agricultural use.			

**Attachment B:**  
**Excerpt from the LUB for Beaver Bank, Hammonds Plains and Upper Sackville**

**SECTION 4.12: 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 used for the keeping of livestock except where agriculture is a permitted use;
  - (iii) 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. common semi-detached garages may be centred on the mutual side lot line; and
    - 2. boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and
  - (iv) exceed fifteen (15) feet (4.6 m) in height in any R-1 (Single Unit Dwelling) Zone or R-2 (Two Unit Dwelling) Zone;
  - (v) exceed one thousand (1000) square feet (90 m<sup>2</sup>) in any R-1 (Single Unit Dwelling) Zone or R-2 (Two Unit Dwelling) Zone;
  - (vi) be built within eight (8) feet (2.4 m) of a dwelling unit or twelve (12) feet (3.7 m) of any other main building.
- (b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from the requirements of Subsection (a).
- (c) Notwithstanding sections 4.12 (a)(iii), 4.12(a)(iv) and 4.12(a)(vi), **an accessory building or structure, excluding boat houses, in any R-1 (Single Unit Dwelling) Zone may exceed fifteen (15) feet in height if the following conditions are met:**
- (i) the height does not exceed the height of the main building or twenty-five (25) feet, whichever is less;
  - (ii) the side walls of the building do not exceed 12 feet in height;
  - (iii) side and rear yards for the building are no less than required in Section 4.12(a)(iii) or one-half (½) the height of the accessory building, whichever is greater;
  - (iv) the building is located no less than required in Section 4.12(a)(vi) or one-half (½) the height of the accessory building height from the main building or any other building, whichever is greater;
  - (v) the proposed building or structure is not located in the required front yard;
  - (vi) the lot shall have a minimum area of 40,000 square feet (3,716 m<sup>2</sup>);
  - (vii) all other applicable provisions of this By-law are met.