

Marine Drive, Valley and Canal Community Council
February 22, 2012

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



SUBMITTED BY: _____
Phil Townsend, Director, Planning and Infrastructure

DATE: January 16, 2012

SUBJECT: **Case 17517 LUB Amendments to Permit Increased Footprint and Height for Accessory Buildings, Musquodoboit Valley and Dutch Settlement**

INFORMATION REPORT

ORIGIN

On December 6, 2011, Marine Drive, Valley and Canal Community Council (Item 3.1) passed the following motion:

Moved by Councillor Dalrymple, seconded by Councillor Hendsbee, that Marine Drive, Valley and Canal Community Council request staff to initiate the process to increase footprint and height requirements for personal service accessory buildings in the Musquodoboit Valley/Dutch Settlement non-serviced areas.

BACKGROUND / DISCUSSION

The Musquodoboit Valley and Dutch Settlement Land Use By-Law (LUB) regulates accessory buildings under Section 4.12 “ACCESSORY BUILDINGS” (Attachment A). This section places a number of restrictions on accessory buildings, in particular that such buildings or structures shall not:

- exceed twenty-five (25) feet (7.6 m) in height; nor
- exceed seven hundred and fifty (750) square feet (69.7 m) in any RR-1 or VIL Zones.

Council has requested that staff investigate increasing the height and size (square footage of footprint) of accessory buildings when utilized for personal use. The direction also restricts the review to non-serviced areas of the Plan.

In response to Council’s request, staff has opened Planning Case 17517 for this issue. In order to move forward with Council’s request, staff has begun the process of setting a date for a public information meeting for the case.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process will be consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement is consultation, achieved through a Public Information Meeting (PIM). A public hearing has to be held by Council before they can consider approval of any amendments.


Should Council decide to proceed with a Public Hearing on this application, notices will be posted on the HRM website in addition to the required published newspaper advertisements.

ATTACHMENTS

Attachment A Excerpt form the Musquodoboit Valley and Dutch Settlement LUB

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

Report Prepared by: Darrell Joudrey, Planner 1, Community Development, 490-4181

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

Attachment A

Excerpt form the Musquodoboit Valley and Dutch Settlement Land Use By-law

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. fish sheds and boat sheds may be built to the lot line which corresponds to the high watermark; and
 - 3. where an area of land is proposed to be subdivided and an existing accessory building is less than one hundred and four (104) feet (31.7 m) from any side or rear lot line forming a boundary of the proposed lot, the minimum side yard requirement for the accessory building may be reduced to two (2) feet (0.6 m).
 - (iv) exceed twenty-five (25) feet (7.6 m) in height;
 - (v) exceed seven hundred and fifty (750) square feet (69.7 m) in any RR-1 or VIL Zones;
 - (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 under Subsection (a) of this Section.