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HALIFAX
REGIONAL MUNICIPALITY

PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

Peninsula Community Council
September 13, 2010

TO: Chair and Members of Peninsula Community Council

Heather Ternoway

SUBMITTED BY: _____
Heather Ternoway, Chair
District 12 Planning Advisory Committee

DATE: June 29, 2010

SUBJECT: **Case 01214: Amendments to the Accessory Building Requirements of the Halifax Peninsula Land Use By-law**

ORIGIN

District 12 Planning Advisory Committee meeting - June 28, 2010

RECOMMENDATION

The District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment A of the report dated June 14, 2010, and schedule a joint public hearing with Chebucto Community Council.

2. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment A of the report dated June 14, 2010.

DISCUSSION

The proposed amendments to the Halifax Peninsula Land Use By-law were presented at the Committee's meeting on June 28, 2010. The Committee is recommending approval of the proposed amendments.

BUDGET IMPLICATIONS

None associated with this report.

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

As per the staff report dated June 14, 2010

ALTERNATIVES

None provided by the Committee. Alternatives are provided in the staff report dated June 14, 2010.

ATTACHMENT

Staff report dated June 14, 2010

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: Gail Harnish, Admin/PAC Coordinator, 490-4937

HALIFAX
REGIONAL MUNICIPALITY

PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

District 12 Planning Advisory Committee - June 28, 2010
Chebucto Community Council - July 5, 2010

TO: Chair and Members of District 12 Planning Advisory Committee
Chair and Members of Chebucto Community Council

SUBMITTED BY: Paul Dunphy, Director of Community Development

DATE: June 14, 2010

SUBJECT: **Case 01214: Amendments to the Accessory Building Requirements of the Halifax Peninsula Land Use By-law**

ORIGIN

HRM staff-initiated application

RECOMMENDATION

It is recommended that the District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment A of this report, and schedule a joint public hearing with Chebucto Community Council.

2. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment A of this report.

It is recommended that the Chebucto Community Council:

1. Give First Reading to the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment A of this report, and schedule a joint public hearing between the Chebucto Community Council and the Peninsula Community Council.

2. Approve the proposed amendments to the Halifax Peninsula Land Use By-law as provided in Attachment A of this report.

BACKGROUND

HRM staff have observed several longstanding issues with the existing Halifax Peninsula Land Use By-law regulations respecting accessory buildings. This report explains these issues and recommends amendments to the By-law to address them. Most of the amendments may be considered as housekeeping in nature as they will result in few material changes in the way in which the Land Use By-law is already administered.

Current Regulations

In the Halifax Peninsula Land Use By-law an accessory building is defined as, "a detached subordinate building not exceeding one storey and 14 feet in height, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure."

In residential situations, accessory buildings are typically comprised of sheds for the storage of items such gardening tools and equipment and bicycles, or separate garages for vehicles (attached garages are considered to be part of a main building). In commercial or industrial settings, accessory buildings are often used for storage.

There are provisions in the residential zones of the By-law that allow for accessory buildings, subject to conditions respecting their placement on a lot. Accessory buildings are permitted in:

- front yards subject to front yard setback requirements;
- side yards subject to side yard setback requirements; and
- anywhere in rear yards, except for corner lots where that there is a minimum setback requirement from side streets (Attachment C, figure 1).

Issues

HRM staff have observed several issues with the existing Halifax Peninsula Land Use By-law regulations respecting accessory buildings. These include:

- that the regulations technically only allow accessory buildings in several residential zones, when it is a longstanding practice to permit them in other zones;
- that the yard requirements that dictate where an accessory building may be located do not contemplate varied lot types such as through lots (Attachment C, figures 2 and 3);
- that the attachment of accessory buildings to main buildings is sometimes proposed by property owners as a way in which to allow accessory buildings to be taller than height restrictions allow;
- that the regulations specify that accessory buildings are to be *both* a single storey and a maximum height of 14 feet, when there are instances that a second storey can sensibly be accommodated under the 14 foot requirement; and

- that there are multiple ways in which building height is measured across the Peninsula and it should be clarified that these variations are not to apply to the measurement of accessory building height.

In addition, it is noted that the regulations that were that was adopted as part of the recent Northwest Arm in-fill project, unintentionally altered a requirement respecting separation requirements between main buildings and accessory buildings. This is proposed to be corrected.

Proposed amendments to the Land Use By-law to address these issues are found in Attachment A.

DISCUSSION

Review of the Issues

Detailed explanations of the issues outlined in the Background Section and a description of the proposed amendments intended to address them is found in the following table.

Issue	Proposed Amendment
Accessory Buildings in Other Zones Technically, accessory buildings are only permitted in the R-1, R-2, R-2A, and R-2T zones. There is no allowance for them in other zones. However, permits are regularly issued for accessory buildings in other zones.	The allowances for accessory buildings are proposed to be removed from individual zones and placed within the General Provisions section of the Land Use By-law. With this, accessory buildings are permitted within all zones.
Yard Requirements The intent of the existing yard regulations is to ensure that accessory buildings are built no closer to a street line than a required front yard or required flankage yard that applies to a given street (Attachment B, Figure 1). However, the regulations do not account for different types of lots (Attachment B, Figure 2). Currently, accessory buildings are permitted anywhere in a rear yard. On a through lot, this allows accessory buildings to be located immediately upon a street line when a front yard requirement may apply to adjoining lots (Attachment B, Figure 3).	The amendments are proposed to differentiate rear yard requirements based upon lot type. This will result in consistent yard requirement from street lines (Attachment C, figure 4). An allowance is proposed to permit accessory buildings close to rear property boundaries where a through lot has limited depth to be subdivided (Attachment C, figure 5). This accommodates situations where rear yards abut lanes and there is a tradition of accessory buildings being located close to them, such as in the Hydrostone area.

Issue	Proposed Amendment
Flankage Yard Requirements The flankage yard requirements in the R-1, R-2A and R-2T zones are all slightly different language, but have the same intent of preventing buildings from being located closer to a street line than the required front yard or required flankage yard that apply to a given street.	The proposed amendments will harmonize the flankage yard requirement. Where a flankage yard abuts the front yard of a adjoining lot, a distance from the streetline that is equal to that front yard requirement is to be observed. On a corner lot, where a rear yard abuts another rear yard on an adjoining corner lot, the minimum required flankage yard is to apply (Attachment C, Figure 4).
Attached Accessory Buildings There have been instances where an accessory building is proposed to exceed the maximum height allowance of 14 feet. Consequently, attempts have been made by some property owners to make an accessory building part of the main building by attaching the two through a breezeway, uninhabited passageway or other means. This is viewed as a possible loophole to the current intent of the accessory building regulations.	The proposed amendments will specify that where accessory buildings are attached by way of a passageway or other means that are not comprised of habitable space, they are not to have the status of a "main building"and the connection themselves are to be part of the accessory building (Attachment C, Figure 7).
Height and Storey Requirements The current regulations state that accessory buildings are to be restricted to a maximum of 14 feet in height *and* a single storey. On some sloped lots the single storey stipulation can be problematic and unnecessary.	The stipulation that an accessory building be limited to a single storey is proposed to be removed. The 14 foot height requirement will continue to apply.
Definition of Height There are a variety of different ways in which building height is measured on the Peninsula (Attachment B, Figure 6). These requirements are only meant to apply to main buildings. Accessory building height has consistently been measured as the distance between the top of the roof and the average grade around	The proposed amendments will clarify that height is to be the distance between the top of the roof and the average grade around an accessory building.

Issue	Proposed Amendment
an accessory building. Based upon the various ways in which height is measured, there could be confusion over how accessory building height is to be measured.	
Northwest Arm Regulations for the North West Arm Sub-Area require a minimum 30 foot setback between buildings. The recent amendments associated with the Northwest Arm project inadvertently removed an exemption for accessory buildings.	The proposed amendments will re-establish the exemption for accessory buildings.

In order to enable the changes to the accessory building regulations, several related amendments, including the definition of yards and lot types, are also recommended to clarify the Land Use By-law.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310 Planning & Applications.

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 is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, although a significant amount of public interest over the amendments was not expected, a public information meeting was held on July 29, 2009. Four members of the public, from the same family, attended and were specifically concerned with the current regulations over accessory buildings along the North West Arm that are not within the scope of this project. Attachment B contains a copy of the minutes from the meeting.

In addition to the public information meeting, a background document was posted our website. Should the Peninsula and Chebucto community councils decide to consider adopting amendments to the Peninsula Land Use By-law, a public hearing will be required.

The proposed land use by-law amendments will potentially impact the following stakeholders: local residents and property owners.

ALTERNATIVES

1. Council could adopt the amendments to the Land Use By-law that are recommended in this report. This is the preferred alternative as the amendments will improve the interpretation and administration of the Land Use By-law.

2. Council could be selective in the adoption of amendments to the Land Use By-law that have been recommended in this report. This is not recommended as the amendments are cohesive in nature.

3. Council could retain the existing Land Use By-law regulations. This is not recommended for the reasons outlined in this report.

ATTACHMENTS

Attachment A	Proposed Amendments to the Halifax Peninsula Land Use By-law
Attachment B	Public Information Meeting Minutes
Attachment C	Figures 1 - 7

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 : Richard Harvey, Senior Planner, 490-5637

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

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

BE IT ENACTED by the Peninsula and Chebucto Community Councils of the Halifax Regional Municipality that the Peninsula Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended by inserting the text shown in **bold** and deleting the text shown in ~~strikeout~~, as follows:

1. In the Definitions Section:

~~"Accessory Building" means a detached subordinate building not exceeding one storey and 14 feet in height, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.~~

"Accessory Building" means a building that is:

(a) not used for human habitation;
(b) located on the same lot as the main building;
(c) naturally and normally incidental, subordinate and exclusively devoted to the main use of the land or the main building; and
(d) separate from a main building, except for a connection pursuant to the requirements for this By-law.

"Flankage Yard" or a "Flanking Yard" means a side yard that abuts a streetline on a corner lot.

~~"Through lot" shall mean any lot other than a corner lot owned by the same person or persons and having frontages on two streets.~~

"Through Lot" means a lot bounded by two or more street lines but that is not a corner lot.

"Westmount Subdivision" means the area bounded on the south by Saunders Park, on the west by the centre lines of William Hunt Avenue and Edward Arab Avenue, on the north by Westmount School property, and on the east by the centre line of George Dauphinee Avenue joining Saunders Park via the lot line between the properties known as Civic Numbers 2739 and 2731-35 George Dauphinee Avenue.

2. In the General Provisions section:

ACCESSORY BUILDINGS

4D Accessory buildings shall be permitted in all zones.

4E Accessory buildings may be located in front yards, side yards, and flankage yards subject to the yard requirements that are applicable to main buildings.

4F Accessory buildings may be located in rear yards subject solely to a minimum setback from street lines that shall be equal to the minimum front yard requirement of the zone in which the rear yard is located, except as follows:

(a) on a corner lot, where the rear yard of a corner lot abuts the rear yard of another corner lot and shares the same rear lot line, the minimum setback from the streetline shall be equal to the flankage yard requirement of the zone in which the rear yard is located;

(b) on a corner lot, where a building or an accessory building on an abutting lot is setback from the same street line a distance that is less than that which is required by this By-law, the minimum setback from the street line shall be equal to said setback; or

(c) on a through lot that has insufficient area to be subdivided to create lots with frontages that are coincident with separate street lines, pursuant to the requirements of this By-law, there shall be no minimum setback from the rear lot line.

4G Notwithstanding 4F(b), the minimum setback from a street line shall not be reduced to be less than 6 feet in the R-2A Zone.

4H The maximum height of an accessory building shall be 14 feet, measured pursuant to the definition of "Height" in this By-law.

4I An accessory building may be connected to a main building by a breezeway, passageway, or other similar type of connection, where such a connection is not comprised of floor area that is used for human habitation. Such connections are part of an accessory building and are subject to the requirements herein. Garages or other features that are joined to main buildings, other than as described above, are part of a main building, and are subject to the requirements for main buildings.

4J Notwithstanding 4G and 4H, in the Westmount Subdivision Area:

(a) an accessory building may be located anywhere on a lot provided it is a minimum of 5 feet and a maximum of 60 feet from any of that lot's boundaries that coincide with a streetline; and

(b) where an accessory building is located within a front yard, that yard that is adjacent to the city street, it shall be a maximum 65 square feet in area and a maximum of 8 feet in height.

4K **In addition to other requirements of this By-law, accessory buildings related to C-1 or C-2A purposes in a C-2A Zone shall be setback a minimum of 20 feet from a rear lot line and 12 feet from a side lot line where such lot line abuts a residential zone.**

3. In the R-1 Zone

30 A rear yard shall be provided of not less than 20 feet in depth~~; provided, however, that an accessory building may be located in such rear yard as an accessory use~~.

31 A side yard shall be provided on each side of the building of not less than 10 percent of the width of the lot, provided that the maximum width of any side yard need not exceed 6 feet and the provisions of this clause shall apply to both sides of the building~~; provided, however, that an accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located~~.

WESTMOUNT SUBDIVISION AREA

31A ~~Notwithstanding Sections 29 to 31, for the area known as the Westmount Subdivision, as bounded on the south by Saunders Park, on the west by the centre lines of William Hunt Avenue and Edward Arab Avenue, on the north by Westmount School property, and on the east by the centre line of George Dauphinee Avenue joining Saunders Park via the lot line between the properties known as Civic Numbers 2739 and 2731-35 George Dauphinee Avenue, an accessory building may be located anywhere on a lot provided it is no closer than five (5) feet and no further than sixty (60) feet from the street line of the roadway adjoining the lot, and provided that an accessory building in the front yard shall not exceed the following dimensions:~~

~~Height (maximum) - 8 feet~~
~~Area (maximum) - 65 square feet~~

In the ~~area identified as~~ Westmount Subdivision ~~above~~, the front yard shall be identified as that **yard that is** adjacent to the city street, and the rear yard as that **yard that is** adjacent to the walkway.

CORNER LOT - YARD REQUIREMENT

32 In the case of a corner lot at the rear of which (whether a lane intersects or not) is a lot fronting on a street which flanks such corner lot, the width of the side yard on the corner lot along the flanking street shall not be less than 6 feet nor less than half the depth of the front yard on the lot in the rear of such corner lot. This regulation shall not, however, where the provisions of the next preceding clause

are complied with, reduce the buildable width of a corner lot to less than 26 feet. ~~Notwithstanding the provisions of Section (31), no accessory building on such corner lot shall project beyond the front yard of the lot in the rear.~~

NORTHWEST ARM SUB-AREA

34F(1) In the North West Arm Sub-Area the following additional requirements shall apply to lots which abut the Northwest Arm. R-1 uses shall be required to have a minimum lot area of 743.2 square metres (8,000 square feet) and a minimum distance of 9 metres (30 feet) between **main** buildings. This section shall not apply to lots 6 and 7 of the Thornvale Subdivision as shown on Plan P200/7591 filed in the Municipality's Community Development Department as Case No. 3356. (RC-May 1/07;E-July 21/07)

4. In the R-2 Zone:

~~ACCESSORY STRUCTURES~~

~~40A An accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located. In the case of a corner lot at the rear of which (whether a lane intersects or not) is a lot fronting on a street which flanks such corner lot, no accessory building on such corner lot shall project beyond the front yard of the lot in the rear.~~

43E ~~(f) Rear Yards:~~ A rear yard shall be provided of not less than 20 ft. in depth. ~~provided, however, that an accessory building may be located in such rear yard as an accessory use.~~

~~(g) Accessory Building: An accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located. In the case of a corner lot at the rear of which (whether a lane intersects or not) is a lot fronting on a street which flanks such corner lot, no accessory building on such corner lot shall project beyond the front yard of the lot in the rear.~~

5. In the R-2T Zone:

~~ACCESSORY BUILDINGS~~

~~43V An accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located. In the case of a corner lot at the rear of which (whether a lane intersects or not) is a lot fronting on a street which flanks such corner lot, no accessory building on such corner lot shall project beyond the front yard of the lot in the rear, otherwise~~

~~the accessory building shall be a minimum of 10 feet from the street line.~~

6. In the R-2A Zone:

~~xi) Accessory Buildings~~	~~Shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located; and~~ ~~On a corner lot shall not project beyond the front yard of the lot in the rear and in no case shall it be closer to the street line than 6 feet.~~

I HEREBY CERTIFY that the amendments to the Peninsula Land Use By-law for Halifax, as set out above, was passed by a majority vote of the Peninsula and Chebucto Community Councils of the Halifax Regional Municipality at a meeting held on the _____ day of _____ _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2010.

_____
Municipal Clerk

Attachment B - Public Information Meeting
Case 01214
July 29, 2009

In attendance: Richard Harvey, Senior Planner
Hilary Campbell, Planning Technician
Gail Harnish, Planning Services
4 members of the public

Call to order/opening comments

Mr. Richard Harvey called the public information meeting (PIM) to order at approximately 7:05 p.m. in Halifax Hall. The purpose of the meeting is to discuss proposed amendments to the Peninsula Land Use By-law related to accessory buildings.

Presentation of proposal

Mr. Harvey, referencing a handout containing an overview of issues and proposals, indicated he would present the existing regulations, some long-standing issues, some proposals, and would then be looking for public input.

Mr. Harvey advised an accessory building is defined as "a detached subordinate building not exceeding one storey and 14' in height, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure".

Mr. Harvey noted in residential situations, accessory buildings are typically comprised of sheds for the storage of items such as gardening tools and equipment and bicycles, or separate garages for vehicles. In a commercial or an industrial setting, accessory buildings are often used for storage. Often there is a parking lot attendant building.

Mr. Harvey indicated there are allowances for accessory buildings in residential zones. In terms of lot requirements, the existing regulations consider the front yard setback, the side yard setback, the rear yard setback, and the flankage area for corner lots. In addition, in terms of the North West Arm, there is a regulation requiring there to be 30' between buildings.

Mr. Harvey reviewed the issues related to accessory buildings:

- the by-law does not reflect that you can have accessory buildings in all zones but we are in the habit of issuing permits for accessory buildings in non-residential zones in areas where accessory buildings are permitted
- the by-law specifies a front yard setback, but no setback in the side yard
- there are other issues respecting the language which can lead to interpretation problems

- in terms of height, there are various ways to determine height for main buildings depending on where you are located on the peninsula
- the by-law states that accessory buildings are to be one storey and a maximum of 14' in height; consideration should be given to the need for the one storey requirement
- sometimes people want to have greater height so they sometimes propose a connection between the buildings or a breezeway and make the accessory buildings 35' in height
- in terms of the North West Arm, the 30' setback was meant to apply to accessory buildings

Mr. Harvey reviewed the proposals:

- it is being proposed to remove the requirements for accessory buildings from the individual zones and to place them within the general provisions' section, and to permit accessorary buildings in all zones
- it is being proposed to have consistent rear yard requirements from street lines; and it is being proposed to permit accessory buildings close to rear property boundaries where a through lot has limited depth to be subdivided
- it is being proposed to harmonize the flankage yard requirements
- in terms of height, it is being proposed to clarify that the height is to be the distance between the top of the roof and the average grade around an accessory building
- it is being proposed to remove the one storey requirement and to retain the maximum 14' height requirement
- it is being proposed to specify that where accessory buildings are attached by way of a passageway or other means, they are not to have the status of a main building
- it is being proposed to re-establish the exemption for accessory buildings for the North West Arm

Overview of planning process

Mr. Harvey provided an overview of the planning process:

- we are now holding the PIM and are looking for public input
- staff will prepare the proposed amendments and will include them in a staff report which is tabled with the Peninula Community Council and the Chebucto Community Council
- the two Community Councils will hold a public hearing if they wish to proceed with the proposed amendments
- the public hearing is held and Council will make its decision
- there is an appeal process

Comments/Questions

Mr. Roderick Morrison stated their property has been in the family since 1931. They tore down a boathouse and built a new one approximately seven years ago. The boathouse is 14' high with a top viewing platform on the roof with a canvas on top (with no walls). Before they built the boathouse, they checked with their neighbours who thought it was wonderful and nobody

complained. They thought they were beautifying their property. They have been ordered to take the canopy down. They wondered why they are being persecuted for this, as seven or eight other properties have done so much more.

Ms. Morrison questioned if they would be permitted to put a temporary structure on different types of buildings. A boathouse is different than a garage. They had the agreement of the neighbours at the time the structure was being built and it was an existing structure. They tried to do everything in the best possible way to make this a better looking building for the community so it is difficult for them to undertand why they are in this situation. They understood there are regulations but it is tenuous when they watch so many other things going forward. She did not hear anything mentioned in the presentation about roof decks or viewing platforms which do exist in the City on primary and temporary structures.

Mr. Morrison clarified the total height in their instance is 20'. They realize they broke the law by putting the cap on it but so is everybody else.

Ms. Morrison stated she attended the HRMbyDesign sessions. The architectural design complements the main property, the new house that was built, and the existing buildings and residences surrounding it. By removing the top, they are changing the design and taking out a design element that brings the building closer to a representative of what is already there.

Mr. Harvey advised he did receive a call today about this property. The caller said it did not make sense. They have an attractive building that does not meet the regulations but they have a situation where somebody a bit further away put up a building which seemed to meet all the requirements but it is very ugly and is not making a contribution.

Mr. Harvey noted there is nothing in the regulations in terms of aesthetic taste, or good and bad design, so you end up getting a form and you build within them. What you can build by way of design and taste is up to you. What he was hearing in terms of the North West Arm is that because of larger properties and different situations that (1) we may not be achieving what people were hoping to achieve because people are seeing unsightly things, and (2) that there should be a greater level of control. There should be some sort of site review or an allowance for exceptions in cases of good design. Councillor Uteck has raised this with Peninsula Community Council and is looking for a report. We have not looked at that through this case because that is a much larger issue. For the larger issue, they should be asking the question to everyone on the NorthWest Arm.

Ms. Ann Morrison questioned whether they would be talking to property owners on the Arm or everybody in the City.

Mr. Harvey responded it would involve the people at stake but it would have to be an open meeting because the Arm is so public.

Ms. Heather Morrison commented she did not think they were against modern design but thought it was more to do with consistency and the level of aesthetics.

Mr. Harvey referenced an instance in Wolfville and noted the challenge is to set up something in which you're not inhibiting taste to such a degree that everything has to be a colonial building.

Ms. Morrison noted there is the standard structure which was built in the 1970s and then there are different types of structures in other areas. People are now starting to subdivide properties on the Arm so you are getting smaller and narrower lot sizes. There is also the issue of water frontage and grandfathering clauses.

Ms. Ann Morrison noted they were told they could put up a temporary structure because it was seasonal, but they could not put up a permanent structure. Putting up a temporary structure would look horrible.

Ms. Heather Morrison noted putting up temporary structures could be unsafe.

Mr. Morrison commented they could put up an aluminium frame and put a hot pink tarp on top of it and it would be fine.

Mr. Harvey advised he spoke to Councillor Uteck about the matter, and Peninsula Community Council is looking for a report with options.

Ms. Morrison asked about volunteer Community Council committees.

Mr. Harvey advised Regional Council makes decisions on plan policies and Community Council deals with local planning matters. There are no volunteers on Council; just Council members. In this area, there is the District 12 Planning Advisory Committee whch is comprised of the councillor and volunteers. Because this amendment would affect District 12, the report would be reviewed by that group.

Ms. Morrison stated they are in a real time crunch and wondered if they can get some sort of reprieve.

Mr. Harvey advised he would not be involved in that discussion. The decision would have to be through our Development Services' section and Legal Services. He anticipated the general amendments being dealt with in one report, and then we would have to hold another meeting as part of a separate process to look at the North West Arm.

Ms. Morrison commented a property owner has the right of enjoyment of their property.

Adjournment
The meeting adjourned at approximately 7:45 p.m.

Attachment C – Figures 1 - 7

Figure 1, Yards

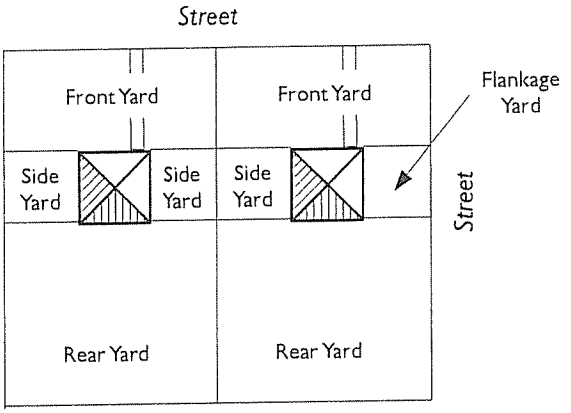
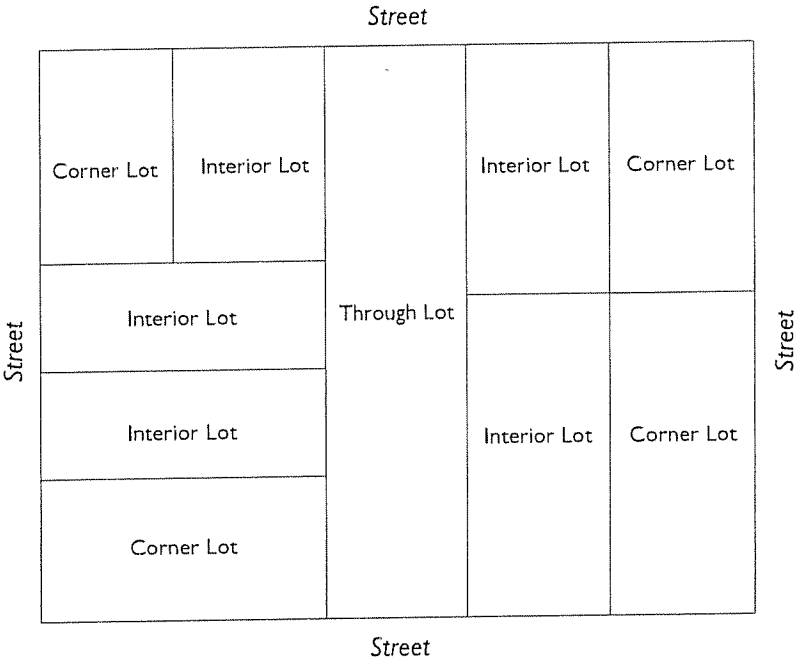
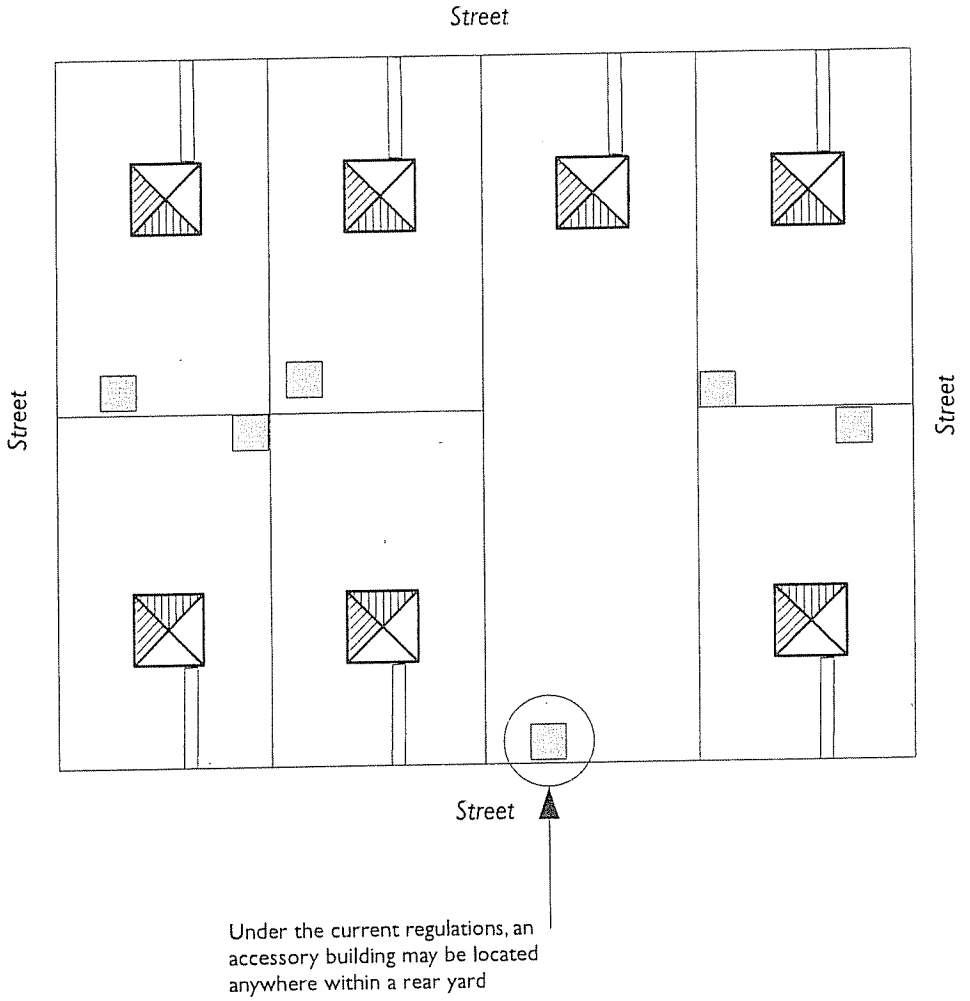


Figure 2, Lot Types



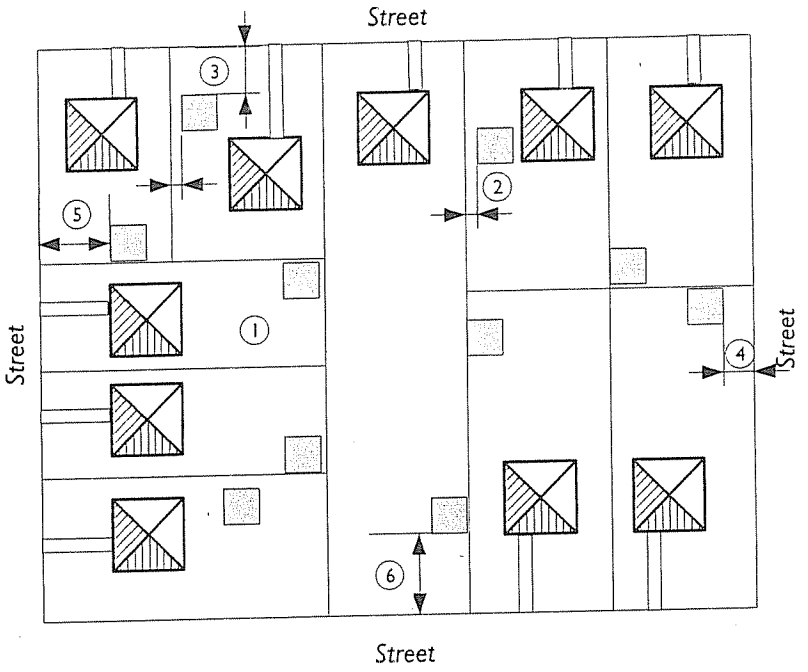
Attachment C – Figures 1 - 7

Figure 3, Current Issue with Through Lots



Attachment C – Figures 1 - 7

Figure 4, Accessory Building Siting Requirements

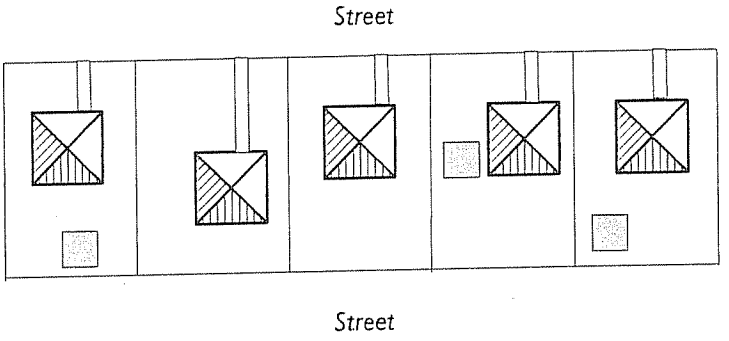


1. The current allowance for accessory buildings to be located anywhere within a rear yard will continue to apply to interior lots.
2. The current allowance for accessory buildings to be located within side yards subject to minimum side setback requirements will continue to apply.
3. The current allowance for accessory buildings to be located within front yards subject to minimum front setback requirements will continue to apply.
4. The current allowance for accessory buildings to solely be subject to flankage yard requirement where the rear yard of a corner lot abuts the rear yard of an adjoining lot will continue to apply, but is clarified.
5. The current requirement that accessory buildings be setback from street lines a distance that is equal to the minimum required front yard, where a rear yard abuts the front yard of an adjoining lot, will continue to apply.
6. A proposed amendment will require that accessory buildings be setback from street lines a distance that is equal to the minimum required front yard for lot types such as through lots.

The notes above are generalizations of the actual requirements of the proposed amendments to the Land Use By-law

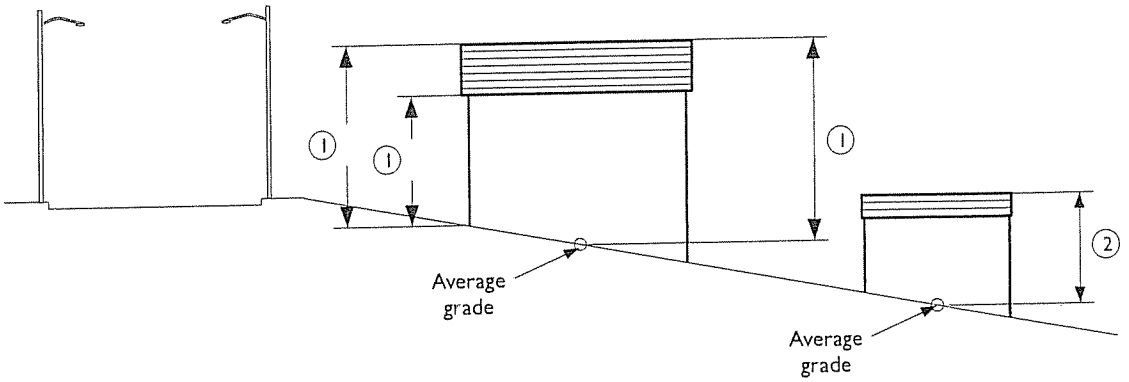
Attachment C – Figures 1 - 7

Figure 5, Accessory Buildings on Lots with Limited Depth



On through lots with limited depth, such as what exists in the Hydrostone area, there is proposed to be no minimum setback from rear property boundaries.

Figure 6, Accessory Building Height

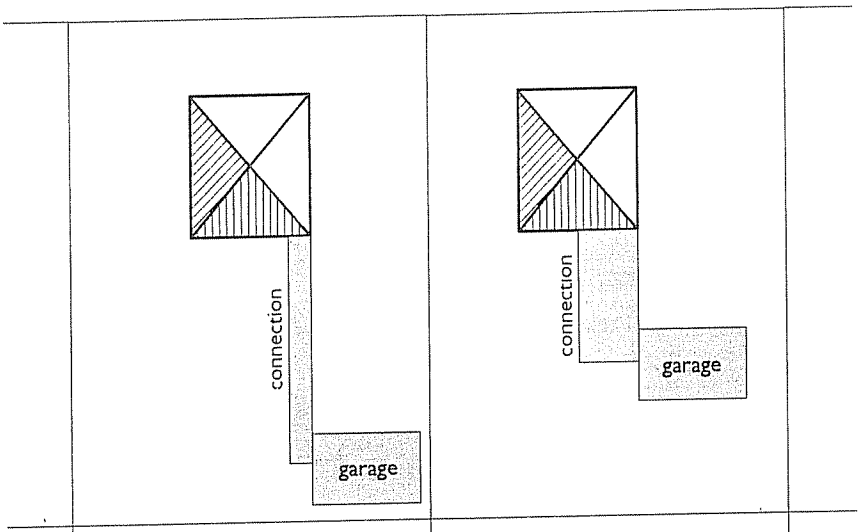


① There are a variety of ways in which height is measured, depending upon the location of a lot on the Peninsula

② Accessory building height has always been interpreted as the distance between the top of the roof and the average grade around the accessory building

Attachment C – Figures 1 - 7

Figure 7, Attached Accessory Buildings



This garage is deemed to be an accessory building when it is connected to a main building by a breezeway, passageway, or other connection that is comprised of non-habitable floor area. The garage and the connection may be located anywhere within a rear yard.

This garage is deemed to be part of the main building when a connection is comprised of habitable floor area, such as a mudroom, laundry, or bathroom. Main building requirements, such as rear and side yard requirement apply to the garage and the connection.