

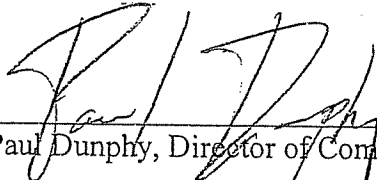
Item 8.1



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Marine Drive, Valley and Canal Community Council - October 24, 2007  
Harbour East Community Council - October 4, 2007

**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:** September 11, 2007

**SUBJECT:** Case 01022 - Accessory Building Height

**ORIGIN**

Marine Drive, Valley and Canal Community Council (MDVCC), at their March 8, 2007 meeting, requested staff to consider amendments to the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law to permit accessory building heights greater than 15 feet in the Single Unit Dwelling (R-1A) 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 permit accessory building heights greater than 15 feet in the Single Unit Dwelling (R-1A) Zone.

**BACKGROUND**

At the March 8, 2007 meeting of Marine Drive, Valley and Canal Community Council, as a result of difficulty experienced by a resident, Council requested staff to initiate a planning process to consider amending the accessory building requirements of the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes) to permit heights greater than 15 feet in the R1-A (Single Unit Dwelling) Zone.

**Lot Standards and Requirements for Accessory Buildings (Residential Zones)**

The maximum gross floor area of accessory buildings permitted within the R-1A (Single Unit Dwelling) Zone is 750 square feet which is similar to other residential zones within the Shubenacadie Lakes LUB. Further, the minimum lot size, frontage and yard setbacks are also the same as shown in the following table:

Zone	Max. Height/Area for Accessory Buildings	Min. Lot Size	Min. Frontage
R-1A	15' (height)/750 sq.ft. (area)	Central Services: 10,000 sq.ft. On-site Services: 40,000 sq.ft.	Central Services: 75' Onsite Services: 100'
R-1B	25' (height)/750 sq.ft. (area)	Central Services: 10,000 sq.ft. On-site Services: 40,000 sq.ft.	Central Services: 75' Onsite Services: 100'
R-1C	25' (height)/750 sq.ft. (area)	NA: only existing residential uses permitted	NA: only existing residential uses permitted
R-1D	25' (height)/750 sq.ft. (area)	Central Services: 10,000 sq.ft. On-site Services: 40,000 sq.ft.	Central Services: 75' Onsite Services: 100'
R-1E	35' (height)/1000 sq.ft. (area)	Central Services: 10,000 sq.ft. On-site Services: 40,000 sq.ft.	Central Services: 75' Onsite Services: 100'

While the density, setback and maximum accessory building area are uniform throughout these residential zones, the maximum height of accessory buildings in the R-1A Zone is 10 feet lower than in the R-1B, R1C and R-1D Zones and 20 feet lower than in the R-1E Zone.

**Residential Designation and Single Unit Dwelling Zone**

Policy P-73 establishes the R-1A Zone within the Residential Designation and the pre-amble to this policy indicates that the R-1A Zone is intended to provide a stable residential environment in areas where restrictive deed covenants and previous zoning limited development to single unit

dwellings. The zone is primarily located in the Lake Fletcher, Fall River, Waverley and Lake William areas.

As set out in Policy P-73, there are a limited range of uses permitted in the R-1A Zone. Only single unit dwellings, home based office uses and day cares, bed and breakfasts and community uses such as educational and denominational institutions are permitted in the zone. The other residential zones permit additional forms of residential, a wider range of community uses, and business uses. This limited range of uses permitted in the R-1A Zone is intended to ensure that the low density residential character of the zone is maintained and that the single unit dwelling remains the predominant form of development.

### **DISCUSSION**

A reduced height requirement of 15 feet in the R-1A Zone limits the scale and usable floor space for accessory buildings as compared to the other residential zones. It also may necessitate additional construction costs on properties with steep grades where it is necessary to bury frost/foundation walls into the bank. Currently, this issue is being considered in Beaver Bank, Hammonds Plains and Upper Sackville through Case 00962. Although construction costs may be higher on steep grades, portions of buildings on steeper slopes may be several feet higher than the maximum height since height is measured using an average.

### **Options and Potential Impacts**

To increase the maximum height of accessory buildings in the R-1A Zone, staff have analyzed three options:

Option 1: Increase the height of accessory buildings in the R-1A Zone to a height between 15 feet and 25 feet, such as 20 feet, to maintain the more restrictive nature of the Zone.

Option 1 would create a less restrictive height requirement (20 feet) than exists now but would maintain a more stringent standard than the other residential zones. Further, this option would have limited impact in terms of stabilizing the character of the zone as this is primarily accomplished through the list of permitted uses and the zone standards. Although the maximum height is less, this option would increase the scale of accessory buildings and render full 2 storey buildings possible, especially on steep grades.

Option 2: Increase the height of accessory buildings in the R-1A Zone to 25 feet in order to be consistent with the other residential zones in the Plan Area.

Option 2 would render the height of accessory buildings in the R-1A Zone equal to that permitted in other residential zones. The R-1A Zone would still be the most restrictive residential zone in the Plan Area due to the limited range of permitted uses and there would be no impact on the status of the single unit dwelling as the predominant form of development. It would however

enable construction of full 2 storey accessory buildings. Since height is measured by taking an average of the height of all portions of a building, portions of a building constructed on a steep slope could be significantly taller than 25 feet and the main building.

Option 3: Increase the height of accessory buildings in the R-1A Zone to 25 feet in order to be consistent with the other residential zones in the Plan Area but limit accessory buildings to a height not to exceed that of the main building.

Option 3 would render the height of accessory buildings in the R-1A Zone consistent with the height requirement in the other residential zones much like Option 2. This approach would also ensure that 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. This approach would provide a height limit that would vary according to the height of the main building. For instance, a property with a 25 foot tall main building would be permitted an accessory building up to 25 feet in height, but if the main building was only 20 feet tall that would also be the maximum height of the accessory building.

### **Conclusion**

Staff are of the opinion that the amendments described in Option 3 are most effective in terms of applying a new height limit that both:

- 1) increases the permitted height but is consistent with the intent of the Residential Designation; and
- 2) maintains the character of the single unit dwelling environment in the R-1A Zone by ensuring that these buildings will be clearly accessory to main buildings.

Therefore, Staff are recommending that Council approve the land use by-law amendments explained in Option 3 and included as Attachment A to this report.

### **BUDGET IMPLICATIONS**

None. The costs to process this application are covered under the 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. 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.

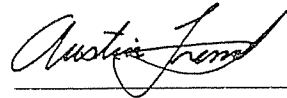
ATTACHMENTS

Attachment A	Proposed amendments to the Land Use By-law for Planning Districts 14 and 17
Attachment B	LUB Requirements for Accessory Buildings
Attachment C	Public Information Meeting Minutes - May 17, 2007

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 : Joseph Driscoll, Planner, 869-4262

Report Approved by:



Austin French, Manager of Planning Services, 490-6717

**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 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 Halifax Regional Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, as amended, is hereby further amended as follows:

1. Delete the existing text of section 4.11 a) (iii) 1. and replace it with the following text identified in bold and underlined:

(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;**

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 \_\_\_\_\_, 2007

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Jan Gibson  
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 Day 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 Dark;
    - 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. fifteen (15) feet (4.6 m) in any R-1A zone;
    - 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 m<sup>2</sup>) 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-June 29, 1993 / M-August 6, 1992)**
  - (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 D) in any other zone.
  - (vii) **be used for the keeping of livestock, except where agriculture is a permitted use. (C-August 27, 1990 / E-September 22, 1990)**
- (b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences end retaining walls shall be exempted from the requirements of Subsection (a).

**Attachment C:  
Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01022 - R1-A Zone, Planning Districts 14/17**

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**7:00 p.m.  
Thursday, September 6, 2007  
Waverley Fire Hall**

**STAFF IN**

**ATTENDANCE:** Leticia Smillie, Planner, HRM Planning Services  
Cara McFarlane, Administrative Support, HRM Planning Services

**REGRETS:** Councillor Krista Snow, District 2  
Councillor Andrew Younger, District 6

**PUBLIC IN  
ATTENDANCE:** 0

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No one from the public attended the public information meeting.



Item 8.1



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Marine Drive, Valley and Canal Community Council - October 30, 2007  
Harbour East Community Council - November, 2007

TO: Marine Drive, Valley and Canal Community Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy".

Paul Dunphy, Director of Community Development

DATE: October 9, 2007

SUBJECT: Case 01022 - Accessory Building Height

### SUPPLEMENTARY REPORT

#### ORIGIN

Marine Drive, Valley and Canal Community Council (MDVCC) requested that staff consider amendments to the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law (LUB) that would permit accessory building heights greater than 15 feet in the Single Unit Dwelling (R-1A) Zone.

A staff report dated September 11, 2007 was submitted to both MDVCC and Harbour East Community Council (HECC) on the proposed amendments (Joint Jurisdiction).

On October 4, 2007 HECC gave First Reading to the proposed amendments. Further, HECC gave First Reading to extend the proposed amendments to the Suburban Residential (R-1B) Zone.

#### RECOMMENDATION

It is recommended that Marine Drive, Valley and Canal 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 the staff report dated September 11, 2007, and schedule a joint public hearing with Harbour East Community Council;
2. Approve the proposed amendments to the Land Use By-law for Planning Districts 14 and 17 as provided in Attachment A of the staff report dated September 11, 2007 to increase the maximum height of accessory buildings in the R-1A Zone;
3. 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 staff report and schedule a joint public hearing with Harbour East Community Council.

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

**RECOMMENDATIONS CONTINUED ON NEXT PAGE**

1. Approve the proposed amendments to the Land Use By-law for Planning Districts 14 and 17 as provided in Attachment A of this staff report to limit the maximum height of an accessory building within the R-1B Zone to 25 feet or the height of the main building, whichever is less.

### **BACKGROUND**

MDVCC and HECC share jurisdiction over the Planning Districts 14 and 17 plan area and amendments to the LUB must be considered by both Councils at a joint public hearing. Staff submitted a report to both Councils that recommends amendments that would increase the maximum height of accessory buildings in the R-1A zone to 25 feet or the height of the main building, whichever is less.

During the October 4<sup>th</sup>, 2007 meeting of HECC, Council gave First Reading to the proposed amendments to the R-1A Zone and scheduled a joint public hearing. HECC also gave First Reading to apply the same height restriction to accessory buildings within the R-1B Zone to address concerns regarding accessory buildings that exceed the height of the main dwelling.

The R-1B Zone is the predominate residential zone within Planning Districts 14 and 17. Of the two Community Councils, the majority of the R-1B Zoned properties fall within the jurisdiction of MDVCC.

### **DISCUSSION**

The proposed amendments set out in the staff report dated September 11, 2007 would permit taller accessory buildings in the R-1A Zone but ensure that from a scale perspective, accessory buildings remain secondary to the main use of the property as a residence. Extending the proposed amendments to the R-1B Zone, where the maximum height of accessory buildings is already 25 feet, would establish a more restrictive standard by limiting the height of accessory buildings to that of the main building. For example, a property owner with a 20 foot tall dwelling can currently build a 25 foot tall accessory building. Under the proposed amendments the height of the accessory building would be limited to 20 feet - the height of the main building.

Extending the proposed amendments to the R-1B Zone would introduce a height limit that would vary according to the height of the main building. The amendments would also ensure that accessory buildings are ancillary to the main use of the property. Staff are recommending that MDVCC approve the proposed amendments set out in Attachment A of this report and schedule a joint public hearing with HECC.

### **BUDGET IMPLICATIONS**

None. The costs to process this application are covered under the C310 operating budget.

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**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**

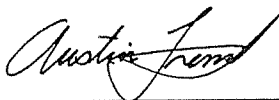
1. Council may choose to amend the Land Use By-law for Planning Districts 14 and 17 as set out in the September 11, 2007 staff report and extend these amendments to the R-1B Zone as outlined in Attachment A of this report. This is the recommended action.
2. Council may choose to amend the Land Use By-law for Planning Districts 14 and 17 as set out in the staff report dated September 11, 2007 and not extend these amendments to the R-1B Zone. This is not the recommended course of action.
3. 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.

**ATTACHMENTS**

- |              |   |
|--------------|---|
| Attachment A | Proposed amendments to the Land Use By-law for Planning Districts 14 and 17 |
| Attachment B | Existing LUB Requirements for Accessory Buildings                           |
| Attachment C | Public Information Meeting Minutes - May 17, 2007                           |

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 : Joseph Driscoll, Planner, 869-4262



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

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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 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 Halifax Regional Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, as amended, is hereby further amended as follows:

1. Delete the existing text of section 4.11 a) (iii) 1. and replace it with the following text identified in bold and underlined:
  - (iii) Exceed a height of:
    1. **twenty five (25) feet (7.62 m) or the height of the main building, whichever is less, in any R-1A or R-1B zone;**
2. Delete the following text of section 4.11 a) (iii) 2., identified in bold and strikethrough text:
  2. twenty five (25) feet (7.6 m) in any ~~R-1B~~, R-1C, or R-1D zone

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 \_\_\_\_\_, 2007

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2007

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Jan Gibson  
Municipal Clerk

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**Attachment B:  
Existing Land Use By-law  
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 Day 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 Dark;
    - 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 ( $\frac{1}{2}$ ) 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. fifteen (15) feet (4.6 m) in any R-1A zone;
    - 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 m<sup>2</sup>) 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-June 29, 1993 / M-August 6, 1992)**
  - (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 D) in any other zone.
  - (vii) **be used for the keeping of livestock, except where agriculture is a permitted use. (C-August 27, 1990 / E-September 22, 1990)**
- (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).

**Attachment C:  
Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01022 - R1-A Zone, Planning Districts 14/17**

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**7:00 p.m.  
Thursday, September 6, 2007  
Waverley Fire Hall**

**STAFF IN**

**ATTENDANCE:** Leticia Smillie, Planner, HRM Planning Services  
Cara McFarlane, Administrative Support, HRM Planning Services

**REGRETS:** Councillor Krista Snow, District 2  
Councillor Andrew Younger, District 6

**PUBLIC IN  
ATTENDANCE:** 0

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No one from the public attended the public information meeting.