
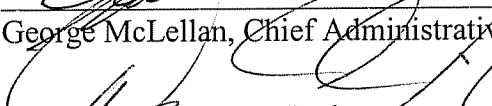


TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: February 2, 2005

SUBJECT: Case 00698: Amendments to Dartmouth's Municipal Planning Strategy
and Land Use - Protection of Lake Banook Canoe Course

Supplementary Report

ORIGIN:

- On December 14, 2005, Regional Council requested staff to initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Dartmouth to establish height restrictions for development around Lake Banook (Dartmouth) in order to provide protect the Lake Banook Canoe Course from wind impacts.
- On January 18, 2005, Regional Council set a public hearing date of February 8, 2005 for the proposed amendments and requested a supplementary report be prepared to outline how height is defined and applied within Dartmouth.

RECOMMENDATION:

It is recommended that Regional Council:

- 1) Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth, as shown in Attachments A and B of the January 12, 2005 staff report report to apply a height restriction to that area of Dartmouth identified on Map 1 of the report as "Lake Banook Canoe Course Area"; and
- 2) Approve an additional proposed amendment to the Land Use By-law for Dartmouth as shown in Attachment A of this report to clarify the implementation of policy regarding existing structures.

BACKGROUND/DISCUSSION:

During first reading on the proposed amendments, Council requested that staff provide information on how height is defined and calculated within Dartmouth. The Land Use By-law for Dartmouth defines height as follows:

HEIGHT means the vertical distance of a building between the established grade and the highest peak of the roof surface. In the case of multi-units, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter(1/4) the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, and provided that no roof space be used for human habitation.

Figure 1 attached to this report, indicates graphically, how height is calculated within Dartmouth for both single unit and multi-unit dwellings.

In reviewing the amendment package previously submitted to Council (January 18, 2005), staff have determined that an additional amendment is required to the Land Use By-law. Within the amendment package, staff prepared policy to recognize certain buildings within the Lake Banook Canoe Course Area as existing structures as follows:

“Policy IP- 11 Existing buildings situated within “Lake Banook Canoe Course Area”, as identified on Map 9s, which exceed the height restriction under the Land Use By-law shall be recognized as existing structures.”

To implement the policy, an amendment to the Land Use By-law is required. If not amended, existing buildings that exceed the maximum height restriction would be considered as a non-conforming structure and subject to limitation if replaced in the future. Therefore, staff are recommending that Council adopt the amendment contained in attachment “A” to this report.

BUDGET IMPLICATIONS:

The initiation of this plan amendment process has no budget implications.

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 and utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES:

1. Regional Council could approve the proposed amendments to Dartmouth's Municipal Planning Strategy and Land Use By-law to establish a maximum height restriction for development around Lake Banook. This is recommended course of action for the reasons described above.
2. Regional Council could reject the proposed amendments. This is not the recommended course of action for the reasons described in the January 12, 2005 staff report.

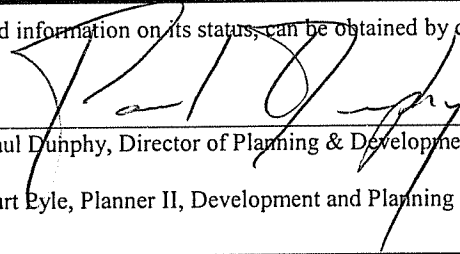
ATTACHMENTS:

Figure 1: Determination of Height

Attachment A: Amendment to Land Use By-law for Dartmouth

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.

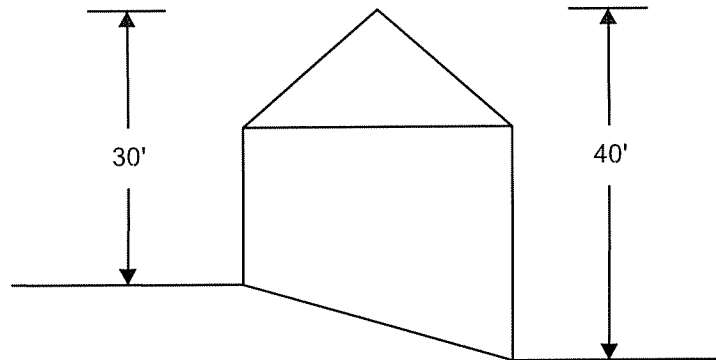
Report Approved by:


Paul Dunphy, Director of Planning & Development Services

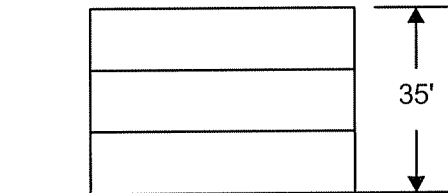
Report Prepared by:

Kurt Eyle, Planner II, Development and Planning 490-5806

Average height of 35 feet
Single family dwelling



Average Height of 35 feet
Multi-unit building with flat roof



Average Height of 35 feet
Multi-unit building with pitch roof

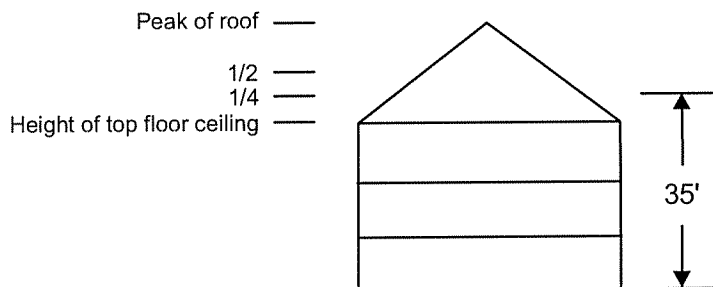


Figure 1

Determination of Building Height

Dartmouth Land Use By-Law

Attachment A

**Amendments to
Land Use By-Law for Dartmouth**

The Land Use By-law for Dartmouth is hereby amended by:

1. Adding a new section within Part II "General Provisions" immediately following section 31;

"32 All buildings within the "Lake Banook Canoe Course Area" as identified on Schedule "W" that exceeds the maximum height restriction applied to this area shall be considered an existing building and permitted to be repaired and/or replaced provided that the height of the building does not increase."

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the ____ day of ____, A.D. 2005.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of ____, A.D., 2005.