



P.O. Box 1749
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Item No.13.1.1
North West Community Council
June 14, 2021

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

- Original Signed -
Jacques Dubé, Chief Administrative Officer

DATE: May 11, 2021

SUBJECT: Case 23405: Accessory Buildings in the Sackville Plan Area

ORIGIN

On December 1, 2020, the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council request a staff report to initiate the process to amend the Land Use By-law for Sackville to increase the footprint and height requirements for accessory buildings on larger lots in non-serviced areas.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that North West Community Council direct the Chief Administrative Officer to:

1. Return to North West Community Council with amendments to the Sackville Land Use By-law to allow for a larger maximum footprint for accessory structures on large lots.

BACKGROUND

Motion

On December 1, 2020, Regional Council requested a staff report to initiate the process of amending the Land Use By-law for Sackville to increase the footprint and height requirements for accessory buildings on larger lots in non-serviced areas. Although the motion originated from Regional Council, because the proposed amendments are enabled by the existing Municipal Planning Strategy policy, amending the Land Use By-law falls within the authority of Community Council.

Through discussion with the area Councillor, it was determined the request originated from a resident in the R-6 (Rural Residential) Zone. Although the resident's property is within the Urban Service Area, there are currently no water or sewer services in the street. The area was first developed as an unserviced subdivision before water and sewer service was extended to the area. Allowing larger accessory buildings on properties outside of the Urban Service Area boundary would not allow this resident to have a larger accessory building. Therefore, this report looks more broadly at the issue of accessory building size in the Sackville Land Use By-law area, both inside and outside of the Urban Service Area Boundary.

History

The Land Use By-law for Sackville was amended in 2003 to allow taller accessory buildings on lots exceeding 3,716 square metres (40,000 square feet) in area. This amendment originated from a 2001 motion of North West Community Council asking staff to explore amending the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville to allow taller accessory buildings after concerns about the height limit were brought forward by residents. Through the planning process, it became apparent that the same issue was present in the Sackville Plan Area, and so amendments to that Land Use By-law were also considered. At the time, the two plan areas fell within the jurisdiction of both North West Community Council and Western Community Council, who ultimately jointly approved the amendments to both land use by-laws allowing for taller accessory buildings on large lots.

In 2012, North West Community Council requested an information report regarding amending the land use by-laws for the Sackville Plan Area and the Beaver Bank, Hammonds Plains, and Upper Sackville Plan Area to tie the maximum footprint for an accessory structure to the size of the lot. That report did not provide a recommendation, but discussed different options for regulating accessory building size, including tying it to the size of the main building on the lot. No further action was taken as a result of this information report, and the land use by-laws for these areas were not amended.

Current Policy and LUB Context

Staff have conducted a thorough review of the existing Municipal Planning Strategy policies applying to both the Urban Residential and Rural Residential designations. The policies speak generally to maintaining the existing character of the residential areas, with consideration given to allowing rural areas to transition to a suburban development pattern over time. There are no policies which speak directly to the size of accessory structures. In the absence of policy speaking directly to the issue, amendments to the land use by-law with respect to the maximum size of accessory structures can be accommodated without an amendment to the Municipal Planning Strategy.

Existing regulations for accessory structures differ for residential and non-residential zones. Accessory structures used for residential purposes in all residential zones are limited to a maximum gross floor area of 750 square feet (69.67 square metres). The maximum gross floor area limit does not apply to accessory buildings used for resource-related uses (agriculture, fishing or forestry) in the R-6 (Rural Residential) zone.

DISCUSSION

Staff did a GIS analysis of zoning, Urban Service Area, and lot size in the Sackville Plan area to better understand the existing development pattern and how best to regulate accessory structure size. In order to

align with the existing regulations for height of accessory buildings, staff considered lots exceeding 3,716 square metres (40,000 square feet) in area to be large lots.

The analysis found that most of the R-1 and R-2 zoned lands are small lots in the Urban Service Area. R-6 zoned lands are a mix of small and large lots, both inside and outside the Urban Service Area.

The R-6 zone was intended to be applied to lands with a rural development pattern with large lot sizes and on-site services. Notwithstanding this intention, expansion of water and sewer services over the years has resulted in many R-6 zoned lands being developed with small lot sizes, more in line with what is seen in the R-1 and R-2 zoned areas. The MPS anticipated this transition from a rural to a suburban development pattern over time in the Rural Residential designation. Additionally, there are a few areas within the service boundary where the services have not yet been extended, or were extended after the area was developed, such as the Wilson Lake Drive and Cobequid Road areas, resulting in large lots inside the service boundary which may not be connected to central services.

As a result, the relationship between zoning, service area, and lot sizes has become less clearly defined since the MPS and LUB were adopted.

Finally, there are several existing or proposed residential development agreements in the plan area which refer back to the LUB for accessory structure provisions. Any changes to the accessory building requirements would apply to many of these properties as well. These subdivisions consist almost exclusively of small lot sizes, and all appear to be serviced.

It has been observed by residents in the past that property owners in the neighbouring Beaver Bank, Hammonds Plains, and Upper Sackville Plan Area are permitted much larger accessory buildings. This is especially apparent in the Berry Hills neighbourhood, which straddles the two Plan Areas. While properties in this neighbourhood appear to have the same R-6 zoning, the two land use by-laws regulate accessory structures very differently. The R-6 zone in Beaver Bank, Hammonds Plains, and Upper Sackville has no restrictions on the gross floor area of accessory buildings, regardless of lot size or service area. However, most of the R-6 zoning is unserviced, resulting in large lot sizes.

For comparison, the regulations that apply to accessory structures for residential use in the two LUBs are as follows:

	Sackville LUB		BB/HP/US LUB		
	Any residential zone	Any residential zone, lot exceeds 40,000 ft ²	R-6 Zone	R-1 or R-2 Zone	R-1 Zone, lot exceeds 40,000 ft ²
Max. GFA	750 ft ²	750 ft ²	n/a	1000 ft ²	1000 ft ²
Max. Height	15'	22' or height of main building, whichever is less	n/a	15'	25' or height of main building, whichever is less
Max. height of side walls	n/a	12 feet	n/a	n/a	12 feet
Min. FY Setback	20'	Not located in front yard	20'	20'	Not located in front yard
Min. Setback	4'	4' or ½ height of accessory building, whichever is greater	8'	8'	8' or ½ height of accessory building, whichever is greater
Min. Separation distance from dwelling	8'	8'	8'	8'	8'

Conclusion

Based on the foregoing analysis, it would appear that tying accessory building size to either zoning or service area would not capture the realities of the existing development pattern of the Sackville area. These approaches would either exclude lots where larger accessory buildings may be appropriate or include lots where they may not be appropriate. These approaches would also not be consistent with the structure of existing regulations respecting the size of accessory buildings, which allow additional height on lots exceeding 40,000 square feet in area.

Therefore, staff recommends proceeding with amendments to the land use bylaw for Sackville to allow for larger accessory buildings on large lots. This process will include public engagement consistent with the typical process for an application for a Land Use By-law Amendment. Depending on the feedback received during public engagement, additional restrictions may be recommended, such as relationship to main building size, presence of central services, or other factors raised by the public.

COMMUNITY ENGAGEMENT

There was no community engagement included in preparing this information report. However, should Council decide to proceed with amendments to the Land Use By-law, that process will include community engagement which will be consistent with the intent of the HRM Community Engagement Strategy and will include a review by the North West Planning Advisory Committee.

A public hearing would be required before Council could consider approval of any proposed LUB amendments. Changes to the land use by-law will potentially impact local residents and property owners.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application is approximately \$5,000 which includes the cost of the required advertisements in the newspaper and mailout notifications for the public hearing. This cost can be accommodated with the approved 2021-2022 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. North West Community Council may choose to not direct the CAO to proceed with amendments to the Sackville Land Use By-law to allow for a larger maximum footprint for accessory structures on large lots.
2. North West Community Council may choose to direct the CAO in a manner not identified in this report. In selecting this option, North West Community Council should be as specific as possible regarding the nature of change they are seeking to the existing Land Use By-law.

ATTACHMENTS

Maps 1 & 2: Residentially Zoned Parcels 3,716 sq. m. (40,000 sq. ft.) or greater

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Peter Nightingale, Planner II, 902-719-9478



Map 1 - Residentially Zoned Parcels 3,716 sq. m. (40,000 sq. ft.) or greater

HALIFAX

Sackville By-Law Area





 Parcels 40,000 sqft or larger*

 Sackville By-Law Area

*Parcels owned by governments and parcels designated for right-of-ways are excluded.

Sackville Land Use By-Law Area

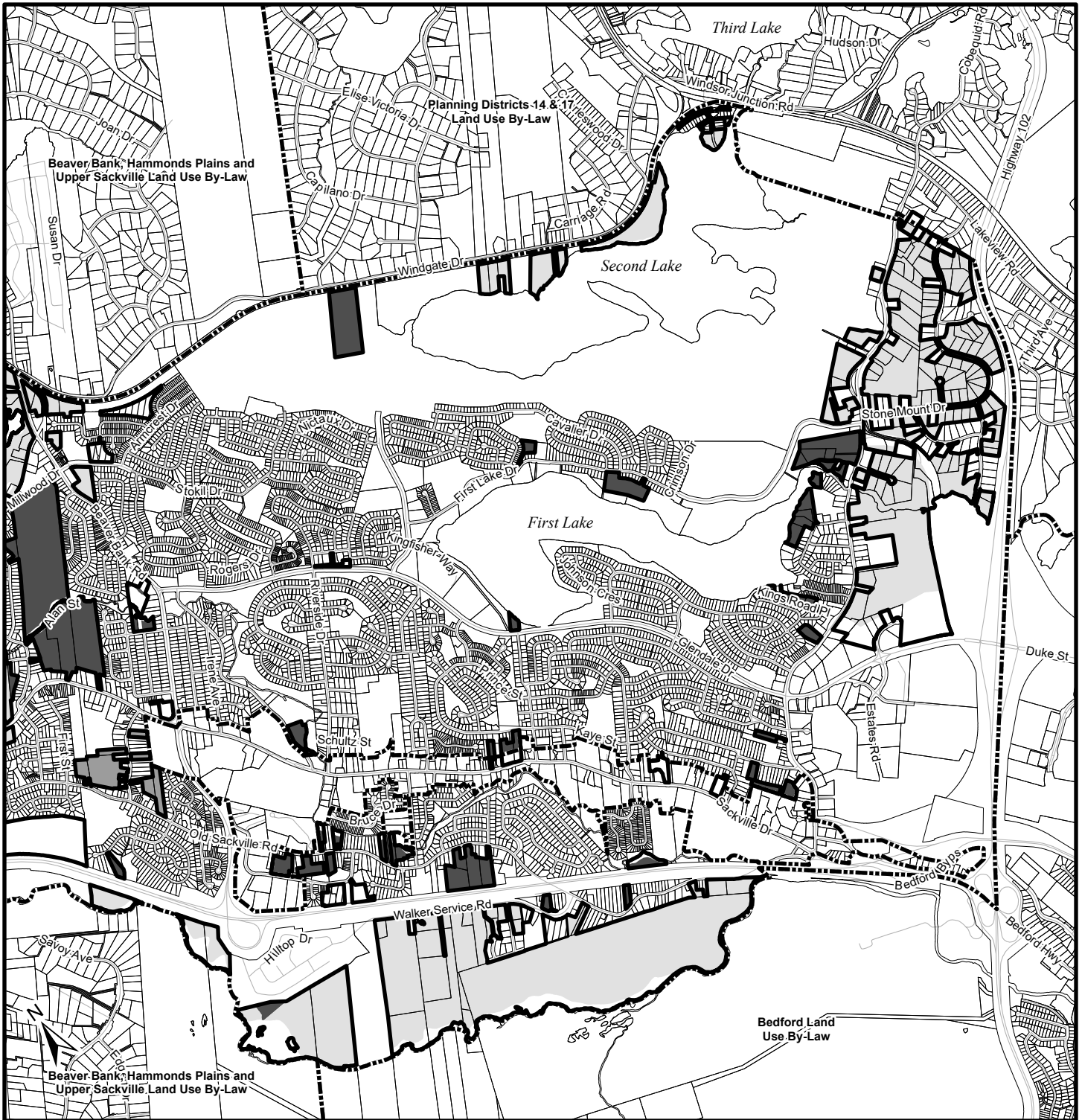
Residential Zone

-  R-1 Single Unit Dwelling
-  R-2 Two Unit Dwelling
-  R-6 Rural Residential
-  CDD Comprehensive Development District (Active Development Agreements)



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.



Map 2 - Residentially Zoned Parcels 3,716 sq. m. (40,000 sq. ft.) or greater

HALIFAX

Sackville By-Law Area





 Parcels 40,000 sqft or larger *

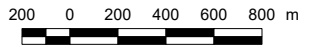
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