Public Hearing Case 23247

Sackville Dr. LUB Amendments

North West Community Council
June 26, 2023

Proposal (Initial)

Request by: North West Community Council

Location: All properties within the Sackville Drive Secondary Planning Strategy area.

Proposal: To amend the Sackville Drive Land Use By-law to allow for the height of a building to be based on the mean grade of the building, not the lowest grade of the curb

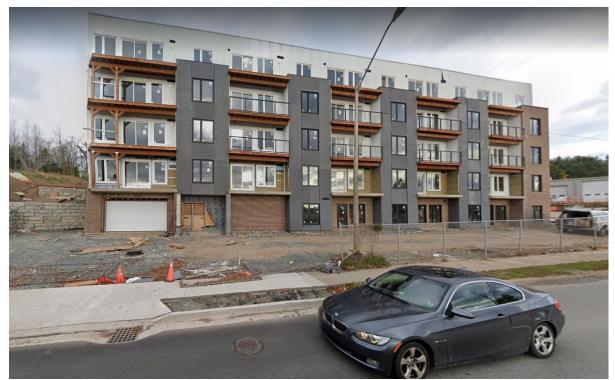HALIFAX

Area Context

Sackville Drive Plan Area

(light brown)

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History

- Prior to the adoption of the Sackville Drive LUB and MPS (pre-2006) - <u>no</u> height restrictions under Sackville MPS/LUB;

- September 2006 – Regional Council adopts <u>Sackville Drive</u> MPS/LUB with <u>50 foot</u> height limit as-of-right (additional height via development agreement (DA));

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Height Measurement

Current height measurement taken from street level

Policy/ Regulation

SACKVILLE DRIVE SPS & LUB

Sackville Drive SPS Policy SS-4 a) and I-4 e):

- Development over 50 feet in height requires Development Agreement;

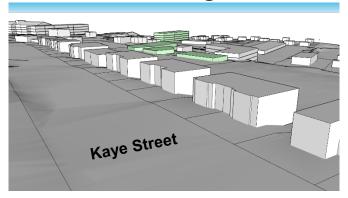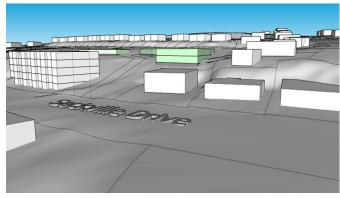LUB requirements related to building height:

- Definitions (Part 2);
- Section 27 (a) related to building heights.

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Proposal - Modelling

Existing

Proposed

Public Engagement Feedback

o Level of engagement completed was consultation achieved through a mailout notification and webpage with narrated presentation in <u>May of 2022</u>.

o Feedback from the community generally included the following:
  ➢ Impact on houses: height, proximity, lack of privacy, impact on views (5 persons);
  ➢ General comments in favour of proposal (7 persons).

Notifications Mailed

1,350

Individual Contacts
(Phone Calls & Email)

12

Webpage Views

260

PIM (if applicable)

N/A

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Changes Responding to Consultation/ Review

(Following Consultation, Staff Review & Discussion with Area Councillor)

- **Height Calculation**
  - Option to measure from mean ("established") grade, if setbacks (below) are met;
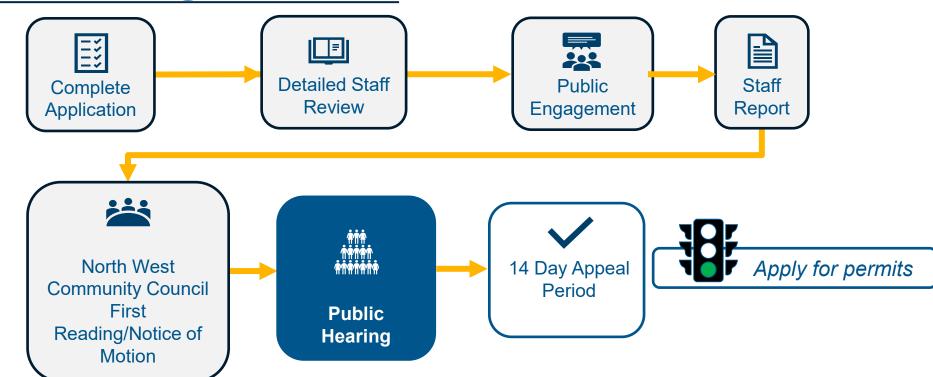
- **Setbacks**
  - Introduced maximum building setbacks from the street & minimum setbacks from residential house lots;

- **Housekeeping edits**
  - To correct / clarify discrepancies in By-law.

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Planning Process

Complete Application → Detailed Staff Review → Public Engagement → Staff Report → North West Community Council First Reading/Notice of Motion → **Public Hearing** → 14 Day Appeal Period

Apply for permits

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Process To Date

Apr. 17/ '23: NWCC held Public Hearing, deferred motion to approve, requested supplementary report with alternate amendments;

June 12/ '23: Supp Report dated May 2/ '23, Council defeated former motion, passed motion for a new public hearing; notices were mailed and posted on HRM website;

June 26/ '23: Second Public Hearing, to consider LUB amendments in Attachment A of supplementary report dated May 2/ '23.

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Summary: Key Aspects of the Proposal

o **Height Definition**

➤ Changed to align with 'Established Grade' definition, removed references to 'curbs' of streets, but still measured from street level;

o **Section 27 a) through c)**

➤ Edits to terminology, consolidated the rooftop height exemptions & deleted 10-foot limitation on rooftop features.

Summary: Key Aspects of the Proposal

o **Section 27 d)**

➢ For alternate option in PR & PC zones, height to be measured from 'established grade' around building, provided:

➢ buildings have minimum setbacks from residential house lots (25 ft.);

➢ 2 metre stepback provided above a height of 30 feet; and

➢ Min. 2 metre opaque fence or vegetative screening along property line.

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First Reading - Notification Change

Following First Reading:

- **Notification Area (for both public hearings)**

  ➤ Expanded to include properties on both sides of adjacent streets;

  ➤ Resulted in letters to **2,250** residents, instead of 1,350 residents previously.

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Staff Recommendation

- Staff recommendation provided in report dated March 15/'23;

- Staff advise that the proposed LUB amendments as set out in Attachment A of the supplementary staff report dated May 2, 2023 also carry out the intent of the Sackville Drive MPS

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