



Subject: *Plan Update - Motion C20(259) Front Yard Accessory Structures*
To: CAO for Planning Advisory Committee, July 20, 2021
Date Prepared: July 13, 2021
Related Motions: C20(259)
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Summary

As part of the ongoing plan update, Planning staff are preparing background papers to discuss and propose approaches to different land use issues within the Municipality. The current background paper discusses Council Motion C20(259), that “*direct staff to include the following issue in the upcoming Official Plan Update: a review of regulations that prevent homeowners from erecting accessory structures in their front yards within serviced areas.*”

Under the current Land Use Bylaw regulations, accessory buildings are only permitted in the front yard of residential properties where no Municipal services are available. Council has directed staff to review these regulations.

Financial Impact Statement

The Community Plan Update has been budgeted for in the 2021/2022 Municipal Budget.

Recommendation

That Planning Advisory Committee recommend that Council maintain the current accessory building provisions.

Alternative Motion

That Planning Advisory Committee recommend that Council authorize staff to proceed with drafting Land Use Bylaw regulations that would permit accessory buildings in the front yard of properties where Municipal services are available, in accordance with the provisions identified within this staff report dated July 13, 2021.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Direct staff maintain the current accessory building provisions.*

Background

At their September 2020 meeting, Council passed Motion C20(259) to “direct staff to include the following issue in the upcoming Official Plan Update: a review of regulations that prevent homeowners from erecting accessory structures in their front yards within serviced areas.” Under Section 3.10 Accessory Buildings, of the Land Use Bylaw, accessory buildings are permitted within the front yard of a lot in an R1, R2, RU, CR, LR and AR zoned property where there are no Municipally approved central piped services available and the front yard setbacks for the accessory structure will meet the same requirements as the main building.

Accessory buildings are not permitted in the front yard of residential lots where Municipal Services are available due to small lot sizes. As an example, the minimum lot width in the R1 Zone is 16 m, this width does not leave space available for locating an accessory building in the front yard or the front/side yard. Locating an accessory building on such as small lot would detract from the continuity of the streetscape and may not be aesthetically pleasing to the surrounding residents. Below is an example of what a shed may look like in the front yard of a small lot.



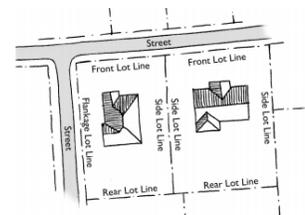
Bona Crescent (approx. 23 m wide frontages) without sheds in front yard and with sheds in front

Discussion

With the small minimum lot requirements in the serviced areas of the Municipality, Planning staff recommend that accessory buildings not be permitted to be located in the front yard. Although, there are a number of larger lots in these areas, many of these lots have the potential to be subdivided in the future to allow for infill development.

Jurisdictional Scan

As part of the background report on the locating of accessory buildings in the front yard of serviced lots, staff have completed a jurisdictional scan to determine regulations in neighbouring jurisdictions. All of the jurisdictions reviewed do not permit accessory buildings in the front yard where Municipal services are available. In addition, two of the four jurisdictions reviewed do not permit accessory buildings to be located in the flankage yard. East Hants is silent on the location of accessory buildings in the flankage yard; therefore, the Development Officer would issue a development permit for an accessory building in a flankage yard as long as the minimum flankage yard setback was met.



Flankage yard means a side lot line of a corner lot that abuts the street.

Jurisdiction	Land Use Regulations
Bedford	Accessory buildings shall not be permitted within the required front yard of a lot.

Truro	An accessory building shall not be situated within the front yard or flanking yard except in the Rural Residential (R8) Zone or Watershed Residential (R9) Zone. The R8 and R9 Zones have onsite services and are not located where Municipal services are available.
Windsor	An accessory building shall not be built in the front yard of any lot.
Wolfville	Accessory buildings shall not be located within the front yard or the flankage yard of a lot.
Town of Amherst	Accessory buildings shall not be located within the front yard, in any Residential Zone.
Colchester	Accessory buildings shall not be located in the front yard of a lot.
West Hants	Accessory buildings shall not be built closer to the street than the main building on the lot.

Alternative Motion

East Hants serviced areas are the most urbanized parts of the Municipality. This means that continuity in street design and basic urban design principles are important in creating an aesthetically pleasing community. The majority of homes in the serviced areas are oriented to the street and are located on small lots, allowing for higher densities than large lot subdivisions in non-serviced areas. For these reasons, Planning staff are not recommending amendments to the Land Use Bylaw.

If Council decides that accessory buildings should be permitted within the front yard of homes in the serviced area, then staff suggest that the lot size be large enough to adequately accommodate the accessory building and that the size of the accessory building permitted in the front yard have a small footprint. The idea would be not to detract from the continuity of the streetscape but instead to tuck the accessory building into the landscape of the home. By allowing accessory buildings in the front yard, staff would expect that complaints about the design and location of accessory buildings may become an issue. Pride of ownership fluctuates between property owners and the idea of what constitutes good design changes on an individual basis.

Below is an alternative recommendation for Planning Advisory Committee to consider if they wish to proceed with the locating of accessory buildings in the front yard.

That Planning Advisory Committee recommend that Council authorize staff to proceed with drafting Land Use Bylaw regulations that would permit accessory buildings in the front yard of properties where Municipal services are available in accordance with the following provisions:

- *minimum lot size of 0.5 hectares in area;*
- *the main dwelling shall be setback at minimum 30 m from the front property line;*
- *the accessory building shall not be greater than 7.5 m² in area;*
- *the accessory building shall not be located directly in front the main dwelling; and*
- *the that accessory building shall not be permitted to be located to be closer to the front or side property lines then the requirements for the main dwelling.*

Conclusion

As per the direction of Council, Planning staff have addressed Council motion C20(259). Planning staff are not recommending that accessory buildings be permitted in the front yard of residential lots where Municipal services are available. The serviced areas of East Hants are urbanizing and continuity in street design and basic urban design principles are important in creating an aesthetically pleasing community. In addition, small lot standards and higher density neighbourhoods do not allow for the location of accessory buildings in the front yard. A jurisdictional scan of other Nova Scotia serviced communities also did not support the locating of accessory buildings in the front yard. However, if Planning Advisory Committee decides to allow accessory buildings to be located in the front yard of lots where Municipal services are available then an alternative recommendation has been prepared for consideration.

Recommendation

That Planning Advisory Committee recommend that Council maintain the current accessory building provisions.