



Subject: *Plan Update - Accessory Structures in Front Yards*
To: CAO for Planning Advisory Committee, April 18, 2023
Date Prepared: April 11, 2023
Related Motions: C21(241)
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Approved by: John Woodford, Director

Summary

After examining an ongoing bylaw enforcement case, Council directed staff to revisit the issue of accessory structures in front yards and how they might be accommodated in serviced areas. This report is in response to Council's request.

Financial Impact Statement

Direct costs include advertising and mailouts which can be absorbed in the 2023/2024 operating budget.

Recommendation

That PAC examine the options and provide direction to staff.

Draft Motions

Option A

The Planning Advisory Committee recommends to Council that Council maintain current regulations related to accessory structures in front yards of serviced areas and direct staff to enforce accordingly.

Option B

The Planning Advisory Committee recommends to Council that Council direct staff to add provisions to the draft planning documents that would enable existing accessory structures within front yards in serviced areas to be treated as legal land uses.

Option C

The Planning Advisory Committee recommends to Council that Council direct staff to add provisions to the draft planning documents that would enable new accessory structures within front yards in serviced areas as outlined in the staff report of April 11, 2023.

Background

In July 2021, PAC considered a staff report regarding accessory structures in front yards. Under current regulations, accessory structures are not permitted in front yards of areas serviced with municipal sewer and water. At that time Council passed motion C21(241) which directed staff to maintain current regulations.

Subsequently, an affected property owner dealing with enforcement action from the municipality requested a second review of the matter. Council considered this request and at their March 2023 meeting and directed staff to bring the matter back for review. This report examines options for enabling accessory structures that are not in compliance with current regulations.

Discussion

Accessory structures are not permitted in front yards of serviced areas for aesthetic reasons, given the much smaller lot sizes permitted in serviced areas.

Section 3.10 b) of the Land Use Bylaw outlines restrictions on accessory structures as shown below:

3.10 Accessory Buildings

Unless otherwise specified under this Bylaw, accessory buildings and structures shall be permitted in all zones and subject to the following:

b) Shall be permitted in the front yard of a lot in the R1, R2, RU, CR, LR and AR zones where there is no Municipally approved central piped services available or where it is otherwise permitted in this Bylaw; front yard setbacks will meet the same requirements as main buildings established in this Bylaw.

Options

Option A - Maintain Current Regulations

Option A would confirm direction previously provided by Council on this issue and have the benefit of treating all properties within the serviced areas equally. Staff would then proceed with enforcement action on any accessory structures not in compliance with the Land Use Bylaw.

Option B - Permit Existing Accessory Structures to Remain

The following clause could be added to the draft planning documents:

3.10 e) Notwithstanding Section 3.10 b), accessory structures within the R1 and R2 Zones, located in front yards where municipally approved piped services are available, that were in existence on the effective date of this bylaw, shall be permitted.

This would enable all existing accessory structures within front yards in serviced areas to be treated as legal land uses but would not permit any new accessory structures within front yards.

Option C Permit New Accessory Structures

Draft amendments were presented to PAC in July 2021 that would have allowed new accessory structures that met the following criteria:

- Minimum lot size of 0.5 hectares
- The main dwelling shall be setback at minimum 30 m from the 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 of the main dwelling; and
- The accessory building shall not be permitted to be located closer to the front or side property lines than the requirements for the main dwelling.

At the time, it was recommended against pursuing this approach. Such regulations may also not permit all existing accessory structures within front yards given the minimum lot size and main dwelling setback requirements. As a result, staff are again not recommending that this option be pursued.

Conclusion

Staff have provided 3 options for PAC to consider in dealing with accessory structures within front yards in serviced areas.

If PAC is inclined to permit accessory structures within front yards, staff recommend Option B over Option C as it would enable existing structures to remain while not opening the door to new requests within increasingly urbanizing areas of East Hants.

Recommendation

That PAC examine the options and provide direction to staff.