

# **Non-Farm Dwellings in AR Zone**

Planning Advisory Committee

Planning and Development Department

March 18, 2025



**EAST HANTS**

## Background

- At their regular meeting on February 26, 2025 Council passed the following motion:

*C25(75) Moved that staff be directed to prepare text amendments to the Land Use Bylaw that would treat existing non-farm dwellings, within the Agricultural Reserve (AR) Zone, as lawfully existing uses to enable these homes to be expanded, moved and add accessory dwelling units without the restrictions placed on them as a result of being in the AR Zone.*

- The reason for the motion was a resident expressing frustration with the inability to expand their home by more than 25%.
- 25% is the upper limit enabled for the expansion of a non-conforming structure. Over the past few years, staff have become aware of other property owners also frustrated by this limitation.
- As a result of this direction, staff have prepared amendments to the Land Use Bylaw.

# Proposed Amendments

| Uses   | RU | RU-2 | AR       | RCDD |
|--|----|------|----------|------|
| Dwelling, Non-Farm Single Unit   | P  | P    | DA       | -    |
| Dwelling, Tiny Home on Wheels  | P  | P    | <b>P</b> | -    |
| Dwelling, Two Unit   | P  | P    | -        | -    |
| Excavating and Construction Services                                       | P  | P    | -        | -    |
| Fabrication and Repair of Farm and Forestry Equipment                      | P  | P    | P        | -    |
| Forestry Uses & Structures   | P  | P    | P        | -    |
| Funeral Services   | P  | P    | -        | -    |
| Greenhouses  | P  | P    | P        | -    |
| Home-based business uses above 140 m <sup>2</sup> of commercial floor area | DA | P    | DA       | -    |
| Home-Based Business Uses up to 140 m <sup>2</sup> of commercial floor area | P  | P    | P        | -    |
| Horse Stables, Boarding, and Training Facilities (including race horses)   | P  | P    | P        | -    |
| Industrial uses related to the chemical treatment of timber resources      | DA | DA   | -        | -    |
| Kennel, Boarding and Breeding  | P  | P    | P        | -    |
| Lawfully Existing Uses   | -  | P    | <b>C</b> | -    |
| Large Scale Special Events   | P  | P    | P        | -    |
| Marina   | -  | P    | -        | -    |

## 5.4.13 Lawfully Existing Uses

a) Existing non-farm dwellings shall be considered lawfully existing uses.

## Policy Analysis

- Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS).
- As part of the review, A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff will be attached to the final report.
- In evaluating this application, Staff will refer to MPS polices associated with the Agricultural Reserve (AR) designation as well as general policies related to amending the Land Use Bylaw (LUB).

### Agricultural Advisory Committee

- Under the terms of reference, one of the mandates of the Agricultural Advisory Committee is to review land use matters related to agricultural land and provide recommendations to the Planning Advisory Committee.
- Planning staff recommend seeking comments from the Agricultural Advisory Committee on the proposed changes.

## Citizen Engagement

- Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments.
- An advertisement outlining the proposal and indicating that it is under review by the municipality will be placed in an upcoming edition of the *Chronicle Herald*.
- As this is not a site specific proposal, there is no survey or direct mail notice regarding a public hearing to property owners or residents.
- There will be a notice in the Chronicle Herald and municipal website regarding a public hearing.

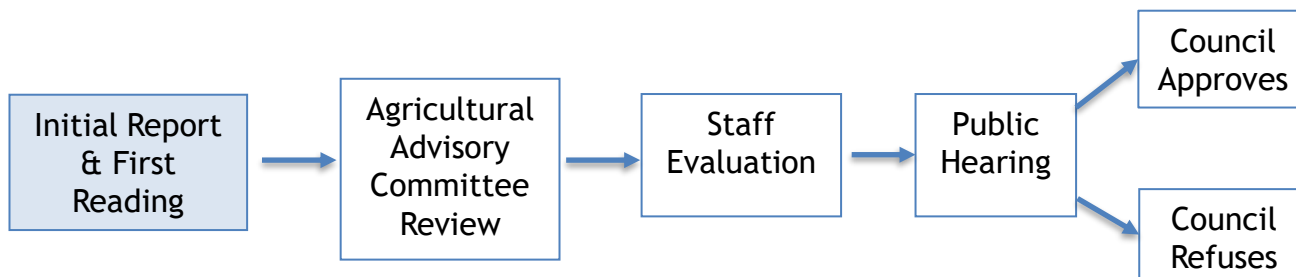
## Conclusion

Staff will continue to review the proposal to change the Agricultural Reserve (AR) Zone to permit existing non-farm dwellings to expand beyond 25% and add accessory dwelling units.

The amendments will be evaluated using all applicable policies in the MPS, in particular the policies regarding the protection of agricultural land.

Staff will make a recommendation to PAC in their final staff report.

Council's decision on this application is appealable to the Nova Scotia Utility and Review Board as it does not involve an amendment to the MPS.





## Alternatives

- PAC could recommend not giving first reading to the amendments.
- Planning staff do not support this approach and recommend that the file be taken to a Public Hearing to allow staff to complete their full review and analysis of the policies to be provided to PAC and Council in the final staff report.
- PAC may also choose to not seek comments from the Agricultural Advisory Committee.



## Recommendation

That Planning Advisory Committee recommend that Council give first reading to the amendments to enable a public hearing and direct staff to seek comments from the Agricultural Advisory Committee.

## Recommended Motion

*Planning Advisory Committee recommends to Council that Council:*

- *Give first reading to amendments to the Land Use Bylaw that make existing non-farm dwellings, within the Agricultural Reserve (AR) Zone, lawfully existing use for the purpose of enabling a public hearing and authorize staff to schedule a public hearing; and*
- *Direct staff to seek comments on the proposed changes from the East Hants Agricultural Advisory Committee.*





## Recommended Motion

*The Planning Advisory Committee recommends to Council that Council give first reading to housekeeping amendments to the Municipal Planning Strategy as outlined in the staff report “MGA Changes” dated January 9, 2025 that:*

- *Discontinue the use of the Chronicle Herald for planning applications/public hearings;*
- *Authorize the Development Officer to approve non-substantive amendments to development agreements; and*
- *Authorize the CAO to discharge development agreements.*

*The Planning Advisory Committee further recommends to Council that Council authorize staff to schedule a public hearing.*