



Subject: *Non-Farm Dwellings in AR Zone*
To: CAO for Planning Advisory Committee, March 18, 2025
Date Prepared: March 10, 2025
Related Motions: C25(75)
Prepared by: John Woodford, Director of Planning and Development
Approved by: John Woodford, Director of Planning and Development

Summary

Council has directed staff to prepare amendments to the Land Use Bylaw to enable existing non-farm dwellings in the Agricultural Reserve (AR) Zone to be able to expand beyond 25% and add accessory dwelling units. Such amendments are contained within this report.

Financial Impact Statement

There are no immediate financial impacts associated with the recommendations of this report.

Recommendation

That Planning Advisory Committee recommend that Council give first reading to the amendments 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.*

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

To carry out Council’s wishes, the following amendments to the Land Use Bylaw will be required:

Uses	RU	RU-2	AR	RCDD
Dwelling, Non-Farm Single Unit	P	P	DA	-
Dwelling, Tiny Home on Wheels	P	P	P	-
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 ² of commercial floor area	DA	P	DA	-
Home-Based Business Uses up to 140 m ² 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	C	-
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.

Discussion

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII gives legislative authority for this proposal. This section outlines the process for these amendments to be considered, including the advertisements for a Public Hearing.

FINANCIAL CONSIDERATIONS

No financial impact analysis will be completed as part of this analysis.

MUNICIPAL PLANNING STRATEGY 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.

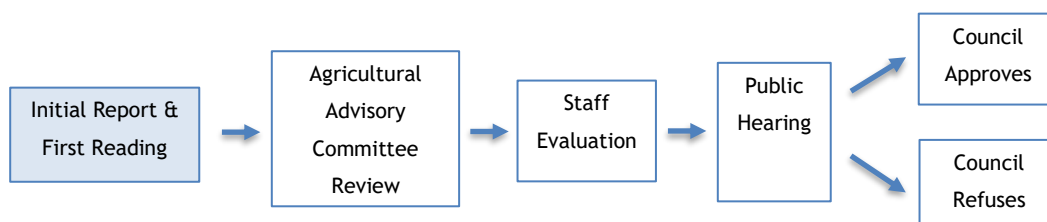
Citizen Engagement

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 Municipal Planning Strategy, 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.



Recommendation

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

Alternatives

If the PAC does not support this proposal, they can recommend not to 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.