



Subject: *Non-Farm Dwellings in AR Zone*
To: CAO for Planning Advisory Committee, May 13, 2025
Date Prepared: May 6, 2025
Related Motions: C25(75), C25(116)
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 second reading to the amendments.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- *Give second reading to amendments to the Land Use Bylaw that make existing non-farm dwellings, within the Agricultural Reserve (AR) Zone, lawfully existing uses.*

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 have reviewed 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 is attached to this final report.

In evaluating this application, Staff have referred to MPS polices associated with the Agricultural Reserve (AR) designation as well as general policies related to amending the Land Use Bylaw (LUB). After this review, staff are of the opinion that enabling property owners the ability to expand existing non-farm dwellings does not detract from the primacy of agriculture in the AR Zone.

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. The Agricultural Advisory Committee met on April 8, 2025 and passed a motion in support of the changes. Minutes from that meeting have been posted with this report.

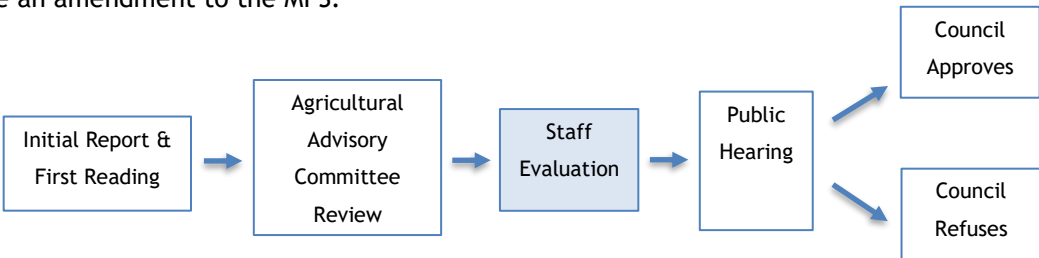
Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. 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. However, a notice has been placed in the *Chronicle Herald* on May 7th and 14th, the municipal website and social media regarding the public hearing scheduled for May 21, 2025.

Conclusion

Staff have completed their 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 have been evaluated using all applicable policies in the Municipal Planning Strategy, in particular the policies regarding the protection of agricultural land. Staff have determined that the proposed amendments are consistent with the spirit and intent of the MPS polices associated with the Agricultural Reserve (AR) designation as well as general policies related to amending the Land Use Bylaw (LUB) and are recommending in favour of the changes.

Council’s decision on this application is appealable to the Nova Scotia Regulatory and Appeals Board as it does not involve an amendment to the MPS.



Recommendation

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

Appendix A - Policy Analysis

Policy	Comments
AR8. Council shall establish the Agricultural Reserve (AR) future land use designation in which agriculture and agriculture related activities shall be the predominant land uses.	The proposed amendments only relate to existing non-farm dwellings. As a result, this change will not impact the primacy of agriculture in this zone.
AR9. Council shall designate those lands as an Agricultural Reserve (AR) Zone, with the intention of providing a stable environment in which agriculture may operate freely from urban expansion or rural non-farm development on the most productive farmland in East Hants.	The proposed amendments will not result in urban expansion or additional rural non-farm development, apart from expansion of existing non-farm dwellings. As a result, the impact on agriculture is not expected to be material.
AR10. Council shall apply the Agricultural Reserve (AR) Designation based on active agricultural lands. Future AR Designations may be based on the following criteria:	The proposed amendment does not remove AR zoning from any properties.
a) Protecting the continuation of existing farming areas;	Not applicable
b) Providing for logical boundaries around farming areas such as roads, property lines, rivers, and other natural features; and	Not applicable
c) Protecting active agricultural lands and lands defined by the Canada Land Inventory Soil Capability for Agriculture (CLI) rating as showing soils with Class 3 or active Class 4 or better.	Not applicable
AR32. Council shall establish an Agricultural Advisory Committee consisting of members of the agricultural community, Councillors, Municipal Staff, as well as members from the Federation of Agriculture and other agriculturally related organizations. The mandate of the Agricultural Advisory Committee shall be to make recommendations to Planning Advisory Committee on agricultural matters.	The Agricultural Advisory Committee was consulted and are recommending approval of the amendments.
Land Use Bylaw Amendment Criteria	
IM14 It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.	The LUB amendment is consistent with the Municipal Planning Strategy. Specifically, the intent to maintain the AR designation and zone.
IM15 It shall be the policy of Council to consider an application for an amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	Not applicable
IM16 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.	Not applicable

IM17	Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy	The LUB amendments are consistent with the AR Designation.
IM18	Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:	
a)	Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.	Not applicable
b)	Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	There is no current review of planning documents underway.
IM19	Council shall consider if the proposal is premature or inappropriate by reason of:	
a)	The financial capability of the Municipality to absorb any costs relating to the development.	No material impact on municipal costs are expected as a result of this change.
b)	The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.	Not applicable
c)	The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.	Not applicable
d)	The potential for significantly reducing the continuation of agricultural land uses.	Minimal impact on the continuation of agricultural land uses is expected as a result of this change as it only relates to existing non-farm dwellings and does not enable additional non-farm dwellings.
e)	The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.	Not applicable
f)	The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider	Not applicable

	comments from relevant Provincial Departments as applicable.	
	g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.	Amendments relate to the potential expansion of existing dwellings. As such, they will not contribute to the furtherance of a leap frog, scattered or ribbon development pattern.
IM20	Council shall consider if the proposed development is shown on a professionally drawn site plan as being in compliance with the applicable sections of the Subdivision Bylaw, with the following matters of the Land Use Bylaw:	Not applicable
	a) Type of use.	Amendments would not enable additional uses.
	b) Number of buildings.	Not applicable
	c) Yard setbacks.	Not applicable
	d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.	Not applicable
	e) External appearance of any structures where design standards are in effect.	Not applicable
	f) Street layout and design.	Not applicable
	g) Access to and egress from the site, parking.	Not applicable
	h) Open storage and outdoor display.	Not applicable
	i) Signage.	Not applicable
	j) Similar matters of planning concern.	Not applicable
IM21	Council shall consider the suitability of the proposed site in terms of the environmental features of the site, particularly susceptibility to flooding and other nuisance factors, and where applicable, comments from relevant Provincial Departments concerning the suitability of the site for development.	Not applicable
IM22	Council shall consider the provision of buffering, screening, and access control to minimize potential incompatibility with adjacent and nearby land uses, rail lines and traffic arteries.	Not applicable
IM23	Council shall consider the extent to which the proposed development, where applicable, provides for efficient pedestrian circulation and integrates pedestrian walkways and sidewalks within adjacent developments.	Not applicable
IM24	Council shall consider the proposed development is shown to manage stormwater on-site in a manner which	Not applicable

	does not negatively impact on other properties.	
IM25	Council shall consider massing, and compatibility of the proposed development's external appearance with adjacent buildings by means of design features, roof type, exterior cladding materials, and overall architectural style that is reasonably consistent with the style and character of the community or compliments the character of the community.	Not applicable
IM26	Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the proposed development contributes to a favourable community form, and the proposed development's ability to:	
a)	Provide for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods, as well as the ability for pedestrian routes to link with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.	Not applicable
b)	Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is humanscaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.	Not applicable

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 5: Rural Zones

Part 5.1 of the Land Use Bylaw is hereby amended by adding the following text in green.

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	-	-

Part 5.4 of the Land Use Bylaw is hereby amended by adding the following text in green.

5.4.13 Lawfully Existing Uses

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