

To: **Glenn Horne, Municipal Clerk Treasurer**

From: **Planning Staff (EDPC)**

Date: **May 24, 2016**

Reference: **Nine Hundred Square Foot Maximum Size Limitations on Accessory Buildings mandated in the General Provision Section of the Central Antigonish Municipal Planning Strategy and Land Use By-law.**

Request for Exemptions.

Recommendation:

It is the recommendation of staff that Council remove the maximum size limitation on accessory buildings in the Central Planning Area where such buildings are proposed for properties without access to central Municipal sewer services. These areas are characterized by larger lots sizes than in areas with access to piped sewer services and typically are also characterized by a wider spectrum of permitted uses. This proposed amendment would also be in keeping with the provisions found in the adjacent planning area under the Antigonish Fringe Municipal Planning Strategy and Land Use By-law.

Analysis:

The General Zone provisions found in a Land Use By-law (LUB) apply to all zones within a planned area. Therefore the requirement restricting accessory buildings to 900 square feet automatically was applied to all properties in unserved areas. While the Municipal Planning Strategy (MPS) is silent on accessory buildings size limits *per se*, the restriction of accessory buildings to a size more consistent with more urban areas of the County would seem to be contrary to the intent of the MPS expressed in Policy L-1.1 which states: *"It shall be the policy of Council to establish a Rural Development Designation as shown on the Generalized Future Land Use map. The rural development designation is intended to support a rural approach to development that will include supporting mixed uses, agriculture and other land-based livelihoods that require larger lots and generally rely on private services."*

Staff have received applications for larger garages in the Rural Development (RD-1) Zone and in cases where the property is being used for agriculture, fishery or forestry uses these permits have been issued because the zone allows, among other typical rural uses: *"Agricultural uses, including intensive livestock operations; Fishing and fishing-related uses; Forestry and forestry-related uses"*. In instances however where the applicant has a large property but is not operating a farm, a forestry operation or using the accessory building to store a fishing boat or gear, there is an understandable reluctance to claim the building is being used for these uses. From staff's point of view a larger automobile garage has no more of a land use impact than would any of the above referenced uses. Therefore in keeping with the existing policy for a *"...rural approach to development..."* staff recommend that Council remove the maximum size limitation on accessory buildings in the Central Planning Area where such buildings are proposed for properties where there are no central Municipal sewer services.

Proposed Amendment:

A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *Central Antigonish Land Use By-law* for the Municipality of the County of Antigonish is hereby amended as follows:

1) In Part 6 adding the following text in bold:

Accessory Buildings

6.A.1. *Accessory uses, buildings and structures shall be permitted in any zone within the Planning Area but shall not:*

- a. *be used for human habitation, except in the Rural Development (RD-1) and Hamlet Residential (HR-1) Zones, where they will be referred to as “garden suites”, and shall meet the Building Code regulations;*
- b. ***in areas serviced with municipal sewer services, exceed 83.6 square metres (900 sq. feet) in total floor area;***
- c. *be located in the front yard of the lot with the exception of seasonal roadside stands, parking area booths and school bus shelters;*
- d. *be located a minimum of 0.6 metres (2 feet) from said lot line in any zone, except for seasonal roadside stands, accessory buildings with no windows or perforations on the side of the building facing the abutting lot line;*
- e. *on a corner lot, be located in the rear yard or in the side yard that is adjacent to the flanking street; **and***
- f. *be built closer to a street than the main building on a parcel that is in a non-residential zone.*

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Antigonish held on the ____ day of June 2016

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of June 2016

Mr. Glenn Horne, Municipal Clerk