

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **September 12, 2022**

Reference: **Maximum Size Limitations on Accessory Buildings mandated in the General Provision Section of the West River Antigonish Harbour Land Use By-law**

Recommendation:

It is the recommendation of Staff that Council amend the *West River Antigonish Harbour Land Use By-Law* to increase the maximum size of accessory buildings in the areas where there are municipal services. Staff recommend increasing the existing area restriction of 83.6 m² (900 ft²) to 130 m² (1,400 ft²) and to include a percentage limiting the size of accessory buildings based on the total lot area of a property. The proposed amendment would give consideration to larger properties allowing them to accommodate proportionately larger accessory structures. Staff also recommend the addition of architectural guidelines regarding accessory buildings, in order to maintain a consistent built form in residential areas.

This proposed amendment would also be in keeping with the provisions found in the adjacent planning area under the *Central Antigonish Land Use By-law*.

As previously mentioned, the proposed amendment is in line with the adjacent planning area under the *Central Antigonish Land Use By-law*. It is worth noting that those provisions in the *Central Antigonish Land Use By-law* were recently amended within the past year suggesting a need for more flexible regulations regarding the maximum size of accessory buildings in areas where there are municipal services within the County. This theory is further backed up by the fact that we have received several inquiries and requests for changes to the accessory building size limitation where there are municipal water and sewer services in the *West River Antigonish Harbour Plan Area*.

Analysis:

Part 6.A.1. of the *West River Antigonish Harbour Land Use By-Law* under Accessory Buildings states that accessory uses, buildings and structures shall be permitted in any zone within the Planning Area but shall not be used for habitation.

Part 6 of the Land Use By-law consists of the General Provisions for all Zones. Therefore, the section in the 'General Provisions' dealing with accessory buildings automatically applies to all properties regardless of the area lot size. Where there are areas serviced by municipal services

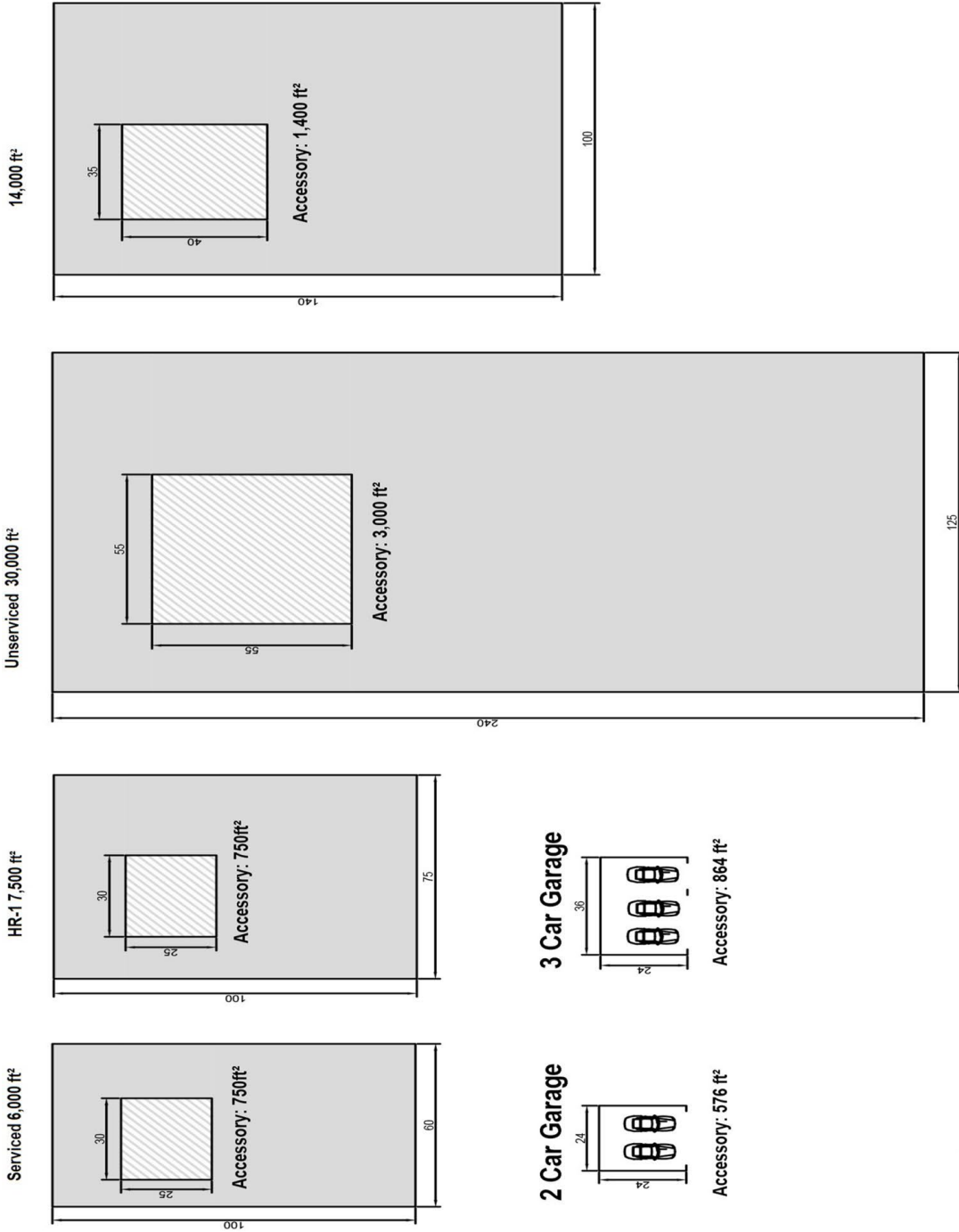
the accessory buildings shall not exceed 83.6 m² (900 ft²), therefore a proposed garage that is larger than 83.6 m² (900 ft²) cannot be issued a Development Permit.

As lot sizes vary in residential zones, larger lots can accommodate larger accessory structures. The current area limitation of 83.6 metres squared (900 ft²) may not be realistic when applied to considerably larger properties. For example, along William's Point Road, despite having municipal water services and to an extent sewer services, has a wide range of lot sizes and quite a number are very large lots. The proposed amendment would allow the larger serviced lots to be capable of containing a larger accessory building.

The current by-law does not consider the many various lot sizes within residential zones. Therefore, Staff recommend increasing the existing area limitation to 130 square metres (1,400 ft²) with the addition of a percentage limit of five (5) percent of the total lot area to accommodate for larger properties. Examples of the effect the percentage limitation would have on typical lot sizes for Residential zones are shown in Appendix A. The current by-law also outlines height and placement standards but lacks requirements for the overall look of the structure. To prevent an inconsistent built form Staff also recommend providing architectural guidelines for accessory buildings to maintain a consistent architectural aesthetic within neighbourhoods. This will ensure accessory structures are designed with consideration to the existing built form in an area.

As previously mentioned, the proposed amendment is in line with the adjacent planning area under the *Central Antigonish Land Use By-law*. It is worth noting that those provisions in the *Central Antigonish Land Use By-law* were recently amended within the past year suggesting a need for more flexible regulations regarding the maximum size of accessory buildings in areas where there are municipal services within the County. This theory is further backed up by the fact that we are aware of several inquiries and requests for changes to the accessory building size limitation where there are municipal water and sewer services in the West River Antigonish Harbour Plan Area.

Appendix A



Proposed Amendment:

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

The *West River Antigonish Harbour 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 General (RG-1) and Residential (R-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 130 square metres (1,400 sq. feet) in total floor area, or 5% of the total lot area, whichever is greater;**
 - c. be consistent in architectural style with the main building on the lot;**
 - d. be located in the front yard of the lot with the exception of seasonal roadside stands, parking area booths and school bus shelters;
 - e. 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;
 - f. on a corner lot, be located in the rear yard or in the side yard that is adjacent to the flanking street; and
 - g. be built closer to a street than the main building on a parcel that is in a non-residential zone.
 - h. include storage containers

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 _____ 2022

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____ 2022

Glenn Horne, CAO