

To: **Planning Advisory Committee
Port Hawkesbury Town Council**

From: **Planning Staff (EDPC)**

Date: **October 12, 2017**

Reference: **Seventy Meters Square Foot Maximum Size Limitations on Accessory Buildings mandated in the General Provision Section of the Town of Port Hawkesbury Land Use By-Law.**

Recommendation:

It is the recommendation of staff that Council amend the Land Use By-Law for the Town of Port Hawkesbury to include a percentage limiting the size of accessory buildings based on the total lot area of a property in addition to the existing area restriction of 70 meters squared. 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 with regard to accessory buildings, to maintain a consistent built form in residential areas.

Analysis:

Part 6 of the *Port Hawkesbury Land Use By-Law* under Accessory Buildings states that accessory buildings or structures shall:

- viii) not exceed 70.0 m² [753 ft.²] in total floor area, except in a Residential Rural (R5) or Industrial (M1, M2, or M3) Zone;*

This is a General Zone provision that applies to all zones within the Town of Port Hawkesbury, with specific exceptions as noted. Therefore the requirement restricting accessory buildings to 70 meters squared automatically applies to all properties regardless of the area lot size.

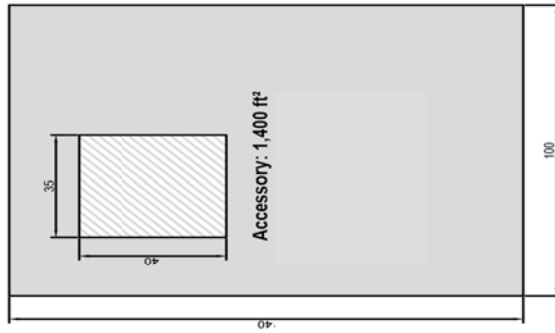
As lot sizes vary in residential zones, larger lots can accommodate larger accessory structures. The current area limitation of 70 meters squared (750ft²) may not be realistic when applying the by-law to considerably larger properties. In some cases conventional auto garage sizes are simply not a sufficient amount of space to satisfy the diverse needs of residents for purposes such as storage and recreation. As shown in Appendix A, the standard size for a two-car garage does meet the current area limitations for accessory buildings with an area of 576 squared feet. However, if a resident wanted to construct a three-car garage on a property with sufficient space, the current restriction of 750 squared feet would not allow for an accessory structure of that size.

Planning Staff recently received a request for a variance to the Port Hawkesbury *Land Use By-Law* provisions as they apply to accessory buildings to allow for a structure larger than the area restrictions

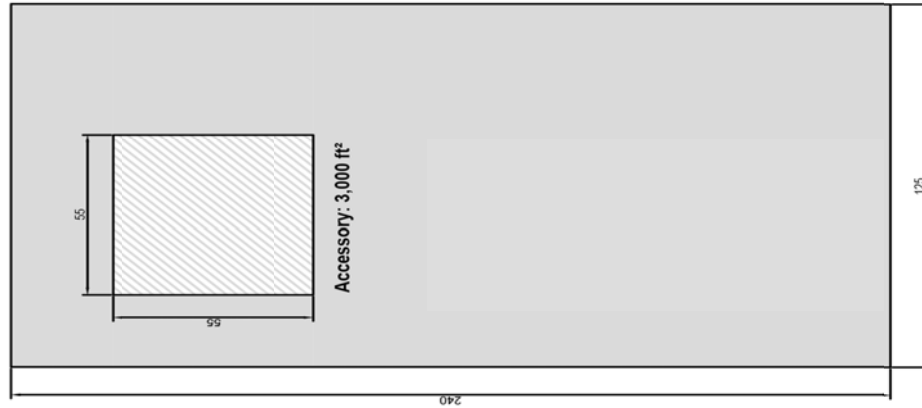
allowed. However, there are no provisions in the Port Hawkesbury *Municipal Planning Strategy* or *Land Use By-Law* that support variances in regards to the ground area of a structure, therefore the application could not be considered. This particular application had a property size of 11,389 meters squared, zoned Residential 2 Unit (R-2) and requested a variance to allow for an accessory structure 107 meters squared. The requested accessory building size in this case would be less than one percent of the property lot area but did not meet the requirements of the current by-law. In comparison, other municipalities within Nova Scotia seem to be more accommodating toward the size of accessory buildings, some offering a larger area allowance based on the lot area of the property, some applying a percentage limit of the total lot area (ex. 10% of lot area), and some having no area restrictions for accessory structures at all. By other standards in similar municipalities the request would be well within the allowed size for an accessory building, given its large property area.

The current by-law does not give consideration to the varying lot sizes within residential zones. Therefore Staff recommend retaining the existing area limitation of 70 square meters with the addition of a percentage limit of 10 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.

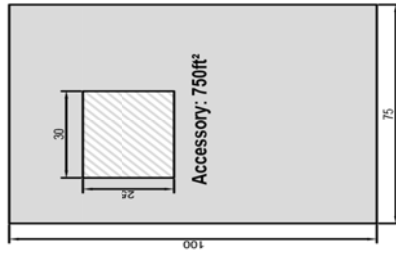
R-3 Six Unit (14,000 ft²)



R-1, R-2 Unserviced (30,000 ft²)



R-1 Serviced (7,500 ft²)

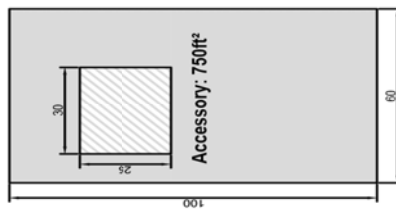


3 Car Garage

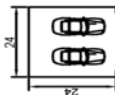


Accessory: 864 ft²

R-1 Serviced (6,000 ft²)



2 Car Garage



Accessory: 576 ft²

Appendix A

Proposed Amendment:
A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE TOWN OF PORT HAWKESBURY

The *Town of Port Hawkesbury Land Use By-law* is hereby amended as follows:

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

Accessory Buildings

- a. Accessory uses, buildings and structures shall be permitted in any zone within the Town of Port Hawkesbury. Such uses, buildings or structures shall:
 - i. not be used for human habitation;
 - ii. within a residential zone, not be located within the front yard of the lot;
 - iii. within a non-residential zone, not be built closer to a street on which the main building fronts than the main building is to that street;
 - iv. on a corner lot, the building shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
 - v. not be built closer than 2.50 m [8.2 ft.] to a lot line in a Residential Rural Zone and 1.25 m [4.1 ft.] in any other zone except that:
 - a. common semi-detached garages may be centered on the mutual side lot line;
 - b. accessory buildings with no windows or perforations on the side of the building which faces the said lot line may be located a minimum of 0.60 m [2.0 ft.] from the said lot line in any residential zone, except in a Residential Rural Zone; and
 - c. boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
 - vi. not exceed 4.60 m [15.1 ft.] in height, except for accessory buildings not associated with a residential use in a Residential Rural Zone or accessory buildings in an Industrial Zone;
 - vii. not exceed 70.0 m² [753 ft.²] in total floor area, **or 10% of the total lot area**, except in a Residential Rural (R-5) or accessory buildings in an Industrial (M1, M2, M3) Zone;
 - viii. not be built within 1.80 m [5.9 ft.] of the main building; **and**
 - ix. **be consistent in architectural style with the main building on the lot.**

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Council for the Town of Port Hawkesbury held on the ____ day of _____ 2017

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____ 2017

Terry Doyle, CAO