

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

From: **Planning Staff (EDPC)**

Date: **November 8, 2021**

Reference: **Maximum Size Limitations on Accessory Buildings mandated in the General Provision Section of the Central Antigonish Land Use By-Law.**

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**Recommendation:**

It is the recommendation of Staff that Council amend the *Central Antigonish 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 m<sup>2</sup> (900 ft<sup>2</sup>) to 130 m<sup>2</sup> (1,400 ft<sup>2</sup>) 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 with regard to accessory buildings, in order to maintain a consistent built form in residential areas.

**Analysis:**

Part 6.A.1. of the *Central Antigonish 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. The section of the by-law on accessory buildings states the following:

- Part 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.

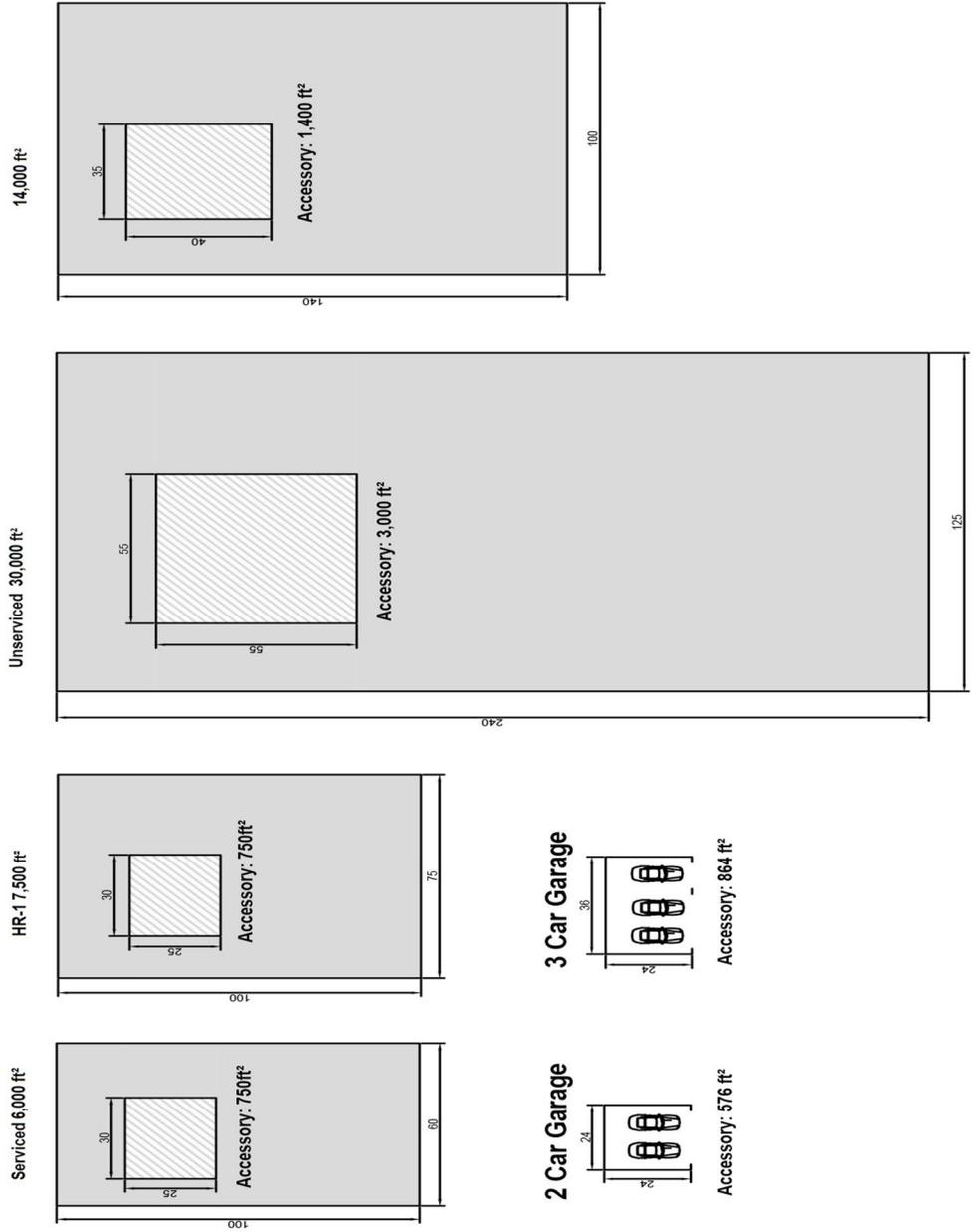
Part 6 of the Land Use By-law consists of the *General Provisions for all Zones*. Therefore, the section in the 'General Provisions' dealing with accessory buildings automatically applies to all properties regardless of the area lot size. Where there are areas serviced by municipal services the accessory buildings shall not exceed 83.6 m<sup>2</sup> (900 ft<sup>2</sup>), therefore a proposed garage that is larger than 83.6 m<sup>2</sup> (900 ft<sup>2</sup>) 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 ft<sup>2</sup>) may not be realistic when applied to considerably larger properties. For example, Heatherton despite having municipal 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.

Planning Staff recently received a request for a development permit for a 1,020 ft<sup>2</sup> accessory building in Heatherton. Presently, the Land Use By-law only allows accessory buildings to be a maximum of 900 ft<sup>2</sup> where there are municipal services. In addition, the *Central Antigonish Secondary Planning Strategy* does not mention the ground size or height of a structure as something can be dealt with through the variance procedure, therefore the application could not be considered.

The property of the applicant is 3,900 metres squared (41,980 ft<sup>2</sup>) in size, it is zoned Hamlet Residential (HR-1) and requested a variance to allow for an accessory structure 94.8 metres squared (1,020 ft<sup>2</sup>). The requested accessory building size in this case would be less than 2.5 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 many various lot sizes within residential zones. Therefore, Staff recommend increasing the existing area limitation to 130 square metres (1,400 ft<sup>2</sup>) 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.



**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* is hereby amended as follows:

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

Accessory Buildings

- Part 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 **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.

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 Municipality of the County of Antigonish held on the \_\_\_\_ day of \_\_\_\_\_ 2021

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_ 2021

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Glenn Horne, CAO