



**Recommendations from
Planning Advisory Committee Meeting
December 3, 2024**

Accessory Dwellings in Front Yard Report

It was moved by Citizen Representative Warner Comeau, seconded by Councillor Loren Cushing that PAC recommends Council give First Reading and hold a Public Hearing to consider amending the text of the Municipality of the District of Yarmouth Land Use By-law to allow accessory dwellings in the front yard of a lot by removing Land Use By-law subsection 7.1 (d) "ii. the accessory dwelling shall be located in the rear or side yard.

Motion carried unanimously.

To: Warden and Members of Council, MODY
Submitted by: Madelyn LeMay, LPP, MCIP on behalf of C+D Community Design
Reviewed by: Victoria Brooks, CAO
Date: December 18, 2024 Council Meeting
Subject: Land Use By-law (LUB) text amendment regarding Short-term Rental Accommodations

1. LEGISLATIVE AUTHORITY

Municipal Government Act, Section 230

2. RECOMMENDATION

that Council proceed with the requested amendment by passing the following motion:

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the Municipality of the District of Yarmouth Land Use By-law to allow accessory dwellings in the front yard of a lot by removing Land Use By-law subsection 7.1 (d) *“ii. the accessory dwelling shall be located in the rear or side yard”*.

3. BACKGROUND

The proposed amendments originated from an application in September 2024.

The Planning Advisory Committee considered the request at its regular meeting on December 3, 2024, and recommended in favour of the proposed amendment. The brief discussion included possible increase on the availability of rental housing in the rural areas. Members were in agreement with the reasons for the proposed amendment outlined in the PAC Report Submitted November 15 for December 3, 2024 PAC Meeting (Attachment A).

The Public Participation program policy does not require a Public Participation or Public Information Meeting regarding amendments to the Land Use By-law.

The proposed amendments have been considered within the context of both the general and specific policies of the MODY MPS and are consistent with the intent, objectives, and policies of the MODY MPS. As a result, it is reasonable to amend the text of the Land Use By-law.

4. PROCESS and NEXT STEPS

Staff Review



Planning Advisory Committee Review and Recommendation to Council (December 3, 2024)



5. ATTACHMENTS

Attachment A PAC Report Submitted November 15 for December 3, 2024 PAC Meeting

ATTACHMENT A



Proposed Amendment to the LUB
Accessory Dwellings in Front Yards (2nd Review)

Date: December 3, 2024
Prepared by: Yaba Osifo, Junior Planner
Reviewed by: Madelyn LeMay, LPP, MCIP for Caroline Robertson, Senior Planner



Report Overview	
Request	An application has been submitted to amend the Land-Use Bylaw (LUB), to remove Regulation 7.1.1 (d)(ii), which restricts accessory dwellings to the side or rear of the primary dwelling.
Description	<p>The property is a single lot located in the Residential General (RG) zone, where a dwelling of 1 to 4 units on a single lot is permitted. The lot currently has a mobile/mini-home of 77 square meters (the current primary dwelling) and an autobody garage of 125.4 square meters (an accessory building/structure) at the rear of the mobile/mini-home. The property owner wishes to convert the autobody garage at the rear of the yard into a two-unit dwelling. Once this is done, the mobile/mini-home in the front yard will become an accessory dwelling unit as it would be secondary (smaller) to the new two-unit dwelling. However, the LUB currently does not allow accessory dwellings in front yard.</p> <p>Given the current housing crisis, it is essential to eliminate policies that hinder affordable housing development. Removing this regulation would increase housing availability and reduce the burden on staff and Council who are continually processing rezoning applications. Additionally, it would mitigate land-use conflicts arising from rezoning.</p>
Recommendation	To encourage the private development of accessory dwelling units, it is recommended that the restriction on their placement within a lot be removed and developers be allowed to determine suitable locations based on the zone requirements for main buildings in their given zone.
Relevant Policies and Legislation	<p>Municipal Planning Strategy (2023)</p> <p>Land Use By-Law (2023)</p>
Follow Up Action	<p>This Application Requires the Following Steps:</p> <ol style="list-style-type: none"> 1. Recommendation to Council (Planning Advisory Committee) 2. 1st Reading (Council) 3. Public Hearing (Council) 4. 2nd Reading (Council)

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Allowing Accessory Dwellings in Front Yards

Introduction

Accessory dwellings, also known as Accessory Dwelling Units, are secondary housing units located on the same lot as a primary single-family home (primary dwelling). These units, which are often smaller than the primary dwelling, offer independent living facilities, including a kitchen and bathroom. Examples of Accessory Dwelling Units include granny flats, converted garages, basement apartments, backyard cottages, or separate small buildings on the property. Accessory Dwelling Units can provide more affordable and flexible housing options, serving as rental units, guest houses, home offices, caregiver accommodations, or temporary housing for family members.

Accessory Dwelling Units are an efficient way to increase housing supply within existing neighbourhoods while offering flexible living arrangements. They support multigenerational living, making it easier for extended families, adult children, or aging parents to live together while maintaining privacy. Additionally, Accessory Dwelling Units can generate extra income for homeowners through short- or long-term rentals, helping to offset homeownership costs, such as mortgage payments and utilities, while also boosting property tax revenues for the Municipality.

Given the ongoing housing crisis and the decreasing availability of affordable housing, property owners are increasingly finding innovative solutions to meet the rising demand for living spaces. One such trend is the conversion of accessory structures—like garages, barns, boathouses, and home occupation offices—into fully habitable dwellings. This approach helps alleviate housing shortages and makes better use of existing land and buildings. Accessory structures, once primarily used for storage, hobby spaces, or small businesses, are being transformed into livable spaces that comply with building codes and environmental standards.

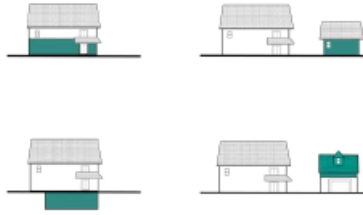
Accessory dwellings offer a practical solution to housing shortages that accommodate changing family structures and limit development sprawl. They contribute to diverse housing options while optimizing residential land use without altering the neighbourhood's character significantly. The Municipal Planning Strategy (MPS) recognizes the significance of accessory dwellings. It makes provisions for them, such as permitting their use in all zones that permit low-density dwellings except within Watershed and Lakeside Residential zones to preserve the water quality in these areas. However, the Land Use Bylaw (LUB) restricts their location to the rear and side of a lot of the primary dwelling on the lot.

When considering the location of accessory dwellings, zoning regulations, site-specific considerations, practical design choices, and aesthetic appearance come into play. In more densely populated areas such as urban areas, accessory dwellings are typically located at the top (attic), bottom (basement), rear or side of the primary unit to promote privacy, independence and preserve the character of the primary dwelling and other nearby dwellings.

In rural areas, however, larger lot sizes provide greater flexibility for the placement of accessory dwelling units without compromising privacy or aesthetics. Additionally, rural properties often feature accessory structures tied to income generation, such as garages or boathouses, which differ from the housing patterns typical of urban neighbourhoods.

Key Terms

Accessory Dwelling means a subservient dwelling either located within a dwelling or in a building on a lot with a dwelling.



Accessory Building/Structure means a separate structure located on the same lot as the main building or principal use and of a nature customarily and clearly subordinate and incidental to the main building or main use of land².

Dwelling means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and may be built on-site or built off-site and transported to the site where it is to be occupied as a residence, but shall not include a fixed-roof overnight accommodation, or recreational vehicle².

Primary Dwelling is the main residential unit on a property. It is the home where one lives as an owner or tenant. It's also the address you use for bills, identification, taxes and insurance¹.

Yard, Front means the space that stretches across the entire width of a property between the front edge of the lot and the closest wall of the main building¹.

Background

In rural communities, many property owners have large accessory structures, which often play a key role in their livelihoods. Within the Municipality District of Yarmouth, these structures are sometimes larger than the primary dwelling and are located in front yards. For example, community members who fish, often have large garages and storage for their boats and fishing equipment. With the ongoing housing crisis and limited availability of affordable housing, some property owners are seeking to convert these structures into Accessory Dwelling Units. While Council wishes to encourage the development of accessory dwellings through MPS **policy 4.6.5**, LUB **regulation 7.1.1 (d)(ii)** restricts their development by prohibiting Accessory Dwellings in front yards².

LUB Regulation 7.1.1(d)

if the accessory dwelling is located in a separate building from the main dwelling:

- i. the accessory dwelling shall be subject to height requirements for accessory buildings in the applicable zone and all other zone requirements for main buildings;*
- ii. the accessory dwelling shall be located in the rear or side yard; and*
- iii. lot coverage shall not exceed 40 percent.*

¹ Government of Nova Scotia, <https://beta.novascotia.ca/register-your-short-term-accommodation>

² Municipality of the District of Yarmouth Land Use By-law

An application has been submitted to amend the LUB, specifically to remove **regulation 7.1.1 (d)(ii)**, which restricts accessory dwellings to the side or rear of the primary dwelling. The property in question is a lot located in the Residential General (RG) zone, where a dwelling of 1 to 4 units on a single lot is permitted. The lot currently has a mobile/mini-home of 77 square meters (the current primary dwelling) and an autobody garage of 125.4 square meters (an accessory building/structure) at the rear of the mobile/mini-home. The property owner wants to convert the autobody garage at the rear of the lot into a two-unit dwelling. Once this is done, the mobile/mini-home in the front yard will become an accessory dwelling, as it would be secondary (smaller) to the new two-unit dwelling. However, the LUB **regulation 7.1.1 (d)(ii)** currently does not allow accessory dwellings in front yard. For more details on the proposed development location, please refer to Figure 1, below, and Appendices A and B.

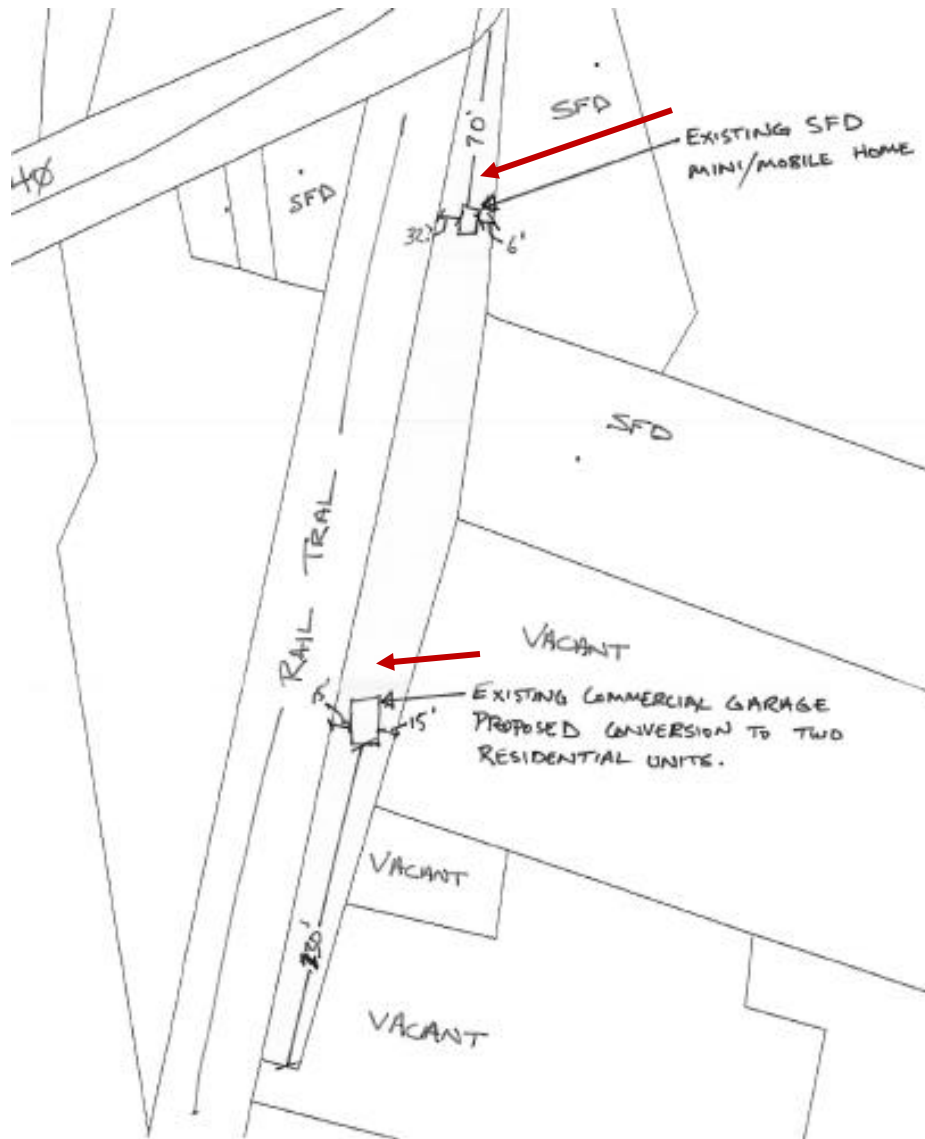


Figure 1: Location of proposed development

This is not the first time community members have sought to place accessory dwellings in front of their primary dwelling. The Planning Advisory Committee (PAC) may recall the recent Port Maitland rezoning case, in which the property owner wanted to convert a barn in front their home to a living space for

guests and to rent to medical professionals for short-term rentals. Another case involved a property owner who wanted to convert a home occupation office in front of their house into a dwelling unit, but abandoned the project due to the high costs of pursuing a LUB amendment.

Given the current housing crisis, it is essential to eliminate policies that hinder affordable housing development. Removing this restriction promotes the Statement of Provincial Interest regarding housing which supports the development of a variety of housing forms within communities³. This would ultimately, increase housing availability, and reduce the burden on staff and Council who are continually processing rezoning applications. Additionally, it would help reduce land-use conflicts arising from rezoning.

Proposal

This report proposes replacing **regulation 7.1.1 (d)(ii)** with a more flexible, functional, and affordable approach to land use. This change will require a LUB amendment. It would be up to Council to decide whether to initiate a public participation program to facilitate this.

Existing Land-Use Bylaw Regulations

7.1 Accessory Dwellings

7.1.1 Accessory dwellings shall be permitted accessory to a dwelling use in all zones that permit dwellings as a main use, except the Lakeshore Residential Zone, subject to the following requirements:

- (a) only one accessory dwelling shall be permitted on a lot;
- (b) the accessory dwelling shall not count towards the number of dwellings permitted on the lot;
- (c) the gross floor area of the accessory dwelling shall not exceed 90.0 square metres or 50% of the gross floor area of the primary dwelling, whichever is larger; and
- (d) if the accessory dwelling is located in a separate building from the main dwelling:
 - i. the accessory dwelling shall be subject to height requirements for accessory buildings in the applicable zone and all other zone requirements for main buildings;
 - ii. the accessory dwelling shall be located in the rear or side yard; and
 - iii. lot coverage shall not exceed 40 percent.

³ Municipality of the District of Yarmouth Municipal Planning Strategy

Proposed Land-Use Bylaw Regulations

7.1 Accessory Dwellings

7.1.1 Accessory dwellings shall be permitted accessory to a dwelling use in all zones that permit dwellings as a main use, except the Lakeshore Residential Zone, subject to the following requirements:

- (a) only one accessory dwelling shall be permitted on a lot;
- (b) the accessory dwelling shall not count towards the number of dwellings permitted on the lot;
- (c) the gross floor area of the accessory dwelling shall not exceed 90.0 square metres or 50% of the gross floor area of the primary dwelling, whichever is larger; and
- (d) if the accessory dwelling is located in a separate building from the main dwelling:
 - i. the accessory dwelling shall be subject to height requirements for accessory buildings in the applicable zone and all other zone requirements for main buildings;
 - ~~ii. the accessory dwelling shall be located in the rear or side yard; and~~
 - ii. lot coverage shall not exceed 40 percent.

Analysis

The removal **regulation 7.1.1 (d) ii** allows accessory dwellings in areas other than the rear or side yard. This provides flexibility for lots with challenging layouts or limited space, giving homeowners more design options. Neighbourhood character and other environmental factors would still be preserved through **regulation 7.1.1 (d) i**.

By removing placement restrictions, the proposed regulation would encourage more development of accessory dwellings, contributing to increased housing supply. This would help meet the demand for affordable housing in certain areas while maintaining controls on density.

Should the recommended amendment be approved, a development permit can be issued for the development intended by the applicant.

Recommendation

To encourage the private development of accessory dwelling units, and approve the amendment request which was received, it is recommended that the restriction on the placement of accessory dwelling units be removed and developers be allowed to determine suitable locations based on the zone requirements for main buildings in their zone. Approving this amendment would establish a precedent for future accessory dwellings and decrease the need for rezoning applications. It is therefore recommended that the PAC presents this Land

Use Bylaw (LUB) amendment application to Council for first reading. As this is an amendment to the LUB, it is within the discretion of the council to implement a public participation program.

Next Steps

As the proposed amendment aligns with the municipal planning strategy's intent, it can be approved by Council through a motion as stated in the Municipal Government Act (MGA) **section 210**.

The amendment must be read twice before adoption by Council. Before the second reading, Council will hold a public hearing. Notice of the hearing must be posted on the municipality's website or in a newspaper circulating within the municipality until the hearing is complete.

Following the public hearing and consideration of feedback, Council may conduct a second reading and adopt the amendment by motion.

Appendix A

Municipality of the District of Yarmouth
Municipal Planning Strategy and /or Land Use By-Law Amendment Application

1. Name of Applicant/ Agent Draper Poole
Mailing Address PO Box 174 Hebron, NS, B5A 5Z6

Telephone 902-740-3125 Business 902-740-3125 Cell 902-740-3125

Fax _____
Email draperpoole@gmail.com

2. Subject property (area to be rezoned)
Location (Road, Community) 10 Pent lane

PTD Number 90140872

3. Existing use of subject property SFD in front, Commercial garage in back

4. Existing use of abutting properties Single Family Dwellings

5. Are Municipal Services available to the subject property? (I) Water ? Connected? No
(II) Sewer X Connected? Yes

6. If Municipal sewer and water are **not available** has the subject property been approved for the installation of an **On - Site Sewage Disposal System** by the Nova Scotia Department of Environment? Yes ___ No ___

7. Does the subject property abut a public listed and maintained road? Yes X No ___

8. Existing zoning of subject property Residential General
Proposed zoning of subject property Residential General

9. Give an explanation of the proposal, i.e. What is intended to be done on the subject property?
What will the building (s) be used for? What activities are intended to be carried out on the property?
Use a separate sheet of paper if necessary.
Not rezoning, amend 7.1.1 of the LUB, remove 7.1.1d)ii. to allow Accessory Dwellings in the front yard. Convert existing Garage at rear of property to two unit residential. Maintain mobile home in front of property as an accessory dwelling. Owner to live in front accessory dwelling and rent the two units in the back.

