

To: Bert Squire, Planning and Land Use From: Serene Shahzadeh, RPP, MCIP
Town of Wabush Urban Planner

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Background

The Town has received interest in amending the current zoning provisions to allow accessory buildings to be constructed to a maximum of 111.5 square meters, provided the combined lot size is greater than 836.2 square meters.

Town of Wabush Municipal Plan 2018-2028

There are limited references to accessory building or structures in the Municipal Plan. The references are related to allowing accessory dwelling units as a response to land use demand, and permitting home based businesses to be contained within an accessory building. There are no policies directing the size or location of accessory buildings, and no policies regulating the size.

Section 2.4.1.1 Infill and Densification

Wabush offers significant unrealized opportunities for urban infill, secondary dwelling units and granny flats to satisfy future residential development and demographic changes. This design strategy can strengthen the core of the town by maximizing opportunities for infill, revitalization, and adaptive reuse while reducing the need to extend costly infrastructure. These can take the form of mixed use developments, mid-rise condo infill, accessory dwelling units, single-detached redevelopments, conversions, and a variety of other measures that could help to accommodate temporary demands, or changing needs for aging populations.

Section 5.2.5 Home Based Businesses

1. Where permitted, home based businesses must be contained inside the residence or within accessory building, are clearly subsidiary to the residential use, and do not adversely affect the residential quality of the area in which they are located through increased traffic, noise, unsightly premises, and similar considerations.

Accessory Provisions Amendments

Town of Wabush Development Regulations

Accessory buildings are regulated in the Development Regulations. Section 4.2 sets out the general zoning provisions for accessory buildings. Furthermore, there are additional requirements in the Residential Medium Density Zone, Residential Small Lot Zone, including the provisions pertaining to cabins, the Commercial – General Zone, along with the Industrial – General and Industrial – Light Zones.

4.2 ACCESSORY BUILDINGS

- 1. Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot as the main Building.*
- 2. No accessory building or part thereof shall project in front of any building line. An accessory building that is fully attached (greater than 50%) to the main building, may establish a new building line for the developed lot provided the building line is in accordance with the minimum setback as specified in Section 8 of these Regulations.*
- 3. The side yard requirements set out in the use zones in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.*
- 4. An accessory building that is attached to the main building:*
 - a. Shall adhere to the side yard and rear yard standards of the main building as specified in Section 8 of these Regulations;*
 - b. Any separation from the main building shall meet with the minimum separation distance as outlined in Section 8 of these Regulations - accessory buildings; and*
 - c. Shall be of fire resistant construction and have a common firewall.*

8.7 RESIDENTIAL MEDIUM DENSITY

8.7.4 Conditions

8.7.4.2 Accessory Buildings

Lot Standards

Accessory Provisions Amendments

8.7.4.2 Lot Standards

Description	Lot Size < 557m ²	Lot Size > 557m ²
Minimum Lot Coverage * (primary + accessory buildings)	40%	40%
Maximum Cumulative Area (all accessory buildings)	Floor area primary dwelling	Floor area primary dwelling
Maximum Area **	65 m ²	83.6 m ²
Domestic Green House Maximum one per lot	55.7 m ² (max)	55.7 m ² (max)
Height	6 m (max)	6 m (max)
Building Line Setback	See use zone	See use zone
Min. Separation Distance Between Buildings***	1.5 m	1.5 m
Min. distance from Side Lot Line (rear yard only)****	1 m	1 m
Min. distance from Rear Lot Line****	1 m	1 m
* excluding structures without a roof ** excluding greenhouses *** not applicable to patios and decks **** an accessory building that is attached to the main building, the minimum side yard width and minimum rear yard for the main building shall apply		

- a. *An accessory building shall not be permitted in front of a building line.*
- b. *All accessory buildings shall be subject to the same minimum side yard requirements as the lots on which they are situated. In the cases of Double or Row Dwelling developments where there are no side yards, only side property lines in the rear yard between adjoining dwellings.*
- c. *An accessory building (private garages only) maybe permitted in the side yard at Council discretion.*
- d. *Within the rear yard of a Double or Row Dwelling development no accessory building development shall be permitted that would block access to neighboring properties for the purpose of fire protection, delivery of utilities and snow clearing operations.*
- e. *All accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Home-based Business are permitted in accessory buildings. Accessory buildings for residential properties shall not be used for nonresidential uses without permission of Council.*
- f. *Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.*
- g. *On Shea Street, where residents have access to rear of their properties for parking via a public street, Council under its discretionary authority, may permitted the development of accessory buildings on the opposite side of the street. The development of any accessory building will be subject to conditions outlined in a permit issued by Council.*

Accessory Provisions Amendments

- h. Where there is public road or right of way located between Double Dwellings or Row Dwellings the minimum side yard width requirement shall be set at 3 metres. Where two separate Double or Row Dwellings are located side by side with adjoining side yards the minimum side yard width shall be 2 metres.*

8.8 RESIDENTIAL SMALL LOT

8.8.4.4 Accessory Building

- a. All accessory buildings shall have a combined maximum lot coverage not exceeding 18%, up to a maximum floor area of 30 square metres, whichever is less.*
- b. An accessory building shall be 6 metres from the lot line abutting a street allowance; in the case of a corner lot, one street line will apply, namely the street that is perpendicular to the long side of the mobile home; the setback from the lot line abutting the street allowance of the other street will be 3.6 metres.*
- c. All accessory buildings shall be subject to the same minimum side yard requirements as the lots on which they are situated.*
- d. An accessory building shall be located a minimum of 1 metre from rear lot line.*
- e. An accessory building shall be located a minimum of 1.5 metres from Mobile Home. This minimum separation will not apply to patios or decks.*
- f. The maximum height of an accessory building shall be 4.5 to 6 metres.*
- g. An accessory building (private garages only) maybe permitted in the side yard at Council discretion.*
- h. Only electric heat shall be permitted in an accessory building.*
- i. All accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for nonresidential uses without permission of Council.*
- j. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.*

8.9 CABIN DEVELOPMENT

8.9.4 Conditions

8.9.4.1 Accessory Buildings

Accessory Provisions Amendments

a. General

- i. All construction of attached or detached buildings that are accessory to the main use of the primary dwelling are considered accessory buildings.
- ii. Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.
- iii. Accessory buildings except for canvas sheds, shall be constructed in a similar nature, in terms of architectural design and aesthetics to the main building.
- iv. Aside from minor vehicle maintenance, no person shall use an accessory building for performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- v. ISO shipping or freight containers shall be prohibited for use as an accessory building in the Cabin Development Zone.

b. Development Standards

Description	Lot Size <557 m ²	Lot Size > 557 m ²
Maximum Lot Coverage* (primary + accessory buildings)	40%	40%
Maximum Cumulative Area * (all accessory buildings)	floor area primary dwelling	floor area primary dwelling
Maximum Area**	65 m ²	83.6 m ²
Domestic Green House Maximum one per lot	55.7 m ² (max)	55.7 m ² (max)
Height	6 m (max)	6 m (max)
Building Line Set back	see Use Zone	see Use Zone
Min Separation Distance between buildings***	1.2 m	1.2 m
Min distance from Side Lot Line (rear yard only)****	1 m	1 m
Min distance from Rear Lot Line****	1 m	1 m
* excluding structures without a roof ** excluding greenhouses *** not applicable to patios and decks **** an accessory building that is attached to the main building, the minimum side yard width and minimum rear yard for the main building shall apply		

Accessory Provisions Amendments

Proposed Amendments and Analysis

To determine an appropriate increase in the size of accessory buildings and structures, the Municipal Plan and the Development Regulations were reviewed. Stantec also conducted research into other municipalities and their accessory structure provisions. This review informed the proposed increase in accessory buildings provided the combined lot size is greater than 836.2 square meters. The proposed amendments to the Development Regulations include:

8.7 RESIDENTIAL MEDIUM DENSITY

8.7.4 Conditions

8.7.4.2 Accessory Buildings

8.7.4.2 Lot Standards

Description	Lot Size < 557m²	Lot Size > 557m²	Combined Lot Size > 836.2 m²
Maximum Lot Coverage* (primary + accessory buildings)	40%	40%	40%
Maximum Cumulative Area (all accessory buildings)	Floor area primary dwelling	Floor area primary dwelling	Floor area primary dwelling
Maximum area **	65 m ²	83.6 m ²	111.5 m²
Domestic Green House Maximum one per lot	55.7 m ² (max)	55.7 m ² (max)	55.7 m² (max)
Height	6 m (max)	6 m (max)	6 m (max)
Building Line Setback	See use zone	See use zone	See use zone
Min. Separation Distance Between Buildings ***	1.5 m	1.5 m	1.5 m
Min. distance from Side Lot Line (rear yard only) ****	1 m	1 m	1 m
Min. distance from Rear Lot Line ****	1 m	1 m	1 m
* excluding structures without a roof ** excluding greenhouses *** not applicable to patios and decks **** an accessory building that is attached to the main building, the minimum side yard and minimum rear yard for the main building shall apply			

- An accessory building shall not be permitted in front of a building line.
- All accessory buildings shall be subject to the same minimum side yard requirements as the lots on which they are situated. In the cases of Double or

Accessory Provisions Amendments

Row Dwelling developments where there are no side yards, only side property lines in the rear yard between adjoining dwellings.

- c. An accessory building (private garages only) maybe permitted in the side yard at Council discretion.*
- d. Within the rear yard of a Double or Row Dwelling development no accessory building development shall be permitted that would block access to neighboring properties for the purpose of fire protection, delivery of utilities and snow clearing operations.*
- e. All accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Home-based Business are permitted in accessory buildings. Accessory buildings for residential properties shall not be used for nonresidential uses without permission of Council.*
- f. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.*
- g. On Shea Street, where residents have access to rear of their properties for parking via a public street, Council under its discretionary authority, may permitted the development of accessory buildings on the opposite side of the street. The development of any accessory building will be subject to conditions outlined in a permit issued by Council.*
- h. Where there is public road or right of way located between Double Dwellings or Row Dwellings the minimum side yard width requirement shall be set at 3 metres. Where two separate Double or Row Dwellings are located side by side with adjoining side yards the minimum side yard width shall be 2 metres.*

The proposed maximum area for the Residential Medium Density Zone is proposed to increase to 111.5 square metres, which is based on similar requests made previously to the Town. The reference to “excluding structures without a roof” can be removed since the definition for “Lot Coverage” already states that.

Research

Accessory buildings are regulated differently in many locations. Below are some examples of the regulatory approaches to accessory buildings in several Newfoundland and Labrador communities that were used to inform our proposed increase to the accessory building provisions.

[Envision St. John's Development Regulations April 2019](#)

6.2 ACCESSORY BUILDINGS

6.2.1 General

Accessory Provisions Amendments

For the purposes of this section, an Accessory Building shall not include a Deck, Swimming Pool or Carport.

6.2.2 Accessory Building Area

(1) For a Residential Use, the Accessory Building(s) Area shall not exceed the lesser of 10% of the Lot Area or 75% of the Residential Building footprint.

(2) For all other Uses, the Accessory Building(s) Area shall not exceed 35% of the Rear Yard.

6.2.3 Accessory Building Height

(1) For a Residential Use, the Accessory Building height shall not exceed the lesser of 5 metres or the height of the other Building on the Lot.

(2) For all other Uses, the Accessory Building height shall not exceed 5 metres.

6.2.4 Accessory Building Location

(1) Subject to Section 7.2.3 (Corner Lots and Yards Abutting a Street), Accessory Buildings shall be:

- (a) located in Rear and Side Yards and shall be located behind the Building Line;
- (b) located a minimum of 1.2 metres from any Lot Line;
- (c) located a minimum of 2.4 metres from any other Building on the Lot; and
- (d) located a minimum of 6.0 metres from a Street.

(2) Notwithstanding Subsection (1), where an Accessory Building is located in an area without municipal water services, it shall be located a minimum of 6 metres from any Lot Line

Town of Stephenville Development Regulations 2014

32. Accessory Buildings – Dwellings

Except as otherwise specified under Schedule C dwelling accessory buildings shall conform to the requirements set out below.

(1) General

Accessory buildings shall be clearly incidental and complementary to the use of the dwelling in character, use and size, and shall be contained on the same lot as the dwelling.

Accessory Buildings shall be compatible in terms of design and appearance with the dwelling on the lot. Furthermore, the appearance and use of the accessory building shall be compatible with the neighbouring residential development.

No utility trailer, trailer, vehicle, shipping container or similar entity shall be used as an accessory building.

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- (2) Minimum Building Line Setback – Unless otherwise determined by the Town under Clause (3) below, no accessory building or part thereof shall project in front of any dwelling or the building line setback, whichever is the greater distance from the front or flanking road lot line.
- (3) Minimum Building Line Setback in Front of Dwelling – Where the dwelling is set well back of the minimum building line, and provided that the Town is satisfied that erecting an accessory building in front of the dwelling is in keeping with the general appearance of the area, the Town may permit an accessory building to be erected between the dwelling and the minimum building line as set out in Schedule C.
- (4) Maximum Lot Coverage – The lot coverage of all accessory buildings combined shall not exceed 10% of the lot area.
- (5) Maximum Height – The maximum height of an accessory building shall not exceed 6 metres.
- (6) Minimum Side Yard – The minimum side yard for an accessory building is 2 metres except on a flanking road in corner lot.
- (7) Minimum Side Yard Flanking Road Corner Lot – The minimum side yard for an accessory building located on the flanking road side of a dwelling shall be the same as set out for the dwelling under Schedule C.
- (8) Minimum Rear Yard – The minimum rear yard for an accessory building is 2 metres.
- (9) Minimum Separation Distance from Dwelling – The minimum distance between a dwelling and an accessory building shall be 3 metres.

33. Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses

- (1) This Regulation sets out the requirements for accessory buildings for non dwelling uses, that is, uses not included under Regulation 32.
- (2) General – Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Utility Trailer, Etc. – No utility trailer, trailer, vehicle, shipping container or similar entity shall be used as an accessory building except at the discretion of the Town when the Town is satisfied that such structure does not abut a residential property and that it is compatible with the use and appearance of nearby properties.
- (4) Minimum Building Line – The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (5) Minimum Side Yard – The minimum side yard for an accessory building shall be 2 metres, 5 metres where it abuts a residential use. The accessory building shall not be closer to a flanking road on corner lot than that set out for the principal building under Schedule C.

Accessory Provisions Amendments

- (6) Minimum Rear Yard – The minimum rear yard for an accessory building shall be 1 metre, or, at the discretion of the Town, greater where the maximum height under Clause (9) of this Regulation has been increased.
- (7) Maximum Lot Coverage – Provided that the total lot coverage of all buildings on the property does not exceed 33%, no lot coverage requirements are set out for an accessory building or buildings.
- (8) Minimum Separation Distance from Principal Building – Accessory buildings shall maintain the minimum separation distance from a principal building required by the Building Code.
- (9) Maximum Height – The maximum height of an accessory building shall be 6 metres unless otherwise determined at the discretion of the Town, and provided that the Town is satisfied that the taller structure is compatible with use and appearance of nearby properties. In no instance shall the accessory building have a height greater than the principal building.

Town of St. Alban's Development Regulations 2017

30. ACCESSORY BUILDINGS - DWELLINGS

- (1) This Regulation only applies to accessory buildings associated with single dwellings, double dwellings, row dwellings and apartment buildings.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in Schedule C Use Zone for principal and other buildings.
- (4) Side Yard - Except for row and double dwellings where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:
 - a. minimum side yard for a building up to 6 metres (19.7 feet) in height is 1 metre (3.3 feet); and
 - b. minimum side yard flanking road (for a corner lot) - the accessory building shall not be closer to a flanking road than that set out for the dwelling under Schedule C.
- (5) Rear Yard
 - a. The minimum rear yard (distance from the rear lot line) of an accessory building shall be 1 metre (3.3 feet) for any building up to 6 metres (19.7 feet) in height
- (6) Separation Distance from Principal Building - Accessory buildings shall maintain a minimum separation distance of 1 metre (3.3 feet) from a principal building, or the minimum required by the Building Code, whichever is the greater.

Accessory Provisions Amendments

- (7) Lot Coverage - The combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33 percent.
- (8) Floor Area - No floor area requirements are set out for accessory buildings, however, any accessory building exceeding 70 square metres (753.5 square feet) in floor area may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.
- (9) Height - The maximum height of an accessory building shall not exceed 6 metres (19.7 feet).
- (10) At the discretion of Council, an accessory building may be permitted on a lot across from a principal dwelling provided that:
 - a. An accessory building is tied to a principle use through an agreement with Council;
 - b. Is located no further than 50 metres (164 feet) from the principle use; and
 - c. The accessory building must meet the conditions of the principle use including lot area, floor area, frontage, building line setback, side yard width, rear yard depth and lot coverage.

31. ACCESSORY BUILDINGS - NON-DWELLING AND NON-APARTMENT BUILDING USES

- (1) This Regulation sets out the requirements for accessory buildings for non-dwelling uses, that is, uses not included under Regulation 30.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Building Line- The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (4) Side Yard - Except where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:
 - a. minimum side yard for a building up to 6 metres (19.7 feet) in height is 1 metre (3.3 feet); and
 - b. minimum side yard flanking road (for a corner lot) - the accessory building shall not be closer to a flanking road than that set out for the principal building under Schedule C.
- (5) Rear Yard
 - a. The minimum rear yard (distance from the rear lot line) of an accessory building shall be 1 metre (3.3 feet) for any building up to 6 metres (19.7 feet) in height.
- (6) Separation Distance from Principal Building- Accessory buildings shall maintain a minimum separation distance of 1 metre (3.3 feet) from a principal building or the minimum required by the Building Code, whichever is the greater.

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- (7) Lot Coverage - No lot coverage requirements are set out.
- (8) Floor Area - No floor area requirements are set out.
- (9) Height - The maximum height of an accessory building shall not exceed the height of the principal building.

Best regards,

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