

# HALIFAX

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## Item No. 9.1

Halifax Regional Council

March 20, 2018

March 27, 2018

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed by 

**SUBMITTED BY:**

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Jacques Dubé, Chief Administrative Officer

**DATE:** January 23, 2018

**SUBJECT:** **Amendments to the Regional Plan and All Secondary Municipal Planning Strategies and Land Use By-laws Regarding Secondary Suites and Backyard Suites**

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### ORIGIN

The following motion was put and passed by Regional Council on December 13, 2016 regarding agenda item 9.2.1:

1. *Approve in principle the Housing and Homelessness Partnership five-year affordable housing targets as presented in the June 24, 2016 supplementary staff report;*
2. *Direct staff to develop an implementation framework to support the implementation of the Housing and Homelessness Partnership five-year affordable housing targets that fall within the municipality's mandate, including identifying specific actions, monitoring tools and any additional resources if required.*
3. *Request that the Province amend the Halifax Regional Municipality's Charter to enable Council to implement inclusionary housing for all or part of the Municipality.*

### LEGISLATIVE AUTHORITY

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

### RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to:

1. Initiate a process to consider amendments to the Halifax Regional Municipal Planning Strategy and all applicable secondary municipal planning strategies and land-use by-laws as necessary, to simplify, consolidate and remove barriers to the development of secondary suites and backyard suites, consistent with the proposed policy direction outlined within the Discussion section of this report; and
2. Follow the public participation program as set out in the Community Engagement section of this report.

## **BACKGROUND**

Since October 2013, HRM has been a formal member of the Housing and Homelessness Partnership, a collective whose mandate is “to end housing poverty and homelessness in the Halifax region” by addressing policy and systemic issues. The Partnership is comprised of the following nine organizations from the three levels of government, private, and non-profit sectors: the United Way, Housing NS, CMHC, HRM, AHANS, IPOANS, the NS Health Authority, the IWK Health Centre, the NS Department of Community Services. The Partnership is organized around the Homelessness Working Group (HWG) and the Affordable Housing Working Group (AHWG). HRM’s contributions to the Partnership include exploring ways to positively impact affordable housing via programs, policies and regulations that the Municipality controls in keeping with the Regional Municipal Planning Strategy.

The Partnership has developed a Charter which commits partners to developing evidence-based solutions, including outcome-based indicators, monitoring and reporting. The AHWG has identified a number of 5-year strategic goals and actions to maintain and create new affordable housing. To help increase the supply of affordable housing options that meet people’s needs, a target of 500 new secondary units and/or laneway housing units was set. While this and the other 5-year affordable housing targets are desired outcomes only, HRM’s existing planning policies and by-laws present certain barriers to the development of these types of housing units.

Secondary suites are additional units, usually located in single unit dwellings, that are considered accessory to the main dwelling. They are sometimes constructed as apartments for aging parents or adult children or for rental to the general public.

There are various terms that can be used to describe a secondary suite, such as “auxiliary dwelling unit” “in-law suite” or “granny suite”. This report uses the term “secondary suite” to mean all types of self-contained dwelling units that are secondary and located in the same building as the main dwelling unit. In some cases, the additional unit is not attached to the main dwelling and is instead incorporated into a garage or other accessory building. This type of use is often referred to as a “carriage house” or “garden suite”. This report refers to this type of use as a “backyard suite”.

The following sections review the use of secondary suites including advantages and challenges, existing policies and regulations, Building Code considerations and compliance issues.

### **Advantages and Challenges**

Over the past several years, many municipalities across Canada have reviewed and updated their land use regulations to provide more flexibility for homeowners to construct secondary suites in both new and established residential neighbourhoods. In 2011, for example, the province of Ontario made changes to its *Planning Act* to require municipalities to adopt provisions to allow for secondary suites to help improve access to suitable and adequate affordable housing. In 2014, Canada Mortgage and Housing Corporation (CMHC) completed a review of 650 Canadian municipalities and found that 77% included regulations to permit secondary suites. To highlight the importance of the housing form, this study further noted that approximately one fifth of Vancouver and Edmonton’s rental housing stock is made up of secondary suites.

The increased interest in secondary suites can be accredited to the various benefits associated with the use. One of the most common noted benefits includes its contribution to housing affordability. Allowing secondary suites not only contributes to affordable home ownership, as the unit can be used as income towards a mortgage, but rents associated with secondary suites are often lower than rents in traditional apartment buildings. Secondary suites further provide rental options in areas that traditionally have little to

no rental housing, such as low density residential neighbourhoods and suburban and rural areas outside the urban core. Secondary suites can also benefit those wishing to down size, such as seniors, who wish stay in their home or neighbourhood. The use further allows for the conversion of older larger homes that may not be practical for smaller households.

From a municipal services perspective, secondary suites also provide many benefits through increasing density in a neighbourhood without effecting the overall built form or character. This is often referred to as “hidden density”. An increase in density means more efficient use of existing services, such as sewer and water, waste collection and access to schools and neighbourhood parks. It has been suggested that the increase in density can have a negative impact on municipal services that are not adequate to serve such an increase, however research has shown that due to the decrease in the general household size the increased density created by secondary suites generally does not have a negative impact on municipal services.

Although there are several benefits associated with secondary suites there are also associated challenges. Secondary suites are often developed illegally and may not meet Building Code and other safety standards creating safety concerns for both occupants of the secondary suite and main dwelling. Further, some residents may feel strong opposition to secondary suites in their neighbourhood over concern of affecting the character of their neighbourhood or concern of the increase in density. Both noted issues are extremely important considerations when assessing and drafting regulations for secondary suites.

### **Municipal Policies and Regulations**

One of the key objectives of the Regional Plan is to design communities that provide housing opportunities for a range of social and economic needs. Specifically, Policy S-30 of the Regional Plan supports this objective by directing new secondary planning strategies or amendments to existing community plans to consider permitting secondary suites within single unit dwellings. To date, however, HRM’s land use by-laws and secondary planning strategies have not been updated to reflect the direction of the Regional Plan.

Staff have reviewed all applicable Secondary Municipal Planning Strategies (SMPSs) and Land Use By-laws (LUBs) related to secondary suites and discovered a large amount of inconsistency and complexity amongst HRM’s 22 LUBs and 21 SMPS (Attachment A). Of the various planning documents:

- 6 permit the use through a rezoning;
- 3 permit the use as-of-right in various zones;
- 2 permit the use through rezoning in some areas and as-of-right in a general zone in other areas;
- 1 permits the use through a development agreement;
- 6 do not permit the use;
- 4 do not discuss the use as a minimum of 2 units are already permitted in all residential zones; and
- 2 of the plan areas permit backyard suites, with one as-of-right and the other through development agreement.

The following highlights the main observations from the review of those plan areas that consider secondary suites.

- Definitions: Definitions are similar in the sense that they include the maximum size of the unit and describe the use as a self-contained unit that is secondary to the main dwelling.
- Scale: Limits on the size of accessory dwelling units ranges between 45% to 35% of the main dwelling.

- Affordable Housing: The majority of plan areas discuss the importance of the additional units to help with the affordability of homeownership and to provide housing for an aging family member or adult children. Some of the plan areas further discuss how such a use provides more affordable housing forms and rental opportunities for the community.
- Community Support: The majority of the plan areas highlight that there is generally community support for such a use, as long as there are design requirements to ensure the appearance of a single unit dwelling is retained.
- Approval Process: Several of the plan areas suggest that a secondary suite should not be permitted as-of-right and include policy that allow the consideration through a discretionary planning application such as a rezoning or development agreement. Newer plan policy such as the neighbourhood sub designations for the Tantallon Cross Roads and Dartmouth Main Street, allow the use as-of-right.
- Placement: Several of the plan areas allow the consideration of secondary suites in single unit dwelling zoned neighbourhoods, where other plans only consider the use in specific neighbourhoods. One plan area indicates that secondary suites should be limited to areas where they can provide transition between Single Unit Dwelling zoned and Two Unit Dwelling zoned neighbourhoods.
- Design Requirements: The location of the entrance to the additional unit is usually regulated to maintain the appearance of a single unit dwelling.
- Parking Requirements: Generally, one additional parking space is required for the secondary suite.

### **National Building Code**

The National Building Code (NBC) defines a secondary suite as:

“a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces and where both dwelling units constitute a single real estate entity”

The NBC permits secondary suites in single unit dwellings, two unit dwellings and townhouse dwellings and includes size requirements stating that the secondary suite can be no larger than 80% of the main dwelling or 80 square metres, whichever is less. The NBC considers a secondary suite to be different from a full second dwelling unit and as such there are different requirements from that of a full second unit. For example, there are reduced fire separation requirements in the case of secondary suites compared to the requirements for a two-unit dwelling. Smoke alarms must also be interconnected between a secondary suite and the main dwelling, which is not required for a two-unit dwelling.

### **Illegal Secondary Suites**

Throughout HRM, anecdotal information suggests that a large number of secondary suites have been developed, many of which are illegal, although exact statistics on this aspect do not exist. Reasons for this include the use not being permitted in under the zoning requirements or property owners feeling discouraged from making lengthy planning application. Even when the use is permitted, some will not apply for permits due to the cost of the permit fee, potential upgrades needed to meet the building code or from concerns of increasing their property taxes.

Illegal units make up a significant proportion of land use compliance cases in HRM. Enforcement is complaint driven therefore, there may be numerous additional illegal suites of which staff are not aware.

The large number of illegal units is a cause for concern as it is unlikely that these units meet the safety requirements of the National Building Code or Fire Safety Regulations.

### **Provincial Statement of Interest Regarding Housing**

The province has adopted several statements of provincial interest that outline their vision for protecting Nova Scotia's land and water resources and to address issues related to the growth of our communities. The *Provincial Statement of Interest Regarding Housing* includes provisions that require municipalities to include policies that support different forms of affordable housing including rental housing. It further encourages municipalities to consider a range of housing types in their planning documents. Secondary suites provide the opportunity to encourage housing affordability and rental accommodation while expanding on the range of housing types that can be developed.

## **DISCUSSION**

Given the direction contained in the Regional Plan to support housing diversity and affordability, and HRM's endorsement of the 5-year affordable housing targets of the Housing and Homelessness Partnership<sup>1</sup>, which include the creation of more secondary suites, staff recommend updating HRM's planning policy approach and land use regulations concerning secondary suites throughout the Municipality. The following sections discuss recent examples from other Canadian Municipalities, related HRM planning initiatives, and the proposed policy direction intended to guide updates to HRM's planning documents.

### **Review of Other Canadian Municipalities**

As noted in the Background section of this report, several Canadian municipalities have adopted provisions to allow secondary suites. Staff conducted a review of the land use policies and regulations and found several common themes including the following items:

- Limiting the size of the secondary suite: The majority of municipalities require that the secondary suite be smaller than the main unit, although some will not restrict the size if it is located in the basement;
- Retaining the appearance of a single unit dwelling: The majority of municipalities require that the building retain the appearance of a single dwelling by not permitting alterations to the front of the building and other design requirements;
- Parking requirements: Some municipalities require parking for the secondary suite where others only require parking in specific zones or based on the age of the building;
- Incentives: Some municipalities provide incentives to homeowners to obtain permits for secondary suites either through grants and fee reductions, free building inspections or not including the secondary suite in density calculations; and
- Backyard Suites: Some Municipalities also permit backyard suites. While some permit backyard suites as-of-right others permit the use through a development agreement. In most cases backyard suites are not permitted in addition to a secondary suite.

### **Related Planning Initiatives**

HRM is currently leading a number of planning initiatives related to the need identified in this report to update HRM's policy and regulatory approach to secondary suites. The following describes several planning initiatives and their relationship to secondary suites.

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<sup>1</sup> <http://legacycontent.halifax.ca/council/agendasc/documents/161213ca921.pdf>

### Affordable Housing

In October 2013, Regional Council endorsed HRM's formal participation with the Housing and Homelessness Partnership. The partnership is made up of various levels of government and organizations with the goal "to end housing poverty and homelessness in the Halifax Region". The partnership is organized around the Homelessness Working Group and Affordable Housing Working Group.

In December 2016, Regional Council endorsed the Affordable Housing Working Group's 5 Year Strategic Plan and targets which includes creating 500 new secondary units. Staff are currently preparing a report to Council outlining how the Municipality can contribute to the 5 Year Targets. The proposal to remove regulatory barriers to secondary suites is an important action needed to support the Partnership's overall goal.

### Land Use Plan and By-law Simplification

HRM's inconsistent and outdated regulations for secondary suites demonstrates the need for Planning and Development's land use by-law harmonization/simplification efforts, which is aimed at developing a more streamlined and consistent regulatory framework. This work is underway and secondary suites are expected to be one of the priorities of this program. However, given the need to provide more affordable housing opportunities and concerns with the number of illegal units, staff recommend that Council initiate a separate project concerning secondary suites in order to address regulatory barriers in the near term. This work should be closely coordinated with the Land Use Plan and By-law Simplification program to ensure that new streamlined regulations support the initiative's goals.

### Centre Plan

The Centre Plan Project is the first phase of the Land Use Plan and By-law Simplification program, and staff are creating a new SMPS and LUB to guide the development, use, and built form of buildings and neighbourhoods within the Regional Centre. In June 2017, Council authorized a framework for amending existing planning documents and developing new planning documents in the Regional Centre area, includes policy direction on secondary suites and provides direction to permit the use in the majority of the proposed zones including established residential areas. This is consistent with the recommendations contained in this report and additional project work to update regulations for secondary suites across the Municipality should continue to be coordinated with the Centre Plan process.

### Review of By-law M-200 – Respecting Minimum Standards for Residential Occupancies

In June 2016, Regional Council requested that staff work with a variety of housing stakeholders to discuss and potentially develop a residential building licensing model. This project is exploring options regarding the licensing or registration of primarily rental units. Consultation with stakeholders has been undertaken through strategic interviews, focus groups and a larger workshop that brought together the various stakeholders. Staff are currently preparing a report with recommendations for Regional Council's consideration.

### **Proposed Policy Direction and Project Scope**

Staff advise that there is a need to update HRM's policy and regulatory approach to secondary suites throughout the Municipality. Building on the direction established in the Regional Plan to support secondary suites, staff recommend that this work be guided by the following proposed policy directions:

1. Allow Secondary Suites throughout the Municipality: There are several benefits to secondary suites, such as providing hidden density and affordable housing opportunities. Consistent with the direction of the Regional Plan, all SMPS and LUBs should be updated to permit secondary suites as-of-right in all low density residential zones.

2. Limited Regulations: Secondary suites generally have little impact to a neighbourhood and should not be over regulated, but size limitations and design regulations must be considered to ensure the use remains secondary in nature.
3. Limit Where Additional Parking is Required: Additional parking should not be required in areas that are close to services and/or transit, but may be required in car dependent areas.
4. Consider allowing Backyard Suites: Backyard suites provide the similar density and affordability benefits of secondary suites and should be permitted throughout the Municipality provided they do not create future complications related to land titles and subdivision.
5. Consider Secondary Suites in Two Unit Dwellings and Townhouse Unit Dwellings: The NBC allows secondary suites to be considered not only within single unit dwellings, but also in two unit dwellings and townhouse units. Permitting secondary suites in single unit dwellings as well as two unit dwellings and townhouse dwellings would provide greater opportunities for hidden density and affordable housing opportunities. Given these benefits, secondary suites in single unit dwellings, two unit dwellings and townhouse dwellings will be considered as part of this proposed project.
6. Consider an Incentive Program: A significant proportion of land use compliance cases in HRM concern illegal secondary suites. Changing the rules to permit secondary suites is an important step to bring these units into compliance. As well, to encourage illegal unit holders to come forward to obtain the necessary permits to legalize their units, a streamlined permit reviews will be considered along with other potential incentives that may be enabled under the *Halifax Charter*.

Guided by the above policy directions, the proposed project would focus on consolidating, streamlining and replacing policies and regulations related to secondary suites and backyard suites within all applicable SMPSs and LUBs. Amendments to the Regional Plan may also be needed to provide more detailed region wide policy direction and ensure the consistent use of terms. This work would:

- implement the direction established in the Regional Plan to permit secondary suites throughout the Municipality;
- review and amend all applicable SMPSs and LUBs;
- be closely coordinated with the By-law simplification, Centre Plan, affordable housing initiatives and other secondary planning project work; and
- involve stakeholder and public consultations including discussions with Provincial departments, development community, and the Housing and Homeless Partnership.

## **Conclusion**

While the Regional Plan supports secondary suites, the policies and regulations that are spread through HRM's 21 SMPS and 22 LUBs are inconsistent and outdated and present certain barriers to developing such units. While the By-law Simplification initiative is expected to review this matter, given the breadth of illegal units and the benefit to affordable housing throughout the Municipality, staff recommend that Regional Council initiate a project to update HRM's approach to regulating secondary suites and backyard suites in the near term. This work should be closely coordinated with the Centre Plan, By-law Simplification initiative and other related planning projects and implement the proposed policy directions outlined in this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report. Specific financial incentives (to bring illegal secondary suites into compliance) have not been identified. Any proposed incentives will be described in a future report with expected impacts and estimated costs.

The HRM costs associated with the planning document amendment process can be accommodated within

the approved 2017/18 operating budget with existing resources.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. MPS amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting recommended amendments will be discussed in a subsequent staff report.

### **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the RMPS, SMPS and LUB amendment process related to secondary suites and backyard suites, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which provides broad discretion on the consultation process required for MPS amendments that are regional in nature. The 1997 policy provides that, for amendments that are regional in nature, staff would recommend an appropriate public participation program. Accordingly, staff recommends that Regional Council obtain stakeholder and public feedback through:

- one or more community based events, such as stakeholder meetings, pop up displays at community hubs or collaborating with other HRM open houses or events regarding similar matters;
- consultations with the Housing and Homelessness Partnership; and
- web-based engagement tools.

In addition to this public participation, the *HRM Charter* requires a public hearing to be held before Regional Council, which can consider approval of any amendments.

Amendments to the RMPS, SMPSs and LUBs will potentially impact the following stakeholders: provincial government, public utility providers, residential developers/owners, residential tenancy associations, and the general public.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. Regional Council may choose to initiate amendments to the RMPS, SMPSs and LUBs that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process at this time and instead update HRM's approach to secondary suites and backyard suites through the Plan and Land Use By-law Simplification program. A decision of Council not to initiate a process to consider MPS amendments is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment A | Overview of Existing Secondary Municipal Planning Strategies and Land Use By-law Requirements |
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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Report Approved by: Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

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**Attachment A – LUB and MPS Review**

| <b>Plan Area</b>  | <b>Tool</b>  | <b>LUB Definition</b>   | <b>Land Use By-law Provisions</b>   | <b>Municipal Planning Strategy Policies</b>  |
|-------------------|--|---|---|--|
| Halifax Peninsula | Not permitted  | -   | -   | -  |
| Downtown Halifax  | Not discussed within By-law, however the base zone (DH-1) permits multiple unit residential dwellings. | -   | -   | -  |
| Dartmouth         | Rezoning to R-1A Zone<br><br>Also permitted in some zones within Main Street designation               | AUXILIARY DWELLING UNIT means a self-contained second dwelling unit within a single unit dwelling, such that the auxiliary dwelling unit is no greater in size than forty (40) percent of the gross floor area of the dwelling, and is secondary to the main residential use of the property. | 32B(4) OTHER REQUIREMENTS:<br>AUXILIARY DWELLING UNITS:<br>Where auxiliary dwelling units are permitted in a R-1A Zone, the following shall apply:<br><ul style="list-style-type: none"> <li>a) no more than forty (40) percent of the gross floor area of the dwelling shall be devoted to the auxiliary dwelling unit;</li> <li>b) dwellings containing an auxiliary dwelling unit shall be designed to maintain the appearance of a single unit dwelling from the street; and</li> <li>c) (c) one (1) off-street parking space shall be provided for the auxiliary dwelling unit.</li> </ul> | <u>WR Low Density Residential Sub-designation</u><br>In 2008, the lands on the east side of Waverley Road were mainly used for residential purposes, and the community wanted this pattern to continue. In addition to maintaining the low density residential character of this area, there is support for consideration of auxiliary dwelling units through amendments to the land use by-law.<br><br>Policy C-34<br>Within the WR Low Density Residential sub-designation, it shall be the intention of Council to establish an auxiliary dwelling unit (R-1A) zone which permits auxiliary dwelling units, as well as uses permitted in the single family dwelling (R-1) zone and accessory uses. In addition, the auxiliary dwelling unit (R-1A) zone will provide for the use of dwellings for day care facilities and home occupations, as well as expanded home occupations by site plan approval. In considering amendments to the land use by-law to apply the auxiliary dwelling unit (R-1A) zone, Council shall have regard for the following:<br><ul style="list-style-type: none"> <li>a) adequacy of the exterior design, height, bulk and scale of the development with respect to its compatibility with the existing neighbourhood; and</li> <li>b) the provisions of Policy IP-1(c).</li> </ul><br>Policy C-38<br>Within the WR Neighbourhood sub-designation, it shall be the intention of Council to enable the auxiliary dwelling unit |

**Attachment A – LUB and MPS Review**

| Plan Area | Tool | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies  |
|-----------|------|----------------|----------------------------|---|
|           |      |                |                            | <p>(R-1A) zone, and to consider amendments to the land use by-law using the provisions of Policy C-34.</p> <p><u>Neighbourhood Edge Sub-Designation</u><br/>                     The north side of Lakecrest Avenue is fronted mainly by houses, and forms an edge for residential neighbourhoods. There is an opportunity to provide an orderly transition between the medium density development envisaged for the south side of this street, and established low-density residential neighbourhoods to the north. This can be done by allowing auxiliary apartments abutting existing low-density neighbourhoods, and by continuing to allow two-unit dwellings where these are already permitted.</p> <p>Another neighbourhood edge is located along the south side of Tacoma Drive and both sides of Main Street in the vicinity of Stevens Road and Helene Avenue eastward to Caledonia Road and Woodlawn Road. Proximity to the Community College, high traffic exposure on Main Street, and conversion of some houses for institutional purposes suggest that a wider range of uses or moderate residential density would be appropriate along this edge. The area could support a growing interest in live-work studio lifestyles, creative occupations oriented to personal services, tourism and the arts, accessory retail, auxiliary dwelling units, townhouse style dwellings and offices. Buildings containing these uses should be limited to a low-rise house form of development which would be visually compatible with abutting neighbourhoods.</p> <p>The Neighbourhood Edge Sub-Designation is guided by these objectives:</p> <ul style="list-style-type: none"> <li>• Provide a transition between high-traffic areas and established residential neighbourhoods;</li> <li>• Provide opportunities for low-intensity crafts, personal services, auxiliary dwelling units, accessory retail and general offices, while limiting total floor area;</li> </ul> |

**Attachment A – LUB and MPS Review**

| Plan Area | Tool | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies   |
|-----------|------|----------------|----------------------------|--|
|           |      |                |                            | <ul style="list-style-type: none"> <li>• Encourage renovation or expansion of existing houses, or low-rise redevelopment resembling houses;</li> <li>• Allow small institutional uses; and</li> <li>• Allow townhouse-style dwelling units without subdivision, subject to driveway restrictions on Main Street.</li> </ul> <p>Policy C-54<br/>Council shall establish the Neighbourhood Edge Sub-Designation as shown on Map 9X - Generalized Future Land Use, to encourage a compatible and orderly transition between high-traffic areas and established residential neighbourhoods, and offer opportunities for single family houses, auxiliary dwelling units, townhouse-style residential blocks, low-intensity arts and crafts, personal services, accessory retail, offices, and small institutional uses, provided that development shall be in a low-rise house form.</p> <p><u>NLW – Neighbourhood Live-Work Zone</u><br/>In the Neighbourhood Edge Sub-Designation, a Neighbourhood Live-Work (NLW) zone at the eastern end of Main Street and Tacoma Drive will allow uses such as consultant and professional offices, studios, spas and small craftshops with minor accessory retail, with or without a residential unit. The aim is to accommodate small-scale entrepreneurship that does not generate large traffic volumes, require new driveways onto Main Street, or involve large amounts of off-street parking. Single-unit houses, auxiliary dwelling units, and low-rise institutional uses shall also be permitted.</p> <p>Policy C-55<br/>Within the Neighbourhood Edge Sub-Designation, Council shall establish and apply a Neighbourhood Live-Work (NLW) Zone at the eastern end of Main Street and Tacoma Drive within the Neighbourhood Edge Sub-Designation, to enable:</p> |

**Attachment A – LUB and MPS Review**

| Plan Area          | Tool  | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies   |
|--------------------|---|----------------|----------------------------|--|
|                    |   |                |                            | <p>a) Craftshops, spas, studios and offices, with or without accessory retail and with or without a dwelling unit, provided that driveways on Main Street shall be limited, and provided that all buildings shall resemble houses in appearance, and subject to limitations on total floor area;</p> <p>b) Single unit houses, with or without an auxiliary dwelling unit;</p> <p>c) Institutional uses, provided that driveways on Main Street shall be limited, and provided that all buildings shall resemble houses in appearance; and</p> <p>d) Townhouse style residential blocks where each unit has access to an internal private driveway which services the development.</p> <p><u>R-1A - Auxiliary Dwelling Unit Zone and R-2 – Two Family Residential Zone</u><br/>           The Auxiliary Dwelling Unit (R-1A) and Two Family Residential (R-2) zones can also provide appropriate transitions between established low-density residential neighbourhoods and higher densities or activity levels envisaged for the Town Residential and Town Centre Sub-Designations. Accordingly, provision is made to enable the Auxiliary Dwelling Unit (R-1A) Zone and retain the Two Family Residential (R-2) Zone within the Neighbourhood Edge Sub-Designation.</p> <p>Policy C-56<br/>           Notwithstanding Policies C-34 and C-38, Council shall apply the Auxiliary Dwelling Unit Zone to selected lots within the Neighbourhood Edge Sub-Designation, as shown on Map 9y.</p> |
| Downtown Dartmouth | Not discussed, however residential zones permit a | -              | -                          | -  |

**Attachment A – LUB and MPS Review**

| <b>Plan Area</b>          | <b>Tool</b>  | <b>LUB Definition</b>  | <b>Land Use By-law Provisions</b>  | <b>Municipal Planning Strategy Policies</b>  |
|---------------------------|--|--|--|--|
|                           | minimum of two units.  |  |  |  |
| Halifax Mainland          | Not permitted  | -  | -  | -  |
| Bedford                   | Development Agreement<br><br>Also allows for the consideration of back yard suites                 | -  | -  | Policy R-8:<br>It shall be the intention of Town Council to promote neighbourhood stability within established residential areas which are zoned for a residential use on the Zoning Map. Established residential areas are those which are designated "Residential" and "Residential Reserve" on the Generalized Future Land Use Map. A plan amendment shall be required in order for Town Council to consider rezoning or development agreement applications which would seek to increase the number of dwelling units or alter the land uses. Notwithstanding the foregoing, Town Council may consider applications for a development agreement to permit the inclusion of an apartment unit within a single-unit dwelling in the RSU Zone or other housing options as identified in Policies R-18 and 19. Apartment units added within single unit dwellings shall not exceed 700 sq. ft. in area and detached garden flats shall not exceed 700 sq.ft. in area. |
| Sackville                 | Not permitted  | -  | -  | -  |
| Sackville Drive           | Not discussed, however where residential uses are considered a minimum of two units are permitted. | -  | -  |  |
| Eastern Passage / Cow Bay | Rezoning to R-1A Zone  | Dwelling, Auxiliary means a self-contained dwelling unit within a single unit dwelling which is secondary to the main residential use of the property and does not exceed forty (40) | 7.3 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS<br>Where auxiliary dwelling units are permitted in any R-1a Zone, the following shall apply:<br>a) The maximum gross floor area of any auxiliary dwelling unit shall not exceed forty | <u>Auxiliary Dwelling Units</u><br>There has been a growing trend in the housing market to provide independent apartment units within single unit dwellings, either at the time of construction or through conversion. Many such auxiliary dwelling units are built with family members in mind, but are also used for income purposes by homeowners. This increasing interest in providing independent accommodation to family or non-  |

**Attachment A – LUB and MPS Review**

| Plan Area                | Tool          | LUB Definition   | Land Use By-law Provisions  | Municipal Planning Strategy Policies   |
|--------------------------|---------------|--|---|--|
|                          |               | percent of the gross floor area of the main structure. | <p>(40) percent of the gross floor area of the dwelling.</p> <p>b) There shall be no more than one (1) entrance along the front wall of the dwelling.</p> <p>c) (c) Three parking spaces, shall be provided for any single unit dwelling containing an auxiliary dwelling unit.</p> | <p>family members within a conventional single unit dwelling has resulted in the illegal conversion of an unknown number of dwellings in recent years.</p> <p>Although the impact of an auxiliary unit on adjacent dwellings is generally minimal, there are concerns that the appearance of such units will detract from the surrounding area. Specific concerns relate to the size of such units, provisions for parking spaces and the location of external entrances. There are also concerns that the uncontrolled proliferation of auxiliary dwelling units might change the character of existing neighbourhoods. Research in other jurisdictions indicates that at any one time between ten and twenty percent of single unit dwellings contain an auxiliary dwelling unit. Such a housing mix is considered to be acceptable in this Plan Area.</p> <p>Policy UR-6<br/>Notwithstanding Policy UR-2, in support of existing auxiliary dwelling units within the Urban Residential Designation, it shall be the intention of Council to create an auxiliary dwelling unit zone, which permits auxiliary dwelling units in addition to all uses permitted in the single unit dwelling zone. Also, the zone shall control parking, maximum gross floor area of the auxiliary unit, and the number of entrances along the front wall of the dwelling. In considering amendments to the land use by-law to an auxiliary dwelling unit zone, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>a) that the scale and appearance of the dwelling is in keeping with the surrounding area; and</li> <li>b) the provisions of Policy IM-11.</li> </ul> |
| Cole Harbour/Westphal    | Not Permitted | -  | -   | -  |
| North Preston/Lake Major | Not Permitted | -  | -   | -  |

**Attachment A – LUB and MPS Review**

| Plan Area                          | Tool  | LUB Definition   | Land Use By-law Provisions  | Municipal Planning Strategy Policies   |
|------------------------------------|---|--|---|--|
| <p>Planning District 1 &amp; 3</p> | <p>Rezoning to R-A Zone.</p> <p>Permitted as-of-right R-A1, VR and VG Zones</p> | <p>Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling in which unrestricted access can be gained through the main dwelling unit, and which auxiliary unit comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.</p> | <p>7.6 &amp; 8.6 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS<br/>Where auxiliary dwelling units are permitted in any R-A and R-A1 Zone the following shall apply:<br/>(a) No more than thirty-five (35) per cent of gross floor area of any dwelling shall be devoted to the auxiliary dwelling unit.<br/>(b) There shall be an unrestricted interior access between the dwelling units.<br/>(c) One off-street parking space shall be provided for each dwelling unit.</p> <p>11A.3 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS<br/>Where auxiliary dwelling units are permitted in any VR Zone the following shall apply:<br/>(a) No more than thirty-five (35) per cent of gross floor area of any dwelling shall be devoted to the auxiliary dwelling unit.<br/>(b) A minimum of one off-street parking space shall be provided for each dwelling unit.</p> | <p><u>Residential Designation</u><br/>Another change that is taking place in the way people use their homes has resulted from an aging population and the increasing costs associated with home ownership. Older people often find it difficult to maintain their own homes and there has been a trend towards these people moving into small "in-law suites" in their children's homes. There are many advantages to this type of arrangement ranging from the social to the economic. However, traditional residential zoning does not permit the establishment of these auxiliary apartments as, technically, they constitute self-contained additional living units, in the original home.</p> <p>Residents in the Residential Designation generally have no objection to the establishment of these units for in-laws. However, there is concern about a proliferation of auxiliary dwelling units that would be rented out purely for income purposes, especially if the main dwelling was also rented. There is also no desire to see a large number of standard two unit dwellings in the form of duplexes or semi-detached homes.</p> <p>Although the land use by-law will create a zone which will provide for auxiliary dwelling units, it will contain provisions that will attempt to control as much as possible any of the negative effects of these units.</p> <p>Policy RD-3<br/>Within the Residential Designation, it shall be the intention of Council to establish a residential zone which, in addition to the uses permitted by Policy RD-2, will also permit auxiliary dwelling units, subject to controls on size.</p> <p>Policy RD-4<br/>Notwithstanding the provisions of Policy RD-2, in areas zoned R-1 (Single Unit Dwelling) Zone, Council shall only consider permitting auxiliary dwelling units by amendment to the land use by-law. In considering such amendments, Council shall have regard to the provisions of Policy IM-9.</p> |



**Attachment A – LUB and MPS Review**

| Plan Area | Tool | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies  |
|-----------|------|----------------|----------------------------|---|
|           |      |                |                            | <p><u>Hubley Mill Lake Designation</u><br/>                     The same provisions with respect to auxiliary dwelling units that was discussed in the Residential Designation are equally applicable to the Hubley Mill Lake Designation. Therefore, auxiliary dwelling units will be a permitted use, subject to conditions in the land use by-law which will encourage their use for relatives of the principal resident of the dwelling.</p> <p>Policy HM-2<br/>                     Within the Hubley Mill Lake Designation, it shall be the intention of Council to establish a general residential zone which permits single unit dwellings, auxiliary dwelling units, open space uses, day care facilities of a limited size in conjunction with a permitted dwelling, and community facilities and existing uses. In addition, home businesses shall be considered accessory to a residential use. Provisions of the land use by-law shall ensure that no aspect of the accessory use will detract from the residential nature of the designation.</p> <p><u>Sub-Designations</u><br/>                     Within the Tantallon Crossroads Coastal Village Designation, there are three distinct areas based on variations in local geography and land use. The three areas are as follows:<br/>                     .....<br/>                     (3) Residential Areas: consist of existing and planned low-density subdivisions which should be recognized while enabling limited small enterprises associated with tourism, recreation, agriculture and forestry. Opportunities should also be available for such living options as auxiliary flats, semi-detached houses and small townhouse-style dwellings.</p> <p>Policy CV-9</p> |

**Attachment A – LUB and MPS Review**

| Plan Area | Tool | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies  |
|-----------|------|----------------|----------------------------|---|
|           |      |                |                            | <p>Within the Village Gateway Sub-Designation, it shall be the intention of Council to establish and apply a Village Gateway (VG) Zone, which shall permit:</p> <ul style="list-style-type: none"> <li>a) single dwellings, auxiliary dwellings, two unit dwellings, multiple-unit dwellings with a small building footprint and a limited number of dwelling units, and mobile homes existing on the date of adoption of this Policy;</li> <li>b) commercial uses in buildings with a small footprint, excluding drive-through banks, drive-in theatres, drive-in restaurants, drive-through retail, self-storage facilities and adult entertainment;</li> <li>c) service stations existing on the date of adoption of this Policy;</li> <li>d) community and institutional uses in buildings with a small footprint; and</li> <li>e) a limited number of dwelling units in any building which is also used for commercial or institutional purposes.</li> </ul> <p>Policy CV-14<br/>           Within the Village Residential Sub-Designation, it shall be the intention of Council to establish and apply a Village Residential Zone, to allow:</p> <ul style="list-style-type: none"> <li>a) single unit dwellings, auxiliary dwelling units, semi-detached dwellings and, on large lots, townhouse-style multiple unit dwellings up to a limited number of units;</li> <li>b) home businesses;</li> <li>c) day care facilities of limited size, in conjunction with a permitted dwelling;</li> <li>d) bed and breakfast uses with a limited number of rooms to be let, in conjunction with a permitted dwelling;</li> <li>e) commercial uses existing at the time of adoption of this Policy;</li> <li>f) limited community and institutional uses; and</li> <li>g) small-scale tourism, fishery, forestry and agricultural activities.</li> </ul> |

**Attachment A – LUB and MPS Review**

| Plan Area                             | Tool   | LUB Definition  | Land Use By-law Provisions   | Municipal Planning Strategy Policies   |
|---------------------------------------|--|---|--|--|
| Timberlea/<br>Lakeside/<br>Beechville | Rezoning to R1-A Zone<br><br>Development Agreement on the lands of the Brunello Golf Course development. | Dwelling, Auxiliary means a self-contained dwelling unit within a single unit dwelling which is secondary to the main residential use of the property and does not exceed forty (40) percent of the gross floor area of the main structure. | 7.3 OTHER REQUIREMENTS:<br>AUXILIARY DWELLING UNITS<br>Where auxiliary dwelling units are permitted in any R-La Zone, the following shall apply:<br><ul style="list-style-type: none"> <li>a) The maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor area of the dwelling.</li> <li>b) There shall be no more than one (1) entrance along the front wall of the dwelling.</li> <li>c) Three parking spaces, shall be provided for any single unit dwelling containing an auxiliary dwelling unit.</li> </ul> | <p><u>Auxiliary Dwelling Units</u><br/>There has been a growing trend in the housing market to provide independent apartment units within single unit dwellings, either at the time of construction or through conversion. Many such units are built with family members in mind, but are also used for income purposes by homeowners. This increasing interest in providing independent accommodation to family or non-family members within a conventional single unit dwelling has resulted in the illegal conversion of an unknown number of dwellings in recent years.</p> <p>Although the impact of an auxiliary unit on adjacent dwellings is generally minimal, there are concerns that the appearance of such units will detract from the surrounding area. Specific concerns relate to the size of such units, provisions for parking spaces and the location of external entrances. There are also concerns that the uncontrolled proliferation of auxiliary dwelling units might change the character of existing neighbourhoods. Research in other jurisdictions indicates that at any one time between ten and twenty percent of single unit dwellings contain an auxiliary dwelling unit. Such a housing mix is considered to be acceptable in this Plan Area.</p> <p>Policy UR-3<br/>Notwithstanding Policy UR-2, in support of existing auxiliary dwelling units within the Urban Residential Designation, it shall be the intention of Council to create an auxiliary dwelling unit zone, which permits auxiliary dwelling units in addition to all uses permitted in the R-1 zone. Also, the zone shall control parking, maximum gross floor area of the auxiliary unit, and the number of entrances along the front wall of the dwelling. In considering amendments to the land use by-law to an auxiliary dwelling unit zone, Council shall have regard to the following:<br/> <ul style="list-style-type: none"> <li>a) that the scale and appearance of the dwelling is in keeping with the surrounding area; and</li> </ul> </p> |

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| Plan Area           | Tool  | LUB Definition   | Land Use By-law Provisions | Municipal Planning Strategy Policies   |
|---------------------|---|--|----------------------------|--|
|                     |   |  |                            | <p>b) the provisions of Policy IM-12.</p> <p>Policy UR-28 (concerning Brunello Lands)<br/>                     Within the area shown on Map UR-1, a range of housing types to a maximum of 3200 dwelling units shall be provided for, subject to the following:</p> <ul style="list-style-type: none"> <li>a) That a substantial number of single unit dwellings be provided, especially adjacent to existing low density neighbourhoods;</li> <li>b) alternative forms of single units such as clustered units, retirement cottages and live-work units may be considered as a small proportion of the total number of single units;</li> <li>c) Auxiliary dwellings, two unit dwellings and townhousing shall be permitted subject to appropriate criteria on building and site design;</li> <li>d) Medium density housing may be permitted, subject to appropriate limits on density, and with appropriate requirements for landscaping and tree retention, architectural design features to ensure a high quality appearance of buildings, variety in scale, massing and height, and provision of sufficient amenity space;</li> <li>e) That where single unit dwellings abut the Westgate site, only single unit dwellings or open space uses may be considered,</li> <li>f) That a range of adequate recreation facilities is provided, pursuant to current municipal parkland planning guidelines.</li> </ul> |
| Planning District 4 | Rezoning to RA-2, RA-4, RB-2, RB-4 Zones<br><br>Permitted as-of-right in RRA-1, RRB-2, RRC-1, RRD-1, MU-1 | Dwelling, Auxiliary means a self-contained dwelling unit within an owner occupied single unit dwelling in which unrestricted access can be gained through a private entrance into the auxiliary unit, and which auxiliary unit comprises |                            | <p><u>Residential A Designation</u><br/>                     The construction of basement apartments within single unit dwellings, to accommodate relatives or to supplement mortgage payments, has become a common occurrence within residential areas. While these uses are generally supported, there are concerns with respect to parking and density. This designation will, therefore, only permit these units by amendment to the land use by-law.</p> <p>Policy RA-3</p>   |

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| Plan Area | Tool              | LUB Definition  | Land Use By-law Provisions | Municipal Planning Strategy Policies  |
|-----------|-------------------|---|----------------------------|---|
|           | and MU-2<br>Zones | less than thirty-five (35) percent of the gross floor area of the dwelling. |                            | <p>Within the Residential A Designation, it shall be the intention of Council to create a residential A-2 zone which applies to the Brookside community and surrounding area and a residential A-4 zone which applies to the Whites Lake community and surrounding area. These zones will permit single unit dwellings, auxiliary dwelling units, open space uses and home business uses, and all existing business uses and all existing dwellings. To minimize the effect on adjacent land uses and to ensure compatibility with the surrounding residential environment, home business uses shall be wholly contained within the dwelling and restrictions shall be placed on size, outdoor storage and display, the use of mechanical equipment and parking. Within the residential A-2 zone, signage for home business shall be prohibited and within the residential A-4 zone it shall be limited in size. Provisions will also be incorporated within the zone to ensure that these home businesses are operated by a resident of the dwelling. These zones may be applied initially to existing auxiliary dwelling unit developments and to new developments by amendment to the land use by-law and with regard to Policy IM-11.</p> <p><u>Residential B Designation</u><br/>Although the majority of the residential development is currently comprised of single unit dwellings, it is the desire of the residents to provide for the gradual mix of more affordable forms of housing, such as two unit dwellings and auxiliary dwelling units. In order to ensure that these dwellings are compatible with surrounding uses, two unit dwellings and auxiliary dwelling units may be considered by amendment to the land use by-law.</p> <p>Policy RB-3<br/>Within the Residential B Designation, it shall be the intention of Council to establish a residential B-2 zone which shall apply to the Goodwood, Hatchet Lake and Shad Bay communities and to the Highway No. 333 road frontage lands, within the McGraths Cove and East Dover communities. This zone will permit two unit dwellings,</p> |

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| Plan Area | Tool | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies  |
|-----------|------|----------------|----------------------------|---|
|           |      |                |                            | <p>which includes auxiliary dwelling units and all of those uses permitted in the residential B-1 zone and under the same conditions. It will initially apply to existing two unit developments and to new two unit developments by amendment to the land use by-law. In considering amendments to a residential B-2 zone, Council shall have regard to Policy IM-11.</p> <p>Policy RB-5<br/>                     Within the Residential B Designation, it shall be the intention of Council to establish a residential B-4 zone which shall apply to the community of Bayside, west of the Nine Mile River and the north side of Highway No. 333. This zone will permit two unit dwellings, which includes auxiliary dwelling units and all of those uses permitted in the residential B-3 zone and under the same conditions. It shall be applied initially to existing two unit developments and to new two unit developments by amendment to the land use by-law. In considering amendments to a residential B-4 zone, Council shall have regard to Policy IM-II.</p> <p><u>Rural Residential B Designation</u><br/>                     Although it is the intention of the Rural Residential B Designation to support the development of the single unit dwelling environment, the gradual mix of more affordable forms of housing will be facilitated. Specifically, the accommodation of auxiliary dwelling units and two unit dwellings may be considered by amendment to the land use by-law.</p> <p>Policy RRB-4<br/>                     Notwithstanding Policy RRB-2, within the Rural Residential B Designation, it shall be the intention of Council to establish a rural residential B-2 zone which permits the development of all uses permitted within the rural residential B-1 zone, auxiliary dwelling units and two unit dwellings. In considering amendments to the schedules of the land use by-law to a rural residential B-2 zone, Council shall have regard to Policy IM-11.</p> |

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| Plan Area | Tool | LUB Definition | Land Use By-law Provisions | Municipal Planning Strategy Policies   |
|-----------|------|----------------|----------------------------|--|
|           |      |                |                            | <p><u>Rural Residential C Designation</u><br/>Policy RRC-2<br/>Within the Rural Residential C Designation, it shall be the intention of Council to establish a rural residential C-1 zone which permits single unit dwellings, auxiliary dwelling units, limited agricultural uses, open space uses, home business uses and all existing businesses and all existing dwellings. In order to address compatibility concerns, provisions within the zone will be established to place controls on size, location, the use of mechanical equipment, signage and parking and to prohibit outdoor storage and outdoor display. Provisions within the zone will stipulate that home business uses must be operated by a resident of the dwelling.</p> <p><u>Rural Residential D Designation</u><br/>Policy RRD-2<br/>Within the RRD Designation, it shall be the intention of Council to create a rural residential D-1 zone which permits single unit dwellings, mobile dwellings, auxiliary dwelling units, two unit dwellings, businesses operated by the owner of the dwelling, craft shops, convenience stores, limited day care facilities, open space uses, senior citizen housing, community centres, limited fishing and aquaculture support uses, limited agricultural uses, day camps, bed and breakfast outlets and all existing uses including the small scale fish processing plant of Cecil Herritt (LIMS No. 40522583) and the existing kennel of Lloyd Corney (LIMS No. 40067811). In order to address compatibility concerns, controls will be placed on the size and location of fishery and aquaculture support uses and on the size of buildings and numbers of animals for agricultural uses. Controls will also be placed on size, open storage and outdoor display, signage and parking for home business uses and craft shops. With respect to the existing business of Cecil Herritt, this fish processing plant shall be limited to the size restrictions of a fishery support use.</p> |

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| <b>Plan Area</b>                              | <b>Tool</b>                                 | <b>LUB Definition</b>   | <b>Land Use By-law Provisions</b>   | <b>Municipal Planning Strategy Policies</b>  |
|---|---|---|---|--|
| Planning District 5                           | Permitted in all zones that permit R-2 uses | Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling which comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.   | 4.14 AUXILIARY DWELLING UNITS<br>One auxiliary dwelling unit shall be permitted in all zones where two unit dwellings are permitted, but the total number of dwelling units, including an auxiliary dwelling unit, shall not exceed two. For purposes of lot size requirements, an auxiliary unit shall not be required to have an additional lot area of 6,000 square feet and an additional frontage of 60 feet.  | -  |
| Beaver Bank/ Hammonds Plains/ Upper Sackville | Rezoning to R1-A or R-1B Zones              | Dwelling, Auxiliary means a self-contained dwelling unit within a single unit dwelling which is secondary to the main residential use of the property and does not exceed forty (40) percent of the gross floor area of the main structure. | 7.3 and 7A.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS<br>Where auxiliary dwelling units are permitted in any R-1A and R-B Zone, the following shall apply:<br>(a) the maximum gross floor area of any auxiliary dwelling unit shall not exceed (40) per cent of the gross floor area of the dwelling.<br>(b) there shall be no more than one (1) entrance along the front wall of the dwelling;<br>(c) the power meter for the auxiliary dwelling unit shall not be located on the front facade of the dwelling; and<br>(d) one (1) off-street parking space shall be provided for any auxiliary dwelling unit. | <u>Auxiliary Dwelling Units - Mixed Use A, B and C Designations</u><br>There is an interest in the community to provide apartment units within single unit dwellings either at the time of construction or through conversion. These units may be built to accommodate family members, but are also used to supplement household income. Although the impact of auxiliary units on adjacent properties is generally minimal, there are concerns that their inclusion will detract from the surrounding neighbourhood. These concerns include number, unit size, parking spaces, the location of external entrances and appearance.<br><br>Policy P-17<br>It shall be the intention of Council to create an Auxiliary Dwelling Unit (R-1A) Zone which permits auxiliary dwelling units in addition to all uses permitted in the R-1 (Single Unit Dwelling) Zone. This zone shall control maximum gross floor area of the auxiliary unit, parking and the number of entrances along the front wall of the dwelling. In considering amendments to the Land Use By-law to an R-1A Zone, Council shall have regard to the following:<br>a) the maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor are of the dwelling;<br>b) there shall be no more than one (1) entrance along the front wall of the dwelling; |



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|-----------|------|----------------|----------------------------|--|
|           |      |                |                            | <p>c) the power meter for the auxiliary dwelling unit shall not be located on the front facade of the building;</p> <p>d) one off-street parking space shall be provided for any single unit dwelling unit containing an auxiliary dwelling unit; and</p> <p>e) the provisions of Policy P-137.</p> <p><u>Monarch and Rivendale Subdivisions</u><br/>                     The Rivendale subdivision was developed following an as-of-right subdivision approval process in the early 1990s while the majority of the Monarch Estates subdivision was developed since 2001 under the terms of a development agreement. The homeowners in both subdivisions have experienced water shortages and on March 2, 2010, Regional Council approved an extension of water services to the area to address this issue. However, the Monarch development agreement specifies that the subdivision is to have on-site wells. To allow the water service the development agreement must be discharged from the completed phases and a zone placed on the lands.</p> <p>Further, the Monarch and Rivendale subdivisions contain several zones including the development agreement. Therefore, staff surveyed the public and it was determined the residents wanted to maintain the land use rights they currently have but enhance home businesses provisions and restrict the potential to erect mobile dwellings. As there was no zone that would match what the community wanted, a new zone was required that would permit larger home businesses, auxiliary dwelling units and recognize existing lots with reduced frontage requirements.</p> <p>Policy P-17A<br/>                     It shall be the intention of Council to create an Auxiliary Dwelling Unit with Home Business (R-1B) Zone which permits auxiliary dwelling units, expanded home business uses and home daycare uses in addition to all uses permitted in the R-1A (Auxiliary Dwelling) Zone. This zone shall control maximum gross floor area of the auxiliary unit,</p> |

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| Plan Area                  | Tool                  | LUB Definition  | Land Use By-law Provisions  | Municipal Planning Strategy Policies   |
|----------------------------|-----------------------|---|---|--|
|                            |                       |   |   | <p>parking and the number of entrances along the front wall of the dwelling. It shall allow existing flag lots, but new lots will have to meet a larger frontage requirement. This zone will be applied to the lands in the Monarch and Rivendale subdivisions as shown on Schedule P-17A.</p> <p>As in the Mixed Use Designations, auxiliary dwelling units may also locate within the Residential Designation. There is concern, however, of the potential impacts of these units on the existing suburban residential environment in terms of appearance, parking, size and number. Thus, an amendment to the Land Use By-law will be required for auxiliary dwelling units to ensure compatibility with the surrounding neighbourhood.</p> <p>Policy P-37<br/>           Within the Residential Designation, it shall be the intention of Council to consider permitting auxiliary dwelling units by rezoning to the Auxiliary Dwelling Unit (R-1A) Zone with regard to the following:</p> <ul style="list-style-type: none"> <li>a) the maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor area of the dwelling;</li> <li>b) there shall be no more than one (1) entrance along the front wall of the dwelling;</li> <li>c) the power meter for the auxiliary dwelling unit shall not be located on the front facade of the building;</li> <li>d) one off-street parking space shall be provided for any single unit dwelling containing an auxiliary dwelling unit; and</li> <li>e) the provisions of Policy P-137.</li> </ul> |
| Planning Districts 14 & 17 | Rezoning to R1-D Zone | Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling, in which access can be gained through the main dwelling, unit and which | <b>9.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS</b><br>Where auxiliary dwelling units are permitted in any R-1D Zone, the following shall apply:<br>a) No auxiliary dwelling unit shall encompass more than | <u>The Village of Waverly</u><br>In order to increase the affordability of their first homes and to provide rental accommodation in the Plan Area, it may be appropriate to establish a zone which permits relatively small apartment units within single unit dwellings. Such a zone is considered to be experimental, the overall impact of which will be carefully monitored during the initial   |

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|--------------------|---|--|---|---|
|                    |   | comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.   | <p>thirty five (35) per cent of the gross floor area of the dwelling and in no case shall any auxiliary dwelling unit occupy more than six hundred (600) square feet.</p> <p>b) No separate exterior access to the auxiliary dwelling unit shall be permitted, on that side of the dwelling abutting the front yard.</p> <p>c) (c) One off-street parking space shall be provided for any auxiliary dwelling unit and such space shall be located contiguous to any parking area set aside for the principle dwelling unit.</p> | <p>five (5) years of this plan and by-law. Its application will only be considered within the boundaries of the Village of Waverley and in the Charleswood Subdivision area of Windsor Junction.</p> <p>Policy P-83<br/>It shall be the intention of Council to establish an auxiliary dwelling zone which will permit single unit dwellings, auxiliary dwelling units, subject to regulations concerning size, exterior access and parking, community uses, and limited day care or office uses within a dwelling. It shall further be the intention of Council that the application of this zone will only be considered within the boundaries of the Village of Waverley and in the Charleswood Subdivision area of Windsor Junction, and that in considering amendments to the land use by-law, regard shall be given to the following:</p> <p>a) the size of the lot;<br/>b) the means by which solid and liquid waste will be treated; and<br/>c) (c) the provisions of Policy P-155.</p> |
| Eastern Shore East | Not discussed, however residential zones permit a minimum of two units.   | -  | -   | -   |
| Eastern Shore West | <p>Permitted as-of-right in R-6 and FV Zones (All other residential zones permit at least two unit dwellings)</p> <p>Garden Suites permitted as-of-right in MU-</p> | <p>Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling in which unrestricted access can be gained through the main dwelling unit.</p> <p>GARDEN SUITE means a detached dwelling unit situated on the same lot</p> | <p>7.3 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS<br/>Where an auxiliary dwelling unit is permitted in any R-6 Zone, the following shall apply:</p> <p>(a) No more than thirty-five (35) percent of the gross floor area of any dwelling shall be devoted to the auxiliary dwelling unit; and<br/>(b) One off-street parking space, other than that required for the dwelling, shall be provided.</p>   | <p><u>SPECIALIZED HOUSING - Garden Suites</u><br/>A garden suite is a detached housing unit which is placed in the yard of an existing single unit dwelling. It is intended to provide housing accommodation for the elderly relative(s) of the occupants of the principal dwelling. With the cost of care for the elderly increasing, and the availability of affordable housing options decreasing, the garden suite offers an attractive housing alternative. However, there are several issues which must be addressed in order to accommodate and successfully integrate garden suites into existing residential areas.</p>  |

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| Plan Area | Tool                 | LUB Definition   | Land Use By-law Provisions  | Municipal Planning Strategy Policies   |
|-----------|----------------------|--|---|--|
|           | 1, R-6, and FV Zones | as a single unit dwelling which is intended for but not limited to accommodation by an elderly parent or parents of those occupying the host dwelling. | <p>6.3, 7.4 and 9.7 OTHER REQUIREMENTS: GARDEN SUITES</p> <p>Where a garden suite is permitted in any MU, R-6 or FV Zone, the following shall apply:</p> <ul style="list-style-type: none"> <li>a) A garden suite shall only be accessed by the driveway serving the main dwelling;</li> <li>b) The gross floor area of a garden suite shall not exceed 650 square feet (60.4 m<sup>2</sup>) except where the garden suite and single unit dwelling area located on an area of land that is capable of meeting subdivision requirements and a preliminary subdivision examination has been completed in accordance with the municipal Subdivision By-law;</li> <li>c) A mobile home shall not be permitted to be used as a garden suite;</li> <li>d) A garden suite may be constructed as an upper level over an accessory building;</li> <li>e) A garden suite or structure containing a garden suite shall not exceed two storeys in height; and</li> <li>f) A garden suite shall be situated a minimum of sixteen (16) feet (4.9 m) from the main dwelling.</li> </ul> | <p>These include servicing, access, maintenance, scale and site design.</p> <p>Another issue which arises is how to control the occupancy of the garden suite. While the principle behind garden suites is to provide a form of affordable housing for elderly relatives, the Planning Act does not provide the authority to regulate who occupies the unit. It is recognized, therefore, that while garden suites would be permitted in the Plan Area, the occupancy of the unit could not be regulated.</p> <p>Policy SH-1<br/>In recognition of the contribution that garden suites can make towards providing affordable housing for the elderly residents of the Plan Area, it shall be the intention of Council to permit garden suites within the MU (Mixed Use), R-6 (Rural Residential), FI (Fishing Industry), FV (Fishing Village) and RE (Rural Resource) Zones subject to specific performance standards to address matters of servicing, access, maintenance, scale and site design.</p> <p>Policy IM-20<br/>It shall be the intention of Council to amend the Regulations of the Building By-law in order to permit, on lands zoned MU (Mixed Use), FI (Fishing Industry), FV (Fishing Village) or R-6 (Rural Residential), the erection of a garden suite in conjunction with a main dwelling on one lot. Furthermore, where the floor area of a garden suite is greater than six hundred and fifty (650) square feet (60.4 m<sup>2</sup>), the land use by-law shall establish requirements for a preliminary plan of subdivision and a plot plan, in order to ensure that the requirements of the Subdivision By-law and Land Use By-law are capable of being met.</p> |

**Attachment A – LUB and MPS Review**

| Plan Area     | Tool  | LUB Definition   | Land Use By-law Provisions  | Municipal Planning Strategy Policies  |
|---------------|---|--|---|---|
| Lawrence-town | Permitted as-of-right in RR-1 and R-1 Zones (all residential zones) | Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling in which unrestricted access can be gained through the main dwelling unit, and which comprises less than thirty-five (35) per cent of the gross floor area of the single unit dwelling. | 6.10 and 7.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNIT<br>Where auxiliary dwellings are permitted in any RR-1 or R-1 Zone, the following shall apply:<br>(a) No more than thirty-five (35) per cent of the gross floor area of any dwelling shall be devoted to any auxiliary dwelling, and no more than one (1) auxiliary dwelling shall be permitted in any dwelling.<br>(b) One off-street parking space shall be provided for any auxiliary dwelling. | <u>LAWRENCETOWN DESIGNATION</u><br>The Lawrencetown Designation has been applied to the largest portion of the Plan Area. While the majority of the designation consists of undeveloped land there is a significant mixture of land uses on the developed portions. In developed areas, residential land use is the predominant form of development with single unit dwellings comprising the majority of the housing stock. Mobile homes and dwelling units which are auxiliary to single unit dwellings also represent a significant component of the housing stock, while multiple unit dwellings are practically non-existent. There is a growing demand for auxiliary dwelling units located within single unit dwellings. Both increasing costs of home ownership, and a demographic trend towards an aging population, have created the demand for such units. Often the demand results from older people who find it difficult to maintain their own homes yet desire to live both independently and close to family. There has been a trend towards these people moving into small in-law suites or "auxiliary dwelling units". Additionally, auxiliary dwelling units are beneficial to home owners as they can assist in offsetting rising housing and maintenance costs. Generally, residents have no objections to the establishment of these units providing that the neighbourhood maintains its single unit housing appearance, that both the auxiliary dwelling unit and the main dwelling do not become rental units (although the Planning Act does not enable such controls), and that the size and scale of such units are controlled. The desire to preserve and protect the environmental sensitivity and rural character of Lawrencetown will be achieved by restricting new residential development to single unit dwellings, small dwelling units which are auxiliary to permitted single unit dwellings and CSA approved mobile homes. Skirting will be required for mobile dwellings in order to give an appearance of permanency to the units. New multiple unit, duplex and semi-detached dwellings, and mobile home parks will not be permitted within the Lawrencetown Designation. |

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|-----------|------|----------------|----------------------------|--|
|           |      |                |                            | <p>Policy P-2<br/>                     Within the Lawrencetown Designation, it shall be the intention of Council to establish a Rural Residential (RR-I) Zone which permits existing uses, single unit dwellings, auxiliary dwelling units of a limited size, mobile homes which are skirted, non-intensive agricultural uses, small scale forestry uses, fishing and fishery related uses, and home business, day care facility and bed and breakfast establishments of a limited size and operated by a resident of the dwelling, municipal facility uses, as well as public and private parks. Provisions of the zone will control outdoor storage and display, signage, and parking areas and limit the number of employees associated with home businesses, day care facilities and bed and breakfast establishments. The zone will also establish separation distances for agricultural uses. Existing community commercial uses identified in Appendix 'B' of the land use by-law will be permitted to expand, subject to the maximum size requirements of the zone. In addition, special access requirements shall be established for existing service stations. Existing industrial uses identified in Appendix C shall be permitted to expand subject to the requirements of the appropriate zone, as specified in the appendix.</p> <p><u>Lawrencetown Designation</u><br/>                     It is the intention of the planning strategy to make provision for existing land uses. The land use by-law, therefore, provides for the protection of existing lots in the larger subdivisions through the application of restrictive residential zoning. Provision is also made for the extension of such zoning in the future where a clear development intent has been demonstrated.</p> <p>Policy P-4<br/>                     Notwithstanding Policy P-2, within the Lawrencetown Designation, in recognition of the need to protect existing and developing areas, it shall be the intention of Council to establish a Single Unit Residential (R-I) Zone which permits existing two unit dwellings, single unit dwellings, auxiliary</p> |

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|-------------------------------------|---------------------------------------|---|--|--|
|                                     |                                       |   |  | <p>dwelling units of a limited size, small scale offices and day care facilities contained within a dwelling and operated by a resident of the dwelling, as well as parks and playgrounds. Provisions of the zone will control outdoor storage, display, signage and parking. The zone will initially be applied to lots within the Carter and Romans, Keltic Gardens, Town and Country Acres and Vantage Estates subdivisions. In considering amendment to the Land Use By-law, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>a) that lands to be rezoned shall contain a minimum of twenty (20) lots as shown on an approved tentative plan of subdivision except that lands abutting or immediately adjacent to an existing R-I Zone may contain less than twenty (20)</li> <li>b) lots as shown on an approved tentative plan of subdivision, provided that such lots are consistent in size with those in the abutting R-I area;</li> <li>c) that lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets; and</li> <li>d) the provisions of Policy P-61.</li> </ul> |
| <p>Planning Districts 8 &amp; 9</p> | <p>Rezoning to R1-A or R-BA Zones</p> | <p>Dwelling Unit, Auxiliary means a dwelling unit no greater in size than forty-five (45) per cent of the dwelling in which it is located, and in which interior access between the two dwelling units is unrestricted.</p> | <p><b>7.3 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS</b><br/>           Where auxiliary dwelling units are permitted in any R-1A Zone, the following shall apply:<br/>           (a) no more than forty-five (45) per cent of the gross floor area of any dwelling shall be devoted to an auxiliary dwelling unit;<br/>           (b) there shall be unrestricted access between the dwelling units; and<br/>           (c) one (1) off-street parking space shall be provided for any auxiliary dwelling unit.</p> <p><b>9.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS</b></p> | <p><u>Mixed Use Designation</u><br/>           The conversion of single unit dwellings to include a dependent apartment unit is a growing trend. In addition, an apartment unit is an integral feature of many new dwellings. Although their impact on adjacent dwellings is generally minimal, there is concern that lack of control over the number and size might change the character of existing single unit dwelling neighbourhoods.</p> <p>Policy P-53<br/>           With reference to Policy P-52, in support of existing uses within the Mixed Use Designation, it shall be the intention of Council to create an Auxiliary Dwelling Unit (R-BA) Zone which permits auxiliary dwelling units in addition to all uses permitted in the Residential B Zone. Council shall only consider new auxiliary dwelling units by amendment to the land use by-law. When considering such an amendment,</p>  |

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| Plan Area | Tool | LUB Definition | Land Use By-law Provisions  | Municipal Planning Strategy Policies   |
|-----------|------|----------------|---|--|
|           |      |                | <p>Where auxiliary dwelling units are permitted in any R-BA Zone, the following shall apply:</p> <p>(a) no more than thirty-five (35) per cent of the gross floor area of any dwelling shall be devoted to an auxiliary dwelling unit;</p> <p>(b) there shall be unrestricted access between the dwelling units; and</p> <p>(c) one (1) off-street parking space shall be provided for any auxiliary dwelling unit.</p> | <p>Council shall also have regard to the provisions of Policy P-89, and provided that the lot or parcel to be rezoned:</p> <ul style="list-style-type: none"> <li>a) is zoned R-B (Residential B); or</li> <li>b) abuts or is immediately adjacent to a residential zone; or</li> <li>c) contains a minimum of five (5) lots or five (5) lots as shown on an approved tentative plan of subdivision and in either case the lots abut or are immediately adjacent to one another.</li> </ul> <p>A request for residential zoning is often made on the expectation of selling residential lots right away. In some cases, this expectation is not met, and other uses for the land may appear more economically attractive. Rezoning a lot back for commercial and industrial uses, however, will almost inevitably result in conflict with owners of the remaining residential lots due to the potential intrusive effects. Such conflict is also likely, even if no dwellings have actually been constructed.</p> <p>The intrusive effects are related to both the use of a lot and access to it by commercial traffic. The intrusive effects caused by many commercial and industrial uses can be reduced by requiring a larger sized lot, but problems with commercial traffic can only be effectively controlled by restricting commercial uses which require access along residential roads. On lots where restrictive residential zoning has been applied, or is along roads intended only to serve residential lots, residents want no commercial and industrial uses to be considered by rezoning. However, where access to a lot is by a road intended to serve both residential and non-residential uses, rezoning to permit industrial and commercial uses may be considered on a larger sized lot.</p> <p>Policy P-54<br/>It shall be the intention of Council not to allow lands zoned R-B (Residential B) or R-BA (Auxiliary Dwelling Unit) to be rezoned except that lands zoned R-B (Residential B) may</p> |



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| Plan Area                            | Tool  | LUB Definition   | Land Use By-law Provisions | Municipal Planning Strategy Policies  |
|--------------------------------------|---|--|----------------------------|---|
|                                      |   |  |                            | <p>be rezoned to R-BA (Auxiliary Dwelling Unit) in accordance with Policy P-53.</p> <p><u>Lake Echo Community Designation</u><br/>Policy P-60<br/>Notwithstanding Policies P-56 and P-57 and with reference to Policy P-58, in support of existing uses within the Lake Echo Community Designation, it shall be the intention of Council to create an Auxiliary Dwelling Unit (R-1A) Zone which permits auxiliary dwelling units in addition to all uses permitted in the Single Unit Dwelling Zone. Council shall only consider new auxiliary dwelling units by amendment to the land use by-law and with regard to the provisions of Policy P-89.</p> |
| Musquodoboit Valley/Dutch Settlement | Permitted as-of-right in RR-1 and VIL Zones (all other residential zones permit two unit dwellings) | Dwelling, Auxiliary means a self-contained dwelling unit within an owner occupied single unit dwelling in which unrestricted access can be gained through a private entrance into the auxiliary unit, and which auxiliary unit comprises less than thirty-five (35) percent of the gross floor area of the dwelling. | -                          | -   |