

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

From: **Planning Staff (EDPC)**

Date: **November 10, 2022**

Reference: **Amendments to the Inverness *Secondary Plan* and *Land Use By-law* to permit Detached Accessory Dwelling Units in the Residential Urban (R-1) Zone**

Recommendation:

That Inverness County Council **approve** the proposed amendments to the Inverness *Secondary Plan* and *Land Use By-law* to permit detached Accessory Dwelling Units in the Residential Urban (R-1) Zone (see Appendix A).

Background:

Staff received an application from Todd MacDonald and Ashley Ward on September 27, 2021 to amend the Inverness *Secondary Plan* and *Land Use By-law* to allow for the construction of a detached accessory dwelling unit on their property. At the October 6th meeting, Planning Advisory Committee requested further information regarding how many lots would be impacted by the proposed amendments.

Analysis:

The proposed amendments would apply to properties zoned Residential Urban (R-1). Those lots that can meet the applicable provisions would be eligible for a Development Permit to construct a detached accessory dwelling unit. There are **756 properties** in the plan area that are currently zoned R-1 (see Figure 1 below). Currently, 179 of those lots are vacant, which means that a main dwelling would need to first be constructed in order to also construct a detached accessory dwelling unit.

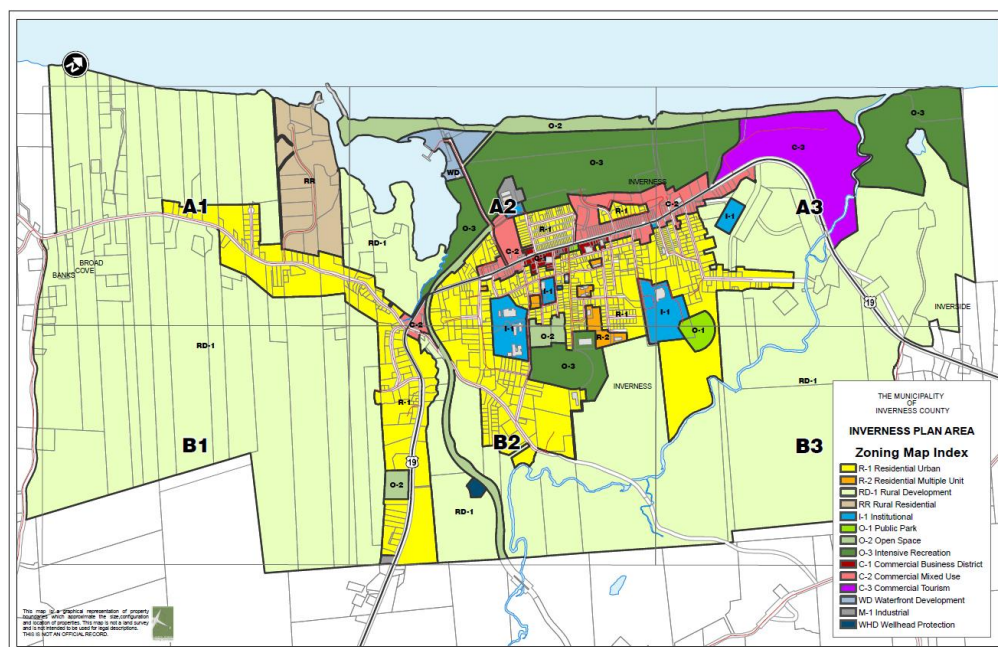


Figure 1: Inverness Zoning Map. The R-1 Zone is depicted in yellow.

The Committee also discussed whether accessory dwelling units should be permitted in front of the main building. Several R-1 properties are already occupied by a dwelling in a location that would preclude building in between the main dwelling and the street. Assuming that the accessory unit may be as narrow as 10 feet wide, **206 properties** (roughly one-quarter of all R-1 properties) could have an accessory dwelling unit constructed in front of the main dwelling.

An additional consideration is whether lots which do not meet the minimum lot size and/or frontage requirements should be permitted to construct an accessory dwelling unit. There are 187 lots currently zoned R-1 which do not meet the minimum lot size and/or frontage requirements. The *Inverness Land Use By-law* acknowledges existing undersized lots, to ensure they are not rendered undevelopable. However, the existing undersized lot provision is not clear in the applicability to accessory buildings. Given the intent of the provision and the many benefits associated with accessory dwelling units (see February 2, 2022 staff report), staff believe that the provision should extend to accessory buildings. Building applications would need to comply with all other applicable provisions of the By-law. If accessory dwelling units are



Figure 2 Existing undersized lots and building locations for the neighbourhood surrounding the Mann Avenue property.

not permitted on undersized lots, **569 properties** could be developed with a detached accessory dwelling unit.

Figure 2 on the previous page depicts the neighbourhood surrounding Mann Avenue as an example. The grey properties do not meet the minimum lot size, minimum frontage, or both for the R-1 zone. The green properties meet both provisions. As shown, many of the lots have existing buildings constructed near to the front property line.

It is important to note that these figures reflect the number of properties which would have the opportunity to construct accessory dwelling unit provisions, and not the number which will necessarily be constructed. These figures also do not account for other factors such as topography or buildable area.

Conclusion

There are three questions which should be addressed:

Question	Recommendation	Reasoning
Should accessory dwelling units be permitted in the R-1 zone?	Yes	As outlined in February 2, 2022 staff report.
Should detached accessory dwelling units be permitted to be built in front of the main dwelling? If so, should the building be required to match, or only to be compatible with, the exterior design style of the main building roof pitch and type?	Yes "Compatible with"	Accessory buildings are currently permitted to be constructed in front of the main dwelling. Requiring the design to be "compatible with" the main dwelling allows for some flexibility while maintaining a standard for design.
Should accessory buildings and accessory dwelling units be permitted on existing undersized lots?	Yes	This is in keeping with the intent of the existing undersized lot provision and the benefits of accessory dwelling units, as outlined in the February 2, 2022 staff report.

Based on the Secondary Plan policies as outlined in the February 2, 2022 staff report, planning staff recommend that Council approve the proposed amendments to the *Inverness Secondary Plan* and *Inverness Land Use By-law* as outlined in Appendix 1. The proposed amendments reflect the staff recommendations above.

Appendix 1: Amending Pages

A BY-LAW TO AMEND THE SECONDARY PLAN FOR THE INVERNESS PLAN AREA

Policy 2.8 of the *Secondary Plan* for the Plan Area of Inverness is hereby amended by:

1. Adding immediately the following text in bold:

Policy 2.8 The County will permit the establishment of a Secondary ~~residential unit~~ **Suite** within an existing residential building in all zones where residential uses are permitted **or will permit the establishment of a detached accessory dwelling unit in the Residential Urban (R-1) Zone** without an amendment to the Inverness Land Use By-law. Secondary residential units must be established in accordance with the following criteria:

- a) appropriate parking arrangements can be accommodated on the property;
- b) no separate access to a public road is required;
- c) the secondary residential unit is compatible with neighbouring residential properties and the surrounding residential neighbourhood;
- d) adequate potable water and wastewater treatment is available to accommodate the secondary residential unit;
- e) the secondary residential unit is subordinate in scale and function to the main dwelling unit; and,
- f) compliance with the County's minimum standards of maintenance and occupancy, and any other applicable legislation.
- g) Compliance with the accessory dwelling units' provisions outlined in the Land Use By-law**

This is to certify that the resolution of which this is a true copy, was passed at a duly called meeting of the Municipal Council of the Municipality of the County of Inverness held on the _____ day of _____ 2022.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the Municipality this _____ day of _____ 2022.

Mr. Keith MacDonald, CAO

A BYLAW TO AMEND THE LAND USE BY-LAW FOR THE INVERNESS PLAN AREA

Part 20: Definitions of the *Land Use By-law* for the Plan Area of Inverness is hereby amended by:

1. **Adding immediately the following text in bold after *Accessory*:**

2. **“Accessory Dwelling Unit”**: One dwelling unit accessory to a single unit dwelling or semi-detached dwelling on the property intended as an independent and separate unit that contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory dwellings can be self contained within the main dwelling, or a detached structure.

3. **“Accessory Dwelling Unit- Garden Suite”**: A freestanding single unit dwelling that is located on the same lot as the main dwelling.

4. **“Accessory Dwelling Unit- Garage Suite”**: A freestanding single unit dwelling that is located overtop of a detached garage and on the same lot as the main dwelling.

5. **“Accessory Dwelling Unit- Secondary Suite”**: A self-contained accessory dwelling fully contained within the main dwelling.

2. **Removing immediately the following text with strikethrough:**

~~41. “Garden Suite”: a dwelling unit that is physically separate from the main dwelling on a residential lot. Also known as an in-law suite, they are often used for the temporary housing of a relation (often a parent) of the occupants of the primary dwelling. They are intended to be a temporary use on the lot, to be removed once the unit is no longer required to house the relation.~~

3. **By renumbering the remainder of this section accordingly.**

Part 6: General Provisions for All Zones of the *Land Use By-law* for the Plan Area of Inverness is hereby amended by:

4. **Adding immediately the following text in bold:**

Accessory Buildings

1. Accessory uses, buildings and structures shall be permitted in any zone within the Inverness Plan Area. Such buildings or structures shall:
 - a. Not be used for human habitation; except where ~~a dwelling is a permitted accessory use~~ **all applicable provisions and requirements for an Accessory Dwelling under the Inverness Land Use By-law are met;**

5. **Adding immediately the following text in bold after *Accessory Uses Permitted*:**

Accessory Dwelling Units

3. Notwithstanding anything else in the By-law, the establishment of one accessory dwelling unit (Secondary Suite, Garden Suite, Garage Suite) to a Single Unit Dwelling, or Semi-Detached Dwelling shall be permitted in the Residential Urban (R-1) Zone subject to the following requirements:

	Garden Suite (R-1 Zone)	Garage Suite (R-1 Zone)
Maximum Number of Bedrooms	2	2
Minimum Lot Area	As per zone requirements for the main building	As per zone requirements for main building
Yard Setbacks	Front Yard: As per zone requirements for main building	Front Yard: As per zone requirements for main building
Maximum accessory dwelling unit floor area	Side Yards: As per zone requirements for main building	Side Yards: As per zone requirements for main building
	Rear Yard: 3.05m (10.0ft)	Rear Yard: 3.05m (10.0ft)
	80% of the gross floor area of the main building up to 90m ² (968.8sqf)	
Maximum building height	Equal to the height of the main building up to 6.5m	Equal to the height of the main building up to 9m
Minimum setback from other buildings	2m from not habitable structures on the same lot	
Minimum setback from other buildings	3m from all other structures	
Design Requirements		
Exterior		
Exterior	Must be compatible with the main dwelling in building material type, cladding colour, roof type, and roof pitch.	
Entrance, Main Windows and Entry	Must be oriented toward the main dwelling, front yard, or flankage yard. An accessory dwelling unit built closer to the front lot line than the main building must be oriented toward the front yard or flankage yard only.	

6. Removing immediately the following text with strikethrough and adding immediately the following text in bold:

EXISTING UNDERSIZED LOTS

9. Notwithstanding anything else in this By-law, a ~~vacant~~ lot held in separate ownership from the adjoining parcels on the effective date of this By-law having less than the minimum frontage or area required by this By-law may be used of a purpose permitted in the zone in which the lot is located, and a building **and**

any associated accessory buildings, may be erected on the lot, provided that all other applicable provisions in this By-law are met.

7. By renumbering the remainder of the section accordingly.

Part 8: Residential Urban (R-1) Zone of the *Land Use By-law* for the Plan Area of Inverness is hereby amended by:

8. Adding immediately the following text in bold and removing immediately the text with strikethrough:

R-1 Uses Permitted

1. No development permit shall be issued in a Residential Urban (R-1) Zone except for one or more of the following uses:

...

a. Accessory Dwelling Units

9. By re-lettering the remainder of the section accordingly.

This is to certify that the resolution of which this is a true copy, was passed at a duly called meeting of the Municipal Council of the Municipality of the County of Inverness held on the _____ day of _____ 2022.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2022.

Mr. Keith MacDonald, CAO