

To: **Port Hawkesbury Planning Advisory Committee**
Port Hawkesbury Council

From: **Planning Staff (EDPC)**

Date: **November 18, 2021**

Reference: **Amendments to the Port Hawkesbury *Municipal Planning Strategy and Land Use By-law* to permit Accessory Dwelling Units**

Recommendation:

That Port Hawkesbury Council **approve** the proposed amendments to the Port Hawkesbury *Municipal Planning Strategy and Land Use By-law* to permit Accessory Dwelling Units in the Residential Two-Unit Zone (R-2) Zone.

Background:

At the direction of the Planning Advisory Committee, planning staff were directed to initiate a process to examine possible increases in density for residential zones within Port Hawkesbury, including in both the R-1 and R-2 Zones. These density increases could come in the form of either Secondary Suites, Garden Suites or Tiny Home Development.

A report was prepared at the direction of the Planning Advisory Committee following the regular Committee meeting held September 16, 2021. During this meeting the Committee discussed the provisions in the Port Hawkesbury Municipal Planning Strategy and Land Use By-law which allow for accessory dwelling units within the residential zones, and the potential for increased density in the form of secondary suites, garden suites or tiny homes. From this meeting, the Committee was requesting to amend the Port Hawkesbury *Municipal Planning Strategy and Land Use By-law* to allow within the R-2 zone, detached accessory dwelling units in the form of Garden or Garage Suites. The R-2 Zone is the Two-Unit Residential Zone.

An Accessory Dwelling Unit is a dwelling unit that is accessory to the main dwelling on the property intended as an independent and separate unit that contains its own sleeping, living cooking and sanitary facilities, and contains its own independent entrance. Accessory dwellings units can be self contained within the main dwelling on the property, or as a detached structure. There are numerous types of accessory dwelling units including secondary suites which are self-contained accessory dwellings fully contained within the primary single unit dwelling, garden suites, which are freestanding single unit dwellings that are located in the back or side yard of the main dwelling, and garage suites which are freestanding single unit dwellings located overtop of a detached garage behind or in the side yard of the main dwelling on the property.

Permitted as of right within the Residential Two-Unit (R2) Zone are secondary suites (basement apartments), subject to the Accessory Apartments provision outlined in the Port Hawkesbury Land Use By-law. These units provide an affordable housing option within the Town and will lead to an increase in the Town's overall rental housing supply. These units could also be used for families or for seniors to age in place.

Analysis:

Over the past several years, many municipalities across Canada have undertaken reviews and updates of their planning documents to permit accessory dwelling units. A notable example in Nova Scotia is the Halifax Regional Municipality who amended their land use by-laws in 2019 to permit accessory dwelling units in almost all of their planning areas throughout the Municipality. This was done to help increase the overall rental supply and provide more affordable housing options throughout the Municipality.

At this time, with respect to accessory dwelling units, the Port Hawkesbury *Municipal Planning Strategy* states:

“Accessory dwelling units, typically basement apartments, are self-contained dwelling units within a house. This type of housing fills a need within the community for affordable housing. For the homeowner, it also provides a source of income and is seen as an appropriate housing solution for the trend of declining household size. From a land use perspective, this type of housing encourages more compact use of infrastructure by making use of unused space within a home. Despite the advantages, there are concerns about whether this type of housing is compatible with the existing character of the residential areas. As such, accessory dwelling units will be permitted only in the Residential Two Unit (R2) and Residential Rural (R5) zones. To ensure these dwelling units meet reasonable health and safety standards, a development and building permit shall be required.”

These types of accessory dwelling units that are currently permitted in the Town are also known as secondary suites, which may also be used by the term granny suites, in-law suites, and auxiliary dwelling units.

The *Port Hawkesbury Municipal Planning Strategy* has a number of policies dedicated to prioritizing a diversity of housing options within the community. In particular, Policy L-1.14.0 describes that it is a priority for Council to permit the development of a variety of housing options, including accessory dwelling units, and that the Town should strive to meet the present housing needs. Specifically, Council shall have regard for the housing needs of senior citizens, temporary residents, students, and families or individuals with low or fixed incomes.

L-1.14.0 It shall be the policy of Council through the Land Use By-law to continue to permit accessory dwelling units, mobile homes, small homes on smaller lot sizes and other residential uses, where appropriate, to create a diversity of housing options within the community.

There are several benefits to permitting accessory dwelling units, including increasing the overall density of an area while not significantly affecting the built form or character of the neighbourhood. Secondly, it provides an increase in affordable housing and rental options, which is beneficial as the current rental supply in the Town is limited. Accessory dwelling units also provide the opportunity for an extra income for homeowners.

Secondary Suites:

Secondary suites are separate dwelling units that are completely self-contained within the primary dwelling on the property (i.e., basement apartments). At present, these types of units are only permitted within the Residential Two-Unit (R-2) Zone and the Residential Rural (R-5) Zone. The provisions for these types of units are as followed:

“Nothing in this By-law shall prevent the establishment of an accessory unit in a single unit dwelling in a Residential Two Unit (R2) Zone provided that:

- a) the floor area does not exceed fifty (50) per cent of the gross floor area of the residence to a maximum of the gross floor area of the main floor;*
- b) there is a limit of one (1) accessory unit per dwelling;*
- c) one (1) additional parking space is provided;*
- d) all applicable provisions of the National Building Code are complied with; and*
- e) a development permit for the accessory unit has been issued.”*

As previously mentioned, these types of units can also be used by the terms auxiliary dwelling units, in-law suites, or granny suites. Secondary suites are becoming increasingly popular as they contribute to affordable home ownership from increased income from the rental unit that can be used towards mortgage payments, and provide increased rental options in areas where there are traditionally little/limited rental housing options.

Garden/Garage Suites:

Traditionally a garden suite or a detached accessory dwelling unit is seen as a freestanding single unit dwelling that is located in the back or side yard of a single unit dwelling, either built overtop of an accessory structure, like a garage, or on their own. These can also be in the form of a tiny house. Services including sewer, water and electricity are usually provided to the second unit through the primary unit. Another common reason for wanting a second unit on a property is to

use it as either a guest house or recreation room which includes a kitchen, bathroom and sleeping accommodations. Garden suites can provide rental income to the home owners without having the tenants in the same building as they live in. Additionally, these would provide additional long-term rental units within the Town for families, students, and to accommodate an aging population.

There is however no way for a by-law to regulate a distinction between these types of uses. For example, a garden suite which was constructed as a place for guests to stay could then be used as a traditional rental unit or as a vacation rental like “Airbnb” where the property owner resides in the main unit and rents out the second unit or where both units are rented out. The Committee has stated that should these types of accessory dwelling units be permitted, that they not be permitted as short-term rental units. Looking further at how to regulate and enforce restrictions on short-term rentals should be considered moving forward.

The purpose of secondary suites and garden suites is to allow for gentle increased density and it is not anticipated that permitting accessory dwelling units will have a significant impact on traffic or parking.

Conclusion

Given the above issues regarding housing availability and affordable housing in the Town of Port Hawkesbury, planning staff are recommending that Council approve the proposed amendments to the Port Hawkesbury *Municipal Planning Strategy* and *Land Use By-law* to permit accessory dwelling units in the Residential Two-Unit (R-2) Zone. This will allow properties located within the R-2 zone to have accessory dwelling units in the form of either secondary suites, garage suites, or garden suites permitted as of right, subject to building and development permits.

Appendix A

A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR THE TOWN OF PORT HAWKESBURY

Chapter 3- Accessory Dwelling Units, of the Town of Port Hawkesbury *Municipal Planning Strategy* is hereby amended by:

1. **Removing immediately the following in text in strikethrough and adding immediately the following text in bold:**

Accessory dwelling units, ~~typically basement apartments~~, are **EITHER** self-contained dwelling units within a house **OR A DETACHED DWELLING UNIT IN AN ACCESSORY BUILDING**. This type of housing fills a need within the community for affordable housing. For the homeowner, it also provides a source of income and is seen as an appropriate housing solution for the trend of declining household size. From a land use perspective, this type of housing encourages more compact use of infrastructure by making use of unused space within a home. Despite the advantages, there are concerns about whether this type of housing is compatible with the existing character of the residential areas. As such, accessory dwelling units will be permitted only in the Residential Two Unit (R2) and Residential Rural (R5) zones. To ensure these dwelling units meet reasonable health and safety standards, a development and building permit shall be required.

L-1.7.0 It shall be the intention of Council to permit ~~accessory apartments~~ **SECONDARY SUITES** in the Residential Two Unit (R2) and Residential Rural (R5) zones **AND DETACHED ACCESSORY DWELLING UNITS IN THE RESIDENTIAL TWO-UNIT (R2) ZONE** subject to the development meeting all Building Code requirements, the size restriction and applicable parking requirements as established in the Land Use By-law.

L-1.7.1 It shall be the intention of Council to require a development permit, and where necessary a building permit, for ~~accessory apartments~~ **ACCESSORY DWELLING UNITS**.

Appendix B

A BYLAW TO AMEND THE LAND USE BY-LAW FOR THE TOWN OF PORT HAWKESBURY

Part 25: Definitions of the *Land Use By-law* for the Town of Port Hawkesbury is hereby amended by:

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

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.

Accessory Dwelling Unit- Garden Suite: A freestanding single unit dwelling that is located in the back or side yard of the main dwelling

Accessory Dwelling Unit- Garage Suite: A freestanding single unit dwelling that is located overtop of a detached garage behind or side yard of the main dwelling

Accessory Dwelling Unit- Secondary Suite: A self-contained accessory dwelling fully contained within the main dwelling

Part 6: General Provisions of the *Land Use By-law* for the Town of Port Hawkesbury is hereby amended by:

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

Accessory Buildings

1. a) Accessory uses, buildings and structures shall be permitted in any zone within the Town of Port Hawkesbury. Such uses, buildings or structures shall:

...

- i) Not be used for human habitation; **except where all applicable provisions and requirements for an Accessory Dwelling under the Port Hawkesbury Land Use By-law are met;**

...

Part 9: Residential Two-Unit (R-2) Zone of the *Land Use By-law* for the Town of Port Hawkesbury is hereby amended by:

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

R-2 Uses Permitted

1. No development permit shall be issued in a Residential Two Unit (R2) Zone except for the following uses:

...

j) Accessory Dwelling Units

~~Accessory Apartments~~

~~3. Nothing in this by law shall prevent the establishment of an accessory unit in a single unit dwelling in a Residential Two Unit (R2) Zone provided that:~~

- ~~a) The floor area does not exceed fifty (50) per cent of the gross floor area of the residence to a maximum of the gross floor area of the main floor;~~
- ~~b) There is a limit of one (1) accessory unit per dwelling;~~
- ~~c) One (1) additional parking space is provided;~~
- ~~d) All applicable provisions of the national building code are complied with; and~~
- ~~e) A development permit for the accessory unit has been issued.~~

Accessory Dwelling Units

- 3) Nothing in the by-law shall prevent the establishment of one accessory dwelling unit (Secondary Suite, Garden Suite, Garage Suite) to a Single Unit Dwelling, or Semi-Detached Dwelling in the Residential Two-Unit (R2) Zone subject to the following requirements:

	Secondary Suite	Garden Suite	Garage Suite
Maximum Number of Bedrooms	2	2	2
Minimum Lot Area	As per zone requirements for the main building	As per zone requirements for the main building	As per zone requirements for main building
Yard Setbacks	As per zone requirements	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)
Garden and Garage Suites must not be built closer to the front lot line than the main building			
Maximum accessory dwelling unit floor area	80% of the gross floor area of the main building up to 80m ² (861sqf)	80% of the gross floor area of the main building up to 90m ² (968.8sqf)	80% of the gross floor area of the main building up to 90m ² (968.8sqf)
Maximum building height	As per zone requirements	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		
	3m from all other structures		
Design Requirements			
Exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch.		
Entrance, Main Windows and Entry	Must be designed to be integrated into the main dwelling	Must be oriented toward the main dwelling, flankage yard, or front yard	