



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Mayor Zebian and Members of West Hants Regional Municipality Council

**Submitted by:** \_\_\_\_\_

Sara Poirier, Senior Planner

**Date:** 2022-11-22

**Subject:** Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14 C

**LEGISLATIVE AUTHORITY**

Section 205 of the Municipal Government Act.

**RECOMMENDATION**

Should Council wish to approve the amendments following Public Hearing, the following motion would be in order:

...that Council gives Second Reading to and approves amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

**BACKGROUND**

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

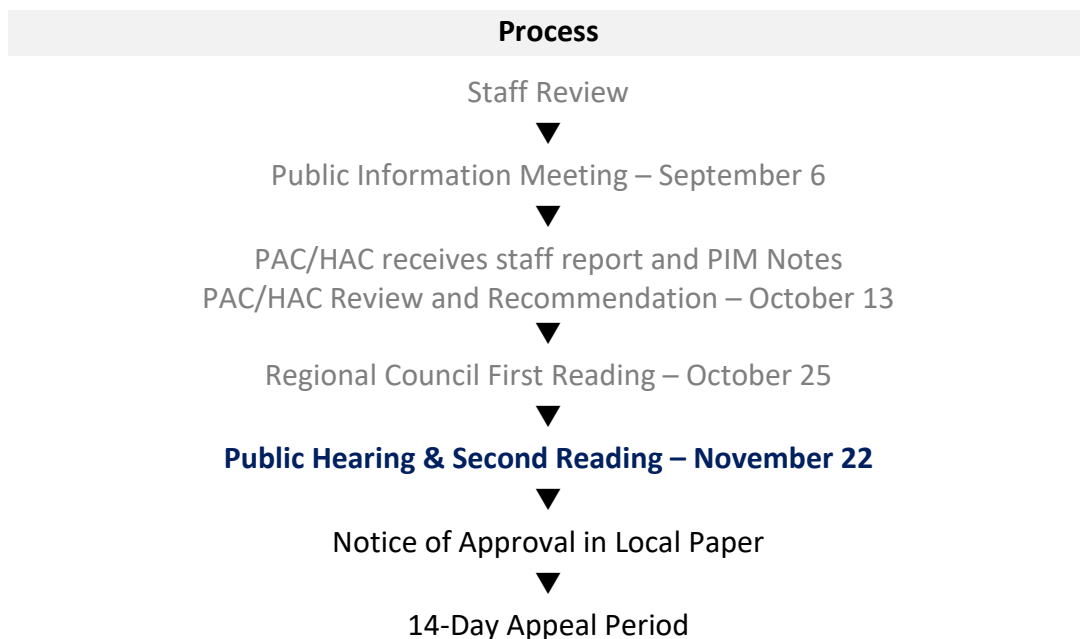
A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

On October 22, 2022 staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

## NEXT STEPS

The process for this application is as follows:



## APPENDICIES

Appendix A 2022-10-25 PAC/HAC Recommendation to Council: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14 B

## CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted in previous reports, this recommendation and amendments reflect progressive steps towards the addition of housing opportunities within existing developed lots and areas.

I support the recommendation.

Report Prepared by: \_\_\_\_\_  
Sara Poirier, Senior Planner

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, CAO



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**To:** Mayor Zebian and Members of West Hants Regional Municipality Council

**Submitted by:** \_\_\_\_\_

Sara Poirier, Senior Planner

**Date:** 2022-10-25

**Subject:** Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14 B

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**LEGISLATIVE AUTHORITY**

Section 205 of the Municipal Government Act.

**RECOMMENDATION**

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

**BACKGROUND**

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on July 4, 2022, from the Family Resource Centre to amend all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

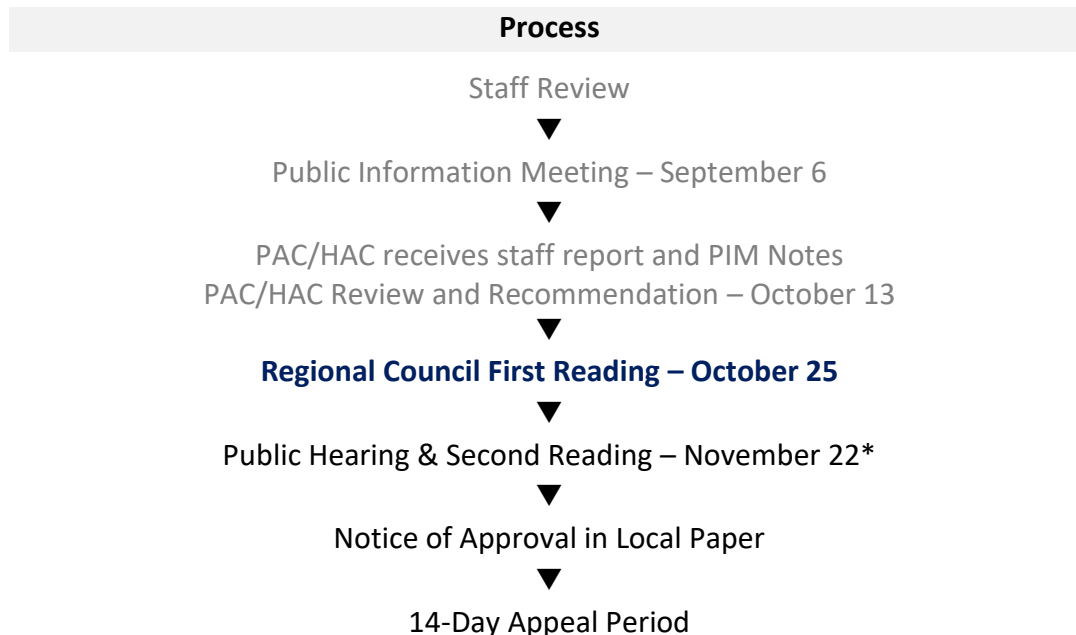
## DISCUSSION

A Public Information Meeting was held on September 6, 2022.

On October 13, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). There was significant discussion at PAC/HAC on whether these detached secondary suites would be putting an additional burden on the current water supply in rural areas of the Municipality and on the potential for increased stormwater runoff on smaller lots due to increasing the lot coverage with a detached secondary suite. PAC/HAC recommended in favour of the amendments as drafted on October 13, 2022.

## NEXT STEPS

The process for this application is as follows:



\*anticipated dates; final dates set by Council

## FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

## ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction such as requesting further information on a specific topic.

## **APPENDICIES**

Appendix A 2022-10-13 Staff Report: Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

## **CHIEF ADMINISTRATIVE OFFICER REVIEW**

I support the recommendation. As a single consideration, among others, the recommendation and permanent detached secondary suites provide support for the development of additional housing within existing developed areas.

Report Prepared by: \_\_\_\_\_  
Sara Poirier, Senior Planner

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, CAO

## Appendix A



### WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Senior Planner

**Date:** 2022-10-13

**Subject:** Windsor MPS and LUB Amendments: Detached Secondary Suites; File #22-14

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### LEGISLATIVE AUTHORITY

Section 205 of the *Municipal Government Act*.

### RECOMMENDATION

To allow detached secondary suites in the community of Windsor, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to permit detached secondary suites accessory to single and two-unit dwellings, in a manner substantively the same as Attachment A of the staff report to the Planning and Heritage Advisory Committee #22-14 dated October 13, 2022.

### BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On January 26, 2021, the Family Resource Centre, a member of the West Hants Housing Coalition, applied for amendments to all planning documents in West Hants Regional Municipality to permit secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. These amendments were approved by Council on July 27, 2021.

On July 4, 2022, the Family Resource Centre applied for an amendment to all planning documents in West Hants Regional Municipality to permit detached secondary suites accessory to single and two-unit dwellings.

West Hants Regional Municipality has a separate Municipal Planning Strategy and Land Use By-law for each of Hantsport, Windsor and West Hants. The amendments for each set of documents must be considered separately. This report will deal only with the Windsor Municipal Planning Strategy (WMPS) and Windsor Land Use By-Law (WLUB). There will be duplication of material within the three reports, but this ensures that documentation for each separate amendment is complete.

**DISCUSSION**

A detached secondary suite may also be known elsewhere as a backyard suite, garage suite or garden suite. A detached secondary suite is accessory to the main dwelling and located in an accessory building which may include an existing garage, a converted outbuilding, or construction of a new building on site (Figure 1).

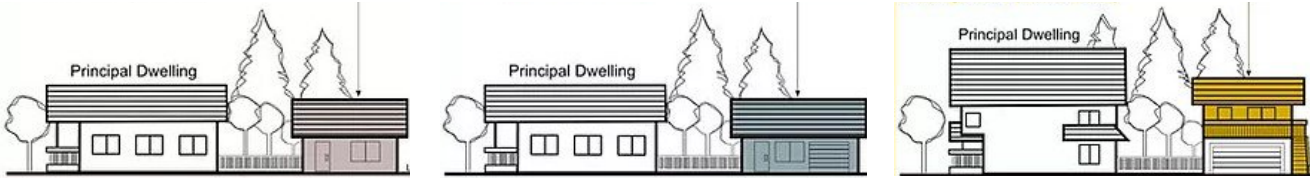


Figure 1: Examples of detached secondary suites

Markham.ca (2018)

In West Hants Regional Municipality, we need to ensure there are housing options for all residents, regardless of socio-economic status, age, or physical or mental ability. Detached secondary suites can provide rental opportunities in areas where there is typically little to no rental supply. This is particularly important in areas that primarily consist of single unit dwellings, as these areas leave renters with the option of either renting an entire house, which may not be affordable, or renting a room in a house, which they may not feel comfortable with. Detached secondary suites are also a good option for residents wishing to downsize and age-in-place, or those looking to enter the housing market and rent for the first time.

Detached secondary suites enable population density in established neighbourhoods with minimal effect on the overall appearance of the area and ensures efficient use of existing services in areas where municipal services are provided.

## ***Provincial***

### **Statements of Provincial Interest**

The Province of Nova Scotia has six (6) Statements of Provincial Interests which are regulations made under the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The Statement of Provincial Interest related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing.

All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Part 4.11 of the WHMPS addresses the general policies for housing. Detached secondary suites help achieve this Provincial interest by providing an affordable housing option and rental accommodation that does not appear to increase density in low density neighbourhoods as the suites are located in a building accessory to a main dwelling unit.

### **Affordable Housing Commission Report**

The Province currently reports that “11.4%, or 45,100, of Nova Scotian households are in core housing need” (Nova Scotia Municipal Affairs and Housing, January 2022). The Nova Scotia Affordable Housing Commission was formed in 2020 to develop recommendations to improve access to affordable housing in the Province. The report entitled “*Charting a New Course for Affordable Housing in Nova Scotia*” was released in May 2021 with 17 recommendations for the Province. Although not entirely related to detached secondary suites, recommendation 15 of that report was to “address the specific needs of rural and non-urban communities”. The issue facing rural and non-urban communities was described as the following: “Many non-urban and rural communities in Nova Scotia face shortages of affordable rental housing, a problem exacerbated by low incomes, diversifying and changing populations, conversion of permanent rental housing to short-term rental accommodations to support tourism, and lack of municipal infrastructure to attract investment and support real estate development.” One of the solutions discussed in the report is that “The Province must work with municipalities and other partners to offer more housing options in rural and non-urban communities.” Although the authors of the report are referring to Provincially provided affordable housing, the Municipality can enable more housing options, such as detached short term rentals, through its planning documents.

## ***Municipal Supporting Documentation***

### **Windsor Municipal Planning Strategy**

Section 4.18 of the Windsor Municipal Planning Strategy (WMPS) discusses the general housing policies. These proposed amendments to allow detached secondary suites align with Council’s intent to provide diverse housing types to satisfy the housing needs of all residents in the Region.

### **Council Strategic Plan 2021-22**

Theme 4, objective 3B of Council’s 2021-22 Strategic Plan, as presented to Committee of the Whole on September 14, 2021, is to support affordable housing initiatives including creating or amending documents to support affordable housing. These proposed amendments directly align with this objective by creating more affordable home ownership and more affordable rental opportunities. Renting out a detached secondary suite can provide an additional source of income to the owner of the main dwelling unit. Allowing detached secondary suites can also increase rental opportunities in established neighbourhoods.

*RAD Consulting Community Engagement Report*

On February 23, 2021 Council approved in principle all recommendations presented in the RAD Consulting Community Engagement report. Recommendation 12 encourages Council to address affordable housing by considering options such as secondary and backyard suites. Permitting detached secondary suites would accomplish this recommendation.

***Detached Secondary Suites in Other Municipalities and Towns***

Halifax Regional Municipality (HRM)	<p>On September 1, 2020 Halifax Regional Council approved amendments to the Regional Municipal Planning Strategy and all land use by-laws, with the exception of the Regional Centre Land Use By-law, to allow detached secondary suites accessory to single unit, two-unit or townhouse dwellings. Detached secondary suites in HRM must abide by the following:</p> <ul style="list-style-type: none"> <li>• be located on the same lot as the main dwelling;</li> <li>• be limited to one per lot;</li> <li>• have a maximum floor area of 90 sq. m. (968.75 sq. ft.) or the maximum floor area of an accessory building in that zone, whichever is less; and</li> <li>• meet the accessory buildings requirements.</li> </ul> <p>HRM did not include any parking requirements and did not require a minimum lot size for detached secondary suites. Where the main dwelling unit does not have a side yard on both sides, a detached secondary suite is still permitted to be constructed but must have unobstructed access to a public street.</p>
East Hants	<p>East Hants “encourages context sensitive density intensification and infill residential development” by allowing one accessory dwelling unit as an accessory use to a single unit dwelling or bed and breakfast accommodation.</p> <p>East Hants defines an attached secondary suite as “a self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast.” A detached secondary suite is defined as a “garden” or “garage” suite.</p> <p>On lots with an area of 600-650 sq. m., East Hants permits the maximum gross floor area of a detached secondary suite to be 80% of the gross floor area of the main dwelling up to 46 sq. m. (495.14 sq. ft.) gross floor area, whichever is less. For a lot area greater than 650 sq. m. (6996.54 sq. ft.) the maximum gross floor area for a detached secondary suite is permitted to be 80% of the gross</p>

	<p>floor area of the main dwelling up to up to 80 sq. m. (861 sq. ft.) gross floor area, whichever is less.</p> <p>Detached secondary suites in East Hants must follow design requirements including matching the main dwelling in building material type, cladding colour, roof type and pitch.</p>
Kings County	Kings County only permits attached secondary suites in the Residential One Unit (R1) zone.
Town of Wolfville	The Town of Wolfville allows detached secondary suites accessory to a main dwelling in any zone, except the Low Density Residential - Restricted (R-1) zone. The floor area of a detached secondary suite must not exceed 40% of the dwelling floor area of the main dwelling and must not contain more than two (2) bedrooms. The detached secondary suites require parking and must meet other relevant zone standards (hard surface coverage, side yards, rear yards, etc.).

**Draft Amendments**

The amendments to the planning documents approved on July 27, 2021 were to allow secondary suites within single and two-unit dwellings and to align the definition of secondary suites with the definition in the National Building Code. Those original amendments provide the foundation for the Planning and Heritage Advisory Committee and Council to now consider the proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings. The draft amendments are located in Attachment B. The purple text shows the proposed amendments recommended by staff to allow detached secondary suites.

The National Building Code (NBC) defines a secondary suite as “a self-contained dwelling unit with a limited floor area which is contained within a house or another building which contains only residential occupancies. The Secondary Suite and the Main Suite must constitute a single real estate entity.” As noted in the definition the NBC requires a detached secondary suite to form a single real estate entity with the main dwelling unit it is accessory to, therefore the detached secondary suite must be located on the same lot as the main dwelling. The NBC also limits the size of a suite to 80% of the total floor area of the main dwelling unit to a maximum of 861 sq. ft. (80 sq. m.), and includes requirements for ceiling height, smoke alarms, separation of units, ventilation, egress, and heating systems to ensure both the secondary and main suites are safe for occupancy.

The requirements of accessory buildings will apply to detached secondary suites. This includes the requirement that the accessory building be a minimum of 6 ft. (1.83 m.) from the main building, a minimum of 4 ft. (1.22 m.) from the side and rear yards and be limited to a maximum of 20 ft. (6.10 m.) in height.

One secondary suite, whether attached or detached, will be permitted per dwelling unit of a single or two-unit dwelling. The other requirements for secondary suites, as outlined in Section 5.45 and 5.46 of the WLUB, would apply to detached secondary suites. This includes the

requirement for one parking spot per secondary suite. Staff would recommend not requiring the parking space for a secondary suite as individual property owners will determine if parking is needed for a specific unit and the requirement of a parking space may limit the opportunity to develop a secondary suite. However, PAC/HAC discussed the parking requirements in detail during the review of the original amendments in 2021 and determined that one parking space per secondary suite should be required. This should be reviewed again in the future.

Other amendments that are shown in dark blue in Attachment B are updates to the current documents based on Plan Review material accepted by PAC/HAC regarding accessory uses and structures. Staff determined it was appropriate to consider the interaction between the proposed amendments to allow detached secondary suites and the accepted material on accessory uses and buildings to mitigate any conflict. There was one conflict found between the PAC/HAC accepted WMPS Policy GP-2 and WLUB Section 5.1 (d) in relation to the PAC/HAC accepted definition for “accessory use”. At the time, PAC/HAC discussed the opportunity to allow accessory uses on a separate lot than the main use. For example, this may be required in agricultural areas where the main farm operation is on a separate lot from the dwelling. The accepted definition required the accessory use to be located on the same lot, therefore this part of the definition was removed.

### ***WMPS General Criteria***

The proposed amendments meet the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Attachment A. In summary:

- the amendments are not premature or inappropriate;
- there are no concerns in relation to the pattern of development these amendments might create; and
- the Development Officer, Manager of Building and Fire Inspection Services and Municipal Project Engineer have no concerns.

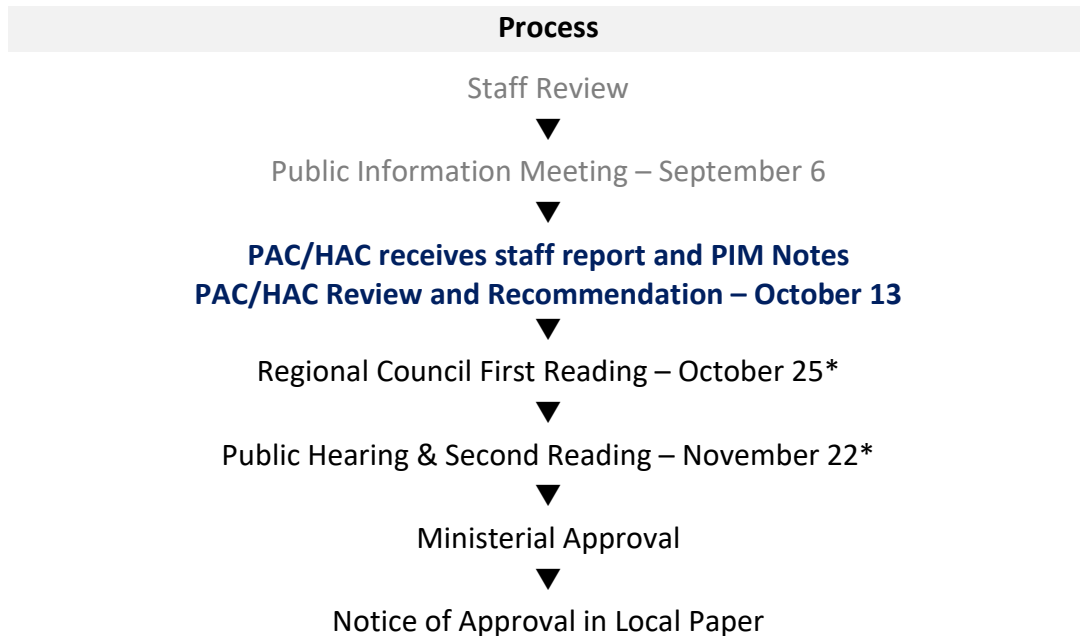
### **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

As these amendments are not related to a specific property the Municipal Climate Change Action Plan (MCCAP) for Windsor was not reviewed in detail in relation to this application. It is the responsibility of a property owner to ensure their site is suitable for any proposed uses.

### **NEXT STEPS**

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives and policies of the WMPS. The proposed amendments to permit detached secondary suites accessory to single and two-unit dwellings reflect the intent of the existing policies of the Windsor Municipal

Planning Strategy. As a result, staff recommends proceeding with the approval process for the proposed amendments.



\*anticipated dates; final dates set by Council

### **FINANCIAL IMPLICATIONS**

There may be an increase in households using water, sewer, and waste disposal services in the area. However, the increased services are expected to be paid for, at least in part, by the municipal taxes and service charges for property owners who are installing secondary suites or the tenant who may cover some of these fees through their rent. Property owners will be responsible for ensuring services are provided to the secondary suites.

### **ALTERNATIVES**

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

### **ATTACHMENTS**

Attachment A      General Criteria for Amendments

Attachment B      Draft Amendments  
Attachment C      Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Sara Poirier, Senior Planner

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

**Attachment A**  
**General Criteria for Amendments**

**Policy 16.3.1** In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
(a) whether the proposal is considered premature or inappropriate in terms of:	
(i) the adequacy of sewer and water services;	The Municipal Project Engineer stated that the proposed amendments are not premature or inappropriate in terms of the adequacy of sewer and water services within serviced areas of the Municipality.
(ii) the adequacy of school facilities;	No impact on school facilities is anticipated.
(iii) the adequacy of fire protection;	The Manager of Building and Fire Inspection Services has stated that they have no issues with the proposed amendments as they will now align with the National Building Code. They added that “the required side yard setbacks should be adequate for firefighting.”
(iv) the adequacy of road networks adjacent to, or leading to the development; and	No comment was solicited from the Municipal or Provincial Traffic Authority in relation to these amendments as they are not specific to an individual property and a detached secondary suite accessory to a single or two-unit dwelling is not anticipated to increase traffic significantly.
(v) the financial capacity of the Town to absorb any costs relating to the development.	The Family Resource Centre of West Hants is a registered non-profit society therefore no application fees were required for this planning applications as per the Regional Fees Policy. The advertising costs related to this application will be absorbed in the Planning and Development Department budget.  There are no costs to the Municipality if this amendment were approved, as individual property owners would be required to pay the fees associated with developing a detached secondary suite on their lot.

(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;	Not applicable as these proposed amendments do not apply to any particular lot.
(c) the adequacy of the dimensions and shape of the lot for the intended use;	Not applicable. Individual lots will have to meet the proposed regulations to be permitted to develop a detached secondary suite. The Development Officer confirms the dimensions of the lot for the intended use at the development permit stage.
(d) the pattern of development which the proposal might create;	The Development Officer for the Municipality responded that “as Development Officer I have no concern regarding the pattern of development or any other development related comments with respect to the proposal to allow detached secondary suites.”
(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;	Not applicable as these proposed amendments do not apply to any particular lot.
(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and	All Municipal, Provincial and Federal regulations will have to be met.
(g) any other matter required by relevant policies of this Strategy.	There are no other relevant policies of this Strategy.

## Attachment B Draft Amendments

*Note: coloured text indicates a change from the present WMPS or WLUB and is provided only for the convenience of PAC/HAC and Council. The purple text is proposed amendments recommended by staff; the dark blue amendments are updates to the current documents based on plan review material accepted by PAC/HAC regarding accessory uses and structures.*

Text amendments to the Windsor Municipal Planning Strategy and Land Use By-law to allow detached secondary suites accessory to single and two-unit dwellings.

### Windsor Municipal Planning Strategy

1. **Replace Section 4.1, *Accessory Uses*, in the Windsor Municipal Planning Strategy with the *Accessory Uses and Buildings* background and policies as accepted by PAC/HAC during plan review discussions so that Section 4.1 reads as follows:**

#### 4.0 GENERAL LAND USE POLICIES

##### 4.1 ~~Accessory Uses~~

~~Whenever a use is permitted pursuant to provisions of a land use zone it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use may also be permitted, unless the Land Use By law expressly states otherwise.~~

~~**Policy 4.1.1** It shall be the policy of Council to regulate accessory uses in the Land Use By law.~~

~~**Policy 4.1.2** It shall be the policy of Council to prohibit the use of an accessory building for human habitation unless a dwelling unit is permitted as an accessory use.~~

~~**Policy 4.1.3** It shall be the policy of Council that accessory buildings or structures will not be considered as accessory if attached to the main building or located completely underground.~~

~~**Policy 4.1.4** It shall be the policy of Council that accessory uses and buildings must be located on the same lot as the main use unless specifically permitted by the Land Use By law.~~

##### 4.1 Accessory Uses and Buildings

Accessory uses and buildings will be regulated to reduce the impact they may have on surrounding properties due to their size, number, location and when a building may be constructed, or a use initiated.

Council will permit construction of an accessory building before the main building since experience has shown that this is sometimes needed.

##### Policy

As a result, it shall be the policy of Council to:

**GP-1 regulate accessory uses and buildings by:**

- (a) regulating the number, size, location and height of accessory buildings; and
- (b) regulating the type, location, and size of accessory uses.

**GP-2 permit accessory uses to be located on a lot held in the same ownership and:**

- (a) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and**
- (b) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.**

**GP-3 permit an accessory building to be constructed prior to construction of a main building only if development and building permits have been issued for the main building.**

- 2. Amend parts of Section 4.18, *Housing*, in the Windsor Municipal Planning Strategy to reference and provide opportunity for detached secondary suites so that Section 4.18 reads as follows:**

#### **4.18 Housing**

Council acknowledges it is important to encourage the provision of housing that includes all residents in Windsor regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. **A Secondary suites in a dwelling** can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the greater community. By regulating the size and appearance of these suites, Council can ensure **they have minimal effect on the overall built form that the buildings retain the look of the original dwellings** and are compatible with the neighbourhood.

#### **Policy**

As a result, it shall be the policy of Council to:

- Policy 4.18.1** encourage the provision of housing adequate to meet the needs of all residents of Windsor. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.
- Policy 4.18.2** provide for the development of a range of housing types in Windsor.
- Policy 4.18.3** include flexible development standards which encourage innovative housing development in the **Municipal Planning Strategy and Land Use By-law**.
- Policy 4.18.4** permit secondary suites **within and accessory to** single and two-unit dwellings in all **zones**, with regulation regarding the size, location and appearance of

secondary suites to ensure the use remains small-scale and compatible with the neighborhood.

### Windsor Land Use By-law

- 3. Amend Section 5.1, *Accessory Buildings and Structures*, of the Windsor Land Use By-law to include regulations that correspond to the material accepted by PAC/HAC during plan review discussions for accessory uses and buildings and to provide exemptions for detached secondary suites, so that Section 5.1 reads as follows:**

#### 5.0 GENERAL PROVISIONS FOR ALL ZONES

##### Accessory **Uses and Buildings** ~~and Structures~~

##### 5.1

- (a) An accessory building or structure is permitted in any zone and may be used only as an accessory use to the main building or use, but it shall not:
- (i) be used as a dwelling unit except where a dwelling **unit** is a permitted accessory use;
  - (ii) be built in the front yard of any lot;
  - (iii) be built within 6 ft (1.83 m) of the main building;
  - (iv) be built closer to the front and side lot lines than the setback required in the zone for the main building;
  - (v) be built closer than 4 ft (1.22 m) to any lot line, except:
    - in the Agriculture (AG) zone where accessory buildings shall be a minimum of 10 ft (3.05 m) from any lot line;
    - common garages for semi-detached dwellings which may be centred on a mutual side lot line;
    - boat houses and docks which may be built to the lot line where the lot line corresponds to the water's edge;
  - (vi) when built on a corner lot, be located in the rear or side yard which is adjacent to the street.
- (b) Notwithstanding anything else in this By-law, awnings, clothesline poles, flag poles, garden trellises, retaining walls, ornamental fountains, statues, monuments, ramps, and fences shall be exempt from any requirement under subsection (a).
- (c) No accessory building or structure shall be constructed:
- (i) prior to ~~the time of construction of the main building to which it is accessory~~ prior to **construction of a main building, unless development and building permits have been issued for the main building**; or
  - (ii) prior to the establishment of the main use of the land where no main building is to be built.
- (d) Accessory uses shall be located on a lot held in the same ownership and:**

- (i) within the same zone as the main building or use it is intended to serve or within an abutting zone in which the main use or building is permitted; and
  - (ii) on a lot which directly abuts or is directly across a public street or highway or private road from the lot containing the main building or use it is intended to serve.
- (e) Detached secondary suites shall follow the requirements for accessory uses and buildings except 5.1 (d); the detached secondary suite shall be located on the same lot as the main dwelling.

4. Amend the *Secondary Suites* section, in Part 5, *General Provisions for All Zones*, of the Windsor Land Use By-law to provide regulations for detached secondary suites so that Section 5.45 and 5.46 reads as follows:

### Secondary Suites

- 5.45 Secondary Suites are permitted **within or accessory to** single and two-unit dwellings in all zones.
- 5.46 In addition to all other regulations of this By-law, the following provisions shall apply to secondary suites:
- (a) no more than one (1) secondary suite shall be permitted on any lot;
  - (b) ~~the a~~ secondary suite shall be contained within, attached to or **accessory** to the dwelling unit;
  - (c) no alterations shall change the roof line or increase the height of the existing dwelling unit except for the addition of dormers or structures necessary for public safety;
  - (d) no new entrances shall be created on the front façade of the dwelling unit;
  - (e) one (1) parking space shall be required for each secondary suite; and
  - (f) additions shall be limited to the rear yard of the dwelling unit.

5. Amend the definition of *Accessory Use* and *Secondary Suite* in Part 31, *Definitions*, of the Windsor Land Use By-law so that the definitions read as follows:

***Accessory Use*** means ~~the a use of land or a building or portion thereof customarily incidental and subordinate in impact and naturally, customarily and normally incidental to a main the principal use of the land or building and located on the same lot~~

***Secondary Suite*** means a dwelling unit **either** within a dwelling unit or **within an accessory building on the same lot as the main dwelling unit and** limited to a maximum of (1) 80% of the

total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.

**Attachment C**  
**Public Information Meeting Notes**  
**September 6 - 23, 2022**  
**File 22-13**  
**Detached Secondary Suites**

<b>Meeting date and time</b>	A Public Information Meeting was held on September 6, 2022 beginning at 6 p.m. The meeting was live broadcast on the Municipal Facebook page.
<b>Attending</b>	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> <li>• Councillor Ivey (Chair)</li> </ul> <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> <li>• Planner Poirier</li> <li>• Director LeMay</li> <li>• Meeting Secretary Lake</li> <li>• CAO Mark Phillips</li> </ul> <p>The following members of the public requested invited to attend the PIM via Zoom:</p> <ul style="list-style-type: none"> <li>• Carol Bradley</li> <li>• Traci Curry</li> <li>• Virginia Douglas</li> </ul>
<p><b>Applicant</b> Family Resource Centre</p> <p><b>Property</b> N/A</p>	<p>Planner Poirier outlined the amendment application to permit detached secondary suites in West Hants Regional Municipality.</p> <p>The applicant did not make a formal presentation.</p>
<b>Comments</b>	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between September 6 – 23, 2022.</p> <p>1 member of the public spoke at the Public Information Meeting and 3 letters of support were received via email. The questions and comments from the public are summarized below. The email responses are attached.</p> <p>The following comments and questions were made at the Public Information Meeting. Staff responses are included in <a href="#">purple text</a>.</p> <ul style="list-style-type: none"> <li>• Will the detached secondary suite need its own septic tank/service and Nova Scotia Power meter?</li> </ul>

	<p>Sara commented that Public Works has confirmed that in serviced areas they will allow a second service to the detached secondary suite subject to specific requirements. In areas without municipal services the Building Official requires confirmation that the existing septic system can handle the increased demand. Sara added that she would check the Nova Scotia Power requirements for detached secondary suites.</p> <ul style="list-style-type: none"><li>• What are the setback requirements? Sara responded that the setback requirements would be the same as an accessory building.</li></ul>
<b>Adjournment</b>	The meeting was adjourned at 6:11 p.m.



Family Resource Centre of West Hants  
61 Morison Drive  
P.O. Box 2847  
Windsor, NS  
B0N 2T0  
Email: [frcowh@gmail.com](mailto:frcowh@gmail.com)  
Phone: 902-798-5961

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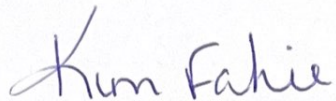
To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites (separate, free-standing buildings) to increase housing opportunities within the municipality. The addition of secondary suites was one step in providing additional and varied housing opportunities in our region and the requested amendment will further increase the housing opportunities available.

We are all well aware that the housing stock throughout the province and through our region is insufficient to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suite will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Detached Secondary Suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

A handwritten signature in blue ink that reads "Kim Fahie". The signature is written in a cursive, flowing style.

Kim Fahie  
Executive Director  
Family Resource Centre of West Hants

June 23, 2022

West Hants Regional Municipality  
Planning Department & Council  
76 Morison Drive  
Windsor, NS

**RE: Amending Planning Documents to Allow Detached Secondary Suites**

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I am writing in support of the application from Kayla Todd/Family Resource Centre to amend all applicable planning documents to permit detached secondary suites in the West Hants Regional Municipality.

As a member of the West Hants Housing Coalition and a concerned citizen, I am worried about the lack of available affordable housing in our region and the number of people and families who are experiencing homelessness or at risk of homelessness. While there are housing projects underway or in the application stage in our region, we don't know how many (if any) of these units will be truly affordable (tied to a percent of income rather than market rates).

The addition of secondary suites was a welcome first step in providing flexibility for homeowners who wish to provide housing within their dwelling. However, the options for internal secondary suites can be limited depending on home construction. Allowing detached secondary suites will provide greater flexibility for residents of the region who have space on their property to add a free-standing suite.

As a member of the Planning Advisory Committee, I welcome the application and opportunity to increase the housing options available in our region.

Sincerely,  
Jennifer Nicholls  
Cheverie

To Whom It May Concern,

With the support of the Family Resource Centre of West Hants, Kayla Todd, Housing Support Worker is applying for an amendment through the Planning and Development Department. The requested by-law amendment is to allow the addition of Backyard suites to increase housing opportunities within the West Hants Regional Municipality.

We are all aware that the housing stock throughout the province and through our region is not enough to meet demand. As a Housing Support Worker, Kayla is challenged every day to find safe and affordable places for people to live. Within the West Hants Housing Coalition, all participating groups and agencies report growing lists of those who are at risk of or experiencing homelessness. There are many people, groups, agencies, and departments working toward housing solutions. We believe that providing the flexibility to add a stand-alone Backyard suites will be one way to encourage more and varied housing options in our municipality.

Our hope is that the approval of Backyard suites will decrease the number of people at risk of being homeless or struggling with homelessness due to the lack of suitable, affordable housing in our communities.

Sincerely,

Amanda Dodsworth

Co-ordinator / Youth Outreach, Peer Outreach Support Services & Education