



West Hants
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY
Planning and Heritage Advisory Committee (PAC/HAC) Agenda
September 8, 2022 – 6:00pm
Via Zoom**

**NOTE: PUBLIC INFORMATION MEETINGS (PIMs) WILL BE HELD AT 6:00 PM.
PAC/HAC will begin immediately following the close of the PIMs.**

1.0 Call to Order and Attendance

2.0 Announcements

3.0 Approval of Agenda and Additions

4.0 Declaration of Conflict of Interest

5.0 Approval of Minutes

6.0 Business Arising from PIMs

6.1 File #s 22-12; 22-13; 22-14 Secondary Suites in Accessory Buildings (Sara Poirier) (6:00 pm
September 6, 2022 PIM)

6.2 File #s 22-06, 22-07 and 22-08 WHLUB, Housekeeping Amendments (Madelyn LeMay) (6:30 pm
September 6, 2022 PIM)

6.3 File # 22-17 WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457
(Sara Poirier)

6.4 File #22-04 WHLUB Amendment PID 45038361, 4245 Hwy 14 (Alex Dunphy)

6.5 File 22-10 Development Agreement: 4701 Hwy 1, Three Mile Plains (Sara Poirier)

6.6 File 22-19 WHLUB Amendment 697 Greenhill Rd, Greenhill (PID 45026010) (Alex
Dunphy)

7.0 Business Arising from the Minutes

7.1 Update: File # 21-15 65 Fort Edward St., Windsor (Alex Dunphy)

7.2 Update and Decision: Heritage Plaques (Madelyn LeMay)

- 7.3 Update: File 22-03 Development Agreement, Wentworth Road, Windsor PID 45059631 (Sara Poirier)
- 7.4 Update: Heritage Grant Request: 376 Falmouth Dyke Road (Sara Poirier)
- 7.5 Update: File # 22-05 Cole Drive, Garlands Crossing/Windsor (PID 45366432) Windsor and West Hants Planning Document Amendments – Second Information Report (Alex Dunphy)
- 7.6 Update: File # 21-10 Development Agreement, Community Way, Windsor, PID 45055167, 45364775, 45421146 (Sara Poirier)
- 7.7 Todd Richard, Director, Public Works Department: Brief presentation and question-and-answer session regarding transportation and storm water planning in the Region (PAC/HAC request, June, 2022; six (6) documents attached for review and reference)
- 8.0 Building and Development Activity Reports (July and August)**
- 9.0 New Business**
- 9.1 File # 22-06 Small Options Housing; Hantsport Amendments (Madelyn LeMay)
- 9.2 File # 22-07 Small Options Housing; West Hants Amendments (Madelyn LeMay)
- 9.3 File # 22-08 Small Options Housing; Windsor Amendments (Madelyn LeMay)
- 10.0 Notices from Adjacent Municipal Units**
- 11.0 Questions and Comments from the Public**
- 12.0 Next Meeting Date (October 13) / Adjournment**



To: Planning and Heritage Advisory Committee

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: September 8, 2022

Subject: Municipal Heritage Plaques; File # 22-02

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act

2.0 DECISION REQUEST

If PAC/HAC wishes to forward a positive recommendation the following motion would be in order:

PAC/HAC recommends that Council approve the design and use of a heritage plaque bearing the Region’s name, the stylized sun and the name of the registered property, with the appearance similar to that shown as Version ?? (PAC/HAC choice) in Appendix A of the report “Municipal Heritage Plaques” dated September 8, 2022.

3.0 BACKGROUND

The Heritage Property Act allows municipalities to place a plaque on municipal heritage properties. Both Windsor and West Hants have done so in the past. No plaques have yet been placed by the Region.

4.0 DISCUSSION

The design of heritage plaques was discussed at the February 10, 2022 PAC/HAC meeting. PAC/HAC asked that designs showing the Region’s name, the stylized sun and the name of the registered property be developed using the “new” logo for the Region. The draft designs have now been received (Appendix A).

5.0 NEXT STEPS

Nothing further is required of PAC/HAC following recommendation to Council. Council approval of any recommendation is needed for preparation and use of a new plaque for the Region.

6.0 FINANCIAL IMPLICATIONS

As noted in February, use of a plaque bearing only the Region’s name and the stylized sun would reduce costs related to future registrations.

7.0 ALTERNATIVES

Should PAC/HAC not wish to make this recommendation to Council, PAC/HAC may:

- recommend specific changes to the proposed design;
- recommend that a plaque design is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDICES

Appendix A

Proposed Heritage Plaque Design – Second Set

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development



West Hants

HERITAGE PROPERTY

Plaque size of size of 10"wide x 6" deep - *Version A*



West Hants

HERITAGE
PROPERTY

Plaque size of size of 6"wide x 8" deep - *Version B*



West Hants
HERITAGE PROPERTY
THORNTON HOUSE

Plaque size of size of 8" wide x 6" deep - *Version C*



West Hants
HERITAGE
PROPERTY
THORNTON
HOUSE

Plaque size of size of 6"wide x 8" deep - *Version D*



West Hants

HERITAGE
PROPERTY

Plaque size of size of 8"wide x 3.12" deep - *Version E*



West Hants

THORNTON
HOUSE
HERITAGE PROPERTY

Plaque size of size of 10"wide x 4" deep - *Version F*



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input checked="" type="checkbox"/>	Recommendation <input 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: _____
Alex Dunphy, Planner

Date: September 8th, 2022

Subject: West Hants and Windsor MPS and LUB Amendments: Cole Drive, Garlands Crossing/Windsor

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 219 (2)

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 from Darren Shupe of Brighter Community Planning on behalf of the property owner, Mainland South Investments, on June 15th, 2022 to request two 4-storey, mixed-use apartment buildings containing a total of 84 dwelling units on Cole Drive, Garlands Crossing (PID 45366432) be considered through:

- (i) amendments to the West Hants Municipal Planning Strategy to allow a change in zoning to the General Commercial (GC) zone within the Joint Industrial Park designation;
- (ii) amendments to the West Hants Land Use By-law zoning map to change the zoning for the West Hants portion of the lot from Joint Industrial Type Three (LI-3) to the General Commercial (GC) zone as enabled through the new policy created above;
- (iii) amendments to the Windsor Land Use By-law zoning map to change the zoning for the Windsor portion of the lot from Light Industrial Type Three (LI-3) to the General Commercial (GC) zone as enabled through Policy 8.3.2; and

- (iv) amendments to the West Hants and Windsor Land Use By-law to increase the maximum height of the main building to 45 ft. (13.7 m.) and increase the total allowable residential floor area of the main building to 75% in the Joint Industrial Park designation.

DISCUSSION

The subject lot is partially within the jurisdiction of the Windsor Municipal Planning Strategy and partially within the jurisdiction of the West Hants Municipal Planning Strategy. Due to the subject lot being split between the two planning areas, staff, the Planning and Heritage Advisory Committee, and Council must consider the planning documents for both Windsor and West Hants for any potential development on the property.

The subject lot is currently designated Joint Industrial Park on the Generalized Future Land Use Map (GFLUM) of the Windsor and West Hants Municipal Planning Strategies (MPS). This designation is a special joint effort between the former Town of Windsor and former Municipality of West Hants to create an industrially focused area close to Highway 101 on the border of the two jurisdictions. The Joint Industrial Park designation is intended to mirror policies and zoning regulations in each document for all lots within it. The subject lot is zoned Joint Industrial Type Three (LI-3) on Schedule A of the West Hants Land Use By-law and zoned Light Industrial Type Three (LI-3) on Schedule A of the Windsor LUB.

Surrounding Context

The Windsor portion of the subject lot is directly abutting other lands that are designated Joint Industrial and zoned Light Industrial Type Three (LI-3). Nearby, on the south side of Cole Drive are lands designated Residential and zoned Agriculture (AG). Existing uses in this area of the Joint Industrial designation include a grocery store which directly abuts the subject lot, as well as fast food restaurants and a gas station nearer to the intersection of Cole Drive and Wentworth Road. The 101 Highway also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

The West Hants portion of the subject lot is directly abutting other lands that are designated Joint Industrial Park and zoned Joint Industrial Type Three (LI-3) and is nearby other lands that are designated Residential and zoned Agricultural Priority Three (AR-3). There is an office building which is currently not in use directly abutting the subject lot. Further along Cole Drive in the Joint Industrial Park designation is a hotel and a vacant lot. Highway 101 also directly abuts the subject lot. The Residentially designated land located on the south side of Cole Drive is currently an open field.

PAC/HAC Discussion

During the July 14th PAC/HAC meeting, staff presented an information report on the application for two 4-storey, mixed-use apartment buildings to be developed on Cole Drive. Upon initial review, I had determined that there were no existing policies to allow for residential uses within the Joint Industrial Park. I had posed a number of questions to the Committee such as if the lot was suitable for a mix of residential and commercial development, if there was enough information to change the lot from potential industrial use, and if it would be reasonable to

allow an increase to maximum height and total allowable residential floor space in a mixed-use development in a Commercial zone. The Committee discussed these questions and determined that more information was required including staff providing an inventory of available industrial and residential lands.

Availability of Industrial Lands

The first request from PAC/HAC was to provide an overview of the industrial land available in WHRM.

West Hants Regional Municipality encompasses 309,672.5 acres (1253.2 sq. km.) (Census profile 2016). Based on estimates made through an analysis of all industrially zoned properties in the Region, there is an approximate total of 650.22 acres of industrial land. This corresponds to approximately 0.2% of the land area of the Region. This includes the Joint Industrial Park, Windsor Industrial Park, lots in rural areas zoned Industrial (M), Hamlet Industrial (M-2), and Resource Industrial (M-1). Of that total, 177.35 acres of industrial designated or zoned land does not currently have an assigned civic number or otherwise appears vacant when cross referencing with orthophotos and site visits (Figure 4). This equates to 27% of the Industrial land within our Region. It is important to note that it is possible that some of the properties included in this inventory may be vacant or undesirable for development due to present conditions on the property.

Based on the WHRM Industrial mapping (Figure 2), there are distinct clusters of industrial land in Hantsport, Windsor, and Falmouth. There is also a number of industrial lots spread out located along Highway 101, as well as some sparsely located along Highway 215. Industrially zoned land with no civic address assigned appears to be vacant and available throughout the Region as a whole. There appears to be a number of lots available in Hantsport, Falmouth, and the Joint Industrial Park. Certain properties in the Joint Industrial Park are likely unsuitable for industrial development due to their lot shape and size. Certain properties in the Windsor Industrial Park may also be designated Dykeland, making them unsuitable for industrial development. The only other developable industrially zoned land near the subject lot is located at the end of Cole Drive and is currently vacant. It is unlikely that allowing a residential use on the subject lot would affect the ability of nearby industrial land to be developed but it may change the use of existing Industrial buildings when owners change or consider repurposing. However, permitting a change from industrial to residential will set a precedent for future applications similar to this one.

Availability of Commercial Lands in Windsor's Downtown

During the discussion by PAC/HAC there were comments on whether allowing commercial/residential development in the Industrial areas would affect the downtown area in Windsor.

To find information regarding the availability of commercial space in Windsor's downtown, I spoke with the Manager of Community Economic Development and a representative from the Windsor Township. There is no formal record kept by either the Municipality or the Township which indicates the availability of commercial space. The Manager of Community Economic Development performed a site visit and determined that there were four properties available

on Gerrish Street, two on Water Street, and one on Albert Street. The representative from Windsor Township had stated that not all of the available commercial spaces in the downtown are suitable for use. Some commercial units are in disrepair that may not be seen on the surface, while other units do not have a responsive property owner to coordinate rental agreements.

Availability of Residential Lands in Windsor

Another part of the discussion during the PAC/HAC meeting was whether there was already an abundance of residential land for mixed use development.

Looking at the residentially zoned properties in Windsor (Figure 5), there appears to be only a small number of available properties which are zoned for higher density residential development and all of them are smaller in size than the subject lot. The rest of the available residential properties would require a development agreement to accommodate higher density development. Certain properties are not zoned or designated for residential uses but allow for residential development through development agreement only (Figure 6). Of those properties, there are only a small number which are a similar size as the subject lot.

Inquiries for Industrial Lands

I sought information regarding inquiries for industrial uses to be located in the Region from the Chief Administrative Officer (CAO), the Manager of Community Economic Development, and an Economic Development Officer with the Valley Regional Enterprise Network (REN). Both the CAO and the Manager of Community Economic Development had not received many inquiries regarding new or expanding industrial uses in the previous two years. It should be noted that this may be due to the pandemic. Of the few inquiries received by the Municipality for industrial land, the only one that was actively seeking a new use was for a property located on the Hants Shore and only one business in the Industrial Park was considering expanding. Other discussions surrounding industrial lands were mainly focused on the lack of interest by certain owners to develop or sell their vacant parcels and concern with the lack of available 'shovel ready' industrial lands. Of the inquiries received by the Valley REN, most did not require or prefer industrial space for their business. There was some interest in industrial space located near Highway 101, but the proprietor was unable to find a suitable space. There were also reports that the pandemic had interrupted plans for some of these businesses.

PID 45366457

This property is included in the recommendations in this report as there is another application (File # 22-17) to consider rezoning the West Hants portion of this lot and the West Hants portion of PID 45190386, the larger lot to the west of this PID to allow residential development. The West Hants portion of PID 45366457 is being considered to be rezoned to Multiple Unit Residential (R-3) as part of that application. Although present WHMPS policies would permit the rezoning without a change in designation, it would be reasonable to consider amending the designation of this entire lot in conjunction with the application on Cole Drive to align with the intended residential use of the lot and avoid separating the proposed residential developments by a small lot within the Joint Industrial designation. PID 45366457 is highlighted in Figure 7.

NEXT STEPS

In response to this report, the PAC/HAC may:

- recommend holding a Public Information Meeting to consider:

Windsor Portion

- amending the map of the Windsor Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Residential designation and amending the map of the Windsor Land Use By-law to include PIDs 45366432 and 45366457 in the Two Unit Residential (R-2) zone; and

West Hants Portion

- amending the map of the West Hants Municipal Planning Strategy to include PIDs 45366432 and 45366457 in the Three Mile Plains Growth Centre and the Residential Designation, as well as amending the map of the West Hants Land Use By-law to include PID 45366432 in the Multiple Unit Residential (R-3) zone.

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- amending the text of the Windsor and West Hants Municipal Planning Strategies and Land Use By-laws to allow Council to consider mixed-use commercial and residential development by development agreement in the Joint Industrial Park designation, based on criteria established in a new policy;
- recommend Council not move forward with this application; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Subject Lot Context Map
Figure 2	West Hants Regional Municipality Industrial Zones (Without Civic Numbers Assigned)
Figure 3	Hantsport Industrial Zones (Without Civic Numbers Assigned)
Figure 4	West Hants Regional Municipality Industrial Spreadsheet
Figure 5	Windsor Residential Zones (Without Civic Numbers Assigned)
Figure 6	Windsor Residential Development Only Permitted by DA (Without Civic Numbers Assigned)
Figure 7	Additional Property in Recommendation Context Map (PID 45366457)

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – Subject Lot Context Map (PID 45366432)



Figure 2 – West Hants Regional Municipality Industrial Zones (Without Civic Numbers Assigned)

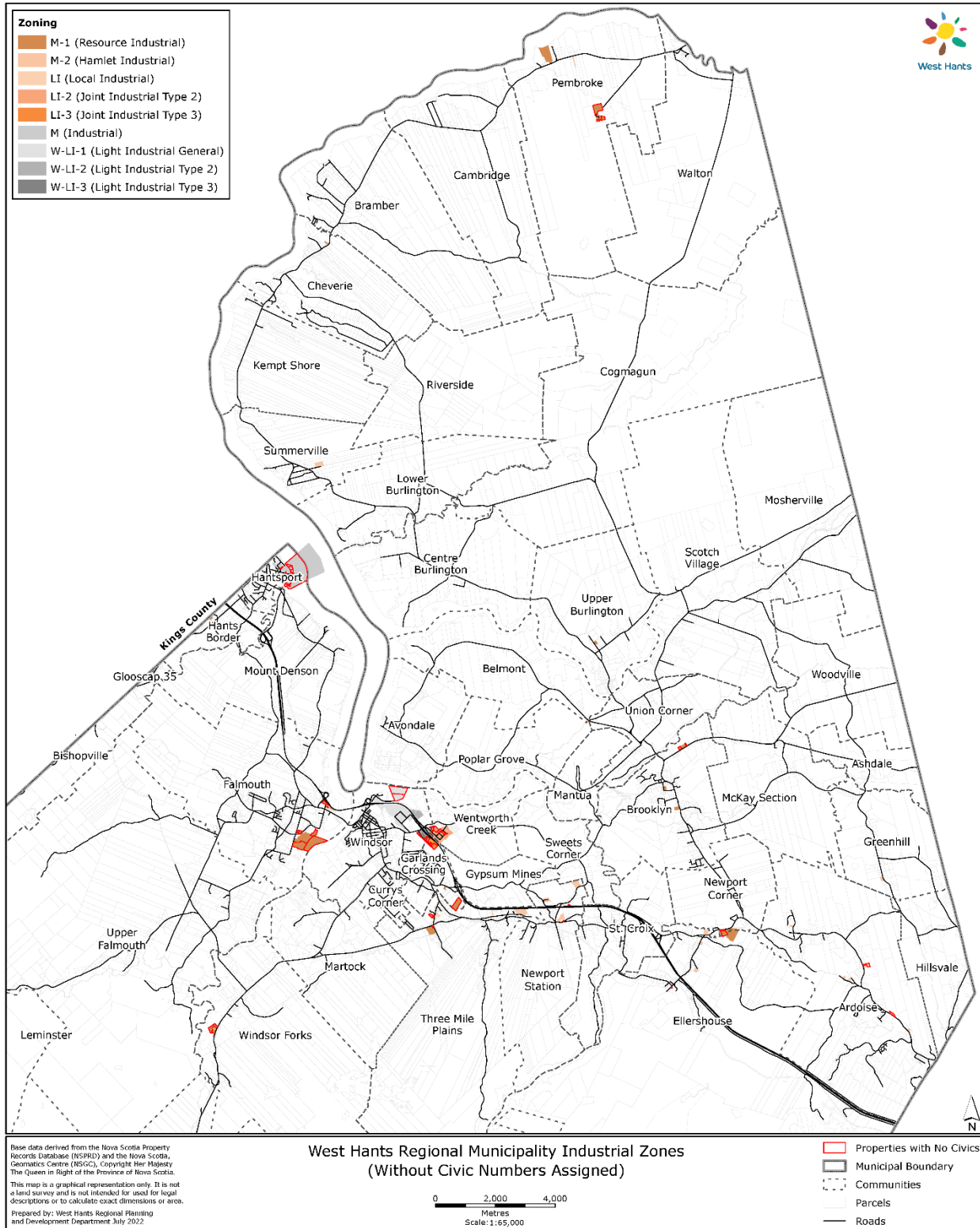
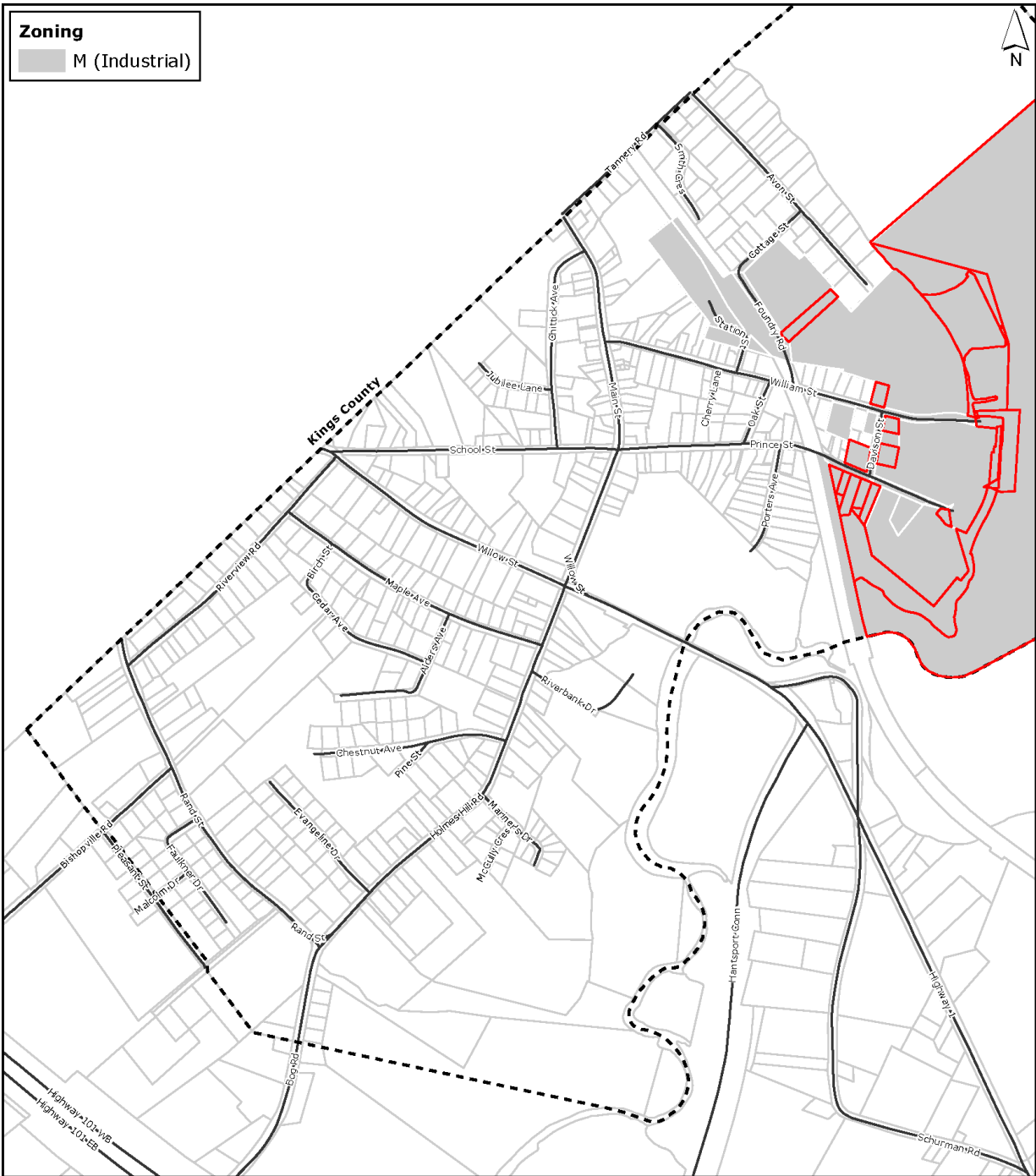
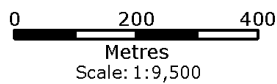


Figure 3 – Hantsport Industrial Zones (Without Civic Numbers Assigned)



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department July 2022

Hantsport Industrial Zones (Without Civic Numbers Assigned)



- Properties with No Cives
- Hantsport
- Parcels
- Roads

Figure 4 – West Hants Regional Municipality Industrial Spreadsheet

See attached document

PID	CIVNUMBER	STREET	ST_TYPE	CITY	LOC	ACRES	Total Industrial Land	650.22
45190378		MORISON	DR	WENTWORTH CREEK	MORISON DR	LOT EFG WENTWORTH CREEK	INDUSTRIAL	5.78
45197803		MORISON	DR	WENTWORTH CREEK	MORISON DR	LOT 12 WENTWORTH CREEK	INDUSTRIAL	0.98
45075256		NO 101	HWY	WINDSOR	NO 101 HWY	WINDSOR	LAND WAREHOUSE	19.58
45248150		SANFORD	DR	WENTWORTH CREEK	SANFORD DR	WENTWORTH CREEK	LAND INDUSTRIAL	1.51
45055548		PARK	DR	WINDSOR	PARK DR	WINDSOR	LAND SERVICE	2.68
45062205		LAGOON	DR	WINDSOR	LAGOON DR	LOT D WINDSOR	INDUSTRIAL	0.91
45062189		CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	LOT E WINDSOR	INDUSTRIAL	1.21
45347150		SANFORD	DR	WENTWORTH CREEK	SANFORD DR	LOT H WENTWORTH CREEK	INDUSTRIAL	1.27
45062239		PARK	DR	WINDSOR	PARK DR	LOT B WINDSOR	INDUSTRIAL	2.34
45209053		TRECOTHIC	DR	WINDSOR	TRECOTHIC DR	LOT JL-2 WINDSOR		1.09
45209061		TRECOTHIC	DR	WINDSOR	TRECOTHIC DR	LOT JL-1 WINDSOR		1.05
45413416		IVEY	LANE	WENTWORTH CREEK	IVEY LANE	LOT 45A2 WENTWORTH CREEK	INDUSTRIAL	1.4
45055282		COLE	DR	WINDSOR	COLE DR	WINDSOR	LAND	1.83
45395514		IVEY	LANE	WENTWORTH CREEK	IVEY LANE	LOT 28A WENTWORTH CREEK	INDUSTRIAL	0.29
45055605		CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	WINDSOR	LAND INDUSTRIAL	0.86
45366432		COLE	DR	WINDSOR	COLE DR	LOT 1 & 2 WINDSOR	INDUSTRIAL	4.29
45366408		COLE	DR	WINDSOR	COLE DR	WINDSOR	LAND INDUSTRIAL	0.59
45366440		COLE	DR	GARLANDS CROSSING	COLE DR	GARLANDS CROSSING	LAND INDUSTRIAL	6.72
45280088		OLD BROOKLYN	RD	THREE MILE PLAINS	OLD BROOKLYN RD	BLOCK 1CD THREE MILE PLAINS		17.84
45388907		HIGHWAY 1	HWY	THREE MILE PLAINS	HIGHWAY 1 HWY	THREE MILE PLAINS	LAND GARAGE	0.13
45003167		THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	THREE MILE PLAINS CROSS RD	LOT 1 PORT THREE MILE PLAINS		0.28
45003076		THREE MILE PLAINS CR	RD	THREE MILE PLAINS	THREE MILE PLAINS CR RD	LOT 3 THREE MILE PLAINS		0.34
45002847		THREE MILE PLAINS CR	RD	THREE MILE PLAINS	106 THREE MILE PLAINS CR RD	THREE MILE PLAINS	LAND	3.21
45002508		NO 1	HWY	THREE MILE PLAINS	NO 1 HWY	LOT HL-4A THREE MILE PLAINS	BUILDING	0.98
45191749								0.73
45191731								2.22
45379534								0.15
45322419								1.13
45359825								0.32
45413598								1.12
45367281		DRESSER MINERALS	RD	PEMBROKE	DRESSER MINERALS RD	PEMBROKE	LAND	18.47
45367281		DRESSER MINERALS	RD	PEMBROKE	DRESSER MINERALS RD	PEMBROKE	LAND	5.45
45044948		FOUNDRY	RD	HANTSPORT	10 FOUNDRY RD	HANTSPORT	LAND SPORTS PARK	4.05
45044930		FOUNDRY	RD	HANTSPORT	FOUNDRY RD	HANTSPORT	LAND	0.7
45228137		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	1.38
45364080		STATION	LANE	FALMOUTH	STATION LANE	FALMOUTH	LAND	3.09
45364031		NO 101	HWY	FALMOUTH	NO 101 HWY	FALMOUTH	LAND RAILWAY	0.18
45228137		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	0.39
45085909		WILLIAM	ST	HANTSPORT	WILLIAM ST	PARCEL 4 HANTSPORT	SHIP REPAIR	0.34
45043775		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.52
45048121		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.19
45043668		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.18
45043676		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.42
45043684		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.29
45043692		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.32
45333671		PRINCE	ST	HANTSPORT	PRINCE ST	LOT CKF1995- HANTSPORT	PULP & PAPER	6.1
45333689		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	4.71
45407897		PRINCE	ST	HANTSPORT	PRINCE ST	HANTSPORT	LAND	0.07
45384302								0.15
45406030		HIGHWAY 14		WINDSOR FORKS	HIGHWAY 14	LOT B-1 WINDSOR FORKS		2.68
45282555		HIGHWAY 14		WINDSOR FORKS	HIGHWAY 14	LOT GSCP-1 WINDSOR FORKS	INDUSTRIAL	6.45
45414489		GABRIEL	RD	FALMOUTH	GABRIEL RD	LOT 1 FALMOUTH		22.15
45199510		MOUNTAIN	RD	THREE MILE PLAINS	MOUNTAIN RD	LOT JWM-1 THREE MILE PLAINS		0.62
45015187		NO 1	HWY	NEWPORT STATION	NO 1 HWY	NEWPORT STATION		0.3
45259744		MAPLE	AVE	ELLERSHOUSE	MAPLE AVE	LOT ELLERSHOUSE		0.35
45041910		NO 1	HWY	ARDOISE	NO 1 HWY	LOT 1 ARDOISE		2.77
45203874		NO 1	HWY	ELLERSHOUSE	NO 1 HWY	ELLERSHOUSE	LAND	0.72
45013372		NO 1	HWY	NEWPORT CORNER	NO 1 HWY	NEWPORT CORNER	LAND	7.73
45275344		NO 1	HWY	ARDOISE	NO 1 HWY	LOT B ARDOISE		3.75
45366010		0 WENTWORTH	RD	WINDSOR	WENTWORTH RD	WINDSOR	LAND	1.5
45190865		0 CENTENNIAL	DR	WINDSOR	CENTENNIAL DR	WINDSOR	LAND	1.29
45200623		10 IVEY	LANE	WENTWORTH CREEK	10 IVEY LANE	LOT 8A WENTWORTH CREEK	WAREHOUSE	1.05
45055514		101 INDUSTRIAL	DR	WINDSOR	101 INDUSTRIAL DR	LOT JL-3 WINDSOR	RETAIL/OFFICE	1.6
45198421		103 MORISON	DR	WENTWORTH CREEK	103 MORISON DR	LOT 14-15 WENTWORTH CREEK	TRANS TERMINAL	2.25
45293784		103 CENTENNIAL	DR	WINDSOR	103 CENTENNIAL DR	LOT Z1-A WINDSOR	WAREHOUSE	1.72
45055571		104 CENTENNIAL	DR	WINDSOR	104 CENTENNIAL DR	LOT H WINDSOR	WAREHOUSE	1.06
45230729		108 FALMOUTH BACK	RD	FALMOUTH	108 FALMOUTH BACK RD	LOT BH-4 FALMOUTH	SMALL BUSINESS	0.68
45292653		11 COLE	DR	WINDSOR	11 COLE DR	WINDSOR	LAND GROCERY STORE	6.23
45229481		11 IVEY	LANE	WENTWORTH CREEK	11 IVEY LANE	LOT 16-17 WENTWORTH CREEK	INDUSTRIAL	2.32
45062106		112 CENTENNIAL	DR	WINDSOR	112 CENTENNIAL DR	LOT G WINDSOR	SERVICE	1.07
45212552		12 BONNIE	LANE	NEWPORT STATION	12 BONNIE LANE	PARCEL A PORT NEWPORT STATION	DWELLING GARAGE	4.72
45003084		12 THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	12 THREE MILE PLAINS CROSS RD	LOT 2 THREE MILE PLAINS	DWELLING	0.34
45037173		12 STATION	LANE	FALMOUTH	12 STATION LANE	LOT B FALMOUTH	BULK STORAGE	0.6
45201621		120 MORISON	DR	WENTWORTH CREEK	120 MORISON DR	LOT 11 WENTWORTH CREEK	WAREHOUSE	1.77
45062171		120 CENTENNIAL	DR	WINDSOR	120 CENTENNIAL DR	LOT F WINDSOR	BOWLING	1.09
45055621		125 CENTENNIAL	DR	WINDSOR	125 CENTENNIAL DR	WINDSOR	LAND INDUSTRIAL	0.79
45059698		133 CENTENNIAL	DR	WINDSOR	133 CENTENNIAL DR	WINDSOR	LAND	5.35
45198439		140 MORISON	DR	WENTWORTH CREEK	140 MORISON DR	LOT 10 WENTWORTH CREEK	POLICE	2.1
45168143		140 OLD WALTON	RD	UP BURLINGTON	140 OLD WALTON RD	LOT A UP BURLINGTON	DWELLING SERVICE	3.38
45191715		144 WILLIAMS	RD	ELLERSHOUSE	144 WILLIAMS RD	LOT 2-Z ELLERSHOUSE	DWELLING GARAGE	2.54
45015179		15 OLD HALIFAX	RD	NEWPORT STATION	15 OLD HALIFAX RDE	NEWPORT STATION	LAND GARAGE	1.82
45009990		15 MAPLE	AVE	ELLERSHOUSE	15 MAPLE AVE	LOT 2 ELLERSHOUSE	DWELLING GARAGE	0.5
45075389		155 TOWN	RD	FALMOUTH	155 TOWN RD	FALMOUTH	CEMETERY BUILDING	6.29
45193190		16 NELSON	ST	WENTWORTH CREEK	16 NELSON ST	LOT 45A1 WENTWORTH CREEK	WAREHOUSE	2.63
45048196		16 STATION	ST	HANTSPORT	16 STATION ST	LOT 1 HANTSPORT		3.35
45213691		173 AYLWARD	RD	FALMOUTH	173 AYLWARD RD	FALMOUTH	LAND DWELLING BUILDING GARAGE	0.93
45060027		1736 WENTWORTH	RD	NEWPORT STATION	1736 WENTWORTH RD	NEWPORT STATION	LAND INDUSTRIAL	12.65
45008687		1879 WENTWORTH	RD	NEWPORT STATION	1879 WENTWORTH RD	LOT 1&2 NEWPORT STATION	DWELLING BUILDINGS GARAGE	1.21
45169638		1888 BELMONT	RD	BELMONT	1888 BELMONT RD	BELMONT	LAND DWELLING BUILDING	2.03
45202215		19 SANFORD	DR	WENTWORTH CREEK	19 SANFORD DR	LOT 2 WENTWORTH CREEK	TELECOM	0.83
45246329		19 BONNIE	LANE	NEWPORT STATION	19 BONNIE LANE	LOT 94-2A NEWPORT STATION	DWELLING GARAGE	3.3
45181609		197 NUNN	RD	SUMMERVILLE	197 NUNN RD	SUMMERVILLE	LAND DWELLING GARAGE	0.92
45403946		1989 WENTWORTH	RD	NEWPORT STATION	1989 WENTWORTH RD	LOT A NEWPORT STATION	DINING	8.73
45282076		199 MUSGRAVE	RD	SUMMERVILLE	199 MUSGRAVE RD	LOT X SUMMERVILLE	FORESTRY	10.73
45044252		2 DAVISON	ST	HANTSPORT	2 DAVISON ST	HANTSPORT	LAND	0.22
45274198		20 PARK	DR	WINDSOR	20 PARK DR	LOT 1A WINDSOR	INDUSTRIAL	2.95
45341716		20 IVEY	LANE	WENTWORTH CREEK	20 IVEY LANE	LOT 27A-07 WENTWORTH CREEK	RESEARCH	5.92
45056561		212 COLONIAL	RD	WINDSOR	212 COLONIAL RD	WINDSOR	LAND	17.42
45347077		232 WENTWORTH	RD	WINDSOR	232 WENTWORTH RD	LOT 5 WINDSOR	GAS STATION	1.11
45333150		24 STATION	LANE	FALMOUTH	24 STATION LANE	LOT FW-1234 FALMOUTH	WAREHOUSE	1.04
45219797		244 WENTWORTH	RD	WINDSOR	244 WENTWORTH RD	PARCEL TOW-1 WINDSOR		0.09
45356011		255 WOODVILLE	RD	GREENHILL	255 WOODVILLE RD	LOT MD-1 GREENHILL	SMALL BUSINESS	3.27
45016672		257 OLD HALIFAX	RD	THREE MILE PLAINS	257 OLD HALIFAX RD W	THREE MILE PLAINS	LAND SERVICE	14.1
45213600		26 MORISON	DR	WINDSOR	26 MORISON DR	LOT 18 WINDSOR	RETAIL/OFFICE	0.72

45030285	273 TOWN	RD	FALMOUTH	273 TOWN RD	FALMOUTH	LAND INCORP FARM	34.98	
45062213	29 PARK	DR	WINDSOR	29 PARK DR	LOT B-2 WINDSOR	SELF STORAGE	1.58	
45405917	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	1.18	
45405933	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	0.44	
45030319	290 TOWN	RD	FALMOUTH	290 TOWN RD	FALMOUTH	LAND INCORP FARM	2.22	
45055464	295 WENTWORTH	RD	WINDSOR	295 WENTWORTH RD	LOT 2 WINDSOR	TELECOM	12.47	
45062197	3 LAGOON	DR	WINDSOR	3 LAGOON DR	WINDSOR	SEWAGE/WATER TREATMENT FACILITIES	14.29	
45000387	3 BOWMAN	RD	GARLANDS CROSSING	3 BOWMAN RD	GARLANDS CROSSING	LAND WAREHOUSE	0.19	
45056447	368 NESBITT	ST	WINDSOR	368 NESBITT ST	WINDSOR	LAND RES/COM MIX	4.87	
45025624	37 BEECH BROOK	RD	ARDOISE	37 BEECH BROOK RD	ARDOISE	LAND DWELLING GARAGE	2	
45294907	37 MORISON	DR	WINDSOR	37 MORISON DR	LOT 1A WINDSOR	RETAIL/OFFICE	0.87	
45030442	380 TOWN	RD	FALMOUTH	380 TOWN RD	LOT A1 FALMOUTH	DWELLING BUILDINGS	1.04	
45406063	3891 HIGHWAY 14		WINDSOR FORKS	3891 HIGHWAY 14	LOT B-4 WINDSOR FORKS	INDUSTRIAL	4.09	
45406055	3899 HIGHWAY 14		WINDSOR FORKS	3899 HIGHWAY 14	LOT B-3 WINDSOR FORKS	INDUSTRIAL	0.93	
45406048	3901 HIGHWAY 14		WINDSOR FORKS	3901 HIGHWAY 14	LOT B-2 WINDSOR FORKS	DWELLING BUILDING	1.13	
45067923	4 IVEY	LANE	WENTWORTH CREEK	4 IVEY LANE	LOT 9 WENTWORTH CREEK	OFFICE BUILDING	1.26	
45003019	40 THREE MILE PLAINS CROSS	RD	THREE MILE PLAINS	40 THREE MILE PLAINS CROSS RD	THREE MILE PLAINS	LAND DWELLING SMALL BUSINESS	1.28	
45293743	41 MORISON	DR	WINDSOR	41 MORISON DR	LOT B WINDSOR	SERVICE	1.07	
45033958	41 BEN JACKSON	RD	HANTS BORDER	41 BEN JACKSON RD	LOT MH-2 HANTS BORDER	DWELLINGS SMALL BUSINESS	41 BEN JACKSON RD	4.37
45055555	43 TRECOTHIC	DR	WINDSOR	43 TRECOTHIC DR	LOT A WINDSOR	WAREHOUSE	1.55	
45003126	4307 HIGHWAY 1		THREE MILE PLAINS	4307 HIGHWAY 1	THREE MILE PLAINS	LAND DWELLING	0.13	
45249307	4436 HIGHWAY 1		THREE MILE PLAINS	4436 HIGHWAY 1	LOT HL-2 POR THREE MILE PLAINS	DWELLING	0.45	
45272754	45 MORISON	DR	WENTWORTH CREEK	45 MORISON DR	LOT C-1 WENTWORTH CREEK	ANIMAL CLINIC	1.92	
45059706	46 PARK	DR	WINDSOR	46 PARK DR	WINDSOR	LAND WAREHOUSE	4.77	
45044237	46 WILLIAM	ST	HANTSPOURT	46 WILLIAM ST	HANTSPOURT	LAND DWELLING	0.73	
45043759	46 PRINCE	ST	HANTSPOURT	46 PRINCE ST	HANTSPOURT	LAND	0.62	
45173382	471 DRESSER MINERALS	RD	PEMBROKE	471 DRESSER MINERALS RD	PEMBROKE	LAND MINING	7.45	
45014461	48 MORISON	DR	WENTWORTH CREEK	48 MORISON DR	LOT 15 WENTWORTH CREEK	INDUSTRIAL	1.2	
45017365	49 DUNLOP	RD	BROOKLYN	49 DUNLOP RD	LOT H-1 BROOKLYN	SERVICE	0.63	
45059714	49 CENTENNIAL	DR	WINDSOR	49 CENTENNIAL DR	LOT K WINDSOR	WAREHOUSE	1.97	
45394913	49 COLE	DR	GARLANDS CROSSING	49 COLE DR	LOT 3 GARLANDS CROSSING	OFFICE BUILDING	2.36	
45044328	49 WILLIAM	ST	HANTSPOURT	49 WILLIAM ST	HANTSPOURT	LAND	0.29	
45200631	5 SANFORD	DR	WENTWORTH CREEK	5 SANFORD DR	LOT 1-A1 WENTWORTH CREEK	WAREHOUSE	1.88	
45333648	5 STATION	ST	HANTSPOURT	5 STATION ST	LOT 1-01 HANTSPOURT	WAREHOUSE	0.47	
45234929	5 DAVISON	ST	HANTSPOURT	5 DAVISON ST	LOT 1 HANTSPOURT	PULP & PAPER	0.21	
45234937	5 DAVISON	ST	HANTSPOURT	5 DAVISON ST	LOT 1 HANTSPOURT	PULP & PAPER	7.56	
45044286	5 DAVISON	ST	HANTSPOURT	5 DAVISON ST	LOT 1 HANTSPOURT	PULP & PAPER	0.22	
45044278	5 DAVISON	ST	HANTSPOURT	5 DAVISON ST	LOT 1 HANTSPOURT	PULP & PAPER	0.37	
45228467	51 WILLIAM	ST	HANTSPOURT	51 WILLIAM ST	HANTSPOURT	LAND MINING	2.57	
45044310	51 WILLIAM	ST	HANTSPOURT	51 WILLIAM ST	HANTSPOURT	LAND MINING	13.78	
45228467	51 WILLIAM	ST	HANTSPOURT	51 WILLIAM ST	HANTSPOURT	LAND MINING	3.51	
45228467	51 WILLIAM	ST	HANTSPOURT	51 WILLIAM ST	HANTSPOURT	LAND MINING	2.21	
45014057	5568 HIGHWAY 1		ST. CROIX	5568 HIGHWAY 1	LOT 89-1EB ST. CROIX	DWELLING GARAGE	1.24	
45228665	57 ELLERSHOUSE	RD	ELLERSHOUSE	57 ELLERSHOUSE RD	LOT KB-1 ELLERSHOUSE		2.18	
45044443	6 STATION	ST	HANTSPOURT	6 STATION ST	LOT 2 HANTSPOURT	COMMERCIAL/APT MIX UNITS	0.2	
45204120	60 MORISON	DR	WENTWORTH CREEK	60 MORISON DR	LOT 14A-1 WENTWORTH CREEK	WAREHOUSE	0.55	
45010857	60 PRIVILEGE	RD	ELLERSHOUSE	60 PRIVILEGE RD	ELLERSHOUSE	LAND	4.19	
45294782	6000 HIGHWAY 14		GARLANDS CROSSING	6000 HIGHWAY 14	LOT RAC-4 GARLANDS CROSSING	RETAIL/OFFICE	2.24	
45218690	61 MORISON	DR	WENTWORTH CREEK	61 MORISON DR	LOT 20 WENTWORTH CREEK	SERVICE	0.99	
45005782	6219 HIGHWAY 1		ELLERSHOUSE	6219 HIGHWAY 1	ELLERSHOUSE	LAND DWELLING	3.81	
45190097	6229 HIGHWAY 1		ELLERSHOUSE	6229 HIGHWAY 1	LOT F-1 ELLERSHOUSE	DWELLING SMALL BUSINESS	2.65	
45366390	63 COLE	DR	GARLANDS CROSSING	63 COLE DR	LOT 4 GARLANDS CROSSING	HOTEL	1.95	
45013364	6310 HIGHWAY 1		NEWPORT CORNER	6310 HIGHWAY 1	NEWPORT CORNER	LAND DWELLING BUILDINGS	2.45	
45013356	6398 HIGHWAY 1		NEWPORT CORNER	6398 NO 1 HWY	NEWPORT CORNER	LAND MOBILE	34.71	
45061199	671 COLLIER	RD	ARDOISE	671 COLLIER RD E	ARDOISE	LAND TELECOM	2.03	
45229895	6729 HIGHWAY 215		CHEVERIE	6729 HIGHWAY 215	LOT LC-1 CHEVERIE	DWELLING BUILDINGS	2.1	
45270865	7 COLE	DR	WINDSOR	7 COLE DR	LOT 18 WINDSOR	FAST FOOD	0.93	
45199965	711 COLLIER	RD	ARDOISE	711 COLLIER RD E	ARDOISE	LAND	1.71	
45193679	72 IVEY	LANE	WENTWORTH CREEK	72 IVEY LANE	PARCEL X WENTWORTH CREEK	TELECOM	0.33	
45218708	73 MORISON	DR	WENTWORTH CREEK	73 MORISON DR	LOT 19 WENTWORTH CREEK	SERVICE	1	
45025236	7493 HIGHWAY 1		ARDOISE	7493 HIGHWAY 1	ARDOISE	LAND TELECOM	2.45	
45055522	75 TRECOTHIC	DR	WINDSOR	75 TRECOTHIC DR	WINDSOR	LAND INDUSTRIAL	3.45	
45018595	76 IVEY	LANE	WENTWORTH CREEK	76 IVEY LANE	LOT 31 PORT WENTWORTH CREEK	GROW OPERATION	9.27	
45148731	76 MORISON	DR	WENTWORTH CREEK	76 MORISON DR	LOT 14A-23 WENTWORTH CREEK	MUNICIPAL BLDG	1.38	
45055597	79 CENTENNIAL	DR	WINDSOR	79 CENTENNIAL DR	WINDSOR	LAND WAREHOUSE	1.8	
45100724	79 OLD HALIFAX	RD	THREE MILE PLAINS	79 OLD HALIFAX RD W	LOT G-4 THREE MILE PLAINS	DWELLING GARAGE	2.05	
45001245	798 WINDSOR BACK	RD	THREE MILE PLAINS	798 WINDSOR BACK RD	THREE MILE PLAINS	LAND DWELLING BUILDING	0.18	
45062221	8 PARK	DR	WINDSOR	8 PARK DR	LOT B-1 WINDSOR	SELF STORAGE	1.7	
45044377	80 DUNLOP	RD	BROOKLYN	80 DUNLOP RD	BROOKLYN	LAND WAREHOUSE	3.27	
45060266	80 ROBERT	DR	ARDOISE	80 ROBERT DR	LOT 20-18 ARDOISE	DWELLING SMALL BUSINESS	1.15	
45206505	8061 HIGHWAY 1		ARDOISE	8061 HIGHWAY 1	LOT CA ARDOISE	DWELLING GARAGE	1.8	
45061132	8105 HIGHWAY 14		BROOKLYN	8105 HIGHWAY 14	BROOKLYN	LAND	4.06	
45055563	82 CENTENNIAL	DR	WINDSOR	82 CENTENNIAL DR	LOT 1 WINDSOR	WAREHOUSE	1.39	
45002938	83 THREE MILE PLAINS CR	RD	THREE MILE PLAINS	83 THREE MILE PLAINS CR RD	THREE MILE PLAN	LAND DWELLING BUILDINGS GARAGE	3.84	
45196698	834 WINDSOR BACK	RD	THREE MILE PLAINS	834 WINDSOR BACK RD	THREE MILE PLAINS	LAND INCORP FARM	15.72	
45019601	853 HIGHWAY 215		BROOKLYN	853 HIGHWAY 215	LOT B BROOKLYN	WAREHOUSE	4.98	
45227923	88 SANFORD	DR	WENTWORTH CREEK	88 SANFORD DR	LOT 30A-1 WENTWORTH CREEK	GROW OPERATION	2.24	
45173804	8879 HIGHWAY 215		PEMBROKE	8879 HIGHWAY 215	PEMBROKE	LAND DWELLING BUILDINGS	39.24	
45270840	9 COLE	DR	WINDSOR	9 COLE DR	LOT 2 WINDSOR	FAST FOOD	1.08	
45283603	90 SANFORD	DR	WENTWORTH CREEK	90 SANFORD DR	LOT 24AC-1 WENTWORTH CREEK	INDUSTRIAL	90 SANFORD DR	3.1
45173598	9048 HIGHWAY 215		PEMBROKE	9048 HIGHWAY 215	PEMBROKE	LAND DWELLING BUILDINGS GARAGE	4.22	
45262086	93 INDUSTRIAL	DR	WINDSOR	93 INDUSTRIAL DR	LOT JL-4 WINDSOR	AUTO SALES	2.02	
45059730	93 CENTENNIAL	DR	WINDSOR	93 CENTENNIAL DR	WINDSOR	LAND SERVICE	1.31	
45062114	98 CENTENNIAL	DR	WINDSOR	98 CENTENNIAL DR	LOT 1 WINDSOR	SERVICE	1.11	
45201613	98 MORISON	DR	WENTWORTH CREEK	98 MORISON DR	LOT 13A WENTWORTH CREEK	SERVICE	1.48	

Figure 5 – Windsor Residential Zones (Without Civic Numbers Assigned)



Figure 6 – Windsor Residential Development Permitted Only by DA (Without Civic Numbers Assigned)

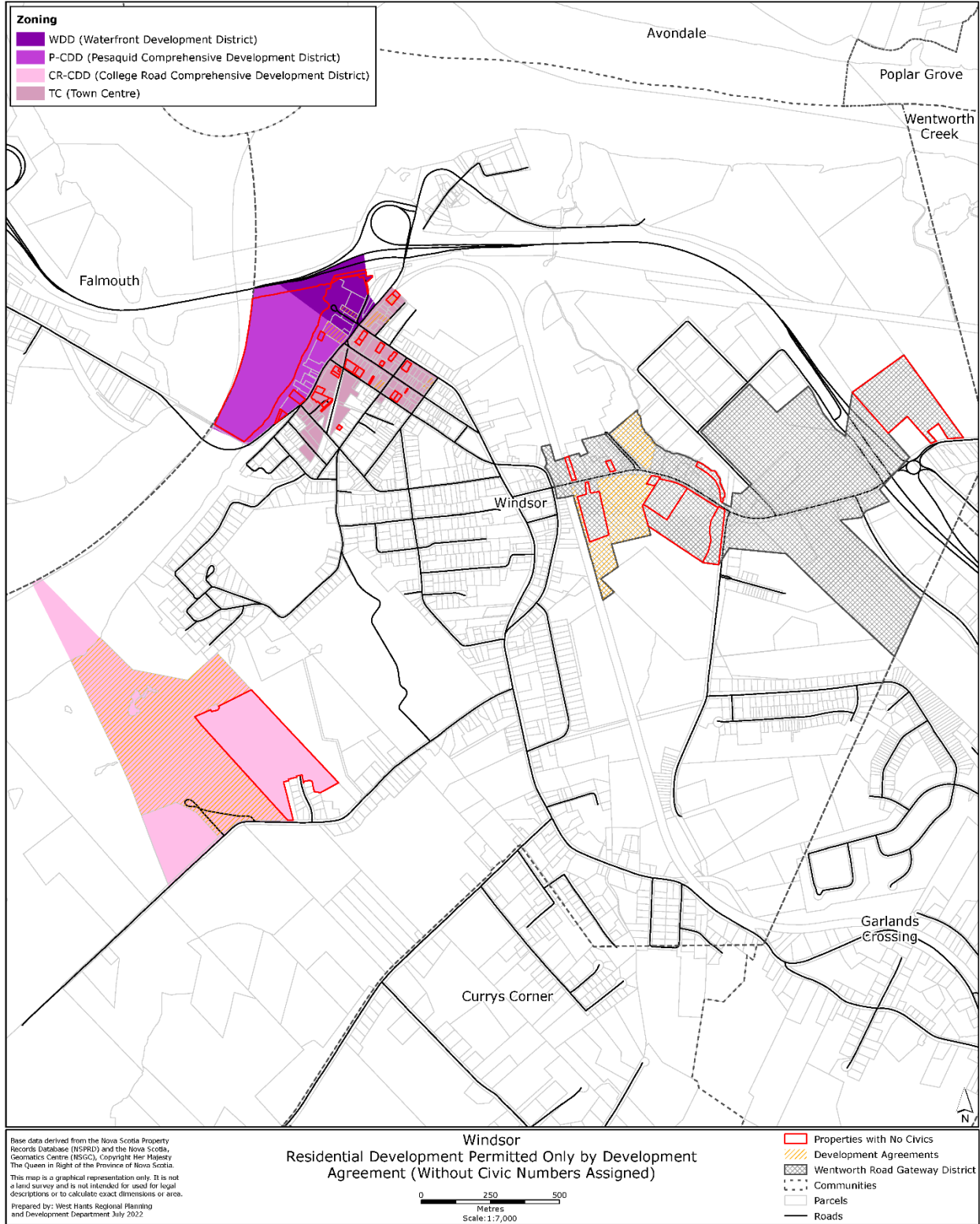
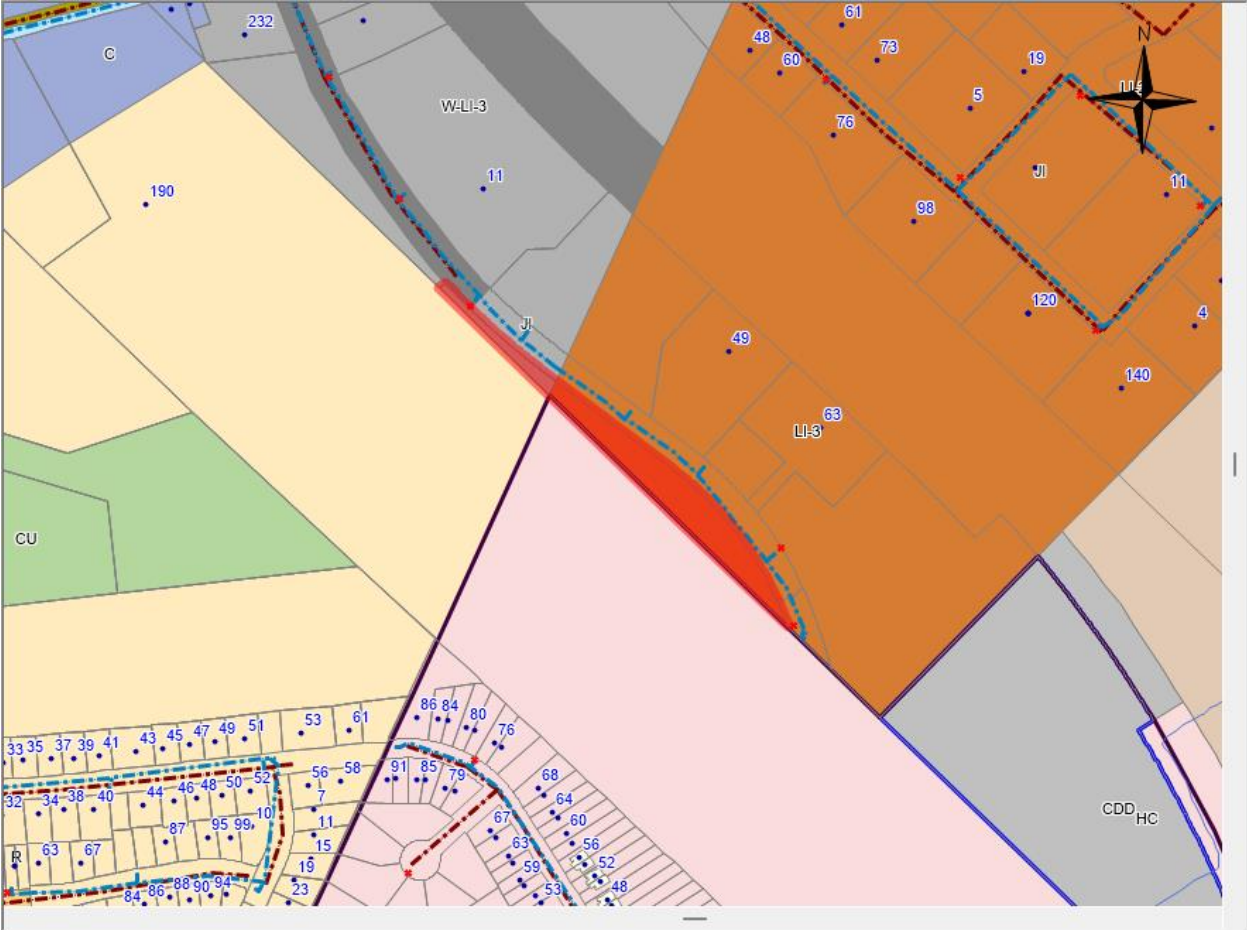


Figure 7 – Additional Property in Recommendation Context Map (PID 45366457)





ACTIVITY REPORT

For Month of July 7/31/2022

Type	Jul 2021			Jul 2022		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Unit	27	11	2,859,573	18	11	3,433,582
Duplex/Semi	1	0	6,040	0	0	0
Apartments	0	0	0	0	0	0
Other Residential	28	0	461,117	14	0	210,600
Commercial	3	0	87,000	1	0	389,000
Industrial	2	0	6,200	1	0	250,000
Inst & Gov	0	0	0	1	0	0
Agriculture	2	0	847,318	0	0	0
Other	0	0	0	1	0	8,000
Total	63	11	4,267,248	36	11	4,291,182
Year To Date	293	75	25,739,534	287	118	35,808,800
Demolition	3	0		0	0	
Sign Permits	0			0		
Sub Applications	8	12 (Lots Requested)		9	8 (Lots Requested)	



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: Planning/Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: September 8, 2022

Subject: Hantsport Land Use By-law Amendment: Small Options Housing; File # 22-06

1.0 LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) Part 8
- Statement of Provincial Interest: Housing (Appendix A)
- Small Options Homes: Letter from Province (Appendix B)
- Small Options Homes: Provincial Information Bulletin (Appendix C)

2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law by redefining Institutional Use, Home for Special Care and Dwelling Unit, deleting the terms and definitions Group Home and Residential Care Facility; and adding Home for Special Care to the list of permitted uses in the Institutional (I) Zone, all as shown in Appendix F of the September 8, 2022 report #22-06 Hantsport Land Use By-law Amendment: Small Options Housing.

3.0 BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units (Appendices B and C). The Information Bulletin supplements the Statement of Provincial Interest (SPI) regarding Housing (Appendix A) and was in part based on a survey of planning documents undertaken by the Disability Support Program (DSP) of the Department of Community Service. The survey indicated the need for change in planning documents in many municipalities to ensure “small options homes” are permitted as-of-right wherever other dwelling units are permitted as-of-right and by development agreement wherever other dwelling units require a development agreement. The

Implementation section of the SPI notes: *“Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.”*

DSP notes that Small Option Homes (SOH) are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. SOHs are built and operated by DSP Service Providers and licensed under the Homes for Special Care Act.

4.0 DISCUSSION and DOCUMENT REVIEW

4.1 Existing Municipal Planning Strategy

4.1.1 Hantsport Housing Background and Policy

The Hantsport Municipal Planning Strategy (HMPS) and Land Use By-law (HLUB) were approved in 2010. The policies regarding housing in the HMPS include increasing density by reducing the minimum lot size required, encouraging infilling and encouraging a mix of housing types.

In addition, HMPS amendments carried out in 2021 directly support the proposed amendments to the LUB: *“GP 11 encourage the provision of housing adequate to meet the needs of all residents of Hantsport. 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 (Appendix D).*

The term “family” occurs descriptively within the Hantsport documents but is not used in a regulatory manner; no amendments related to the term are needed.

The HMPS does not provide background or policy for the definitions contained in the HLUB. No amendment is needed to the HMPS to clarify Council’s position regarding small options homes.

4.1.2 Hantsport General Criteria for Land Use By-law Amendments

The general criteria which Council must consider when amending the HLUB are established in Policy 11.3.1 (Appendix E). None are relevant to the amendment of these HLUB definitions.

4.2 Existing Hantsport Land Use By-law

The Hantsport Land Use By-law (HLUB) includes the terms listed below, used as noted:

TERM and DEFINITION	USE
<p><u>Group Home</u> means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed by the Province. "Residents," for the purpose of this definition shall be deemed as to exclude staff or receiving family.</p>	<ul style="list-style-type: none"> • defined • term not used in HLUB

<p><u>Home for Special Care</u> means facilities licensed under <i>The Homes for Special Care Act</i></p>	<ul style="list-style-type: none"> • defined • term appears only in the definition of Institutional Use
<p><u>Nursing Home</u> means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.</p>	<ul style="list-style-type: none"> • defined • there is a parking requirement for Nursing Homes • 1 Nursing Home is listed as an existing permitted use in the Mixed Commercial/Residential (C-2) Zone • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents
<p><u>Institutional Use</u> means a publicly or privately-owned or operated church, school, or hospital, or any health care facility, Home for Special Care whether public or privately operated, including Homes for Special Care, and or any public use.</p>	<ul style="list-style-type: none"> • defined • term is used in: <ul style="list-style-type: none"> • 6.2, Parking Lot Specifications • as listed permitted uses in the Mixed Commercial/Residential (C-2) Zone • as listed permitted uses in the Institutional (I) Zone
<p><u>Residential Care Facility</u> means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.</p>	<ul style="list-style-type: none"> • defined • term not used in LUB

4.3 Proposed Amendments

In order to ensure that

- a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
- small options homes would be considered by development agreement in any location where residential development is considered by development agreement, the following changes are required to the HLUB [\[additions shown in blue\]](#):

- delete the definition and the term Group Home
- redefine the term Home for Special Care as

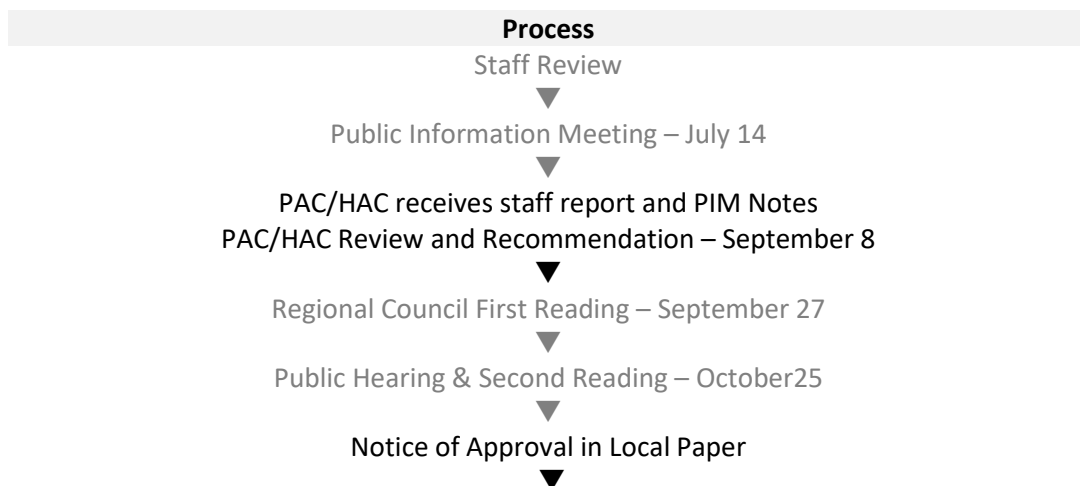
Home for Special Care means facilities licensed under *The Homes for Special Care Act* or successor legislation which serve 11 or more people.

- add “Home for Special Care” to the listed permitted uses in the Institutional (I) Zone
- redefine Institutional Use as
Institutional Use means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. [NOTE: this is intended to ensure licensed homes with 10 or fewer residents can be located in the Institutional Zone]
- leave the definition and the term Nursing Home; leave the term in the parking requirements and Mixed Commercial/Residential (C-2) Zone
- delete the definition and the term Residential Care Facility
- redefine Dwelling Unit as:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care.

The draft amendments are shown in Appendix F.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, policies, and criteria of the HMPS. There are no proposed map amendments. As a result, it is reasonable to amend the text of the HLUB to clarify the position of small options homes in Hantsport.



14 day Appeal Period

*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend the changes to the Hantsport Municipal Planning Strategy and Land Use By-law as drafted, it may:

- recommend specific changes to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	Statement of Provincial Interest: Housing
Appendix B	Small Options Homes: Provincial Information Bulletin
Appendix C	Small Options Homes: Letter from Province
Appendix D	Existing Hantsport MPS: Housing
Appendix E	Hantsport MPS General Criteria for Land Use By-law Amendment
Appendix F	Hantsport Proposed Land Use By-law Amendments
Appendix G	Public Information Meeting Notes

Report prepared by:

Madelyn LeMay, Director, Planning and Development

Appendix A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

APPENDIX B



Department of Municipal Affairs and Housing

Floor 8 North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

Telephone: 902.424.7918
Fax: 902.424.0821
E-mail: Gordon.Smith@novascotia.ca

June 6, 2022

TO: CAOs & Clerks

RE: Statement of Provincial Interest Regarding Housing & Small Option Homes

Recently, the Department of Municipal Affairs and Housing was approached by the Department of Community Services regarding small option homes. Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in the community and receive support services from staff.

Nova Scotia is currently phasing out the use of large, institutional-style facilities like Regional Rehabilitation Centres (RRC) and Adult Residential Centres (ARC) as housing for persons with disabilities. As a result, there is a need to expand the stock of small option homes available across the Province.

Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

The attached Information Bulletin outlines the Department of Municipal Affairs and Housing's perspective on this matter.

For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services (Vicki.Black@novascotia.ca / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing (Alan.Howell@novascotia.ca / 902-483-3746).

Yours truly,

A handwritten signature in blue ink, appearing to read "Gordon Smith".

Gordon Smith
Provincial Director of Planning

/kz

APPENDIX C



Department of Municipal Affairs and Housing

INFORMATION BULLETIN

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING AND APPLICATION TO SMALL OPTION HOMES

Summary:

The Statement of Provincial Interest regarding Housing requires that planning documents treat Small Option Homes licensed under the *Homes for Special Care Act* consistently with their residential nature.

Legislation:

Municipal Government Act (MGA) – Sections 198, 208, 212

Halifax Regional Municipality Charter (HRMC) – Sections 214, 223, 227

Statements of Provincial Interest, N.S. Reg 101/2001 – Statement of Provincial Interest regarding Housing

Discussion:

The Statement of Provincial Interest (SPI) regarding Housing states: “There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria.”

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as “family dwelling” cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term “group home” is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

Resources: Implementing Statements of Provincial Interest: guide for municipalities
<https://beta.novascotia.ca/documents/implementing-statements-provincial-interest-guide-municipalities>

Date Produced: June 2, 2022

Note: The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions or direct guidance must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and, therefore, reference should be made to the *Municipal Government Act*, the *Halifax Regional Municipality Charter*, other relevant legislation, and to legal advisors.

APPENDIX D

Taken from the Hantsport Municipal Planning Strategy May 2022

3.2.6 Housing

Council acknowledges that it is important to encourage the provision of housing that includes all residents in Hantsport 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 suite 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 that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

- Policy GP 11 encourage the provision of housing adequate to meet the needs of all residents of Hantsport. 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 GP-12 provide for the development of a range of housing types in Hantsport.
- Policy GP-13 include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.
- Policy GP-14 permit secondary suites in 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.

APPENDIX E
Taken from the Hantsport MPS May, 2022

11.3 Amendments of the Land Use By-law

11.3.1 Criteria

The Strategy is accompanied by a regulatory document known as a Land Use Bylaw. It is intended that the Land Use By-law be amended from time to time usually through a formal application process made to the Town. An application may be received to amend a clause(s) or section(s) of the Bylaw or to amend the Zoning Map (these latter amendments are also known as rezonings).

Council may only approve amendments to the Land Use By-law if they are consistent with the policies of this Strategy. In addition to policies or statements contained throughout the Strategy the following is a list of general criteria to be followed by Council in its consideration of an amendment.

Policy IM-3

In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

- (a) whether the proposal is considered appropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection;
 - (iv) the impact on adjacent uses;
 - (v) the adequacy of road networks adjacent to, or leading to the development; and
 - (vi) the financial capacity of the Town to absorb any costs relating to the development.
- (b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;
- (c) the adequacy of the dimensions and shape of the lot for the intended use;
- (d) the pattern of development which the proposal might create;
- (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;
- (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;
- (g) the impact of not only the use being proposed but all uses permitted in the zone;
- (h) the site meets all of the zone requirements for the zone sought; and
- (i) any other matter required by relevant policies of this Strategy.

APPENDIX F
DRAFT HANTSPORT LAND USE BY-LAW AMENDMENTS

Purpose: to clarify and ensure that small options homes are permitted in the same locations and manner as any other dwelling unit

1. In Part 2, *Definitions*, amend the definition of *dwelling unit* by removing the phrase *excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations* and adding the phrase *may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care* so that the definition reads as follows:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care.

2. In Part 2, *Definitions*, remove the term and the definition: *Group Home means a single housekeeping unit in a residential dwelling in which three to ten residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed by the Province. "Residents," for the purpose of this definition shall be deemed as to exclude staff or receiving family.*
3. In Part 2, *Definitions*, remove the definition of Home for Special Care as *"means facilities licensed under The Homes for Special Care Act"* and replace the definition with: *Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people.*
4. In Part 2, *Definitions*, remove the definition of Institutional Use as *"means a publicly or privately-owned or operated church, school, or hospital, or any health care facility, Home for Special Care whether public or privately operated, including Homes for Special Care, and or any public use."* and replace it with *"means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use."*
5. In Part 2, *Definitions*, remove the term and the definition *Residential Care Facility means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation. A Residential Care Facility is licensed, funded or approved by the Province of Nova Scotia.*
6. In Part 11, *Institutional (I) Zone* add *Home for Special Care* to the listed permitted uses, following the term *all institutional use*" and immediately before the term *non residential daycare centre*

Appendix G
Public Information Meeting Notes
July 14, 2022 – August 4, 2022
File# 22-06A

Hantsport Land Use By-law Amendments: Small Options Housing

Meeting date and time	A public information meeting was held on July 14, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-06 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public were present.
Applicant none	Ms. LeMay outlined the proposed amendments, which are intended to ensure that small options housing is permitted in the same locations and manner as any dwelling unit.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until August 4, 2022.
PIM Submissions	No verbal or written submissions were received.



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: Planning/Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: September 8, 2022

Subject: West Hants Land Use By-law Amendment: Small Options Housing; File # 22-07

1.0 LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) Part 8
- Statement of Provincial Interest: Housing (Appendix A)
- Small Options Homes: Letter from Province (Appendix B)
- Small Options Homes: Provincial Information Bulletin (Appendix C)

2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the West Hants Land Use By-law by redefining the terms *Home for Special Care*, *Institutional Use*, and *Dwelling Unit*, deleting the terms and definitions *Residential Care Facility* and *Senior Citizen Housing* and in the Institutional (I) Zone replacing the phrase *Any Institutional Use which is incorporated under the Societies Act* with the phrase *Any Institutional Use in the list of permitted uses in the Institutional (I) Zone* all as shown in Appendix F of the September 8, 2022 report 22-07 West Hants Land Use By-law Amendment: Small Options Housing.

3.0 BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published a letter and Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units (Appendices B and C). The Information Bulletin supplements the Statement of Provincial Interest (SPI) regarding Housing (Appendix A) and was in part based on a survey of planning documents undertaken by the Disability Support Program (DSP) of the Department of Community Service. The survey indicated the need for change in planning documents in many municipalities to ensure “small options homes” are permitted as-of-right wherever other dwelling units are permitted as-of-right and by

development agreement wherever other dwelling units require a development agreement. The Implementation section of the SPI notes: *“Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.”*

The Bulletin notes that Small Option Homes (SOH) are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. SOHs are built and operated by DSP Service Providers and licensed under the Homes for Special Care Act.

4.0 DISCUSSION and DOCUMENT REVIEW

4.1 Existing Municipal Planning Strategy

4.1.1 West Hants Housing Background and Policy

The West Hants Municipal Planning Strategy (WHMPS) and Land Use By-law (WHLUB) were approved in 2008. The original residential policies in the WHMPS are focussed on concentrating denser development within the Growth Centres and Hamlets in order to concentrate the delivery of services. WHMPS amendments carried out in 2021 directly support these proposed amendments to the WHLUB by encouraging a wide range of housing types and ensuring flexible development standards (Appendix D).

The term “family” is used in the West Hants planning documents in background information regarding secondary suites, descriptively within definitions and within material related to agricultural operations. The use of the term within the existing documents has no impact on the proposed amendments.

The WHMPS does not provide background or policy for the definitions contained in the WHLUB. No amendment is needed to the WHMPS to clarify Council’s position regarding small options homes.

4.1.2 West Hants General Criteria for Land Use By-law Amendments

The general criteria which Council must consider when amending the WHLUB are established in Policy 16.3.1 (Appendix E). None are relevant to the amendment of these WHLUB definitions.

4.2 Existing West Hants Land Use By-law

The West Hants Land Use By-law (WHLUB) includes the terms listed below, used as noted:

TERM and DEFINITION	USE
Home for Special Care	<ul style="list-style-type: none"> • term defined • term used in relation to cannabis uses in Sections 5.56, 18.10, 30.5, and 31.5.
Nursing home	<ul style="list-style-type: none"> • 5.31 (a) Parking Requirement • appears in the present definition of Home for Special Care • appears in the definition of Residential Care Facility

	<ul style="list-style-type: none"> • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents
Institutional Use	<ul style="list-style-type: none"> • defined • considered by development agreement in Part 6, Development Agreements in any designation • existing institutional uses listed as permitted uses in Part 22, General Resource (GR) Zone if incorporated under the Societies Act
Residential Care facility	<ul style="list-style-type: none"> • defined • used only within the definition of Home for Special Care
Senior Citizen Housing	<ul style="list-style-type: none"> • defined • term used in relation to cannabis uses in Sections 5.56, 18.10, 30.5 and 31.5; • listed as a permitted use in Part 32, the Institutional (I) Zone • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents

4.3 Proposed Amendments

In order to ensure that

- a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
 - small options homes would be considered by development agreement in any location where residential development is considered by development agreement,
- the following changes are required to the WHLUB [\[additions shown in blue\]](#):

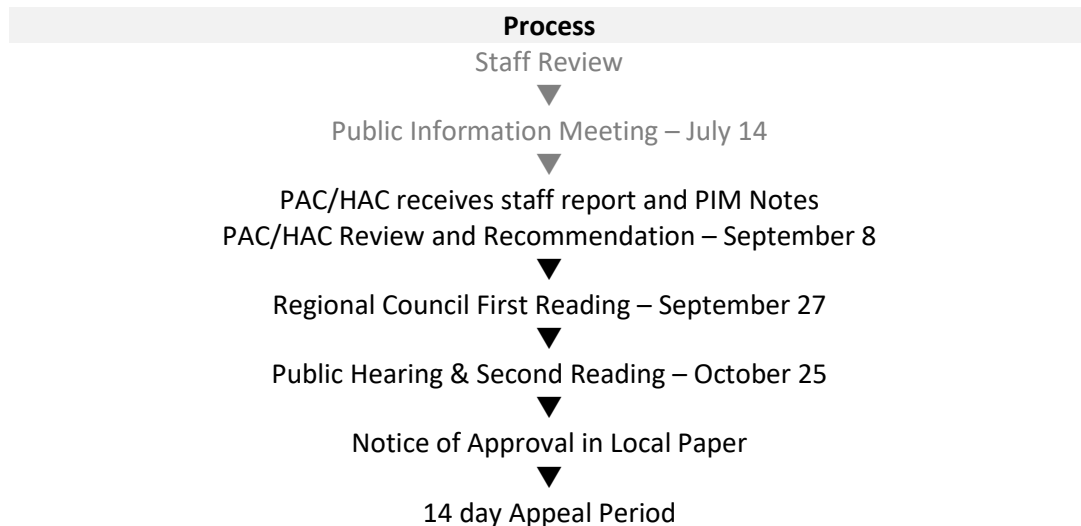
- redefine the term *Home for Special Care* as:
Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people.
This change would have no impact on Sections 5.56, 18.10, 30.5 and 31.5 of the WHLUB related to cannabis.
- leave the term *Nursing Home* in the parking requirements;
- redefine *Institutional Use* as
Institutional Use means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. [NOTE: this is intended to ensure licensed homes with 10 or fewer residents can be located in the Institutional Zone]
- replace the phrase *Any Institutional Use which is incorporated under the Societies Act* with the phrase *Any Institutional Use* in the list of permitted uses in the Institutional (I) Zone

- delete the term and definition *Residential Care Facility*
- delete the term and definition *Senior Citizen Housing*. This change would have no impact on Sections 5.56, 18.10, 30.5 and 31.5 of the WLUB related to cannabis.
- redefine *Dwelling Unit* as:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care.

The draft amendments are shown in Appendix F.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with the intent, objectives, policies, and criteria of the WHMPS. There are no proposed map amendments. As a result, it is reasonable to amend the text of the WHLUB to clarify the position of small options homes in West Hants.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend the changes to the West Hants Municipal Planning Strategy and Land Use By-law as drafted, it may:

- recommend specific changes to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	Statement of Provincial Interest: Housing
Appendix B	Small Options Homes: Provincial Information Bulletin
Appendix C	Small Options Homes: Letter from Province
Appendix D	Existing West Hants MPS: Housing
Appendix E	West Hants MPS General Criteria for Land Use By-law Amendment
Appendix F	West Hants Proposed Land Use By-law Amendments
Appendix G	Public Information Meeting Notes

Report prepared by:

Madelyn LeMay, Director, Planning and Development

Appendix A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
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Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

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For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services (Vicki.Black@novascotia.ca / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing (Alan.Howell@novascotia.ca / 902-483-3746).

Yours truly,

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Gordon Smith
Provincial Director of Planning

APPENDIX C



Department of Municipal Affairs and Housing

INFORMATION BULLETIN

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING AND APPLICATION TO SMALL OPTION HOMES

Summary:

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Legislation:

Municipal Government Act (MGA) – Sections 198, 208, 212

Halifax Regional Municipality Charter (HRMC) – Sections 214, 223, 227

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Discussion:

The Statement of Provincial Interest (SPI) regarding Housing states: “There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria.”

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as “family dwelling” cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term “group home” is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

Resources: Implementing Statements of Provincial Interest: guide for municipalities
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Date Produced: June 2, 2022

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APPENDIX D
Taken from the West Hants MPS May 2022

4.11 Housing

Council acknowledges it is important to encourage the provision of housing that includes all residents in West Hants 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 enable 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 suite 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 that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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

- Policy 4.11.1** encourage the provision of housing adequate to meet the needs of all residents in West Hants. 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 4.11.2** provide for the development of a range of housing types in West Hants.
 - Policy 4.11.3** include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.
 - Policy 4.11.4** permit secondary suites in 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.
- (Amendment File # 20-27 effective September 14, 2021)**

APPENDIX E
Taken from the West Hants MPS May 2022

Policy 16.3.1

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

- (a) *whether the proposal is considered premature or inappropriate in terms of:
 - (i) the adequacy of sewer and water services;
 - (ii) the adequacy of school facilities;
 - (iii) the adequacy of fire protection and other emergency services;
 - (iv) the adequacy of road networks adjacent to, or leading to the development; and
 - (v) the financial capacity of the Municipality to absorb any costs relating to the development.*
- (b) *whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;*
- (c) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (d) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (e) *the pattern of development which the proposal might create;*
- (f) *the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;*
- (g) *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*
- (h) *any other matter required by relevant policies of this Strategy.*

Policy 16.8.3

In considering a development agreement provided for in Policy 16.8.2, Council shall have regard to the following:

- (a) *the use is similar to the existing non-conforming use or more compatible with the uses permitted by the Land Use By-law and will not conflict with neighbouring uses;*
- (b) *the adjacent area will not be adversely affected with respect to:
 - (i) traffic generation and traffic and pedestrian safety;
 - (ii) signage;
 - (iii) hours of operation;
 - (iv) outdoor storage;
 - (v) noise, odours, dust or fumes; and
 - (vi) size of building(s);*
- (c) *adequate parking is provided;*
- (d) *adequate yards are provided, or the location of the building on the lot is substantially the same as it was before being damaged or destroyed;*
- (e) *adequate landscaping and fencing or buffering is provided;*
- (f) *maintenance of the use will be satisfactory; and*
- (g) *any other matter which may be addressed by development agreement.*

APPENDIX F
DRAFT WEST HANTS LAND USE BY-LAW AMENDMENTS

Purpose: to clarify and ensure that small options homes are permitted in the same locations and manner as any other dwelling unit.

1. In Part 35, *Definitions*, amend the definition of *dwelling unit* by removing the phrase *excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations* and adding the phrase *may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care* so that the definition reads as follows:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care;
2. In Part 35, *Definitions*, remove the definition of *Home for Special Care* as ***Home for Special Care*** means a nursing home, a home for the aged, a home for the disabled and a residential care facility as defined in the *Homes for Special Care Act*, and replace the definition with: *Home for Special Care* means facilities licensed under *The Homes for Special Care Act* or successor legislation which serve 11 or more people.
3. In Part 35, *Definitions*, remove the definition of *Institutional Use* as ***Institutional Use*** means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals, homes for special care and government buildings, but shall not include a private club, and replace it with *Institutional Use* means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the *Homes for Special Care Act*, and any public use
4. In Part 35, *Definitions*, remove the term and definition *Residential Care Facility*
5. In Part 35, *Definitions*, remove the term and definition *Senior Citizen Housing*
6. In Part 32, the *Institutional (I) Zone*, remove the phrase *Any Institutional Use which is incorporated under the Societies Act* from the list of permitted uses and add the phrase *Any Institutional Use* as the first use in the list.

Appendix G
Public Information Meeting Notes
July 14, 2022 – August 4, 2022
File# 22-07A

West Hants Land Use By-law Amendments: Small Options Housing

Meeting date and time	A public information meeting was held on July 14, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-07 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public were present.
Applicant none	Ms. LeMay outlined the proposed amendments, which are intended to ensure that small options housing is permitted in the same locations and manner as any dwelling unit.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon August 4, 2022.
PIM Submissions	No verbal or written submissions were received.



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: Planning/Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: September 8, 2022

Subject: Windsor Land Use By-law Amendment: Small Options Housing; File # 22-08

1.0 LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) Part 8
- Statement of Provincial Interest: Housing (Appendix A)
- Small Options Homes: Letter from Province (Appendix B)
- Small Options Homes: Provincial Information Bulletin (Appendix C)

2.0 RECOMMENDATION

Should PAC/HAC wish to forward a positive recommendation, the following would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use By-law by deleting the terms and definitions *Residential Care Facility, Retirement Home and Senior Citizen Housing*; redefining the terms *Home for Special Care, Institutional Use and Dwelling Unit*; and replacing the permitted use *Residential Care Facility* in the High Density Residential (R-4) Zone with the permitted use *Home for Special Care*, all as shown in Appendix F of the September 8, 2022 report File #22-08 Windsor Land Use By-law Amendment: Small Options Housing.

3.0 BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On June 6, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units (Appendices B and C). The Information Bulletin supplements the Statement of Provincial Interest (SPI) regarding Housing (Appendix A) and was in part based on a survey of planning documents undertaken by the Disability Support Program (DSP) of the Department of Community Service. The survey indicated the need for change in planning documents in many municipalities to ensure “small options homes” are permitted as-of-right wherever other dwelling units are permitted as-of-right and by

development agreement wherever other dwelling units require a development agreement. The Implementation section of the SPI notes: *“Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.”*

DSP notes that Small Option Homes (SOH) are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. SOHs are built and operated by DSP Service Providers and licensed under the Homes for Special Care Act.

4.0 DISCUSSION and DOCUMENT REVIEW

4.1 Existing Windsor Municipal Planning Strategy

4.1.1 Windsor Housing Background and Policy

The Windsor Municipal Planning Strategy (WMPS) and Land Use By-law (WLUB) were approved in 2005. The policies regarding housing in the WMPS include increasing density by reducing the minimum lot size required, encouraging infilling and encouraging a mix of housing types.

In addition, amendments to the WMPS carried out in 2021 directly support the proposed amendments to the LUB. The Background material notes the need for a wide variety of supportive housing, and the policies *“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.”* (Appendix D).

Present WMPS Policy 5.4.4 requires Council to restrict the number of rooms permitted in a residential care facility located in a residential zone. The proposed amendments are in alignment with the intent of this policy as the number of people within a small options home in a residential zone as-of-right would be limited to ten (10).

Policy 5.4.6 of the WMPS aligns with the intention of the Province that small options homes be treated in the same manner as dwellings which they resemble in size. The proposed amendments ensure that small options homes for ten or fewer people are treated in the same manner as dwellings they are similar to in size and Homes for Special Care for 11 or more people would be treated in the same manner as any other larger residential development.

The term “family” is used in the Windsor planning documents in background information regarding secondary suites, descriptively within definitions and within material related to agricultural operations. The use of the term within the existing documents has no impact on the proposed amendments.

The WMPS does not provide background or policy for the definitions contained in the WLUB. No amendment is needed to the WMPS to clarify Council’s position regarding small options homes (Appendix D).

4.1.2 Windsor General Criteria for Land Use By-law Amendments

The general criteria which Council must consider when amending the WLUB are established in Policy 16.3.1 (Appendix E). None are relevant to the amendment of these WLUB definitions.

4.2 **Existing Windsor Land Use By-law**

The Windsor Land Use By-law (WLUB) includes the terms listed below, used as noted:

TERM and DEFINITION	USE
Nursing home	<ul style="list-style-type: none"> • 5.25 (a) Parking Requirement • appears in the present definition of Home for Special Care • appears in the definition of Residential Care Facility
Home for Special Care means a nursing home, a home for the aged, a home for the disabled or a residential care facility as defined in The Homes for Special Care Act;	<ul style="list-style-type: none"> • defined • term used only in relation to cannabis uses in Sections 21.5 and 22.5
Institutional Use means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;	<ul style="list-style-type: none"> • defined • by DA in Section 6.1 (d) in College Road CDD in accordance with MPS 5.7 • by DA in Section 6.1 (j) in Wentworth Road Gateway in accordance with MPS 8.6.15 • by DA in Section 6.1 (n) i • in any designation in accordance with MPS Policy 11.1.4 • by site plan approval in Waterfront Development District (WDD) zone in accordance with MPS Policy 7.5.2 & 7.5.3 • listed permitted use in Part 24.0, the Institutional (I) Zone with additional restriction: <u>“Any institutional use which is incorporated under the Societies Act”</u>
Residential Care Facility means a licensed residential institution where 24 hour supervisory care or personal care is provided for four or more persons, but does not include a nursing home, correctional facility or hospital;	<ul style="list-style-type: none"> • defined • term Included in the definition of home for special care • listed permitted use in Part 11, High Density Residential (R-4) Zone and limited to 5 or fewer persons
Retirement Home means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall and where common facilities for the preparation of	<ul style="list-style-type: none"> • term defined but not used • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents

and consumption of food may be provided, and common lounges, recreation rooms and medical care facilities may also be provided;	
Senior Citizen Housing means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization;	<ul style="list-style-type: none"> • term defined • term used only in relation to cannabis uses in Sections 21.5 and 22.5 • PAC/HAC agreed not to include this term in the definition section of the Regional planning documents

4.3 Proposed Amendments

In order to ensure that

- a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
- small options homes would be considered by development agreement in any location where residential development is considered by development agreement, the following changes are required to the WLUB [\[additions shown in blue\]](#):

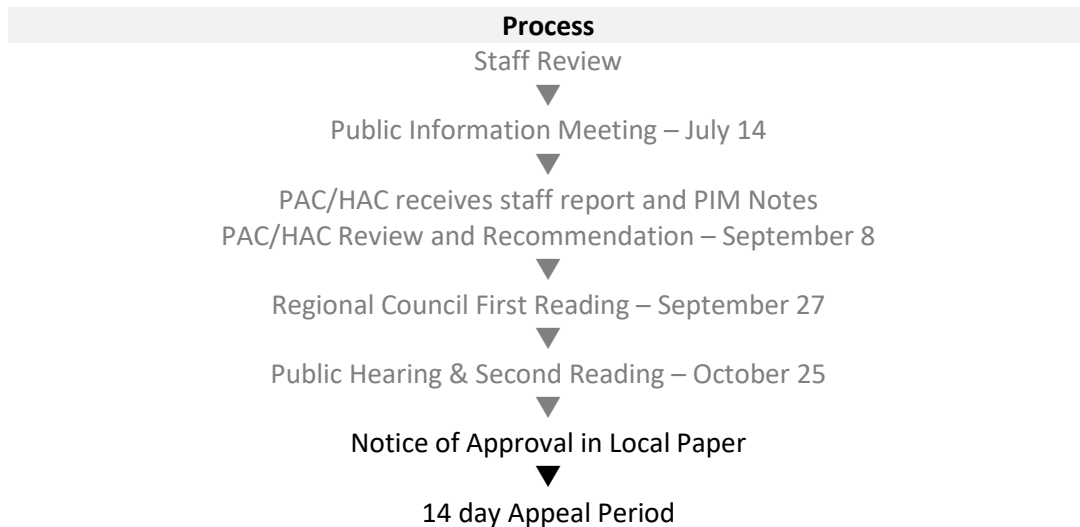
- leave the term Nursing Home in the parking requirements;
- redefine the term Home for Special Care as:
Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation [which serve 11 or more people](#).
This change would have no impact on Sections 21.5 and 22.5 of the WLUB related to cannabis.
- redefine Institutional Use as
Institutional Use means a [publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the Homes for Special Care Act, and any public use. \[NOTE: this is intended to ensure licensed homes with 10 or fewer residents can be located in the Institutional Zone\]](#)
- delete the term and definition “Residential Care Facility”
- replace the permitted use “Residential Care Facility” in the High Density Residential (R-4) Zone with the permitted use “Home for Special Care”;
- delete the term and definition “Retirement Home”;
- delete the term and definition “Senior Citizen Housing”. This change would have no impact on Sections 21.5 and 22.5 of the WLUB related to cannabis.
- redefine Dwelling Unit as:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and [may include a group home or small options home which serves 10 or fewer people](#) but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations [and a home for special care](#).

The draft amendments are shown in Appendix F.

5.0 NEXT STEPS

The proposed amendments have been considered within the context of, and are consistent with, the intent, objectives, policies, and criteria of the WMPS. There are no proposed map amendments. As a result, it is reasonable to amend the text of the WLUB to clarify the position of small options homes in Windsor.



*anticipated dates; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to recommend the changes to the Windsor Municipal Planning Strategy and Land Use By-law as drafted, it may:

- recommend specific changes to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A Statement of Provincial Interest: Housing
Appendix B Small Options Homes: Letter from Province

Appendix C	Small Options Homes: Provincial Information Bulletin
Appendix D	Existing Windsor MPS: Housing
Appendix E	WMPS General Criteria for Land Use By-law Amendment
Appendix F	Proposed Land Use By-law Amendments
Appendix G	Public Information Meeting Notes

Report prepared by:

Madelyn LeMay, Director, Planning and Development

Appendix A

Statement of Provincial Interest Regarding Housing

Goal

To provide housing opportunities to meet the needs of all Nova Scotians.

Basis

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application

All communities of the Province.

Provisions

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

Implementation

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

APPENDIX B



Department of Municipal Affairs and Housing

Floor 8 North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

Telephone: 902.424.7918
Fax: 902.424.0821
E-mail: Gordon.Smith@novascotia.ca

June 6, 2022

TO: CAOs & Clerks

RE: Statement of Provincial Interest Regarding Housing & Small Option Homes

Recently, the Department of Municipal Affairs and Housing was approached by the Department of Community Services regarding small option homes. Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in the community and receive support services from staff.

Nova Scotia is currently phasing out the use of large, institutional-style facilities like Regional Rehabilitation Centres (RRC) and Adult Residential Centres (ARC) as housing for persons with disabilities. As a result, there is a need to expand the stock of small option homes available across the Province.

Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

The attached Information Bulletin outlines the Department of Municipal Affairs and Housing's perspective on this matter.

For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services (Vicki.Black@novascotia.ca / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing (Alan.Howell@novascotia.ca / 902-483-3746).

Yours truly,

Gordon Smith
Provincial Director of Planning

/kz

APPENDIX C



Department of Municipal Affairs and Housing

INFORMATION BULLETIN

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING AND APPLICATION TO SMALL OPTION HOMES

Summary:

The Statement of Provincial Interest regarding Housing requires that planning documents treat Small Option Homes licensed under the *Homes for Special Care Act* consistently with their residential nature.

Legislation:

Municipal Government Act (MGA) – Sections 198, 208, 212

Halifax Regional Municipality Charter (HRMC) – Sections 214, 223, 227

Statements of Provincial Interest, N.S. Reg 101/2001 – Statement of Provincial Interest regarding Housing

Discussion:

The Statement of Provincial Interest (SPI) regarding Housing states: “There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria.”

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as “family dwelling” cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term “group home” is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

Resources: Implementing Statements of Provincial Interest: guide for municipalities
<https://beta.novascotia.ca/documents/implementing-statements-provincial-interest-guide-municipalities>

Date Produced: June 2, 2022

Note: The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions or direct guidance must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and, therefore, reference should be made to the *Municipal Government Act*, the *Halifax Regional Municipality Charter*, other relevant legislation, and to legal advisors.

APPENDIX D
Taken from the Windsor MPS May 2022

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 suite 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 that the buildings retain the look of the original dwellings and are compatible with the neighbourhood.

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 Land Use By-law.

...

Policy 5.4.1 It shall be the policy of Council to establish a High Density Residential (R-4) zone which allows multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities.

Policy 5.4.4 It shall be the policy of Council to restrict the number of rooms permitted in a boarding house and residential care facility located in a residential zone.

Policy 5.4.6 It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities,

APPENDIX E

Taken from the Windsor MPS May 2022

16.3 Land Use By-law Amendments and Development Agreements

It may be necessary to amend the Land Use By-law, although the By-law must always be in conformity with the Municipal Planning Strategy. Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that go beyond what may be considered under standard zoning. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, architectural detail, hours of operation and other matters of concern to adjacent landowners. Development agreements also can provide a greater degree of flexibility to the developer. A development agreement is binding upon a property until the agreement or part thereof is discharged by the Town.

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:*

- (a) *whether the proposal is considered premature or inappropriate in terms of:*
 - (i) *the adequacy of sewer and water services;*
 - (ii) *the adequacy of school facilities;*
 - (iii) *the adequacy of fire protection;*
 - (iv) *the adequacy of road networks adjacent to, or leading to the development; and*
 - (v) *the financial capacity of the Town to absorb any costs relating to the development.*
- (b) *the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;*
- (c) *the adequacy of the dimensions and shape of the lot for the intended use;*
- (d) *the pattern of development which the proposal might create;*
- (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;*
- (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*
- (g) *any other matter required by relevant policies of this Strategy.*

APPENDIX F
DRAFT WINDSOR LAND USE BY-LAW AMENDMENTS

Purpose: to clarify and ensure that small options homes are permitted in the same locations and manner as any other dwelling unit.

1. In Part 31.0, *Definitions*, amend the definition of dwelling unit by removing the phrase *excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations* and adding the phrase *may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care* so that the definition reads as follows:
Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway inside the building and may include a group home or small options home which serves 10 or fewer people but excludes a recreational cabin as defined in the Nova Scotia Building Code Regulations and a home for special care;
2. In section 11.1 of Part 11, *High Density Residential (R-4) Zone*, remove the permitted use *Residential Care Facility* and add *Home for Special Care* as a permitted use;
3. In Part 31.0, *Definitions*, remove the definition of *Home for Special Care* as *Home for Special Care* means a nursing home, a home for the aged, a home for the disabled or a residential care facility as defined in *The Homes for Special Care Act* and replace the definition with: *Home for Special Care* means facilities licensed under *The Homes for Special Care Act* or successor legislation which serve 11 or more people;
4. In Part 31.0, *Definitions*, remove the definition of *Institutional Use* as means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club; and replace it with *Institutional Use* means a publicly or privately-owned or operated church, school, hospital, health care facility, facility licensed under the *Homes for Special Care Act*, and any public use;
5. In Part 31.0, *Definitions*, remove the term and definition *Residential Care Facility* means a licensed residential institution where 24 hour supervisory care or personal care is provided for four or more persons, but does not include a nursing home, correctional facility or hospital;
6. In Part 31.0, *Definitions*, remove the term and definition *Retirement Home* means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall and where common facilities for the preparation of and consumption of food may be provided, and common lounges, recreation rooms and medical care facilities may also be provided;
7. In Part 31.0, *Definitions* remove the term and definition *Senior Citizen Housing* means a multiple unit dwelling designed for occupation by senior citizens and constructed and maintained by a public housing authority or non-profit organization.

Appendix G
Public Information Meeting Notes
July 14, 2022-August 4, 2022
File# 22-08A

Windsor Land Use By-law Amendments: Small Options Housing

Meeting date and time	A public information meeting was held on June 9, 2022 beginning at 6 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-08 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Sara Poirier, Senior Planner Alex Dunphy, Planner No members of the public were present.
Applicant none	Ms. LeMay outlined the proposed amendments, which are intended to ensure that small options housing is permitted in the same locations and manner as any dwelling unit.
Adjournment	The presentation portion of the PIM ended at approximately 6:15 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon August 4, 2022.
PIM Submissions	No verbal or written submissions were received.

