

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda **AMENDED**
November 22, 2022 - 5:00 p.m.
Virtual via Zoom (also FB Livestream)



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous and Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-10-25 Council Meeting Minutes
 - b) 2022-10-25 Public Hearing Meeting Minutes, 65 Fort Edward Street, PID 45059797
 - c) 2022-10-25 Public Hearing Meeting Minutes, Property Assessed Clean Energy (PACE) By-Law RP-001
7. Presentations
8. Public Hearings
 - i. Hantsport, West Hants and Windsor MPS and LUB Amendments: Secondary Suites in Accessory Buildings (three reports, one presentation, three motions) – Planner Poirier
 - ii. WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (one report, one motion) – Planner Poirier
 - iii. 697 Greenhill Road, Greenhill, PID 45026010, WHLUB Map Amendment (one report, one motion) - Planner Dunphy
 - iv. 4245 Hwy 14, PID 45038361, WHLUB Amendment (one report, one motion) - Planner Dunphy
 - v. 4701 Hwy 1, Three Mile Plains, Development Agreement (one report, two motions) – Planner Poirier
 - vi. Hantsport, West Hants, Windsor MPS and LUB Amendments: Small Options Housing (three reports, three motions) - Director LeMay
 - vii. Outdoor Fires By-Law RO-001 (one report, one motion) – Supervisor Thornton
9. Second Readings

- i. Hantsport, West Hants and Windsor MPS and LUB Amendments: Secondary Suites in Accessory Buildings (three reports, one presentation, three motions) – Planner Poirier
- ii. WHLUB Amendments: Wentworth Road PID 45190386 and Cole Drive PID 45366457 (one report, one motion) – Planner Poirier
- iii. 697 Greenhill Road, Greenhill, PID 45026010, WHLUB Map Amendment (one report, one motion) - Planner Dunphy
- iv. 4245 Hwy 14, PID 45038361, WHLUB Amendment (one report, one motion) - Planner Dunphy
- v. 4701 Hwy 1, Three Mile Plains, Development Agreement (one report, two motions) – Planner Poirier
- vi. Hantsport, West Hants, Windsor MPS and LUB Amendments: Small Options Housing (three reports, three motions) - Director LeMay
- viii. Outdoor Fires By-Law RO-001 (one report, one motion) – Supervisor Thornton

- 10. Unfinished Business/Postponed Motions
 - a) Debt Reconciliation Information Report -Director Gibson

~~11. Mayor's Report~~

- 12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (November 8, 2022)
 - i. December Meeting Dates
 - ii. Falmouth Family Dog Park
 - iii. REMO Mutual Aid Agreement
 - iv. Security Camera
 - v. Streetlights in the Crossing
 - vi. Thermal Imaging Camera Capital Purchase
 - vii. Updating the 2022-23 Tax Resolution
 - b) Planning and Heritage Recommendations (November 10th, 2022) (First Readings)
 - i. Cole Drive, PID 45366432 West Hants and Windsor MPS and LUB Amendments (two reports, two motions) - Planner Dunphy
 - ii. 394 Greenhill Road, Greenhill, PID 45118502 Development Agreement (one report, two motions) - Planner Dunphy
 - iii. Hantsport Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy
 - iv. West Hants Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy
 - v. Windsor Coastal Protection and Flood Planning Policy (one report, one motion) – Planner Dunphy

13. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report

14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log as of November 17, 2022- No new correspondence

 2. Correspondence Received Activity Log as of November 17, 2022
 - i. 2022-11-06 Andrea Parker Re Road repair work needed
 - ii. 2022-11-07 WAEFA Recipient Confirmation - 2022 (Awards sponsored by the West Hants Regional Municipality)
 - iii. 2022-11-10 CAO Letter - Comfort Centre Designation - Garden of Eden Community Centre
 - iv. 2022-11-10 David Old, President Hantsport Seniors and Elders Club re Community Generator Program
 - v. 2022-11-12 Juanita Wilcox re Expression of Thanks
 - vi. 2022-11-14 Emily McNeil re Renewal of the Operating Approval for the Avon Hydro System
 - vii. 2022-11-16 Paul Beazley re Boundary Review Questions

 3. Fort Edward Activity Log as of November 17, 2022

 4. Storm Wastewater Activity Log as of November 17, 2022 - No new correspondence
 - b) Requests – None
 - c) Outgoing Correspondence Log as of November 17, 2022

15. New Business

16. In-Camera

17. Next Meeting Date / Adjournment

WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – 2022-11-22 PH Meeting, Small Options Housing Hantsport, West Hants and Windsor

Tuesday, November 22, 2022 – 5:04 pm

In-person Sanford Council Chambers and virtually via ZOOM
(also Facebook Livestreamed)



West Hants
something inspiring awaits

1. Call to Order

The Public Hearing was called to order at 5:04 pm.

2. Council:

Rupert Jannasch, Councillor, District 1
Scott McLean, Councillor, District 2
Mark McLean, Councillor, District 3
Jeff Hartt, Councillor, District 4
Debbie Francis, Councillor, Dist. 5

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor District 6
John A. Smith, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Regrets:

Abraham Zebian, Mayor
Ed Sherman, Councillor, District 7

Staff and Guests:

Mark Phillips, CAO
Shelleena Thornton, Mun. Ops Supervisor
Kathy Kehoe, Director Community Development
Diana Gibson, Acting Dir. Financial Services
Madelyn LeMay, Dir. Planning & Development
Deanna Snair Municipal Clerk

Todd Richard, Dir. Public Works
Sara Poirier, Senior Planner
Alex Dunphy, Planner
Five (5) Residents in the Gallery
Chrystal Fuller, Planner, Brighter
Planning

3. Public Hearings – All public hearings and presentations are available on the Municipal website.

Small Options Housing Hantsport, West Hants and Windsor

Director LeMay reviewed the report providing some background information resulting in the public hearing being held regarding Small Options Housing within the municipality.

On June 6, 2022, the NS Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provided an interpretation regarding the accommodation of “group homes” in all municipal units and supplemented the Statement of Provincial Interest regarding Housing. This information was based in part on a survey of planning documents undertaken by the Disability Support Program 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 and under the Implementation section of the SPI notes, Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements.

Small Options Homes are community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently. They are built and operated by disability Support Program Service providers and licensed under the Homes for Special Care Act.

The amendments proposed were recommended for Hantsport, West Hants and Windsor Planning documents and are intended to ensure development permits were issued for small options homes in any area where dwellings are permitted as-of-right and to ensure small options homes were considered by development agreement in any location where residential development was considered by development agreement.

Within the Hantsport documents, housing policies include increasing density by reducing the minimum lot size required, encouraging infilling & encouraging a mix of housing types and in 2021 amendment added some clarity around the intent of the Hantsport housing policies to provide housing for all residents (policy GP11).

Within the West Hants documents housing policies were focused on concentrating denser development within the Growth Centres and Hamlets in order to concentrate the delivery of services and in 2021 included amendments to directly support the Small Options proposed amendments to the WHLUB by encouraging a wide range of housing types & ensuring flexible development standards.

Within the Windsor documents housing policies included increasing density by reducing the minimum lot size required, encouraging infilling and encouraging a mix of housing types and in 2021 amendment were made to encourage a wide range of housing types and ensures flexible development standards.

The recommended amendments were to remove several unnecessary terms and definitions and change definition of 3 terms:

Dwelling Unit by adding:

- may include a group home or small options home which serves 10 or fewer people; and
- a home for special care.

Home for Special Care by adding: which serve 11 or more people and

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.

In addition, PAC/HAC agreed to remove the following 3 terms from the draft regional documents:

- Residential Care facility
- Senior Citizen Housing
- Retirement Home

2022 recommendations include removing one additional term since it is not used:

- group home

A Public Information Meeting was held on July 14, 2022 and broadcasted live on the Municipal Facebook page. No members of the public attended the meeting. The deadline for comments was August 4, 2022 with no comments received.

PAC/HAC reviewed the recommendation on September 8, 2022 and First Reading was held on September 27, 2022. All statutory requirements had been met.

The presentation ended at 6:02 p.m.

4. Adjournment

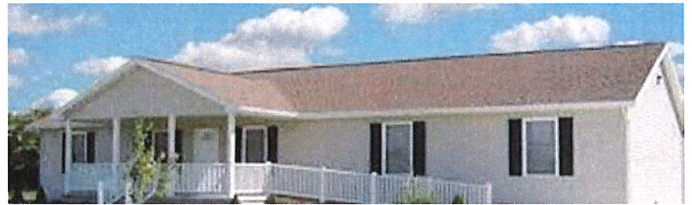
Deputy Mayor P. Morton declared the Public Hearing closed at 6:02 p.m.

Abraham Zebian, Mayor

Deanna Snair, Executive Assistant/Clerk



West Hants



Small Options Housing
Public Hearing
November 22, 2022

Background

- June 6, 2022, NS Department of Municipal Affairs and Housing published an Information Bulletin for municipalities
- it provides interpretation regarding the accommodation of “group homes” in all municipal units
- it supplements the Statement of Provincial Interest regarding Housing
- is based in part on a survey of planning documents undertaken by the Disability Support Program of the Department of Community Service

Background

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

What is a Small Options Home?

- Disability Support Program notes that Small Option Homes are *“community-based homes, indistinguishable from other homes, that typically support three or four residents capable of living independently.”*
- Small Options Homes are built and operated by Disability Support Program Service providers and licensed under the Homes for Special Care Act.



Intent of Amendments

Amendments are recommended for Hantsport, Windsor and West Hants planning documents

Recommended amendments are intended to:

- ensure a development permit would be issued for small options homes in any area where dwellings are permitted as-of-right; and
- ensure small options homes would be considered by development agreement in any location where residential development is considered by development agreement.

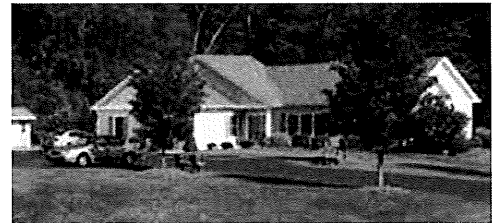
WHRM Documents

Hantsport

- housing policies include increasing density by reducing the minimum lot size required, encouraging infilling & encouraging a mix of housing types.
- 2021 amendment added some clarity around the intent of the Hantsport housing policies to provide housing for all residents (policy GP11)

WHRM Documents

West Hants



- housing policies are focussed on concentrating denser development within the Growth Centres and Hamlets in order to concentrate the delivery of services.
- 2021 amendments directly support the Small Options proposed amendments to the WHLUB by encouraging a wide range of housing types & ensuring flexible development standards

WHRM Documents

Windsor

- housing policies include increasing density by reducing the minimum lot size required, encouraging infilling and encouraging a mix of housing types.
- 2021 amendment encourages a wide range of housing types and ensures flexible development standards



Terms and Definitions

- Hantsport MPS/LUB: approved 2010
 - West Hants MPS/LUB: approved 2008
 - Windsor MPS/LUB: approved 2005
-
- age of planning documents shows in terms and definitions used
 - proposed amendments remove terms which are defined but not used in the LUBs



2022 Recommended Amendments

For all Land Use By-laws in the Region:

- remove several unnecessary terms and definitions
- change definition of 3 terms:
 - Dwelling Unit by adding:
 - may include a group home or small options home which serves 10 or fewer people; and
 - a home for special care.
 - Home for Special Care by adding: which serve 11 or more people
 - 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.

Terms

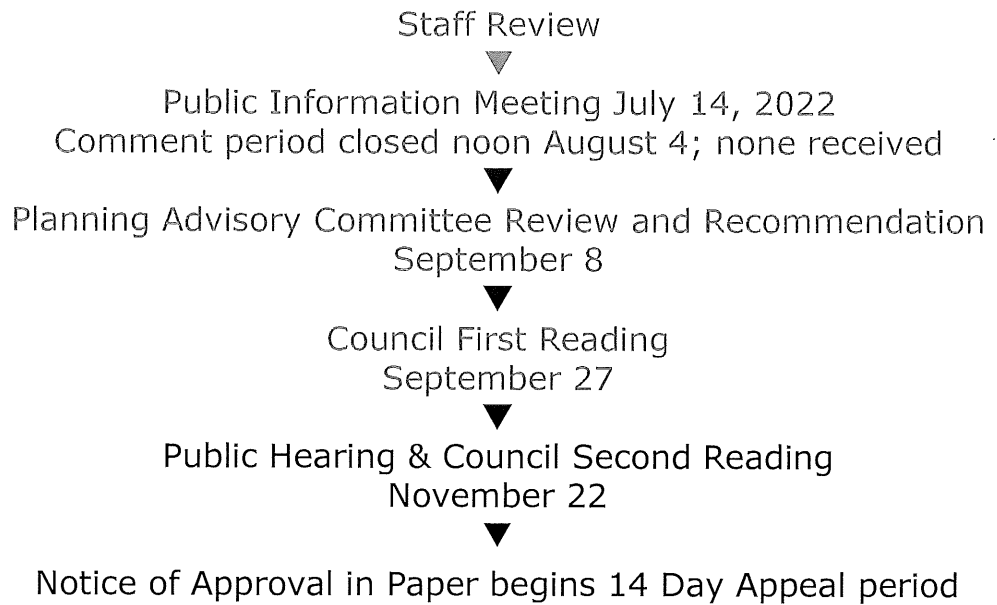
- PAC/HAC earlier agreed to remove the following 3 terms from the draft Regional documents:
 - Residential Care facility
 - Senior Citizen Housing
 - Retirement Home
- 2022 recommendations include removing one additional term since it is not used:
 - group home

PROCESS

Notices were placed in the local paper on October 25 and November 1, 2022

No comments or questions have been received.

All statutory requirements have been met



RECOMMENDATION: HANTSPORT

...that Council amends 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.

RECOMMENDATION: WEST HANTS

... that Council amends 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.

RECOMMENDATION: WINDSOR

...that Council amends 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.



West Hants





WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: November 22, 2022

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

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
 Statement of Provincial Interest: Housing
 Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

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

,,,that Council amends 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.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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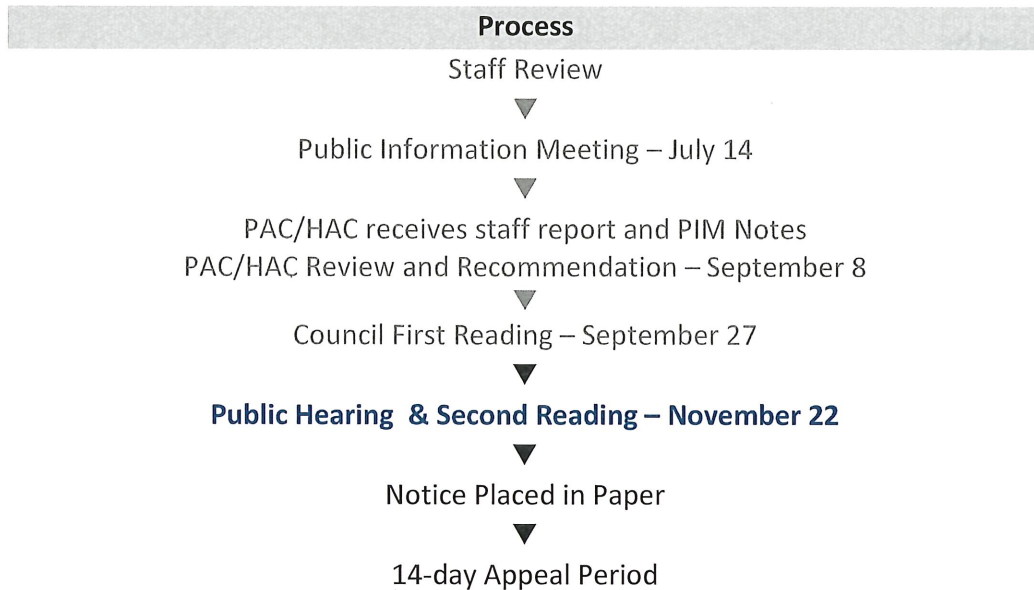
On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

Council held first reading on September 27, 2022 (Attachment A).

NEXT STEPS

The process for this application is as follows:



ATTACHMENTS

Attachment A September 27, 2022 Report to Council - Hantsport Land Use By-law Amendment: Small Options Housing; File # 22-06B

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: September 27, 2022

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

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
 Statement of Provincial Interest: Housing
 Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

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

...that Council gives First Reading and will hold a Public Hearing to consider amending the 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.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On 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.

The proposed amendments are in direct response to this Information Bulletin.

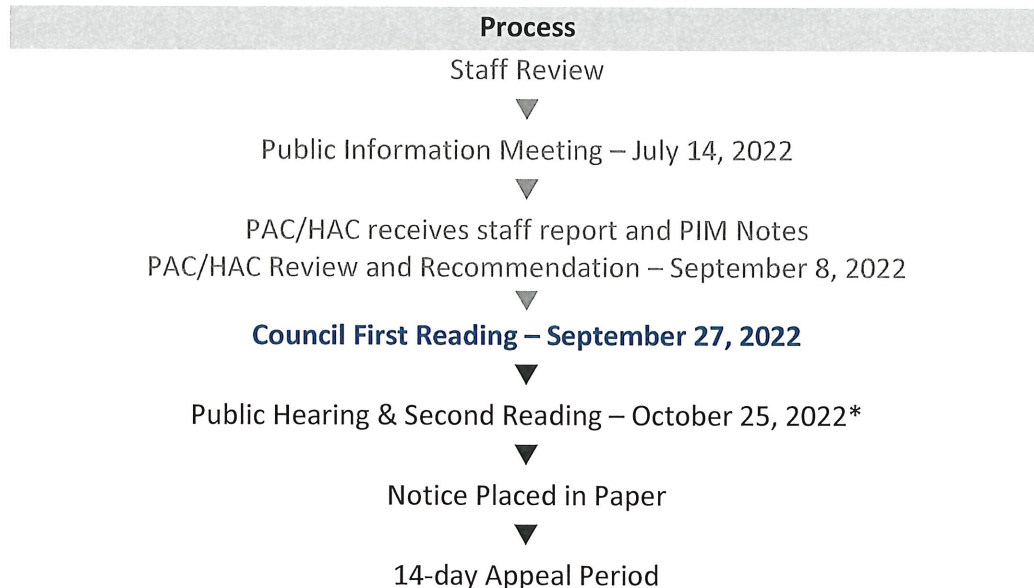
DISCUSSION

A Public Information Meeting was held on July 14, 2022.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A September 8, 2022 Hantsport Land Use By-law Amendment: Small Options
Housing; File # 22-06

CHIEF ADMINISTRATIVE OFFICER REVIEW

As n opted by the Director this recommendation is in alignment with their provincial
perspective and PAC / HAC recommendation.

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: 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.</p> <p>"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

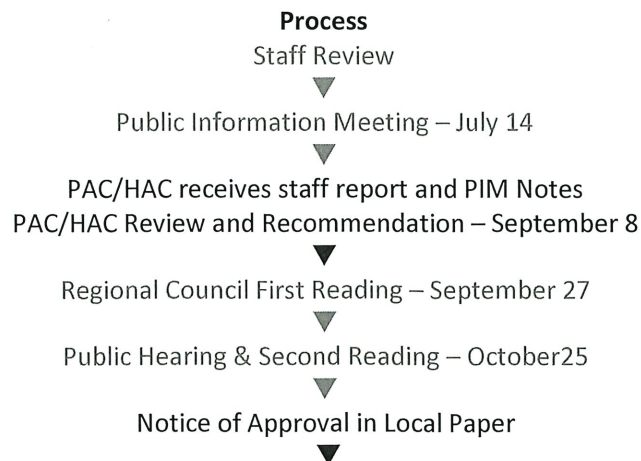
Home for Special Care means facilities licensed under *The Homes for Special Care Act* or successor legislation **which serve 11 or more people**.

- 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

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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: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: November 22, 2022

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

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
 Statement of Provincial Interest: Housing
 Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

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

... that Council amends 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.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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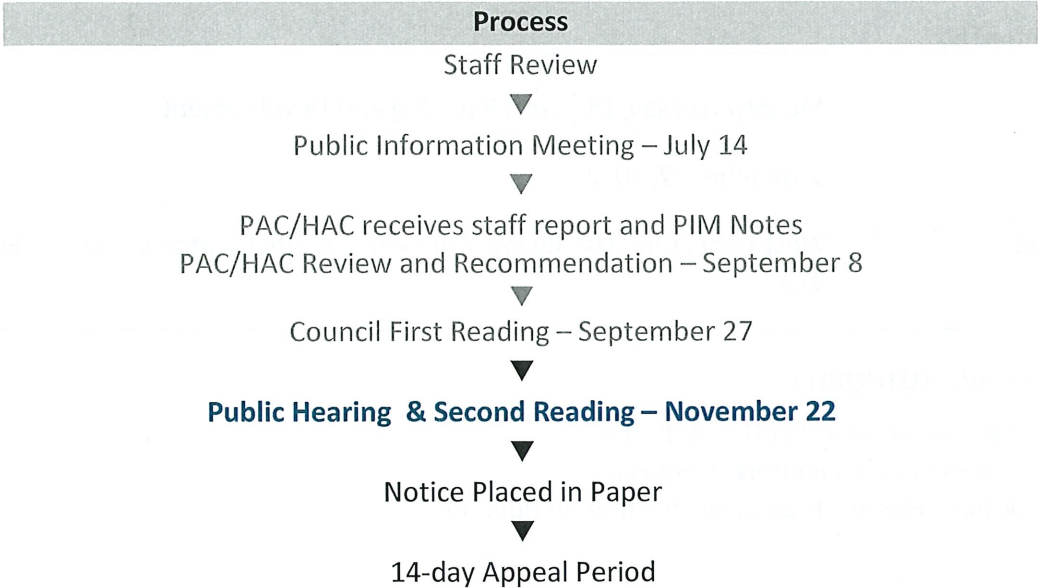
On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

Council held first reading on September 27, 2022 (Attachment A).

NEXT STEPS

The process for this application is as follows:



ATTACHMENTS

Attachment A September 27, 2022 Report to Council – West Hants Land Use By-law Amendment: Small Options Housing; File # 22-06B

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: September 27, 2022

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

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
 Statement of Provincial Interest: Housing
 Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

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

...that Council gives First Reading and will hold a Public Hearing to consider amending the 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.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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On 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.

The proposed amendments are in direct response to this Information Bulletin.

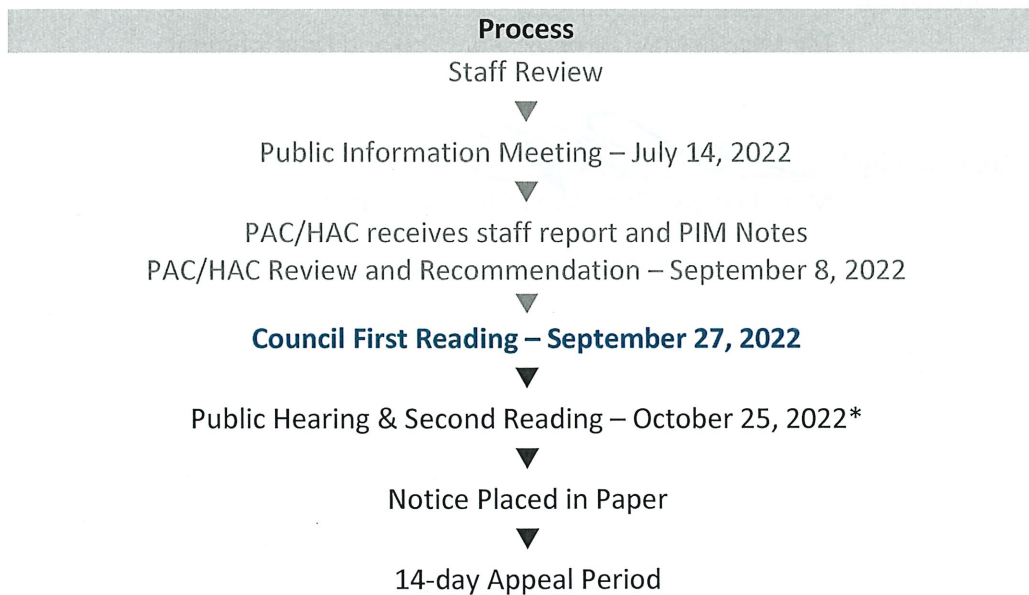
DISCUSSION

A Public Information Meeting was held on July 14, 2022.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

NEXT STEPS

The process for this proposed amendment is as follows:



*anticipated date; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A September 8, 2022 West Hants Land Use By-law Amendment: Small
Options Housing; File # 22-07

CHIEF ADMINISTRATIVE OFFICER REVIEW

As noted by the Director this recommendation is in alignment with the province and PAC/ HAC perspectives.

I support the recommendation.

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
--------------------------------------	--	---	--

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"/>
--	---	--------------------------------------	--	-----------------------------------	--

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 [\[additions shown in blue\]](#):

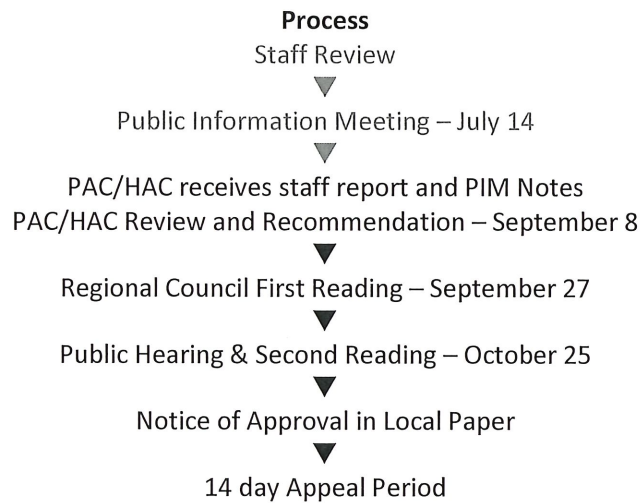
- redefine the term *Home for Special Care* as:
Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation which serve 11 or more people.
This change would have no impact on Sections 5.56, 18.10, 30.5 and 31.5 of the WHLUB related to cannabis.
- leave 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.
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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

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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

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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.

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", written in a cursive style.

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 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: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: November 22, 2022

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

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Part 8
 Statement of Provincial Interest: Housing
 Small Options Homes: Provincial Information Bulletin

RECOMMENDATION

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

...that Council amends 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.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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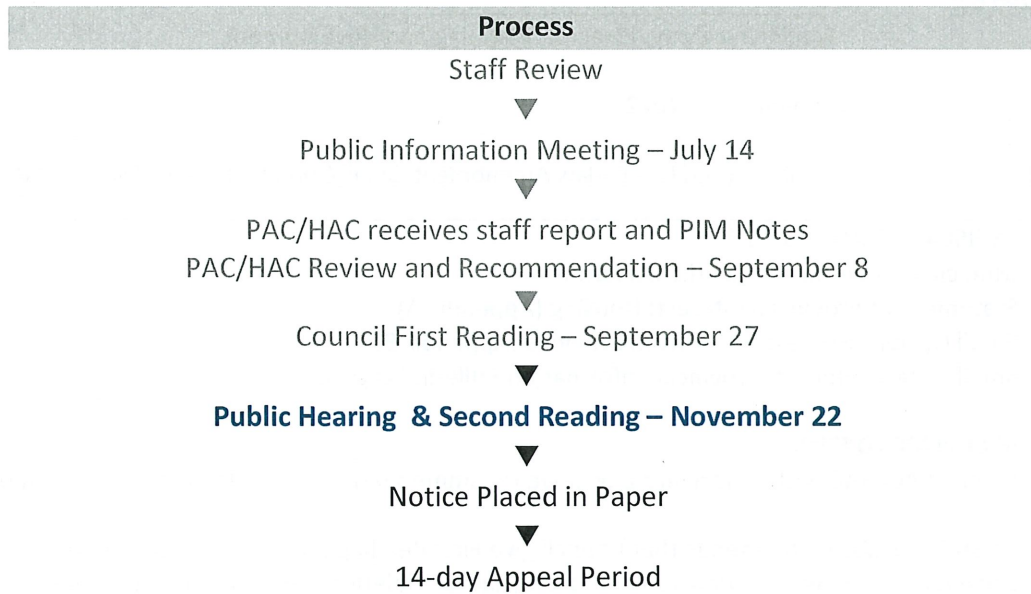
On June 6, 2022, the Nova Scotia Department of Municipal Affairs and Housing published an Information Bulletin for municipalities which provides interpretation regarding the accommodation of group homes in all municipal units.

PAC/HAC recommended in favour of the proposed amendments on September 8, 2022.

Council held first reading on September 27, 2022 (Attachment A).

NEXT STEPS

The process for this application is as follows:



ATTACHMENTS

Attachment A September 27, 2022 Report to Council – Windsor Land Use By-law Amendment: Small Options Housing; File # 22-08B

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



ATTACHMENT A

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: 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 [\[additions shown in blue\]](#):

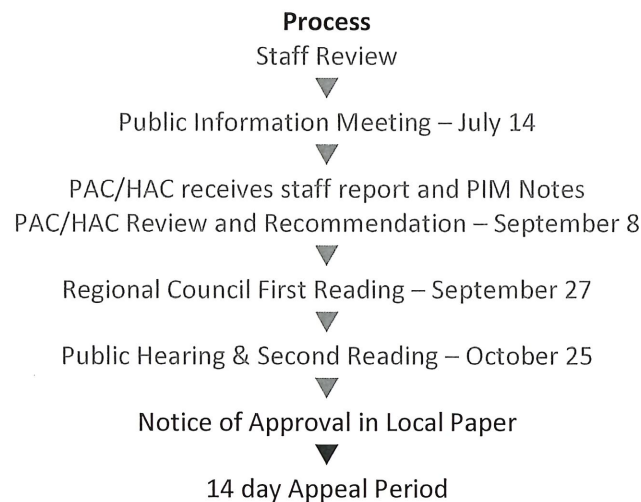
- leave the term Nursing Home in the parking requirements;
- redefine the term Home for Special Care as:
Home for Special Care means facilities licensed under The Homes for Special Care Act or successor legislation [which serve 11 or more people](#).
This change would have no impact on Sections 21.5 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,

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

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

Discussion:

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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.