



Subject: *Plan Update - Rural Residential Uses*
To: CAO for Planning Advisory Committee, November 16, 2021
Date Prepared: November 10, 2021
Related Motions: PAC21(14), PAC21(5), PAC21(6), C21(23), C21(24), PAC21(26)
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Summary

As part of the ongoing plan update, Planning staff are preparing background papers to discuss and propose approaches to different land use issues within the Municipality. The current background paper discusses rural residential uses and proposes types of rural residential uses that should be permitted in the future planned area. A series of recommendations have been developed based on the discussion.

Financial Impact Statement

The Community Plan Update has been budgeted for in 2021/2022 Municipal Budget.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to draft proposed amendments to the Official Community Plan in regards to rural residential uses as presented to Executive Committee on November 16, 2021 and outlined in this staff report.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to draft proposed amendments to the Official Community Plan in regards to rural residential uses as presented to Executive Committee on November 16, 2021 and outlined in this staff report.*

Background

For the purpose of this background report, rural residential use policies and regulations are proposed to be implemented in the majority of the future planned area. A separate report will be presented to Planning Advisory Committee (PAC) to discuss residential land use policy direction for the settlements of Maitland, Walton, Noel, Rawdon and Kennetcook.

The Minimum Planning Requirements Regulations identifies residential uses as one of the subjects that must be addressed by planning policy in the East Hants Official Community Plan.

Discussion

A variety of residential dwelling types are permitted in the Rural Use (RU) Zone of the comprehensively planned portion of East Hants to provide residents with a variety of housing options. Housing options include the following definitions from the Land Use Bylaw (LUB):

***Single Unit Dwelling** means a detached dwelling unit used or intended to be used by 1 household. For the purpose of this bylaw, a manufactured home shall be a single unit dwelling. This use shall not include mini-homes.*

***Two Unit Dwelling** means a building consisting of 2 dwelling units.*

***Mini-home** also called mobile home, means a building designed and manufactured to be transported on its own chassis, certified to comply with the CAN/CSA-Z240 Series regulations and is equipped for year round occupancy.*

***Tiny Home on Wheels** means a dwelling constructed on a chassis or trailer, a maximum of 3 m wide, and not installed on a permanent foundation; which must be CSA approved for four season use or certified by a Professional Engineer for year-round human habitation.*

***Accessory Dwelling Unit** means a dwelling unit accessory to a single unit dwelling or bed and breakfast intended as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory dwellings may be contained within the primary single unit dwelling or located in a detached structure.*

Planning staff are recommending that each of these dwelling types are also permitted in the rural areas of the future planned area. Thereby, allowing for residents to choose from a broad range of housing styles.

Small Multiplexes and Multiple Dwellings

In the Rural Use (RU) Zone, of the comprehensively planned portion of East Hants, property owners are allowed to apply to enter into a development agreement with the Municipality to permit small multiplexes or multiple dwellings on a lot, up to a maximum of eight dwelling units. This would apply to any property owner wanting to construct more than two dwellings on a lot. Planning staff are recommending that the same option is provided to property owners in the future planned area. Requiring a development agreement would allow public consultation and would allow staff and Council to review the application to determine if the use was appropriate. As an example, it may not be appropriate to allow a property owner to build an eight-unit

apartment building adjacent to a large chicken barn. Other issues to be considered further to land use conflicts would be potable water availability and the appropriateness of the structure.

Mini-homes

Under the current Land Use Bylaw regulations, having over two mini-homes on a property requires that the property designation and zone be changed to allow for a mini-home community. Under the existing provisions of the Land Use Bylaw, a *mini-home community means an establishment comprising land or premises under single ownership, designed, and intended for the use of 3 or more mini-homes for residential dwelling purposes. This use does not include campgrounds.* Planning staff are not aware of any existing mini-home communities in the future planned area. Staff recommend that any proposed mini-home communities in the future planned area be required to apply for a planning application to change the land use designation and zone of the land to the Mini-Home (MH) Designation and Zone. The same land use policies and regulations would be applicable to lands in both the comprehensively planned portion of the Municipality and the future planned area, of which the details can be found in the East Hants Official Community Plan.

Recreational Vehicles

There is no definition for a recreational vehicle in the Land Use Bylaw (LUB). Rather the LUB has a definition for a dwelling that states that a dwelling shall not include a motor home, travel trailer, or other recreation vehicle. Planning staff recommend that a definition of recreational vehicle be added to the LUB.

Recreational Vehicle means a motor vehicle or trailer which includes living quarters designed for short-term seasonal recreational use and accommodation and may include, but is not limited to, Park Model Trailers, Class A, Class B and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer or a pick-up camper.

Recreational vehicle (RV) use in the future planned area is a popular type of accommodation for seasonal property owners. The majority of property owners use their RVs for their summer cottages and don't inhabit the RVs year-round. In some instances, multiple RVs are located on the same property. As the number of RVs on a property increases, so does the requirement for adequate septic and grey water disposal, potable water resources, and power hookup. Nova Scotia Environment and Climate Change requires an approved grey water and septic disposal system for all development, whether seasonal or not. This includes recreational vehicles. A typical septic system that is designed for a single unit dwelling may not be able to accommodate the effluent from multiple RVs.

Many future planned area residents expressed their concerns regarding RV use during the recent Plan Update Open Houses and as part of the Plan Update Survey. Properties with multiple RVs can create a party atmosphere, which is fine as long as partying does not create issues for surrounding property owners or cause land use conflicts with adjacent uses. Some of the comments from residents included:

- *No campgrounds within 1 km from a home.*
- *Recreational vehicles are fine in my area (Selma) as cottages.*
- *Concerned with the number of RVs on a property.*
- *RVs - yes, there should be a limit to unpermitted RVs on a lot that is not a campground.*
- *No more campgrounds.*

Based on the feedback received, Planning staff are recommending that up to a maximum of two RVs per property are permitted for seasonal use in the future planned area. A permit for a campground would be required if more than two RVs are located on a lot. A second background report has been prepared detailing proposed changes to land use regulations regarding campgrounds.

East Hants Building Officials are aware of a couple instances where RVs are being used as an affordable form of housing. RVs are not constructed for four season year-round living in winter climates. Winter conditions may lead property owners to make modifications to the RVs to keep them warm. These modifications may lead to life safety issues if they are not completed by qualified professionals. Recreational vehicles are not built to the same standard as permanent four-season housing. Both recreational vehicle and park model homes are not designed to handle winter conditions, structural movement, fresh air requirements and many more items required by the National Building Code of Canada. There are no provisions in the National Building Code of Canada to be able to issue a building permit for these structures. Therefore, staff are not recommending their use as permanent housing.

Proposed Direction

Based on Planning staff's review of rural residential uses in the Rural Use (RU) Zone and after listening to comments from the Plan Update Open Houses, planning staff are proposing the following land use directions be applied to the future planned area. A separate background report has been prepared regarding regulating campground developments.

Recommendation:

1. All of the housing options currently permitted in the Rural Use (RU) Zone should also be permitted in the future planned area outside of the areas identified as major settlements.
2. Multiplexes and multiple unit dwellings beyond what are currently permitted as-of-right in the RU Zone, should be permitted by development agreement in the future planned area outside of the areas identified as major settlements.
3. If over two mini-homes are proposed for the same lot then the property owner has to apply to have their land redesignated and rezoned to the Mini-Home (MH) Designation and Zone. The designation and zoned provisions are already in existence in the Official Community Plan.
4. Add a definition for recreational vehicle to the Land Use Bylaw.
5. Allow up to a maximum of two recreational vehicles per property for seasonal use in the future planned area.
6. Allow one recreational vehicle on a property with an existing dwelling unit for seasonal recreational use in the future planned area.

Conclusion

Rural residential uses are one of the topics needing consideration by Planning Advisory Committee as land use policies and regulations are developed for the future planned area of the Municipality. Planning staff have proposed six recommendations for PAC to consider.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to draft proposed amendments to the Official Community Plan in regards to rural residential uses as presented to Executive Committee on November 16, 2021 and outlined in this staff report.