



Subject: *Motion C25(28) and C25(159)*
To: CAO for Planning Advisory Committee, June 17th, 2025
Date Prepared: June 2, 2025
Related Motions: PAC25(4), C25(28), C25(159)
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Approved by: John Woodford, Director of Planning and Development

Summary

In January of 2025, East Hants Municipal Council passed a motion directing staff to explore the design requirements in the Land Use Bylaw for Accessory Dwelling Units. This report outlines the current design regulations for accessory dwelling units and proposed changes to the Land Use Bylaw to amend the design requirements for stick-built units.

At their January 29th, 2025 meeting, Council passed the following motion:

C25(28) Moved that Council authorize staff to come back with an additional report regarding the design requirements for accessory dwelling units with consideration around stick-built units, and that the report be brought back as soon as possible so that it can be dealt with in a timely manner.

In April 2025, East Hants Council passed a motion directing staff to review the regulations preventing accessory dwellings units to be permitted on existing undersized lots.

At their April 23rd, 2025 meeting, Council passed the following motion:

C25(159) Moved that a staff report to come back to the next Planning Advisory Committee meeting (May 2025) regarding accessory dwellings on undersized lots and the ability to add an in-law suite (or secondary structure) as long as the setbacks and water/wastewater capacity allows.

Financial Impact Statement

There is no financial impact with the adoption of this report.

Recommendation

That Planning Advisory Committee recommends that Council give First Reading to the proposed amendments.

Recommended Motion

- ***Planning Advisory Committee recommends that Council give First reading to amend the Land Use Bylaw section 3.14- Accessory Dwelling Units to amend the minimum lot sizes and design requirements; and authorize staff to schedule a Public Hearing.***

Background

East Hants Municipal Council has passed two motions regarding amending the land Use Bylaw section 3.14: Accessory Dwelling Units. The following two motions were passed at the January 2025 meeting and the April 2025 meeting.

At their January 2025 Regular Meeting, Council passed the following motion:

Moved that Council authorize staff to come back with an additional report regarding the design requirements for accessory dwelling units with consideration around stick-built units, and that the report be brought back as soon as possible so that it can be dealt with in a timely manner.

At their April 23rd, 2025 meeting, Council passed the following motion:

Moved that a staff report to come back to the next Planning Advisory Committee meeting (May 2025) regarding accessory dwellings on undersized lots and the ability to add an in-law suite (or secondary structure) as long as the setbacks and water/wastewater capacity allows.

This report addresses both motions and suggests proposed amendments to the Land Use Bylaw.

Discussion

The Municipality has three types of accessory dwelling units that are permitted:

- 1. Secondary Suite: A self-contained accessory dwelling unit fully contained within and subordinate to a single unit dwelling or bed and breakfast
- 2. Garage Suite: Suite built above a detached garage.
- 3. Garden Suite: A free-standing, single-story accessory dwelling unit located behind the primary single unit dwelling or bed and breakfast.



The diagrams above are for illustration purposes only.

In order to obtain a building and development permit for an accessory dwelling unit, the requirements under section 3.14 of the Land Use Bylaw must be met. This section details the requirements for an accessory dwelling unit including the minimum lot sizes, maximum allowable gross floor area, height requirements, setbacks, and design requirements.

Motion C25(159) relates to the requirements for the minimum lot size required to have an accessory dwelling unit. The current regulations for the minimum lot size requirements to have an accessory dwelling unit are shown in the table below. If the property does not meet these requirements, specifically if the lot is an existing undersized lot, then it is not eligible to have an accessory dwelling unit.

	Secondary Suite	Garage Suite	Garden Suite
Total minimum Lot area	Shall comply with minimum lot area requirements**	600 m2 or shall comply with minimum lot area requirements, whichever is greater	920 m2 or shall comply with minimum lot area requirements, whichever is greater
**Secondary suites may be permitted on existing undersized lots in the CR, RU and RU-2 Zones.			

Should PAC and Council wish to permit accessory dwelling units on existing undersized lots, amendments to section 3.14 *Accessory Dwelling Units*, are required. An amendment is required to remove the clause that states garden suite and garage suites must comply with the minimum lot area requirements as described within the zone. By removing this clause, the total minimum lot area for a garage suite would remain at 600 m2 and 920 m2 for a garden suite. Driveway and on-site septic approval are still required were necessary.

For secondary suites, an addition to the existing clause is required to include the Lakeshore Residential (LR) zone as a permitted zone which allows secondary suites on undersized lots, and to add that secondary suites be permitted on un-serviced R1 and R2 lots. The proposed amendments are as followed:

	Secondary Suite	Garage Suite	Garden Suite
Total minimum Lot area	Shall comply with minimum lot area requirements**	600 m2 or shall comply with minimum lot area requirements, whichever is greater	920 m2 or shall comply with minimum lot area requirements, whichever is greater
**Secondary suites may be permitted on existing undersized lots in the LR, CR, RU and RU-2 Zones and R1 and R2 zoned properties that are not serviced by Municipal Approved Central Piped Services.			

Motion C25(28) relates to the design requirements for accessory dwelling units. The regulations currently require the accessory dwelling unit to match the main dwelling in building material type, colour, and roof pitch. Shipping containers used as garden suites are exempt from these regulations and recent amendments now permit mini-homes to be used as garden suites, which are also exempt from the design requirements. The current regulations are as follows:

Accessory dwelling unit exterior	Must match the main dwelling in building material type roof type cladding colour and roof pitch.
	Shipping containers and mini-homes designed as garden suites are exempt from the requirement to match the main dwelling.

To address Motion C25(28), staff are proposing the design requirements be removed from the accessory dwelling unit provisions. This does not remove the height and maximum size requirement. By removing this regulation, it provides residents greater flexibility in the appearance of their accessory dwelling unit. The structures are still required to conform with all requirements of the National Building Code.

Accessory dwelling unit exterior	Must match the main dwelling in building material type roof type cladding colour and roof pitch.
	Shipping containers and mini-homes designed as garden suites are exempt from the requirement to match the main dwelling.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council’s Strategic goal to build strong communities by ensuring the East Hants Official Community Plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

There are no immediate financial considerations for the adoption of this report outside from advertising costs.

Citizen Engagement

Planning staff will comply with the citizen engagement policies of the Municipal Planning Strategy when processing the amendments. An advertisement will be placed in an upcoming edition of the Chronicle Herald indicating that the amendments are under review by staff. Questionnaires will not be mailed to property owners as these are not site-specific amendments. A Public Information Meeting is not required as no amendments to the Municipal Planning Strategy are proposed.

If Council authorizes a Public Hearing, an advertisement will again be placed in the Chronicle Herald indicating the date, time and location of the Hearing. Notice of the meeting will also be places on the Municipal Website and social media.

Conclusion

To address motions C25(28) and C25(159), proposed amendments to the Land Use Bylaw are presented to permit accessory dwelling units on un-serviced undersized lots and to remove the design requirements for these units. Staff are recommending that First Reading be given to the amendments.

Alternative

Staff are proposing to PAC and Council an alternative to remove the minimum lot area requirement for Accessory Dwelling Units. This would permit any property owner with a single unit dwelling, to have an accessory dwelling unit, regardless of their lot size. This alternative would meet the intent of Council Motion C25(159).

Staff recommend keeping a minimum lot size in place for garden suites and garage suites, to ensure small lots do not result in having a high lot coverage. This would be a particular concern for lakeshore lots. Higher lot coverage can result in a number of environmental concerns including more impervious surfaces on the property, resulting in more challenging stormwater management, flooding, and runoff concerns into lakes.

	Secondary Suite	Garage Suite	Garden Suite
Total minimum Lot area	Shall comply with minimum lot area requirements**	600 m2 or shall comply with minimum lot area requirements, whichever is greater	920 m2 or shall comply with minimum lot area requirements, whichever is greater
**Secondary suites may be permitted on existing undersized lots in the CR, RU and RU-2 Zones.			

Attachments

There are no attachments to this report.