

Motion C25(28), C24(414) and C25(159) ADUs on Undersized Lots and ADU Design Requirements

Public Hearing
September 24, 2025

Planning & Development



EAST HANTS



Background

- In January 2025, East Hants Municipal 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 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.

Motion C24(414) also relates to the minimum lot size requirement for Accessory Dwelling Units in the Lakeshore Residential (LR) zone.

Background

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.

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 including the minimum lot sizes, maximum allowable gross floor area, height requirements, setbacks, and design requirements.

Proposal

Motion C24(414) and C25(159) relate to the requirements for the minimum lot size 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.			

Proposal

The proposed amendments remove the clause which states garden suites 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.

An amendment has also been included stating if there is no net increase of lot coverage for lots under 600 sq.m, then a garage suite could be permitted

	Secondary Suite	Garage Suite	Garden Suite
Total minimum Lot area	Shall comply with minimum lot area requirements**	600 m ² or shall comply with minimum lot area requirements, whichever is greater ****	920 m ² 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.			
****Where there is no net increase of lot coverage for lots under 600 sqm a Garage Suite could be permitted			

Proposal

Motion C25(28) relates to the design requirements for Accessory Dwelling Units. The regulations currently require the 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.

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.

Proposal

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 units 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.~~



Citizen Engagement

An advertisement outlining the amendments and indicating that it is under review by staff was placed in the *Chronicle Herald*

Questionnaires were not mailed out as these are not site specific amendments to the Land Use Bylaw. A Public Information Meeting was not required as no amendments to the Municipal Planning Strategy are proposed.

An advertisement for this Public Hearing was placed in the September 10th and 17th editions of the Chronicle Herald indicating the time and location of the Hearing. Notice of the Hearing was also placed on the Municipal Website and social media.

Conclusion

To address motions C24(414), C25(28) and C25(159), proposed amendments to the Land Use Bylaw are presented which will permit accessory dwelling units on un-serviced, undersized lots and will remove the design requirements for these units.