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## **Planning Advisory Committee Meeting Agenda**

**Thursday, September 22, 2022 – 7:00 p.m.**

**MODL Council Chambers, 10 Allee Champlain Drive, Cookville NS**

**In Person and Via Audio and Video Conference**

- 1. Call To Order**
  - 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. Review of Procedure for Public to Address the Committee – Chairperson (below)**
- 3. Approval of Agenda** (any other items to be added)
- 4. Approval of Minutes of Thursday, March 24, 2022**
- 5. Business Arising from Minutes**
- 6. Planning Advisory Committee Matters**
  - 6.1. Small Option Homes – Housekeeping Amendments ..... 1-8
- 7. Heritage Advisory Committee Matters – Nil**
- 8. Added Items**
- 9. In Camera - Nil**
- 10. Next Meeting Date: Thursday, October 27, 2022**
- 11. Adjournment**

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### **Procedure for Addressing the Committee**

An opportunity will be provided to all citizens to address the Committee on each agenda item shown on this Agenda or added to the Agenda by the Committee. Individuals who wish to address the Committee are asked to note the following:

- On each matter on the Committee's Agenda, the Chair will seek public comment upon the completion of staff's presentation.
- Each person shall state their name.
- All statements and questions shall be directed to the Chairperson.
- Presentations shall be limited to 10 minutes. Persons wishing to address the Committee a second time will be given opportunity to do so once all others in attendance have had the opportunity to address the Committee. Persons addressing the Committee for a second time shall limit their presentations to 5 minutes.

Anyone wishing to address the Committee on a matter not included on this Agenda can have the matter added to the next meeting's Agenda by contacting Jeff Merrill, Director of Planning, at 902-541-1340 or by email at [planning@modl.ca](mailto:planning@modl.ca)



## **Municipality of the District of Lunenburg Report**

**REPORT TO:** Planning Advisory Committee  
**SUBMITTED BY:** Ella R. Gindi, Planner I  
**DATE:** September 15, 2022  
**RE:** Proposed Amendments – Small Option Homes

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### **RECOMMENDATION**

**Amend Secondary Planning Strategies and Land Use By-laws for Blockhouse, Hebbville, Hemford Forest, Oakland, Osprey Village, Princess Inlet & Area and Riverport & District to include and define Small Option Homes as a residential use.**

### **DISCUSSION**

The Province of Nova Scotia considers Small Option Homes to be consistent with a residential rather than institutional nature.

The province sent a letter (attached) to all Nova Scotian municipalities with a notice stating that the Statement of Provincial Interest (SPI) regarding Housing requires municipal planning documents to permit Small Option Homes licensed under the *Homes for Special Care Act* within all residential zones.

#### **Small Option Homes**

- Small Option Homes are a type of group residential placement licensed under the *Homes for Special Care Act* that are permitted to house three or four residents with developmental, mental health, or physical disabilities.

- Residents live independently in these Small Option Homes or Group Homes and receive support services from trained staff.

MODL’s planned areas do not all permit Small Option Homes as-of-right within residential zones.

- Riverport, Oakland, and Blockhouse classify a Small Option Home as an institutional use, which is permitted as-of-right under a certain size or by development agreement in its rural zone.
- Hemford Forest classifies a Small Option Home as a special care home – separate from other institutional uses, which is permitted as-of-right in its residential zone.
- Princes Inlet classifies a Small Option Home as an institutional use, which is permitted as-of-right under a certain size or by development agreement in its two rural zones. However, it is not permitted in its residential zone.
- Osprey Village classifies a Small Option Home as an institutional use, which is permitted as-of-right only in its institutional zone.

Staff reviewed MODL’s Secondary Planning Strategies (SPS)/Land Use By-laws (LUB’s) and recommends that Small Option Homes be permitted in all residential zones where the building and lot meet the requirements of that zone.

- While the municipality may permit Small Option Homes through a site plan approval or a development agreement process, the municipality cannot require additional studies, design criteria, or restrictions that do not align with residential use.

## **CONCLUSION**

The province has provided a directive that small option homes are to be treated the same as a residential use. The proposed amendments to the existing Secondary Planning Strategies and Land Use By-laws to include Small Option Homes as a residential use will align the documents with the Statements of Provincial Interest.

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Department: Planning & Development Services

Report prepared by: Ella Romia Gindi, Planner I

Date: 2022-08-03

Report approved by:

Date:

Reviewed by CAO:

Date:

## APPENDIX/ appendices

Land Use By-law	Note from “Province” and the Planner	References
Hemford Forest	<p>“Permitted in all residential zones”.</p> <p><b>Amendments technically not required. However, need to amend the SPS and LUB’s to include Small Option Homes to stay consistent with the term mandated by the province.</b></p>	<p>By-law 044, Section 23</p> <p>By-law 045, clause 4(x)</p> <p>By-law 045, clause 44(1)(b)</p>
Riverport	<p>“May be subject to different requirements from residential homes due to definition”.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to avoid it from being subjected to different requirements.</b></p>	<p>By-law 014, section 4.1.3 b)</p> <p>By-law 015, subsection 5.2.1</p> <p>By-law 015, subclauses 5.2.3 a) vii) and 5.2.3 b) i)</p> <p>By-law 015, Section 9.37</p>
Princes Inlet	<p>“Not permitted in any residential zones”. However, it is permitted in the rural zones in smaller scale under institutional use and its permitted as-of-right under a certain size or by development agreement.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to avoid it from being subjected to different requirements</b></p>	<p>By-law 032, subsections 3.1.7 and 3.1.11</p> <p>By-law 033, clause 5.3.1 i)</p> <p>By-law 033, subsection 5.3.3</p> <p>By-law 033, clause 5.3.4 a)</p> <p>By-law 033, clause 5.4.1 g)</p> <p>By-law 033, subclause 5.4.3 a) v)</p> <p>By-law 033, clause 5.4.3 b)</p> <p>By-law 033, clause 5.4.4 a)</p> <p>By-law 033, clause 9.2.4 f)</p>
Oakland	<p>“There is no residential zone in Oakland, it is permitted in the rural zones in smaller scale under institutional use.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to</b></p>	<p>By-law 037, subsections 2.1.7 and 2.1.9</p> <p>By-law 038, clauses 5.3.1. c) and 5.3.3 b)</p> <p>By-law 038, clause 5.4.1 d)</p> <p>By-law 038, subsection 5.4.2</p>

	<p><b>to meet the residential requirement in the rural zone.</b></p>	<p>By-law 038, subsection 5.6.3 By-law 038, clause 8.2.3 f) By-law 038, Section 10.50</p>
Blockhouse	<p>“It is permitted in the rural zone in smaller scale”.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to to meet the residential requirement in the residential and rural zone.</b></p>	<p>By-law 023, subsection 3.3.4 By-law 023, clause 4.1.3 b) and subsections 4.1.4 and 4.1.12 By-law 024, subsection 5.2.1 By-law 024, subclause 5.2.3. a) ix) and b) i) Bylaw 024, clause 7.2.3 f)</p>
Osprey Village	<p>“Permitted in institutional zone. Not permitted in residential zones.</p> <p><b>Recommended to include Small Option Home IN SPS and LUB’s (R-2 and R-3 zones) and to clarify the definition of a Small Option Homes as residential use rather than institutional. to meet the residential requirement in the residential zone.</b></p>	<p>By-law 020, clause 7.2.5 (h)</p>
Hebbsville	<p>“May be subject to different requirements from residential homes due to definition”. It is permitted only by development agreement in the residential zones. It is permitted in the commercial, industrial, rural, and institutional zones in smaller scale.</p> <p><b>Recommended to permit a Small Option Home in the (TR and HDR zones) and to clarify the definition of a Small Option Homes as residential use rather than</b></p>	<p>By-law 027, subsections 3.1.10, 3.2.8, 3.5.2 and 3.5.3 By-law 028, subsection 5.5.2 By-law 028, clauses 6.3.4 b), 7.3.3 b), 8.3.1 k), and 9.3.4 b) By-law 028, clause 11.2.4 f)</p>

	<b>institutional. to meet the residential requirement in the residential zone.</b>	
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**Department of Municipal Affairs and Housing**

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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](mailto: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](mailto:Alan.Howell@novascotia.ca) / 902-483-3746).

Yours truly,

Gordon Smith  
Provincial Director of Planning

/kz



## 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.