



Municipality of the District Of Lunenburg

Proposed housekeeping amendments to the Blockhouse, Village of Hebbville, Hemford Forest, Oakland, Osprey Village, Princes Inlet & Area, and Riverport and District Secondary Planning Strategies and the Land Use By-laws to Include Small Option Homes

Public Hearing

**Council Chamber – Municipality of the District of Lunenburg (MODL)
Tuesday, Decemver 13, 2022 at 8:30 a.m.**

Public Hearing Agenda

- 1. Call to Order at 9:00 a.m.**
- 2. Opening Remarks by Mayor Carolyn Bolivar-Getson**
 - (a) Introductions
 - (b) Review of Agenda and Rules of Conduct
- 3. Report and Presentation from Planning Staff**
- 4. Written and Verbal Presentations from the Public**
 - (a) Review of Written Submissions (if any)
 - (b) Verbal Presentations by the Public (if any)

5. Review of Approval Process

Municipal Council may make a decision at the Council meeting after the close of this Public Hearing. If Council deems it advisable to approve the housekeeping amendments, Council will conduct Second Reading. Once Council has approved the documents, they are forwarded to the Department of Municipal Affairs for review.

Upon confirmation from Municipal Affairs that the documents do not conflict with any provincial interest, a Notice of Approval is inserted into the local newspaper advising of the

adoption of these documents. The date that the Public Notice appears in the paper is the date the documents become effective.

6. Closing of the Public Hearing

Rules of Conduct

Persons who wish to speak at the Public Hearing are asked to note the following:

- [a] State your name and address;
- [b] Direct all statements to the Chairperson;
- [c] Try to limit presentations to 10 minutes;
- [d] Speakers may address Council twice, but before addressing Municipal Council for a second time, speakers will be requested to wait until all others have had the opportunity to speak, before they can then address Council for a second time.

Council
Item: #12.1.4
Date: November 8, 2022
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipal Council
Submitted by: Ella Gindi, Planner I
Date: November 8, 2022
Re: Housekeeping amendments to include Small Option Homes within MODL's existing Secondary Planning Strategies and Land Use By-Laws – First Reading

Recommendation

That Municipal Council give notice of its intention to adopt the housekeeping amendments to the Blockhouse, Village of Hebbville, Hemford Forest, Oakland, Osprey Village, Princess Inlet & Area, and Riverport and District Secondary Planning Strategies and Land Use By-laws (2022) and conduct First Reading of the proposed amendments.

That Municipal Council set a date and time for a Public Hearing for the amendments on December 13, 2022, at 8:30 a.m. in the Council Chambers.

Discussion

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 zones that permit residential uses.

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

- 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 prepared a report to the Planning Advisory Committee (PAC) (attached) that requested the PAC to recommend that Council amend Secondary Planning Strategies and Land Use By-laws for Blockhouse, Village of Hebbville, Hemford Forest, Oakland, Osprey Village, Princes Inlet & Area, and Riverport & District to include and define Small Option Homes as a residential use.

Planning staff met with the PAC and Area Advisory Committee (AAC) members on September 22, 2022, to recommend amending the existing planning area documents to include Small Option Homes to be consistent with the Statement of Provincial Interest (SPI) regarding Housing. The PAC passed the motion with the request that staff contact the province to clarify if Small Option Homes apply to all zones that permit residential uses.

Staff received a letter of clarification from the province (attached) on October 19, 2022, stating that Small Option Homes should be permitted in all zones where residential uses are permitted.

The proposed housekeeping amendments are attached in the appendix section

Budget implications

There are no budget implications for amending the Secondary Planning Strategies and Land-Use By-Laws.

Strategic plan

Amendments to the existing planning area documents to include Small Option Homes will be an anti-discriminatory procedure that will increase accessibility and inclusivity of people with mental and physical disabilities to live in a house like any other person. The amendments will mitigate barriers to people with special needs being able to live independently and be part of a community. Hence, it will increase social sustainability by enabling people of all **ages** and **abilities** to receive access to housing. Finally, the existing planning area documents will stay consistent with the Statement of Provincial Interest regarding housing.

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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Report Preparation	
Department	Planning and Development
Report Prepared by	Ella R. Gindi, Planner I
Report Approved by	Jeff Merrill, Director of Planning & Development Services
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

By-law

Title: Amendments to the Blockhouse Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Village of Hebbville Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Hemford Forest Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Oakland Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Osprey Village Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Princess Inlet & Area Secondary Planning Strategy and the Land Use By-law (2022) and, Amendments to the Riverport and District Secondary Planning Strategy and the Land Use By-law (2022)	
By-law No. XXX	Legislative authority: Municipal Government Act, Section 219
Effective date: XXX	Amended date: N/A

Preamble

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of Section 219 of the **Municipal Government Act**, as follows:

Title

- 1 This by-law is titled the Amendments to the Blockhouse Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Village of Hebbville Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Hemford Forest Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Oakland Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Osprey Village Secondary Planning Strategy and the Land Use By-law (2022), Amendments to the Princess Inlet & Area Secondary Planning Strategy and the Land Use By-law (2022) and, Amendments to the Riverport and District Secondary Planning Strategy and the Land Use By-law (2022).

BLOCKHOUSE

Blockhouse Secondary Planning Strategy amended

- 2 By-law 023, Blockhouse Secondary Planning Strategy Subsection 3.1.1 (b) is amended by adding “and needs” immediately **after** “ages”.
- 3 By-law 023, Blockhouse Secondary Planning Strategy Subsection 3.3 is amended by adding “and needs” **after** “ages”.
- 4 By-law 023, Blockhouse Secondary Planning Strategy amended by adding a new policy to Section 4.1 Rural Land Uses. (ADD) “4.1.1 (a) Council shall permit the operation and implementation of Small Options Homes within the rural zone under Blockhouse's Rural Land Uses”.

Blockhouse Land Use By-law amended

- 5 By-law 024, Blockhouse Land Use By-law is amended by adding a new Subsection to Section 5.2.3. Permitted Developments in the Rural Zone. (ADD) “xii. Small Option Homes”.
- 6 By-law 024, Blockhouse Land Use By-law is amended by adding a new Subsection to Section 8. Definitions. (ADD) 8.85b “Small option homes are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature”.

VILLAGE OF HEBBVILLE

Village of Hebbville Secondary Planning Strategy amended

- 7 By-law 027, Village of Hebbville Secondary Planning Strategy is amended by adding a new policy to Section 3.1 Residential Land Use Designation. (ADD) “ 3.1.1a Council shall permit the operation and implementation of Small Options Homes within all residential zones under Village of Hebbville Residential land use designation”.
- 8 By-law 027, Village of Hebbville Secondary Planning Strategy is amended by adding a new policy to section 3.4., Rural Land Use Designation. (ADD) “3.4. 4 a Council shall permit the operation and implementation of Small Options Homes within the rural zone under Village of Hebbville Rural land use designation”.

Village of Hebbville Land Use By-law amended

- 9 By-law 028, Village of Hebbville Land Use By-law is amended by adding a new sub section to section 5.3.1., Permitted Uses in Two-Unit Residential (TR) Zone. (ADD) “(g) Small Option Homes”
- 10 By-law 028, Village of Hebbville Land Use By-law is amended by adding a new Subsection to Part 13., Definitions. (ADD) “SMALL OPTION HOMES are a type of community residential

placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature”.

HEMFORD FOREST

Hemford Forest Secondary Planning Strategy amended

- 11** By-law 044, Hemford Forest Secondary Planning Strategy Part 1, Section 1-4., is amended by adding “and Small Option Homes” **after** Group homes.

Hemford Forest Land Use By-law amended

- 12** By-law 045, Hemford Forest Land Use By-law part 4. Low density R-1 zone Section 44 (1)., is amended by adding a new Subsection (ADD) “(d) Small Option Homes”
- 13** By-law 045, Hemford Forest Land Use By-Law is amended by adding a new Subsection to Part 1 Section 4., Definitions. (ADD) (bc-1) “Small option homes are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature”.

OAKLAND

Oakland Secondary Planning Strategy amended

- 14** By-law 037, Oakland Secondary Planning Strategy Part 2 Section 2.1., Rural Zone is amended by adding a new Subsection. (ADD) “2.1.6 (a) Council shall permit the operation and implementation of Small Options Homes within all Rural Zones under Oakland's Rural Zone”.

Oakland Land Use By-law amended

- 15** By-law 038, Oakland Land Use By-law section 5.3.1., Permitted Development in the Rural Zone is amended by adding a new Subsection (ADD) “aa) Small Option Homes”
- 16** By-law 038, Oakland Land Use By-law is amended by adding a new Subsection to Part 10, Definitions. (ADD) **10.98 a** “SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option

Homes are permitted in a residential zone and treated consistent with their residential nature”.

OSPREY VILLAGE

Osprey Village Secondary Planning Strategy amended

- 17** By-law 020, Osprey Village Secondary Planning Strategy Part 3, Section 3.4., Residential Designation is amended by adding a new Subsection (ADD) “ 3.4.1 a Council shall permit the operation and implementation of Small Options Homes within all residential zones under Osprey village's Residential Designation”.

Osprey Village Land Use By-law amended

- 18** By-law 021, Osprey Village Land Use By-law is amended by adding a new Subsection to Section 8.3.1., Permitted Developments Medium Density Residential (R-2) Zone. (ADD) “(e) Small Option Homes”.
- 19** By-law 021, Osprey Village Land Use By-law is amended by adding a new Subsection to Section 8.3.2., Permitted Developments Medium Density Residential (R-3) Zone. (ADD) “(f) Small Option Homes”.
- 20** By-law 021, Osprey Village Land Use By-law is amended by adding a new Subsection to Part 11, Definitions. (ADD) “SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature”.

PRINCES INLET & AREA

- 21** By-law 032, Princes Inlet & Area Secondary Planning Strategy Part 3 Section 3.1.6, Rural Highway Corridor Zone is amended by adding a new Subsection. (ADD) “3.1.6 (a) Council shall permit the operation and implementation of Small Options Homes within the Rural Highway Corridor (R-H) Zone” under Princes Inlet Rural Land Use Designation.”

By-law 032, Princes Inlet & Area Secondary Planning Strategy Part 3 Section 3.1.10, Rural Coastal Zone is amended by adding a new Subsection. (ADD) “3.1.10 (a) Council shall permit the operation and implementation of Small Options Homes within the Rural Coastal (R-CO) Zone under Princes Inlet Rural Land Use Designation.”

By-law 032, Princes Inlet & Area Secondary Planning Strategy Part 3.2 Section 3.2.2, Two-Unit Residential Zone is amended by adding a new Subsection. (ADD) “3.2.2 (a) Council shall

permit the operation and implementation of Small Options Homes within the Two-Unit Residential (TR) Zone under Princes Inlet Residential Land Use Designation.”

Princes Inlet & Area Land-use By-law amended

- 22** By-law 033, Princes Inlet & Area Land Use By-law is amended by adding a new Subsection to Section 5.3.1., Permitted Developments Rural Highway Corridor (R-H) Zone. (ADD) “(aa) Small Option Homes”.
- 23** By-law 033, Princes Inlet & Area Land Use By-law is amended by adding a new Subsection to Section 5.4.1., Permitted Developments Rural Coastal (R-CO) Zone. (ADD) “(aa) Small Option Homes”.
- 24** By-law 033, Princes Inlet & Area Land Use By-law is amended by adding a new Subsection to Section 6.3.1., Permitted Developments Two Unit Residential (TR) Zone. (ADD) “(aa) Small Option Homes”.
- 25** By-law 033, Princes Inlet & Area Land Use By-law is amended by adding a new Subsection to Part 11, Definitions. (ADD) 11.90a “SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature”.

RIVERPORT AND DISTRICT

Riverport and District Secondary Planning Strategy amended

- 26** By-law 014, Riverport and District Secondary Planning Strategy is amended by adding a new Subsection to Section 4.1.3., Rural Three (R-3) Zone. (ADD) “(g) Small Option Homes”.

Riverport and District Land Use By-law amended

- 27** By-law 015, Riverport & District Land Use By-law is amended by adding a new Subsection to Section 5.2.3 (a)., Permitted Developments Rural Three (R-3) Zone. (ADD) “(xi) Small Option Homes”.
- 28** By-law 015, Riverport and District Land Use By-law is amended by adding a new Subsection to Part 9, Definitions. (ADD) 9.68-1 “SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option

Homes are permitted in a residential zone and treated consistent with their residential nature”.

Annotation for Official By-law Book

Date of first reading	
Date of advertisement of notice of intent to consider	
Date of second reading	
*Date of advertisement of passage of by-law	
Date of mailing a certified copy of by-law to Minister	
I certify that this “<<name of by-law >>” was adopted by Municipal Council and published as indicated above.	
_____	_____
Municipal Clerk	Date

***Effective date of the by-law unless otherwise specified in the text of this by-law.**



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.

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Department of Municipal Affairs and Housing

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October 19, 2022 - *REVISED*

Ms. Ella Gindhi
Municipality of the District of Lunenburg
VIA EMAIL: Ella.Gindhi@modl.ca

Dear Ms. Gindi:

**RE: Statement of Provincial Interest regarding Housing and Small Option Homes
Bulletin of June 2022**

Thank you for reaching out to the Department of Municipal Affairs and Housing seeking clarification regarding the letter and Information Bulletin released on June 3, 2022, clarifying the Statement of Provincial Interest regarding Housing and the application to small options homes.

Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community and receive services from staff. In land use matters, small option homes function in the same manner as other residential dwellings. 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. Small option homes typically exist in single-unit dwellings, but can also exist within other types of dwellings such as duplexes or other conventional housing forms (triplexes, multi-unit residential, etc.). Based on this, where a type of dwelling is permitted, a small option home of that same type of dwelling is to also be permitted. This applies to all zones that permit residential uses and is not limited to zones named 'Residential.'

We commend the Municipality of the District of Lunenburg for reviewing its planning documents to remove possible exclusionary language or other barriers for small options homes that may currently exist within your Municipal Planning Strategy and/or Land Use Bylaw.

Kind regards,

A handwritten signature in blue ink, appearing to read "C. Lovitt".

Christina Lovitt, MCIP, LPP, PMP
Provincial Director of Planning

/kz