



PUBLIC HEARING
COUNCIL CHAMBERS & FACEBOOK LIVE
MONDAY, DECEMBER 4, 2023
6:30 P.M.

Agenda

1. Meeting Opening – Mayor Atkinson
2. Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) Housekeeping Amendments # 2
 - a. Presentation of MPS-LUB Housekeeping Amendments # 2 – Chris Millier, Planner
 - b. Public Input
 - c. Written Submissions Received – CAO Crocker
3. Adjournment

**REQUEST FOR DECISION
MPS-LUB Housekeeping Amendment # 2
RFD#: 068-2023**



To: Town Council
From: Sharon McAuley, Planning Services Coordinator
Date: December 6, 2023
Subject: MPS-LUB Housekeeping Amendment # 2 – Small Option Homes

Guiding Principles for Decision-Making

Accountability Transportation Diversity Sustainability Engaged Informed

References/Attachments

- Middleton Municipal Planning Strategy (MPS)
- Middleton Land Use Bylaw (LUB)
- Policy G 1.2: Public Participation Program
- Municipal Government Act: Part VIII – Planning and Development
- Planning Advisory Committee Minutes – June 6, 2023 & October 4, 2022
- Planning Reports - June 6, 2023
- Letter from the Province dated October 21, 2022 re Small Option Homes

Recommendation

See attached recommendations/motions.

Background

The Town of Middleton conducted a plan review of their Municipal Planning Strategy and Land Use Bylaw which came into effect on November 15, 2018.

Since that time, a Housekeeping Amendment was approved and came into effect on May 11, 2023 which amended the MPS/LUB to:

- permit a proposed wetlands project in the Business Park;
- permit residential use above and in back of buildings in the commercial zones;
- enable establishment of a commercial development district;
- include tree barriers between commercial and residential zones;
- ensure accessibility items in the MPS/LUB are addressed (i.e. enable barrier free ramps in the setbacks);

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- enable Secondary Planning Areas.

Subsequent to the housekeeping 1 amendments, a second round of Housekeeping Amendments was initiated as a result of a number of issues/ concerns raised by the community relating to the Town’s residential policies. From discussions with the community through Community Engagement Meetings and Workbooks the Planning Advisory Committee recommended:

- increasing the threshold for the requirement of approval by Development Agreement from three (3) units to six (6) units;
- amalgamating the existing residential zones into one residential (R) zone, permitting the establishment of accessory residential dwelling units in accessory structures and amending the range of uses within the zone to include converted dwellings or stand-alone dwelling structures;
- clarifying the definitions to Group Homes and Small Options Homes and removing the development approval requirements for Group Homes and Small Option Homes (Directive from the Province);
- removing the provisions of Policy R13, resulting in all residential areas being treated the same with respect to applications for new multiple unit residential development and the establishment of a full range of home occupations.

The Province reviewed the Housekeeping 2 amendments and raised concerns regarding our approach to the Group Homes and Small Options Homes and requested clearer language and revised definitions which are outlined in the attached amendments.

Financial Implications

Amendments to the Municipal Planning Strategy and Land Use Bylaw require the Planner/Development Officer to lead the process. The proposed cost for the Planner/Development Officer and advertising/notifications have been budgeted for this fiscal year.

Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
	Environment	
	Infrastructure	

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	Economy	
X	Community	All amendments to the MPS/LUB require community consultation through a Public Meeting and a Public Hearing.
X	Governance	The process for amendments to the MPS/LUB are outlined in the MGA and internal policies and bylaws.
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

MPS/LUB Amendments require community engagement through a public meeting(s) and a public hearing.

- The Planning Advisory Committee hosted a Public Engagement Meeting on April 18, 2023 which was advertised through social media and a mail drop to Town residents.
- A survey/workbook was distributed at the Public Engagement Meeting and also through social media and available at Town Hall for pickup.
- A Public Hearing was held prior to Council reviewing the proposed amendments.

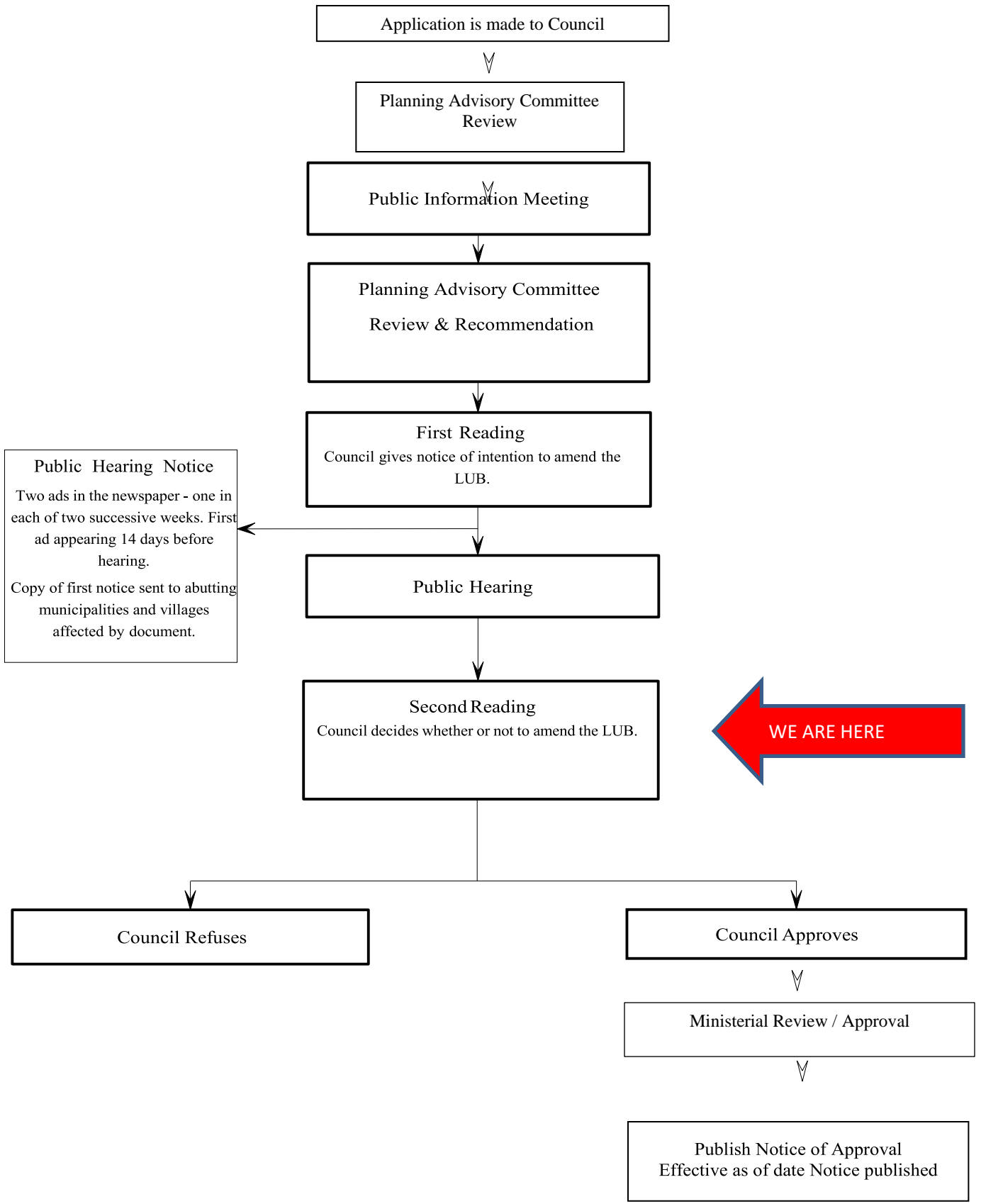
CAO Comments

CAO agrees with the recommendation of staff.

CAO Initials: AC

Target Decision Date: December 4, 2023

Municipal Planning Strategy - Approval Process



TOWN OF MIDDLETON

MUNICIPAL PLANNING STRATEGY AMENDMENTS – MOTION 1

It was moved and seconded that Council give second reading and approval for the Town to amend the Middleton Municipal Planning Strategy dated November 15, 2018 with the following housekeeping amendments:

1. Part 2.2 Land Use and Development Control Goals and Objectives That

“Residential Development” paragraph 1 be amended to read:

“The Strategy aims to support the provision of an adequate supply of a wide variety of housing options which meet the needs of the community and which can change over time to respond to changing requirements. In addition to providing for the single unit development, which represents a majority of the traditional housing form, the Strategy encourages infill of existing vacant lands, the conversion of existing dwellings and the redevelopment of property for higher density uses.”

2. Part 2.3 Residential Area Policies

That Section “Zones” be amended as follows:

1 Amend “Residential Single Unit Zone” to read:

Residential Zone

R5.1 It shall be the intention of Council to include in the Land Use By-law a Residential (R) Zone.

R5.2 The Residential (R) Zone shall be applied to all existing residential development and vacant lands serviced with public streets and Town sewer, water, and storm sewer infrastructure within the Residential Designation.

R5.3 The Residential (R) Zone shall include as permitted uses all existing residential uses, the conversion of existing residential to a maximum of six (6) units and the development of new residential uses containing a maximum of six (6) units.

- 2 Delete "Residential Two Unit Zone" and Policies "R6.1, R6.2, R6.3".
 - 3 Amend "Residential Mixed-Use Zone" Policy R7.4 to read:

"R6.4 The RMU Zone shall permit the development of new residential dwellings and the conversion of existing residential structures to a maximum of six (6) units."
 - 4 Renumber "Residential Mixed-Use Zone" policies R7.1 through R7.6 to R6.1 through R6.6;
 - 5 Renumber "Residential Holding Zone" policies R8.1 through R8.3 to R7.1 through R7.3;
 - 6 Renumber "Residential Future High-Density Zone" policies R9.1 through R9.5 to R8.1 through R8.5;
3. That Section "Development Control" be amended as follows:
- 1 Delete Policy R10.
 - 2 Amend Policy R11 to read:

"R10 It shall be the intention of Council to consider the development of new multiple unit dwellings, townhouse dwellings, the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation by Development Agreement subject to criteria contained in Policy IM15 and IM16."
 - 3 Delete Policy R13.
 - 4 Renumber "Development Control" policies R10 through R16 to R9 through R14.
4. That Section "Development Control" of Part 4 General Implementation and Administration Policy IM12(a) and IM12(b) be amended to read:
- (a) new multiple unit dwellings, townhouses dwellings, the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation pursuant to Policy R10;

- (b) the expansion of existing commercial structures and existing commercial uses and the development of new structures for commercial purposes within the Residential Mixed Use (RMU) pursuant to Policy R14;

TOWN OF MIDDLETON

LAND USE BY-LAW AMENDMENTS – MOTION 2

It was moved and seconded that Council give second reading and approval for the Town to amend the Middleton Land Use Bylaw dated November 15, 2018 with the following housekeeping amendments:

- 1 Section 2.5(a) and 2.5 (b) “Uses Considered by Development Agreement” be amended to read:
 - (a) new multiple unit dwellings, townhouses dwellings, the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation pursuant to MPS Policy R10;
 - (b) the expansion of existing commercial structures and existing commercial uses and the development of new structures for commercial purposes within the Residential Mixed Use (RMU) pursuant to Policy R14;

- 2 That Part 3 “Definitions” be amended as follows:
 - (a) **37. Dwelling Unit** be amended to read:
“**Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building. A Dwelling Unit shall include a Small Option Home, Group Home or Home for Special Care licensed under the Province of Nova Scotia’s Homes for Special Care Act.”
 - (b) **60. Institutional Use** - permitted use “Nursing Homes subject to the requirements of residential development exceeding four (4) units” be amended to read “Nursing Homes subject to the requirements of residential development exceeding six (6) units”

(c) Insert the following new definition;

“Short Term Rental, also referred to as “AirBnB”, means a dwelling or part of a dwelling where the resident owner supplies temporary accommodation for compensation to the travelling or vacationing public for a period of less than 30 days.”

(d) Renumber **Part 3, Definitions** accordingly.

3 Section 4.1, “Zones” be amended to read:

1.1 Zones

For the purpose of this By-law, the Town of Middleton is divided into the following zones, the boundaries of which are shown on the attached schedule. Such zones may be referred to by the appropriate symbols.

<u>Zone</u>	<u>Symbol</u>
Residential	R
Residential Mixed Use	RMU
Residential Future High Density	RFH
Residential Holding	RH
Commercial Downtown	CD
Commercial General	CG
Industry and Commercial Enterprise	ICE
Recreation and Open Space	OS
Institution	INS
Environmentally Sensitive Area	ESA

4 Section 5.3 “Accessory Buildings” be amended as follows:

(a) Delete 5.3.1(a);

(b) Renumber 5.3.1(b) through 5.3.1(g) to 5.3.1(a) through 5.3.1(f)

5 Part 7 “Residential Single Unit (RSU) Zone” be amended to read:

Part 7 Residential (R) Zone

7.1 Uses Permitted

No development permit shall be issued in a Residential (R) zone, except for one or more of the following uses:

- Single Unit Dwellings
- Semi-detached and Duplex Dwellings
- Converted Dwellings
- Townhouse Dwellings
- Multiple Unit Dwellings
- Grouped Dwellings
- Short Term Rental
- Manses and Rectories
- Existing Rooming and Boarding Houses
- Existing Day Nurseries and Day Care Centres
- Existing Bed and Breakfast Uses and Inns

7.2 Zone Requirements

The following minimum requirements apply to the development of new permitted uses with the Residential (R) Zone.

	Single Unit	Semi-detached Per unit	Townhouse Per unit	Multiple Unit Dwelling Per unit	Grouped Dwellings Per unit
Lot Area	460 m ²	371 m ²	185 m ²	510 m ²	510 m ²
Lot Frontage	20 m	12 m	6 m	30 m	20 m
Front Yard	8 m	8 m	8 m	10 m	8 m
Rear Yard	6 m	9 m	6 m	10 m	9 m
Side Yard	1.5 m and 3m	3 m	1.5 m and 3 m	6 m	1.5 m and 3 m
Height	10 m	10 m	10 m	12 m	10 m

7.3 Maximum Number of Units

The maximum number of units permitted for any use in the Residential (R) Zone shall be six (6).

7.4 Minimum Side Yards for Semi-detached and Townhouse Dwellings

The minimum side yard setback requirements shall be waived for the common boundary between attached dwelling units.

7.5 Parking Requirements

All development within the Residential (R) Zone shall comply with the minimum parking requirements set forth in Part 5.27 and 5.28.

7.6 Residential Occupancy of Accessory Structures

The minimum zone requirements shall be waived for the conversion of an existing accessory structure for residential use.

- 6 That Part 8 “Residential Two Unit (RTU) Zone be deleted.
- 7 That Part 17.2 be amended by replacing “Residential Single Unit (RSU) Zone” with “Residential (R) Zone.
- 8 That Part 12.2(3) be amended by replacing “Parts 7, 8 and 10” with “Parts 7 and 9”.
- 9 That Parts 9 through 18 be renumbered to 8 through 17 accordingly.

TOWN OF MIDDLETON

LAND USE BYLAW AMENDMENT – MOTION 3

It was moved and seconded that Town Council, on recommendation of the Planning Advisory Committee and after holding a public hearing, agreed to approve an amendment to the Land Use Bylaw Schedule “A” (Zoning Map) as part of the MPS-LUB Housekeeping Amendments # 2.

