



TO: Council Advisory Committee

SUBMITTED BY: Beverly Gentleman, Director of Planning and Development

DATE: Monday January 10, 2022

SUBJECT: Amendment to the Land Use Bylaw to increase the maximum square footage of secondary/ancillary dwelling units (ADU's).

Applicant

Brenda and Chris Murphy
178 Valley Pointe NW
Calgary AB T3B 6B3

BACKGROUND

Brenda and Chris Murphy of 178 Valley Pointe NW, Calgary AB applied to amend the Land Use Bylaw to increase the maximum size of a secondary/ancillary dwelling units (ADU's) from 500 square feet to 1000 square feet.

In their application they requested using a "sliding scale" based on the size of a property to determine the square footage of the ADU. Though staff supported the idea of increasing the size of ADU's, we didn't feel using a sliding scale based on lot size could easily ensure those ADU's remained subordinate to the main dwelling. The definition of ADU's and accessory structures state they must be subordinate (lesser than) the main dwelling on a lot. Staff advised the applicants that increasing the size of ADU's has merit as low vacancy rates and skyrocketing prices find many Nova Scotians struggling to find a place to live and pay their rent but aligning the size of an ADU based on the size of the property was problematic. The applicants agreed.

As a result, staff in consultation with the applicants drafted proposed amendments that will allow for an increase in the maximum size of an ADU to 1000 ^{ft}² while remaining subordinate to the main dwelling.

DISCUSSION

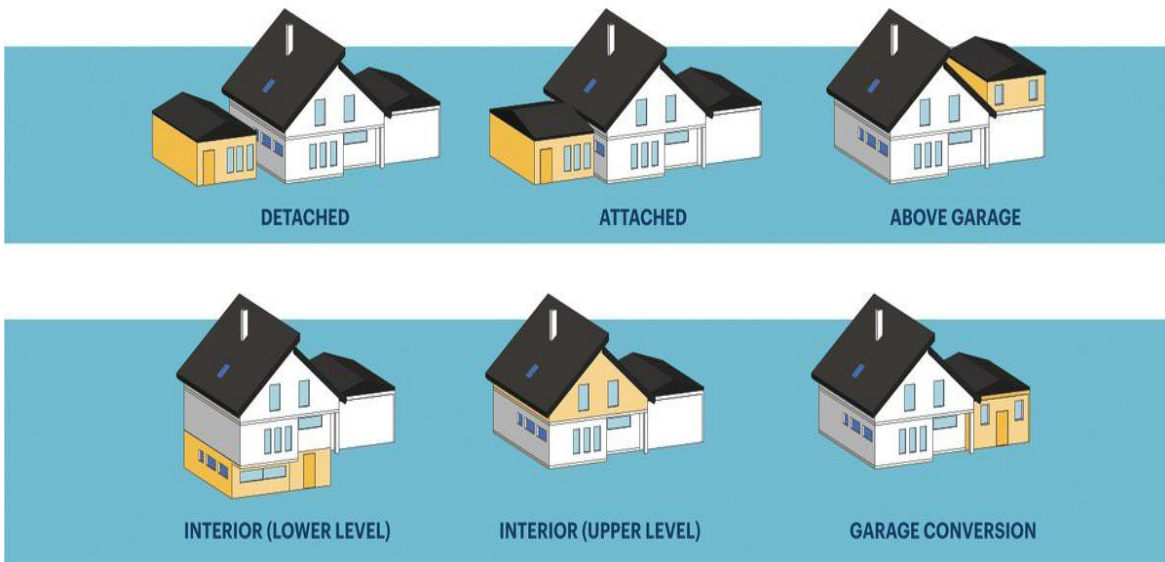
All municipalities in Nova Scotia that have planning documents are required to have specific policies related to housing under the *Statement of Provincial Interest* in the Municipal Government Act regarding housing. The Provincial goal is to provide housing opportunities to meet the needs of all Nova Scotians by requiring municipalities to consider higher densities, smaller lots sizes and reduced yard requirements that encourage a range of housing types.

Since the adoption of its' first Land Use Bylaw, Kentville has long been a pioneer in advocating for affordable housing and encouraging more housing opportunities by permitting ADU's within any single-family residential dwelling.

There are several benefits associated with ADU's including detached backyard "Garden/granny" suites such as increasing the overall density in an area without affecting the overall built form of the neighborhood; providing opportunities for affordable home ownership; providing rental opportunities; and providing an additional source of income to existing landowners including seniors looking to age in place.

With the adoption of the 2019 planning documents the type of ADU's were expanded to allow ADU's in an accessory building, however the maximum size of the unit was restricted to 35% of the square footage of the main dwelling, up to a maximum of 500 square feet with a maximum of 1 bedroom. The limitations on the size were intended to foster a degree of stability within existing neighborhoods while accommodating an aging population and to encourage various housing opportunities. However, the current critical need for more affordable housing has prompted the need to review the existing ancillary housing policies, specifically the size limitation and the restrictions on the number of bedrooms.

Increasing the size of ADU's in single family dwellings and within backyard garden suites will still maintain stability within neighborhoods as long as they are accessory to the principal dwelling and adhere to additional land use regulations such as floor area restrictions and height requirements.



Accessory Dwelling Units (ADUs) come in many shapes and styles. Illustrations by RPA, based on AARP's ABCs of ADU's Guide.

Other Municipalities

Upon review of other municipalities policies staff found that many have aligned their maximum square footage for ADU's within a single-family dwelling with the National Building Code which states:

The total *floor area* of all *storeys* of a *secondary suite* shall be not more than the lesser of:

- a) 80% of the total *floor area* of all *storeys* of the other *dwelling unit*, excluding the garage *floor area* and common spaces serving both *dwelling units*, and
- b) 80 m².

Where detached ADU's are permitted, such as above a garage or as a separate garden suite, they are not subject to the same limitations under the Building Code but are limited based on the size of the main dwelling.

Kentville's land use bylaw also regulates the size and height of accessory structures such as detached garages. The maximum size of an accessory structure is 1000 ft² and is not limited based on the square footage of the main dwelling, but on the size on the lot.

"Accessory structures, such as a detached garage has been limited to a maximum of 15% of the total lot area up to a maximum of 1000 square feet."

It is the opinion of Staff that if a maximum 1000 square foot accessory structure can be permitted on a lot, then it really shouldn't matter if it is garden suite as long as the ADU remains subordinate to the main dwelling.

RECOMMENDATIONS

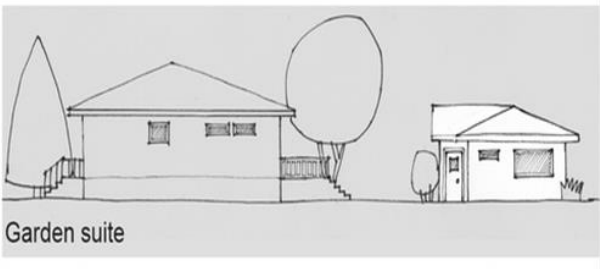

It is the recommendation of staff that Council give first reading to:

- align the maximum square footage for ADU's within a single-family dwelling with the National Building Code, which is 80% of the gross floor area of the main dwelling up to a maximum of 80 square meters without limitations on the number of bedrooms; and
- allow detached ADU's Garden Suites to have a maximum floor area of 80% of the gross floor area of the main dwelling, not to exceed 1000 square feet.

**TOWN OF KENTVILLE
AMENDMENTS TO
the
Land Use Bylaw**

"BE IT RESOLVED that the Land Use Bylaw for the Town of Kentville be amended as follows:"

- 1) Part 1, Definitions is hereby amended by adding the following to Dwelling, Ancillary, after the word **building** in the last line ***"including a Garage Suite which means an accessory dwelling unit built above a detached garage and a Garden Suite which means a free-standing, single story accessory dwelling unit located behind the primary single unit dwelling"***
- 2) Part 5 Section 5.1.1 a) is hereby amended deleting the word **"35%"** and replacing it with **"80%"** after the word more in the first sentence.
- 3) Part 5 Section 5.1.1 a) is hereby amended deleting the words **"500 ft² (45 m²)"** and replacing it with **861 ft² (80 m²)** after the words **"maximum of"** at the end of the sentence.
- 4) Part 5 Section 5.1.1. b) is hereby amended by deleting the words **"and a maximum of 1 bedroom"** at the end of the sentence.
- 5) Part 5 Section 5.1.1 g) is hereby amended by deleting the sentence, ***"An Ancillary Dwelling unit within an accessory structure shall be subject to Section 5.1.1 (a), (b), and (c) and applicable provisions of Section 4.1.1"*** and replacing it with ***An Ancillary Dwelling unit within an accessory structure shall be subject to applicable provisions of Section 4.1.1 and the following table:***

	Garden Suites	Garage Suites
	 <p style="text-align: center;">Garden suite</p>	 <p style="text-align: center;">Garage suite (above)</p>
Maximum size	80% of the gross floor area of the main dwelling, not to exceed 1000 square feet	80% of the gross floor of the main dwelling not to exceed 1000 square feet including the garage.
Maximum Height	15 feet	21 feet

Report Prepared by: Beverly Gentleman, Director of Planning and Development