

Cape Breton Regional Municipality

General Committee Meeting

On Planning & Economic Development

AGENDA

TUESDAY, DECEMBER 4, 2018

1:30 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

General Committee Meeting On Planning & Economic Development

Tuesday, December 4, 2018

1:30 p.m.

AGENDA ITEMS

Roll Call

1. **APPROVAL OF MINUTES:** (Previously Distributed)
 - **General Committee on Planning & Economic Development:**
 - **January 31, 2018**
2. **Approval of the Agenda** (motion required)
3. **One Main Modular Part Manufactured Homes a.k.a. Mini Homes / Mobile Homes:** Malcolm Gillis, Director of Planning and Development (See page 3)
4. **Municipal Planning Strategy Review: Part 4 Residential Development – Apartment Development Policies:** Karen Neville, Planner (See page 6)
5. **Municipal Planning Strategy Review: Part 4 Residential Development – Introductory Text:** Karen Neville, Planner (See page 15)

ADJOURNMENT



TO: CBRM General Committee of Council

FROM: Malcolm Gillis

SUBJECT: ONE MAIN MODULAR PART MANUFACTURED HOMES a.k.a. mini homes/mobile homes

DATE: August 9th, 2018

Introduction

Mini homes/mobile homes are prefabricated dwellings comprised of one main modular part designed to be used as a single detached dwelling:

1. having an average width *greater* than 8.5 feet and *less than* 20 feet; and
2. a length that is at least 3 times as long as the width.

More than 5% of the single detached dwellings in the CBRM are mini homes/mobile homes. More than 71% of the mini homes/mobile homes are located on conventional parcels of land outside of mobile home parks. However, none are in the communities of Sydney, Glace Bay, New Waterford, North Sydney and the suburban communities of Sydney River, Coxheath, Westmount where more than 2/3^{rds} of the CBRM population resides because CBRM's current zoning provisions ban them.

CBRM's current land use policy regarding mini homes/mobile homes really isn't very current. The policies adopted by Council in 2004 were the identical policies of the former towns and the City of Sydney, some of which were adopted more than 2 generations ago. Earlier this year Council sanctioned the idea of staff reviewing these policies and bringing back to Council a land use policy that more accurately reflects the contemporary legitimacy of mini home/mobile home construction.

The justification for the policies of the former towns and the City of Sydney and its surrounding suburban communities banning mini homes/mobile homes included beliefs that:

1. they were of inferior construction in comparison to on-site constructed homes;
2. the "mobile" connotation is that they are temporary and not permanent;
3. their long, narrow, one storey architectural style (needed to get a Licence from the Province to transport them on its highways) were an anomaly;

4. although not articulated in land use policy, there was an assumption the occupants were of low social status; and
5. they are a comparatively inexpensive form of housing and there was a fear they would reduce real estate values if placed within a streetscape of conventional housing.

The following comments challenge these above referenced assumptions.

1. The contemporary mini home/mobile home is manufactured in compliance with the Province's Building Code. The argument has been made that they just meet the minimum standards of the Building Code, but CBRM's Building Bylaw doesn't impose a higher standard of construction for other, conventional types of housing where the dwelling is proposed to be constructed in neighbourhoods of relatively higher assessment value where it could be assumed the construction standards were significantly higher than the Building Code standards. In affluent neighbourhoods the relatively higher real estate values generally deter home construction of lesser value regardless of the type of construction (i.e. manufactured or on-site construction).
2. To comply with contemporary Building Code standards, mini homes/mobile homes to be placed on a conventional building lot parcel must be attached to a foundation.
3. This is still a legitimate argument in neighbourhoods comprised primarily of 2 storey or higher dwellings e.g. in the south end Sydney neighbourhood centered on Whitney Avenue CBRM has a minimum 1 and a ½ storey construction specification.
4. Contemporary surveys indicate the types of individuals currently choosing to opt for a mini home/mobile home are not so easily stigmatized. The range is varied, from seniors who don't want to walk up a flight of stairs yet don't want to be renters in an apartment building, to those who don't want the frustration of contracting and sub-contracting construction projects.
5. The purchase price of a basic new mini home/mobile home without any architectural embellishments from manufacturer/retailers in the Maritime provinces now exceeds \$100,000. The average assessment for single detached dwellings in the four largest concentrations of urban development in the CBRM (i.e. Sydney, North Sydney/Sydney Mines, New Waterford, and Glace Bay/Dominion/Reserve Mines) ranges from approximately \$75,000 in New Waterford to approximately \$93,000 in Sydney. Yet mini homes/mobile homes are prohibited in all of these communities with the exception of parts of Sydney Mines and Dominion. And in many neighbourhoods of these communities the average assessment is tens of thousands of dollars lower than the purchase price of a mini home/mobile home and some neighbourhoods as low as ½. There is no justifiable reason to prohibit mini homes/mobile homes in many of the urban and suburban neighbourhoods of the CBRM solely because they are of a lesser real estate/assessment value and will therefore reduce the re-sale value of homes in proximity.

One final note, a survey conducted by Statistics Canada indicated a significant majority (i.e. more than 80%) of CBRM residents are accepting of mini home/mobile home construction as a legitimate form of housing, even to the point where they would accept the placement of a mini home/mobile home on a property adjacent to their own (more than 81%). Statistics Canada is confident the sample size "produced usable data with an acceptable level of precision."

With this issue paper Planning and Development Department staff is advocating a new policy that acknowledges:

- (1) the evolution of manufactured home construction specifications to the significantly more stringent current specifications; and
- (2) the low assessment and real estate market values generally in the CBRM, including many of the urban and suburban neighbourhoods where they are currently banned; while
- (3) respecting the incongruous architectural style of mini homes/mobile homes are an anomaly along streetscapes where dwellings of more than one storey are prevalent.

Manufactured homes comprised of one main modular part connected to a secure foundation are now recognized as a legitimate type of single detached dwelling throughout much of the CBRM. As the cost of housing increases and the average family income in the CBRM continues to compare unfavorably to the Provincial and National averages, pre-fabricated homes are a more financially feasible alternative in the CBRM housing market.

Recommendation:

I recommend that Council adopt a new Policy that will permit mini homes/mobile homes in urban and suburban residential neighbourhoods where the average assessment value is less than the base purchase price for new mini homes/mobile homes, unless the streetscape is primarily comprised of dwellings greater than one storey. The draft policy is included with this issue paper. Mapping illustrating where mini homes/mobile homes are currently prohibited and where they would be permitted if this policy were adopted have been circulated to each councillor. The 1st step in the legal and bureaucratic process of amending the Planning Strategy and its implementing Land Use Bylaw is to conduct a Public Participation Program. Rather than a series of public meetings staff is recommending we work with our Communications Officer to solicit responses from your constituents using social media.

Submitted by:

ORIGINAL SIGNED BY



Malcolm Gillis

Director of the Planning and Development Department



TO: General Committee Council

FROM: Karen Neville

**SUBJECT: Municipal Planning Strategy Review: Part 4
Residential Development – Apartment
Development Policies**

DATE: September 26th, 2018

Introduction

How and where residential development occurs in the CBRM is guided by the policies found in Part 4 (Residential Development) of the Municipal Planning Strategy (MPS). The purpose of this issue paper is to provide an overview of proposed policy changes for higher density residential development (apartment building).

Current Municipal Planning Strategy Policy

An apartment building is any building exclusively used for residential purposes with three or more dwelling units. An apartment building can also be a building which is occupied by business retail/service development(s) and one or more dwelling units. In the CBRM, there are approximately 41,177 buildings which contain one or more dwelling units. Of those dwelling units, 12.6% (6,228) in apartment buildings.

The objective of the apartment building policies found in Part 4 of the MPS is to direct apartment building development in locations that will:

- serve the tenants better;
- help bolster the rejuvenation of our downtowns; and
- curtail development proposals from occurring in neighbourhoods where controversy is most likely to erupt.

In order to achieve this, the degree to which apartment buildings are to be accepted ranges from:

- outright permission with little or no regulatory provisions;
- permitted with regulatory provisions;
- a requirement to get specific permission from Council by means of a public hearing process;
- to near prohibition.

Proposed Policy Amendments

The amendments being proposed to the current apartment policies are intended to maintain the intent of the policies while attempting to improve their implementation. The current apartment policies can be found in Attachment A.

Policy 1.c

Policy 1.c outlines the criteria used to correlate the link between the density and scale of allowable apartment building development. It is suggested that being along a transit route should be included in the criteria for allowing higher density.

Policy 1.d.5

While not encouraged on local urban public streets/roads (Level 5), Policy 1.d.5 establishes zones that permit apartment building developments on local urban public street/road where such developments already predominate in the streetscape. Policy 1.d.5 also references apartment being permitted at the site of abandoned mobile home parks. However, because apartment building development at the site of abandoned mobile home parks is addressed in a subsequent policy it is recommended that 'or at the site of abandoned mobile home parks' be removed from Policy 1.d.5.

Policy 1.d.6

Policy 1.d.6 states that apartment building developments shall be an optional use at the site of abandoned mobile home parks by site plan approval; however, the Mobile Home Park (MHP) zones does not include site plan approval provisions. While site plan provisions could be added to the MHP zone, it is being recommended that apartment building developments at an abandoned mobile home parks be subject to a zone amendment. Being subject to a zone amendment would enable Council to review each application on a case by case basis and development site specific provisions.

Addition of New Policy

While the MP5 currently does not encourage apartment building developments in low density neighbourhoods, staff is considering proposing additional policies which would allow Council to consider a zone amendment for higher density residential development under certain circumstance.

One policy would allow Council to consider a zone amendment for small scale apartment building development (no more than 4 dwelling units) in urban neighbourhoods in need of rejuvenation based on specific criteria. This criteria would include:

- a percentage of vacant lot parcels,
- evidence of demolition permits being issued within the neighbourhood,
- a lower than average residential assessment within the neighbourhood, and
- a percentage of owner unoccupied lot parcel.

The second policy being suggested would address zone amendments for apartment building development in urban neighbourhoods not already permitted in the other policy scenarios in Part 4 of the MPS that are in close proximity to downtown or other concentrations of sales/service developments and where a mix of development densities exists. In addition to enabling Council to consider a zone amendment in certain urban neighbourhoods, the proposed changes would make it clear that zone amendments would not be an option in areas on Level 5 streets of the CBRM that do not meet the scenarios identified in this Part of the MPS.

The proposed amendments to the residential policies associated with apartment building development have been initiated by staff to improve their implementation; however, input from the public should be sought before moving forward with a more detailed amending by-law.

Recommendation

In accordance with the *Municipal Government Act*, Council is required to complete a Public Participation Program prior to considering any amendment to the Municipal Planning Strategy. Planning and Development Department staff recommends that General Committee of Council request that Council pass a motion adopting a Public Participation Program to consider proposed amendments to Part 4 Residential Development of the Municipal Planning Strategy. Rather than a series of public meetings, staff is recommending we work with our Communications Officer to solicit responses from the public using social media platforms. In addition, staff is proposing to organize a meeting with various groups that are responsible for providing affordable housing to discuss affordable housing options such as housing types, densities requirements, boarding homes, and dormitories.

Any comments made during the Public Participation Program will be included in the final report to Council.

Submitted by:

Originally Signed by

Karen Neville

Planning and Development Department

PART 4. RESIDENTIAL DEVELOPMENT

1.a It shall be a policy of the CBRM to recognize apartment buildings as a legitimate form of housing providing accommodation for a significant segment of the population. The degree to which they are to be accepted shall range from:

- outright permission with little or no regulatory provisions;
- permitted with regulatory provisions;
- a requirement to get specific permission from Council by means of a public hearing process;
- to near prohibition.

The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);
- the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;
- the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (*i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic*); and
- apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts.

These four suppositions shall be applied in the form of criteria to be used as pre-requisites to specifically determine where apartment building development should occur, the scale at which it is to be permitted, and the site design provisions to be imposed.

1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

- within the central business districts of the major urban concentrations of the CBRM;
- within neighbourhoods in proximity to the central business districts;
- along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (*refer to Charts on pages 7.3 and 7.4*);
- in proximity to other concentrations of sales/service business developments;
- in other locales where they are already prevalent; and
- all other urban service areas.

1.c The criteria shall correlate a link between the density and scale of the allowable apartment building development and the site design provisions to be imposed with:

- the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
 - the variety of land use types in the vicinity; and
 - the existing development densities in a given neighbourhood;
- that allows for increasingly higher densities as:
- the level of the public street/road increases in the CBRM's road network hierarchy; combined with
 - the higher the existing density of the neighbourhood; and
 - the variety of land use types in the vicinity.

1.d A scale of acceptability is established based on the suppositions and criteria above.

1.d.1 To facilitate residential development back into our downtowns, throughout the central business districts of the major urban concentrations, apartment building development shall be permitted at the highest densities and largest scale with the least restrictive lot development provisions. More specifically this means:

- significantly reduced parking requirements that recognize the need for automobiles is not as important to residents of a central business district as it is in other neighbourhoods;
- more flexible regulations that recognize the difficulty in providing such amenities on-site because of the density of development;
- significantly reduced landscaping provisions;
- no building setbacks from property boundaries; and
- no lot size standards correlated to scale of development.

The only exceptions to this policy direction shall be:

- along any public street/roads primarily serving local traffic, the streetscape of which is comprised primarily of low density residential uses and little or no business sales/service development exists, where they are to be permitted at a much reduced scale and density with more stringent lot development provisions intended to lessen the impact on adjacent low density residential developments by buffering and screening the starker aspects of the apartment building development; and
- along any waterfront dominated by recreational/tourist/service-retail commercial developments, where the starker aspects of the apartment building development shall be buffered and screened by landscaping provisions from the view along any public recreational pedestrian way.

1.d.2 In the central urban neighbourhoods, apartment building development shall be permitted at the highest densities and largest scale with the least restrictive lot development provisions:

- along streetscapes served by Level 1 and Level 2 public streets/roads in the CBRM's road network hierarchy where low density residential development (i.e. 1 and 2 unit dwellings) does not represent the majority of buildings;

- along any other public street/road where low density residential development is a small minority.

1.d.3 Apartment building development shall be permitted, by site plan approval, at densities approaching twice the average density in the neighbourhoods that meet the criteria below in:

- the central urban neighbourhoods where single detached dwellings are not a significant majority of the buildings, and
- along primary urban arterials and major urban collectors serviced directly by the CBRM's public transit where the streetscape is comprised of a substantial mix of residential and non-residential developments and dwelling units in low density residential developments do not represent the majority of dwelling unit development.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- The scale and bulk of any new, or expanded building, and how it is to be sited and aligned, be regulated to alleviate obnoxious effects on adjacent low density residential development and the streetscape;
- adjacent low density residential uses are buffered and screened from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*);
- building façade provisions be included to prevent unattractive ancillary and protuberant structures attached to any main building from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.4 In all other urban neighbourhoods either:

- directly accessed by a neighbourhood through street (Level 4) or higher level in the CBRM's road network hierarchy (*refer to Charts on pages 7.3 and 7.4*) where a majority of the dwellings are low density and the average land density per dwelling unit is significantly greater than the average throughout the urban central neighbourhoods; or
- along any public street/road where the average land density per dwelling unit is significantly higher than the neighbourhoods referenced above;

apartment building development shall be permitted, by site plan approval that allows:

- renovation conversions from low density residential to higher which generally correlates the number of apartments with the number of floors in the building; and
- new construction at densities approximating 1/3 higher than the average density in the neighbourhoods that meet the criteria above.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- the scale and bulk of any new, or expanded building, and how it is to be sited and aligned, be regulated to alleviate obnoxious effects on adjacent low density residential development and the streetscape;
- adjacent low density residential uses are buffered and screened from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*);
- building façade provisions be included to prevent unattractive ancillary and protuberant structures attached to any main building from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

1.d.5 While normally not encouraged on local urban public streets/roads, apartment building development shall be permitted at established densities along any local urban public street/road where such developments already predominate in the streetscape, or at the site of abandoned mobile home parks. Three separate zones exclusively designed to permit and regulate apartment building development are in the Land Use By-law text, each with a unique maximum density threshold, and 16 separate areas are zoned using one of the three zones, depending on which zone most closely fits the actual density of a given area.

1.d.6 Apartment building development shall also be a permitted optional use at the site of abandoned mobile home parks by site plan approval. The density of the development may be as much as three times the dwelling unit per acre density of the mobile home park. The site plan approval provisions should stipulate that:

- The development proposal include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- The development proposal mitigates the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

1.d.7 Apartment building development shall also be a permitted optional use for abandoned community, educational, or municipal service buildings. In rural areas such conversions are permitted pursuant to Policy 1.d.10 below. In urban/suburban neighbourhoods

outside business districts/corridors the building and site of these former facilities may be so converted by site plan approval. The site plan approval provisions should stipulate that:

- adjacent low density residential uses are buffered and screened from the starker ancillary components of the site (e.g. parking spaces, driveways, utility facilities, etc.);
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site be included;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape.

- 1.d.8 It is the intention of this Municipal Planning Strategy to acknowledge the legitimacy of all existing apartment buildings as a general provision in the Land Use By-law unless specifically identified as being either non-conforming or illegally established. Therefore, it shall be a policy of the CBRM to consider all existing apartment buildings as permitted uses at their existing scale and density at their present site, regardless of the zoning provisions affecting apartment buildings generally throughout the jurisdiction of the zone in effect at each site. However, where apartment buildings are generally not permitted, existing apartment buildings may only be replaced by site plan approval. Any expansion of the dwelling unit density shall also be permitted by Site Plan Approval provided the density does not exceed the maximum density threshold of the one apartment building Zone established pursuant to Policy 1.d.5 that has the least dense threshold of the three zones established pursuant to that policy. Any other expansion of the dwelling unit density shall be subject to the directive of Policy 1.d.9.

The Land Use By-law provisions specific to such developments and/or the site plan approval provisions shall stipulate that:

- The scale and bulk of any new building, and how it is to be sited and aligned, be regulated to improve (*in comparison to the building to be replaced*) any obnoxious effects on adjacent low density residential development and the streetscape provided the improvements imposed do not reduce the services provided to the tenants of the apartment building;
- adjacent low density residential uses are buffered and screened from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*);
- unattractive ancillary and protuberant structures attached to any main building are kept from locations directly exposed to the streetscape;
- an on-site parking and vehicular maneuvering plan be included that does not exacerbate traffic movement problems along any public street/road abutting the site;
- an on-site landscaping plan be included that improves the development's compatibility with the streetscape and adjacent low density residential development.

- 1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment. The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the

vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

1.d.10 Apartment building development shall be prohibited in all areas of the CBRM not serviced with a Municipal piped sanitary sewer main, except for the following two scenarios. To facilitate the re-use of abandoned, community, educational, or municipal service buildings, their conversion into an apartment building shall be permitted at the ratio of 1 apartment per 1,000 sq. ft. of floor space. This Municipal Planning Strategy supports the mandate of the Province of Nova Scotia to provide public housing for seniors. Such projects shall be permitted even in rural service areas.



MEMO

To: CBRM Council

FROM: Karen Neville

SUBJECT: Municipal Planning Strategy Review: Part 4
Residential Development – Introductory Text

DATE: September 19th, 2018

Prior to outlining Council's policy direction, each Part of the Municipal Planning Strategy (MPS) includes introductory text which provides background information on the specific topic. Part 4, which covers residential development, includes demographics, building permit data, and development trends and statistics. The current background information provides a synopsis of residential development in the CBRM during the time period prior to the adoption of the MPS in 2004. As we move through the review of the MPS this information should be updated to convey the current state of residential development.

During the November Planning and Economic Development General Committee, a presentation of how residential development has occurred since 2004 will be made. Subsequently, changes will be made to the introductory text of Part 4 Residential Development to reflect the current state of residential development and will be amended in conjunction with the amendments to the residential policies in Part 4 of the MPS.

Submitted by:

Originally Signed By

Karen Neville
Planning and Development Department

