



To: Municipality of Barrington Planning Advisory Committee
From: Chris Millier
Date: January 27, 2022
Re: Subdivision of Semi-detached Structures

Background

The development of a semi-detached structure, a purpose built residential structure containing 2 dwelling units which are separated by a common vertical wall, is permitted in a number of zones pursuant to the Municipality's Land Use By-law.

Parts 18 and 19 includes the following provisions relating to semi-detached development.

PART 18 – ZONE STANDARDS

The following zone standards shall apply to uses permitted in the various zones established in this By-law.

18.1 Residential uses permitted in the RG, RR, RI, MU, RD and CG Zones where connecting to on-site sewage disposal systems:

b) Semi-Detached Dwellings:

Lot Area - 29,063 sq. ft. per dwelling unit
- 40,000 sq. ft. per dwelling unit where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream, or ocean
Lot Frontage - 121 ft. per unit
Front Yard - 25 ft.
Rear Yard - 25 ft.
Side Yards - 6 ft. on one side and 10 ft. on the other side
Maximum height of main building is 35 feet.*

*** The Department of Environment may require larger lot sizes than those listed here for on-site sewage disposal systems.**

18.2 Residential uses permitted in the RG, RR, RI, MU and CG Zones where connecting to municipal sewer:

b) Semi-Detached Dwellings:

Lot Area - 7,500 sq. ft. per dwelling unit

Lot Frontage - 40 ft. per unit

Front Yard - 25 ft.

Rear Yard - 25 ft.

Side Yards - 6 ft. on one side and 10 ft. on the other side

Maximum height of main building is 35 feet.

PART 19 – DEFINITIONS

Dwelling, Semi-Detached means a building that is divided vertically into 2 dwelling units each of which has an independent entrance.

The Municipality has been approached concerning the potential for the subdivision of semi-detached structures into two separate lots thereby enabling sale of each dwelling unit separately. The Land Use By-law does not currently enable the subdivision of semi-detached structures as there is a mandatory requirement for 2 separate side yards for the dwelling. The By-law does not distinguish between a “semi-detached structure” (i.e. the entire building) and a “semi-detached dwelling unit” (i.e. each of the individual dwelling units).

The ability to consider subdivision of semi-detached structures is a provision that is common to a significant majority of land use by-laws, in particular for communities with municipal services. Where municipal services are present the connection of each individual dwelling unit to public street, sewer and water services is relatively simple. This situation also commonly extends to purpose built three-unit/tri-plex structures as well as townhouse structures. The subdivision of a semi-detached structure does not change the configuration of the building but rather simply provides for the ability for each unit to exist on its own lot and to be owned separately.

The development of semi-detached dwellings has increased in the recent years as this form of housing increases the efficiency of the use of a lot. These unit are also often constructed in a bungalow/single level slab-on-grade form and have shown to have growing appeal to property owners and tenants looking to downsize and/or live in energy efficient buildings. As the popularity of this building form has increased, so has the interest in the development community to enable the subdivision of these structures.

Discussion

The ability to access separate infrastructure is a prerequisite for the construction or to enable the subdivision of a semi-detached structure in a serviced area. The Municipality requires separate services to each semi-detached unit where constructed on Municipal sewer and water. Lot frontage and area requirements for semi-detached structures within the Municipality are size to reflect that they can be relatively standard with other types of residential development in serviced areas. The subdivision of semi-detached structures on service lands can be easily accommodated through provisions within the Land Use and Subdivision By-law.

The development of semi-detached structures with on-site water and wastewater systems is permitted subject to Nova Scotia Department of Environment approval. Again, the Municipality has established minimum lot frontage and area requirements which reflect the standards which have been established for unserviced residential development. These minimum standards are substantially larger than for serviced development. Where developed in unserviced areas it is typical that semi-detached structures share both potable water supply and septic services.

While development/construction is very straight forward the ability to subdivide a semi-detached structure with shared water and/or septic service presents practical and legal constraints. Provincial regulations do not permit on-site wastewater services to extend beyond the lot boundary. Exceptions have been enabled through land condominium provisions but these legal arrangements are complex. In addition to setbacks from wells and property lines unserviced lot septic standards also typically provide that a lot has sufficient room to enable the construction of a replacement system in the event of system failure.

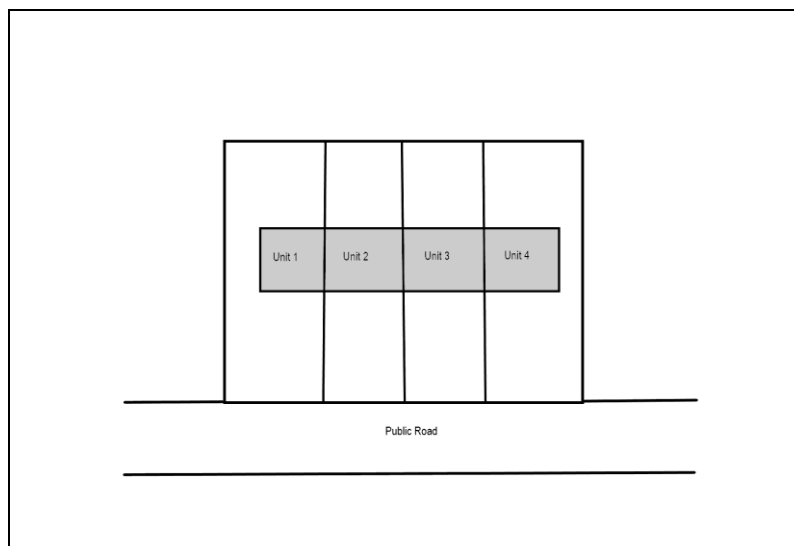
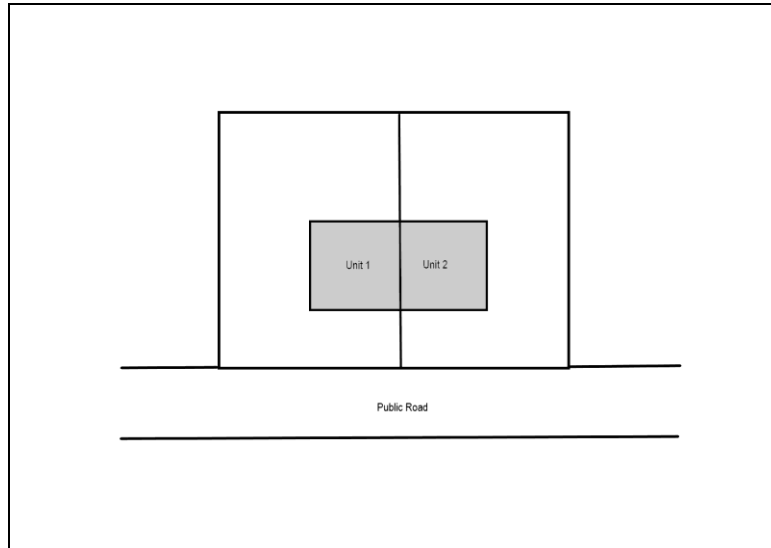
While it is acknowledged that it may be possible to configure unserviced semi-detached construction for subdivision, the construction of separate potable water and on-site septic systems for each dwelling unit would likely negate any economic benefits from increased density or efficiency in the use of lands. If provided for in the Land Use By-law it is unlikely that a significant amount of development of semi-detached structures would be planned specifically for subdivision.

The current Municipal Planning Strategy enables Council to establish specific development standards for various types of development including lot frontage, lot area and building setback requirements.

The Municipality's Land Use By-law currently established standards for the development of semi-detached dwellings in a variety of zones and in both serviced and unserviced areas.

At present the By-law does not provide for a “zero lot line” setback through a common wall between semi-detached dwelling units. Such standards are relatively common in many communities in particular where municipal services are present. This situation is also typically extended to three-unit and townhouse development forms.

Representative examples of such subdivision configurations are presented below.



Next Steps

In order to enable the subdivision of semi-detached structures the Committee should consider:

1. Identification of the zones where subdivision should be permitted – presently development is permitted in Commercial General (CG), Mixed Use (MU), Residential General (RG), Residential Restricted (RR), Rural Development (RD) and Residential Island (RI);
2. Whether subdivision should be permitted in both serviced and unserviced appropriately zoned areas;
3. Whether triplex/3-unit and/or townhouse development should be entitled to be subdivided.

Following direction from the Planning Advisory Committee draft amendments to the Land Use By-law for Council's formal consideration would be prepared which:

- Create a definition for a "Common Lot Line";
- Enable a zero (0 ft.) yard setback for Common Lot lines for semi-detached (and/or other forms);
- Amend the minimum lot frontage and lot area requirement per dwelling unit – serviced/unserviced