

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **October 5, 2020**

Reference: **Proposed & Potential Amendments to the Lot sizes and Lot frontage, within the Residential (R-1) Zone within the Antigonish Fringe Area, Antigonish County *Land Use by-law*:**

Proposed & Potential Amendments to Boarding Homes as a permitted use, within the Residential (R-1) Zone within the Antigonish Fringe Area, Antigonish County, *Municipal Planning Strategy and Land Use by-law*; And

Recommendation:

That the Planning Advisory Committee recommend to Council the reduction of Lot Size and Lot Frontage requirements within the Antigonish Fringe Planned Area Residential (R-1) Zone. In doing so, staff are also recommending the removal of ‘boarding homes’ as a permitted use within the Residential (R-1) Zone, and removal of all associated language, references, and policies to the use, to maintain the desired density.

Background Information:

After receiving numerous concerns from local stakeholders and residents alike surrounding a series of boarding homes within the Residential (R-1) Zone of the Planned Area, Council has requested options for amendments to the Municipal Planning Strategy and Land Use By-law for their use. The current zoning requirements for boarding homes did not anticipate “commercial boarding homes”. It is staff’s conclusion that the original intent of the Municipal Planning Strategy and the vision of the community considered boarding homes as non-intrusive additions to a typical owner-occupied single unit dwelling. The policy establishing the zone states:

This zone will permit low density residential uses such as single-detached dwellings, converted dwellings to a maximum of 2 units, duplexes and land uses that are typically compatible with a quiet residential neighbourhood.

Analysis:

It has been found that the current use of boarding homes, as a permitted use are not typically compatible within a quiet residential neighbourhood. Most recently boarding homes as a use are more commercial in nature and have taken the character of a quasi-apartment or dorm houses, against the intention of the Planning Strategy. In early 2020, a new *Municipal Planning Strategy, Land Use By-law and Lodging Home By-law* was passed within the *Town of Antigonish*. These new plans, addressed the concerns of boarding homes within the Town, by completely removing new boarding homes as a permitted use within the Town itself. This removal of new boarding homes and the strict licensing of existing homes within the Town, has likely resulted in the moving of boarding home uses into areas of the County of Antigonish immediately adjacent the Town. A previous amendment to the Land Use

By-law, which placed a total percentage of bedroom total floor area at 29%, was an attempt to ensure developments would conform to the image of preferred design and intended use. This amendment was unsuccessful in achieving its desired ends with new developments providing less than 29% of bedroom space while still maximizing the number of bedrooms in a structure.

Parallel to these amendments there has been some desire expressed by developers to reduce the R-1 lot sizes to those which are typical in serviced areas in Nova Scotia. A typical lot size residential lot size in a serviced area is six thousand (6,000) square feet. The present R-1 Zone standard is seven thousand, five hundred (7,500) square feet and ten thousand (10,000) square feet for a semi-detached building, i.e. five thousand (5,000) square feet a side. While a reduction in lot area, and frontage would work to maintain a desirable higher level of density, and ensure the intent of the zone, by permitting a closer community, it would also exacerbate the negative impact of incompatible developments within the zone. Staff therefore are still recommending the reduction lot size requirements to allow for denser development but at the same time recommending the removal of boarding homes as a permitted use, as current trends are indicating they are being used to increase density at a level not intended for the Residential (R-1) zone.

Conclusion:

As concerns from community members and local stakeholders alike are still being voiced regarding boarding homes within the Antigonish Fringe Planned Area, it is clear current zoning requirements are not adequate to permit them in a way as to follow intent of the Municipal Planning Strategy for the Residential (R-1) Zone. The Town of Antigonish has removed the ability for new boarding homes to be permitted within the Town of Antigonish Planned Area, and the County is now seeing that an influx of these boarding homes, within the supposed quiet Residential (R-1) Zone is causing concern. To remove the opportunity for continued commercial boarding homes contrary to the intent of the Residential (R-1) zone, and to permit a better level of density and growth within the zone, staff are recommending the reduction of Lot Area and Lot Frontage requirements within the Residential (R-1) zone in the Land Use By-law, and the removal of boarding homes as a permitted use from the Municipal Planning Strategy and Land Use By-law.

Staff also recognize that there is a need for affordable student housing in the community so these amendments are still a intended to address the immediate concerns while allowing for some time for staff to reassess appropriate municipal responses to the broader affordable student housing issues raised.

Appendix A – Images



Image 1.0: Context of the latest boarding house in the R-1 Neighbourhood.



Image 2.0: Additional context just off of Alex Terrace.

A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *Municipal Planning Strategy* for the Municipality of the County of Antigonish is hereby amended by:

- 1) Removing, immediately the following strikethrough text below, within Section 3.2, Subsection 3.2.1, Residential Development, Policy L-2.2:
 - a. Within the Residential Designation, it shall be the policy of Council to establish a Residential (R-1) zone in the Land Use By-law, which shall permit the following and similar types of uses: bed and breakfast establishments to a maximum of 5 rooms; ~~boarding homes to a maximum of 5 rooms~~; religious institutions and cemeteries; medical clinics; converted dwellings containing a maximum of two (2) units; community and activity centres; day care facilities; duplexes; funeral homes; institutional use; recreational uses; senior citizen housing; single-detached dwellings; and semi-detached dwellings

This is to certify that the by-law, of which this is a true copy, was duly passed at a duly called meeting of Municipal Council of the Municipality of the County of Antigonish held on the ____ day of _____ 2020

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____ 2020

Mr. Glenn Horne, Municipal Clerk

A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *Land Use By-law* for the Municipality of the County of Antigonish is hereby amended by:

- 1) Removing, immediately the following strikethrough text below within Part 13: Residential (R-1) Zone, R-1 Uses Permitted, Subsection 13.1, and adjusting the lettering accordingly:

13.1. No development permit shall be issued in a Residential (R-1) zone except for one or more of the following uses:

- a. Existing agricultural uses, except intensive livestock operations
- b. Bed and breakfast establishments to a max. of 5 rooms
- ~~e. Boarding homes~~
- d. Cemeteries
- e. Day care centres
- f. Religious Institutions
- g. Medical Clinics
- h. Converted dwellings to a maximum of 2 units
- i. Community and activity centres
- j. Duplexes and semi-detached dwellings
- k. Funeral homes
- l. Garden Suites
- m. Institutional uses
- n. Mini home on a single lot
- o. Museums
- p. Recreational uses
- q. Senior assisted living and retirement housing
- r. Single detached dwellings

- 2) Removing, immediately the following strikethrough text below within Part 13: Residential (R-1) Zone, Subsection 13.5 and adjusting the numbering accordingly:

Boarding Homes

~~13.6. In addition to all other requirements of this By-law, the following shall apply to boarding homes:~~

~~a. a maximum of five (5) lodging units shall be permitted.~~

- 3) Replacing, immediately the following strikethrough text below, with the bolded text within Part 13: Residential (R-1) Zone, R-1 Zone Lot Requirements, Subsection 13.2:

R-1 Zone Lot Requirements

13.2 In any Residential (R-1) zone, no development permit shall be issued except in conformity with the following requirements:

- i. For all uses except semi-detached dwellings, duplex and agricultural uses:

Standard	Serviced
Minimum Lot Area	697m² (7500 ft²) 557.4 m² (6,000 ft²)
Minimum Lot Frontage	15.2m (50 ft)
Minimum Front Yard	7.6m
Minimum Side Yard	1.2m
Minimum Rear Yard	7.6m
Maximum Building Height	10.7m

ii. For semi-detached dwellings and duplexes:

Standard	Serviced
Minimum Lot Area	464 m² (5,000 ft²) per dwelling unit 278.7 m² (3,000 ft²) per dwelling unit
Minimum Lot Frontage	15.2m (40 ft) 9.14m (30 ft) per dwelling unit
Minimum Front Yard	7.6m
Minimum Side Yard	1.2m
Minimum Rear Yard	7.6m
Maximum Building Height	10.7m

This is to certify that the by-law, of which this is a true copy, was duly passed at a duly called meeting of Municipal Council of the Municipality of the County of Antigonish held on the ____ day of _____ 2020

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Mr. Glenn Horne, Municipal Clerk