

To: **Municipality of the County of Antigonish Planning Advisory Committee
Municipality of the County of Antigonish Council**

From: **Planning Staff (EDPC)**

Date: **February 12, 2024**

Reference: **Amendments to the Residential (R-1) zone to increase the maximum height for senior citizen housing and institutional uses in the West River Antigonish Harbour Land Use By-law.**

Recommendation

That Council **approve** the following amendments to the West River Antigonish Harbour Land Use By-law (as outlined in Appendix A):

1. Amend the permitted uses of the Residential (R-1) Zone to include senior citizen housing instead of senior assisted living and retirement housing;
2. Amend the definition of building height and Part 6, S. 6.A.15(b) to be measured to the mean level instead of the highest point for pitched roofs;
3. Add a special provision to the Residential (R-1) Zone to allow senior citizen housing and institutional uses to exceed the maximum building height up to 13.5 m. (44.3 ft.) subject to an increased minimum side yard.

Background Information

Colliers with the support of FBM is requesting that Council consider amendments to increase the maximum height allowance for senior citizen housing in the Residential (R-1) Zone of the West River Antigonish Harbour (WRAH) Land Use By-law. The amendment is intended to support the development of a new long-term care facility in the region.

Analysis

There are three provisions that should be addressed within this request; the terminology related to senior citizen housing in the R-1 zone, the definition of height and height regulations of Part 6, Section 6.A.15(b), and the maximum permitted height for senior citizen housing.

Senior Citizen Housing Terminology

The WRAH Plan and Land Use By-law contain multiple terms related to senior citizen housing. The R-1 Zone currently permits senior assisted living and retirement housing, which is not defined. There is a definition for senior citizen housing, which states:

SENIOR CITIZENS' HOUSING means multifamily housing designed for older people. This type of housing can also refer to an adult retirement community, assisted living facility, congregate

residences or continuing care retirement facility.

Policy L-2.2 of the Municipal Planning Strategy establishes the permitted uses in the R-1 zone. This policy specifically refers to senior citizen housing. Therefore, it appears that the use of alternate wording was in error. To improve clarity of the By-law, the permitted uses should be amended to state senior citizens housing instead of senior assisted living and retirement housing.

Building Height Definition

Currently the WRAH Land Use By-law contains the following definition relating to the calculation of building height (emphasis added):

HEIGHT The height of a building shall be determined by calculating the vertical distance of a building between the established (average) grade and

- a. the highest point of the roof or the parapet, whichever is the greater, of a flat roof;*
- b. the **highest point** of the ridge of a gabled, hip, gambrel, mansard or other type of pitched roof;*
- c. but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.*

In the last review (2015) of the WRAH Land Use By-law (formerly the Fringe Plan), the building height definition was revised so the measurement for pitched roof buildings is taken to the highest point instead of the mean level between the ridges and eaves. At that time, the maximum permitted heights were not amended accordingly. As a result, the effective maximum building height for pitched roof buildings was reduced, possibly inhibiting three-story pitched roof projects. This can act as a disincentive to constructing pitched roof buildings, which was not the intent of the amendment. Returning to the mean level approach would be consistent with nearly all the Land Use By-laws that District Planning administers across six municipal units.

This change would apply to the entirety of the plan area.

Maximum Building Height for Institutional Uses

The R-1 zone of the WRAH Land Use By-law contains a maximum height of 10.7 m. (35 ft.) for all buildings. The applicant is requesting amendments to allow an increased maximum height for senior citizen housing. While the request pertains only to one specific use, many of the following arguments also apply to other institutional uses and are therefore included in the proposed amendments (Appendix A).

As the applicant noted in the rationale letter, “typical floor to floor heights for long term care homes make it challenging to fit a three-story facility in the prescribed maximum height.” They

also note that “permitting taller facilities promotes compact building footprints that help keep facilities from sprawling while still providing a significant number of units.”

As demonstrated in this case, zone standards that uniformly restrict building heights may inadvertently hinder the development of essential facilities like senior citizen housing and other institutional uses. Allowing for more flexibility with appropriate conditions can acknowledge the unique needs of these types of uses. The minimum side yard requirement in the R-1 zone is currently 1.2 m. (4 ft.). To mitigate the potential for buildings looming over adjacent lots, larger side yards should be required. This can be accomplished with a minimum side yard tied to the height of the building.

The applicant’s rationale letter requests that senior citizen housing be subject to the following unique zone standards:

Standard	Serviced
Minimum Lot Area	557.4 m ² (6,000 ft ²)
Minimum Lot Frontage	15.2 m. (50ft.)
Minimum Front Yard	7.6 m. (25ft.)
Minimum Side Yard	50% of the building height
Minimum Rear Yard	7.6 m. (25ft.)
Maximum Building Height	16.5 m. (54ft.) *

* The maximum height requested by the applicant is 16.5 m. (54 ft.), under the assumption that the definition of height will not be changed. If the height definition is changed, only 13.5 m. (44.3 ft.) is requested.

The table above would subject all senior citizen housing developments to a side yard equal to half of the building height, including those with a height under the current 10.7 m. (35 ft.) height maximum. Staff instead recommend a special provision that would only apply to buildings that will exceed the zone standard:

Special Provisions for Senior Citizen Housing and Institutional Uses

13.7 Notwithstanding the maximum building height under Part 13, Section 13.2(a), senior citizen housing and institutional uses shall be permitted up to a maximum building height of 13.5 m. (44.3 ft.) subject to the following:

- a. The minimum side yard shall be equal to half of the height of the building.

Alignment with the WRAH Municipal Planning Strategy

The proposed amendments are in alignment with the spirit and policies of the WRAH Municipal

Planning Strategy. Section 2.3 speaks to the demographics of the County, acknowledging that “there may be a need for alternative housing types for senior citizens, such as town houses, apartments or condominium developments.” Further, the plan is supportive of a compact development, such as under Policy L-2.3:

Policy L-2.3 It shall be the policy of Council to encourage residential development that is orderly and compact and that does not strain or exceed the capacity of community services and facilities.

Conclusion:

This report presents amendments to the terminology related to senior citizen housing in the R-1 zone, the definition of height and height regulations of Part 6, Section 6.A.15(b), and the maximum permitted height for senior citizen housing (see Appendix A).

The purpose of these amendments is to acknowledge the growing need for senior citizen housing in the County while reducing the need for sprawling developments. They also acknowledge the unique needs of senior citizen housing and other institutional uses.

Given that the proposed amendments are in keeping with the policies and general intent of the WRAH Municipal Planning Strategy, staff recommend that Council approve the amendments outlined in Appendix A.

Appendix “A”: A By-law to Amend the *Land Use By-law for the West River Antigonish Harbour Area of the Municipality of the County of Antigonish*

The *Land Use By-law for the West River Antigonish Harbour plan area of the Municipality of the County of Antigonish* is hereby amended by:

1. Removing the following text in strikethrough and adding the text in bold to Part 6, Section 6.A.15(b):
 - b. The ~~highest point of~~ **mean level between** the ridge of a gabled, hip, gambrel, mansard or other type of pitched roof.
2. Removing the following text in strikethrough and adding the following text in bold to Part 13, Section 13.1(p):
 - p. ~~Senior assisted living and retirement housing~~ **Senior citizen housing**
3. Inserting the following text in bold immediately following Part 13, Section 13.7:

Special Provisions for Senior Citizen Housing and Institutional Uses

13.7 Notwithstanding the maximum building height under Part 13, Section 13.2(a), senior citizen housing and institutional uses shall be permitted up to a maximum building height of 13.5 m. (44.3 ft.) subject to the following:

- b. The minimum side yard shall be equal to half of the height of the building.**

4. Removing the following text in strikethrough and adding the text in bold to Part 25: Definitions:

HEIGHT The height of a building shall be determined by calculating the vertical distance of a building between the established (average) grade and

- a. the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
- b. the ~~highest point of~~ **mean level between** the ridge of a gabled, hip, gambrel, mansard or other type of pitched roof;
- c. but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Glenn Horne
CAO