

To: Antigonish Planning Advisory Committee and Town Council

From: Planning Staff (EDPC)

Date: May 31, 2023 (date of PAC meeting)

Reference: Consideration of concurrent amendments to the Municipal Planning Strategy and Land Use By-law to allow for low-density residential units in the Institutional (I) Zone.

Application by A.W Arbuckle & J.L MacInnis to permit an existing institutional use and new residential development at 83 Kirk Street, Antigonish, Nova Scotia, PID 1004224, as amended.

Recommendation:

That the Planning Advisory Committee recommend to Council to allow low-density residential (Dwelling, three or fewer units) to proceed via a development permit only, by amending the Municipal Planning Strategy and Land Use By-law (Option 2).

Information:

Often former institutional buildings, such as schools or churches, are closed and the community is left with a vacant building that could be used for another purpose. The conversion of schools to residential units, such as the Willow Street School in Truro becoming Willow Lots, is an example of the adaptive reuse of a former institutional building. Fortunately, the Town is not losing an institutional use with this application but is asked to allow for low-density residential uses to be allowed in the unused portion of the building at 83 Kirk Street.

The applicant wishes to allow for three residential units in addition to the institutional uses on the property. Concurrent amendments to the Municipal Planning Strategy and Land Use By-law that would result in the property being in the Higher Order Residential (RN-2) Zone was not considered as the institutional use in the building would be non-conforming, thus limiting property rights. Previously the owners wished to keep the building for institutional use but also have multi-unit residential uses. Council wished to inquire into the adaptive re-use of institutional buildings as a result. In the interim, the application was amended to request only three units, which is considered low-density. This report focuses on the adaptive reuse of institutional buildings, wholly or in part, to allow for low-density residential uses. While the property at 83

Kirk Street is the impetus for this review, changes to the planning documents to allow for low-density residential development in the Institutional (I) Zone would apply to all properties in that zone and be considered a general text amendment.

Background:

Beginning as the Antigonish Activity Centre and evolving into the Canadian Association for Community Living (CACL), the building was purpose-built to house the vocational workshop. The vocational program has been operating since the early 1970s with incorporation taking place in 1977. Having enjoyed great success and community support, the CACL outgrew the building and is now located across the street at 75 St. Ninian's Street. The current institutional uses in the building are Kids First Antigonish and the building will house the Highland Community Midwives shortly (anticipated move in June 2023).

A previous version of the application requested seven units as multiunit residential in addition to the Kids First Antigonish institutional use. Much of the building was vacant. The owners were unable to secure another institutional tenant so wished to convert the vacant area into apartments. The planning documents do not permit multiunit residential and institutional uses in the Institutional (I) Zone. Staff were directed to look into adaptive reuse options for institutional buildings. Consequently, the owners notified staff that an additional institutional tenant was secured and requested that the application be put on hold. The application was later amended to allow for three residential units and institutional uses in the Institutional (I) Zone.

Location:

The proposed amendment is a general text amendment that would impact institutionally zoned properties including the Legion on St. Ninian's Street (former National Philatelic Centre), Candida Casa at the corner of Silverwood Drive and Pine Street, RCMP Station at the corner of Fairview and James Streets, the RK MacDonald Guest Home on Pleasant Street, the Dr. J.H. Gillis Regional High School on Braemore Avenue, the NS Justice Centre on James Street, and the large tract of lands around the St. Martha's Regional Hospital located north of Bay Street.

The property at 83 Kirk Street is a good example of a property in an Institutional (I) Zone that would benefit from an amendment to allow for low-density residential development. The subject property at 83 Kirk Street is in a mixed institutional and residential area. The property is in the Institutional (I) Zone and abuts low-density residential development, that is located along St. Ninian's Street, Hillcrest Street, and abutting at 81 Kirk Street. These properties are in the Residential Neighbourhood (RN-1) Zone. Directly across Kirk Street at 75 St. Ninian's Street is the former philatelic centre that now houses the CACL, Legion, and café. 75 St. Ninian's Street is in the Institutional (I) Zone. There is higher density residential development in buildings known as

St. Ninian's Plaza apartments on St. Ninian's Street, which are in the Higher Order Residential Neighbourhood (RN-2) Zone. 85 Kirk Street, the former radio station, is in the Higher Order Residential Neighbourhood (RN-2) Zone. 85 Kirk Street has additional residential development potential. The abutting home at 81 Kirk Street is in the Residential Neighbourhood (RN-1) Zone and between the subject property's I Zone and 85 Kirk Street's RN-2 Zone. Mount Saint Bernard along Hillcrest Street is in the University Institutional (UI) Zone.

The travel way of Kirk Street is roughly 20 feet, which is not up to the municipal standard for width. Kirk Street was once a driveway leading to the former radio station. Although narrower, it can accommodate two-way traffic. On-street parking is problematic on Kirk Street. Parallel parking on the street is on private property, a practice that originated with the former philatelic use at the Legion to mitigate constraints of the narrow travel way. The Legion has a parking lot in the rear, which is not for use by the general public.

Analysis:

Often institutional uses such as churches, small post offices, community halls, or schools, are located in residential areas. In many planning documents across Nova Scotia, institutional uses are permitted as-of-right in residential zones. An as-of-right use is permitted by way of a development permit only. The institutional uses do not need to be in an Institutional zone. It is accepted that the institutional use is part of the residential fabric. In these cases, the institutional use has property rights, which would allow it to remain and expand. Often there are accessory residential uses permitted such as a glebe house as accessory to a church or a caretaker's residence in association with large historic properties such as farm museums. Small-scale residential uses on an Institutional zoned property are in keeping with the surrounding neighbourhood and have minimal impact. For clarity, the three residential units proposed at 83 Kirk Street are not accessory to institutional uses. They are proposed to be individual units for rent to the general public (as opposed to an on-site worker).

In Section 10.2 Community Use Zones Permitted Use of the Land Use By-law, homes for special care and group homes are permitted via development permit and nursing homes and residential care facilities are permitted via site plan approval. The zone also allows uses permitted in the Mixed-Use Zones by way of the development agreement approval process. The Land Use By-law does not allow for residential units that are not accessory to the main institutional use.

There is a varied approach across Nova Scotia in allowing residential uses in the Institutional zone. Some Land Use By-laws are silent on the use as accessory, leaving the decision to allow for accessory residential uses to the discretion of the development officer. Others may allow a form of residential development, which is often not an accessory use. In Bridgewater, residential uses

such as staff residences are allowed as an accessory to the main use. In Wolfville, a glebe or manse is permitted as-of-right (i.e., it is a listed permitted use). In Chester Village residential development containing more than one unit is permitted through site plan approval with exclusionary location restrictions. Chester Village aims to separate institutional uses from residential areas. In Windsor, residential uses accessory to a permitted use are allowed in the Institutional (I) Zone. Yarmouth allows for transitional and supportive housing projects as-of-right in the Institutional Zone. Truro allows for single- and two-unit dwellings as-of-right in the Neighbourhood Institutional (P4) Zone, which is a public use zone akin to Antigonish's Community Use Zones. Truro's P4 Zone allows multiunit development (three or more units) through development agreement as well as townhouses. Truro's Institutional (P3) Zone does not allow for smaller scale residential but does allow community homes, homes for special care, and residential care facilities. Antigonish does not distinguish between institutional zones in neighbourhoods and larger institutional developments, such as the RK MacDonald Guest Home. It should be noted that in Antigonish, there are institutional use in zones other than the Institutional (I) Zone. For example, Town Hall is an institutional use (government office) in the Downtown Mixed-Use Zone (MU-1), which has policies to enable a mix of uses, which includes multi-unit residential, group homes, or nursing homes, subject to criteria. This brief survey of planning documents from other areas shows that low-density residential uses, either as accessory to an institutional use or in addition to a residential use, can be considered appropriate. Antigonish currently does not permit additional low-density residential uses in the Institutional (I) Zone.

Given the location of many institutional uses within the residential neighbourhood that they serve, small impact and little land use conflict with other residential uses, and recognition that there is a shortage of housing, Council may wish to consider allowing low-density residential development in the Institution (I) Zone. At 83 Kirk Street, the proposed three residential units are not accessory to the two institutional uses. As such, Council may consider amending the policy to allow for low-density residential uses in the Institutional (I) Zone. The use proceeding via the development agreement approval process or site plan approval would allow Council to have greater control over such things as buffering and parking. It would ensure that the neighbouring residential property owners are consulted and informed of a proposal.

As an aside, the Commission's mandatory planning project, Plan Eastern Nova, sees the new draft planning documents for Antigonish County allowing for three or fewer residential dwellings to be permitted as-of-right in the Institutional (I) Zone, with four to twelve units being considered through the development agreement approval process. There is a recognition that residential uses are appropriate in institutional zones and that the land uses are compatible.

Statements of Provincial Interest:

The proposal is in keeping with the Statement of Provincial Interest regarding Housing as it increases the housing stock and choice of housing form (i.e., apartments). The proposal is in keeping with the Statement of Provincial Interest regarding Infrastructure as it enables more efficient use of existing infrastructure.

Options:

1. Allow low-density residential (three or fewer units) through the development agreement approval process by amending the Municipal Planning Strategy and Land Use By-law as follows:

A. Municipal Planning Strategy, 6.2 Institutional and Open Space Zones

After

CU5 Council may consider the following uses by development agreement, subject to Policy ADM16, in the Institutional (I) Zone:

- a) Any use permitted in the Mixed Use Designation, if owned and operated by a non-profit or not-for-profit organization, and subject to meeting the requirements for parking in Community Use Zones.

Insert

- b) Dwelling, three or fewer units

B. Amend the Land Use By-law as follows:

Part 10: Community Use Zones

Update Part 10.2 of the Land Use By-law to allow Dwelling, three or fewer units denoted as DA under the Institutional (I) zone column.

Comment:

Option 1 allows for low-density residential development but gives Council greater control over the development, such as through buffering to mitigate impacts or the location of on-site parking. It would take potential impacts on neighbourhood character into account. Neighbours would be notified of new development, as per policy. The development agreement process is lengthy as a result of the legislative process and public engagement.

2. Allow low-density residential (three or fewer units) as-of-right (by development permit only) by amending the Municipal Planning Strategy and Land Use By-law as follows:

A. Municipal Planning Strategy, 6.2 Institutional and Open Space Zones

After

CU3 Council shall permit the following land uses through the Institutional (I) Zone, including but not limited to: ...

k) Not-for-profit retailers

Insert

l) Dwelling, three or fewer units

B. Amend the Land Use By-law as follows:

Part 10: Community Use Zones

Update Part 10.2 of the Land Use By-law to allow Dwelling, three or fewer units denoted as P under the Institutional (I) zone column.

Comment:

Option 2 would allow low-density development to proceed via a development permit only. The proposal would be subject to the Institutional (I) Zone requirements. There would be no public engagement prior to a permit being issued as low-density residential uses are compatible.

3. Allow low-density residential (dwelling, three or fewer units) through the site plan process by amending the Municipal Planning Strategy and Land Use By-law as follows:

A. Municipal Planning Strategy, 6.2 Institutional and Open Space Zones

After

CU4 Council shall consider the following uses by site plan approval in the Institutional (I) Zone:

- a) Special Care (Nursing Home, Residential Care Facility)
- b) Private parks

Insert

c) Dwelling, three or fewer units

B. Amend the Land Use By-law as follows:

Part 10: Community Use Zones

Update Part 10.2 of the Land Use By-law to allow Dwelling, three or fewer units denoted as SP under the Institutional (I) zone column.

Comment:

Option 3 allows for low-density residential development but gives Council greater control over the development, such as through buffering to mitigate impacts or the location of on-site parking. It would take potential impacts on neighbourhood character into account. Neighbours would be notified of new development, as per policy. The approval may be appealed directly to Council. The timeline is much shorter than with a development agreement.

4. Recommend that Council refuse the application to amend the Municipal Planning Strategy. There would be no change. Low-density residential uses that are not accessory to the main use would not be permitted in the Institutional (I) Zone.

Comment:

Option 4 would not see new residential development in the Institutional (I) Zone.

5. Other direction by PAC or Council.

Comment:

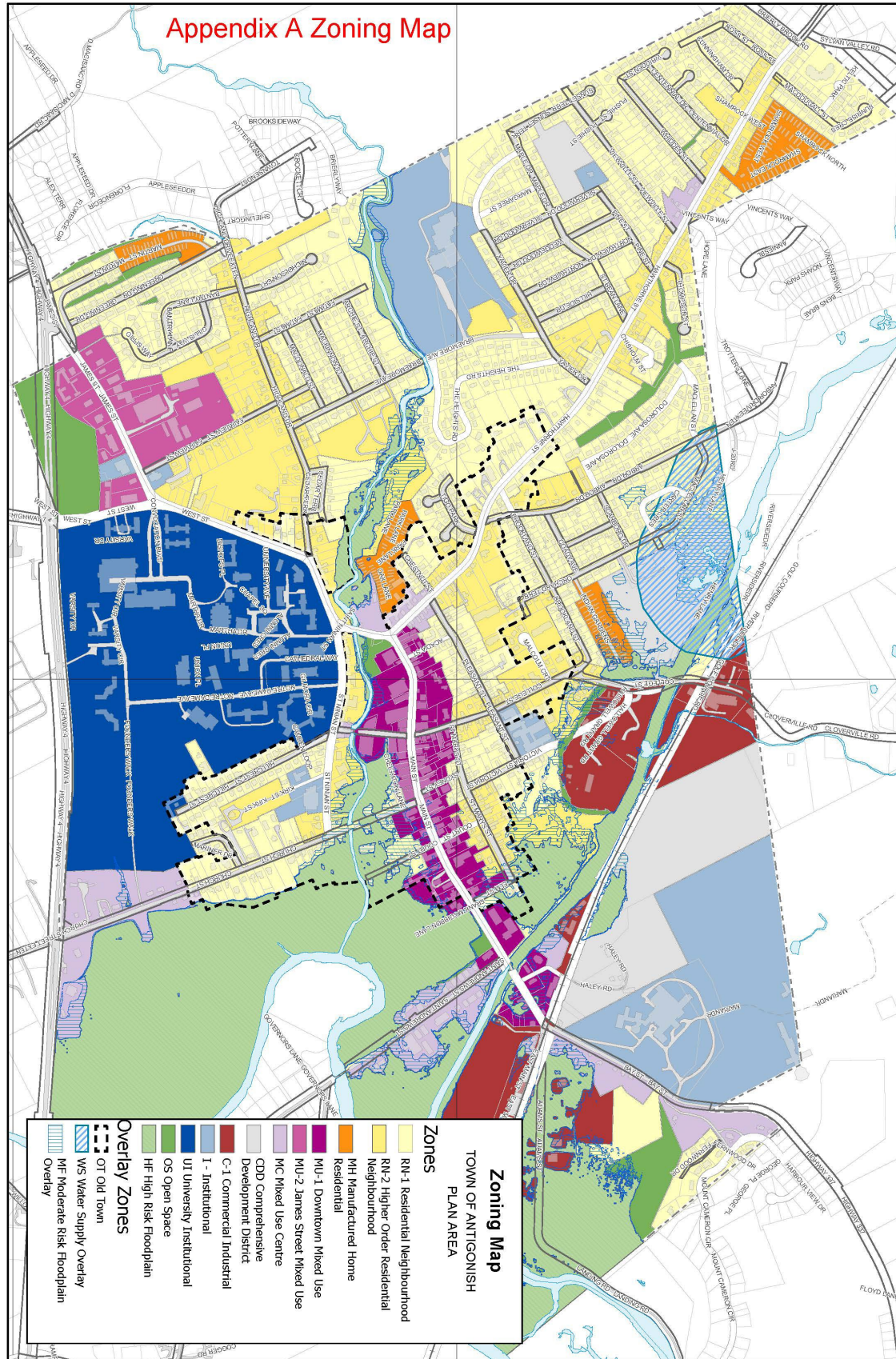
With Option 5, PAC or Council may wish to proceed in other directions or request more information of staff.

Conclusion:

Staff recommended Option 2. To allow low-density residential (Dwelling, three or fewer units) development to proceed via a development permit only by amending the Municipal Planning Strategy and Land Use By-law. Low-density residential uses are compatible with existing residential uses.

Appendices:

Appendix A: Zoning Map



Staff Report Overview

31 May 2023

Planning Advisory Committee

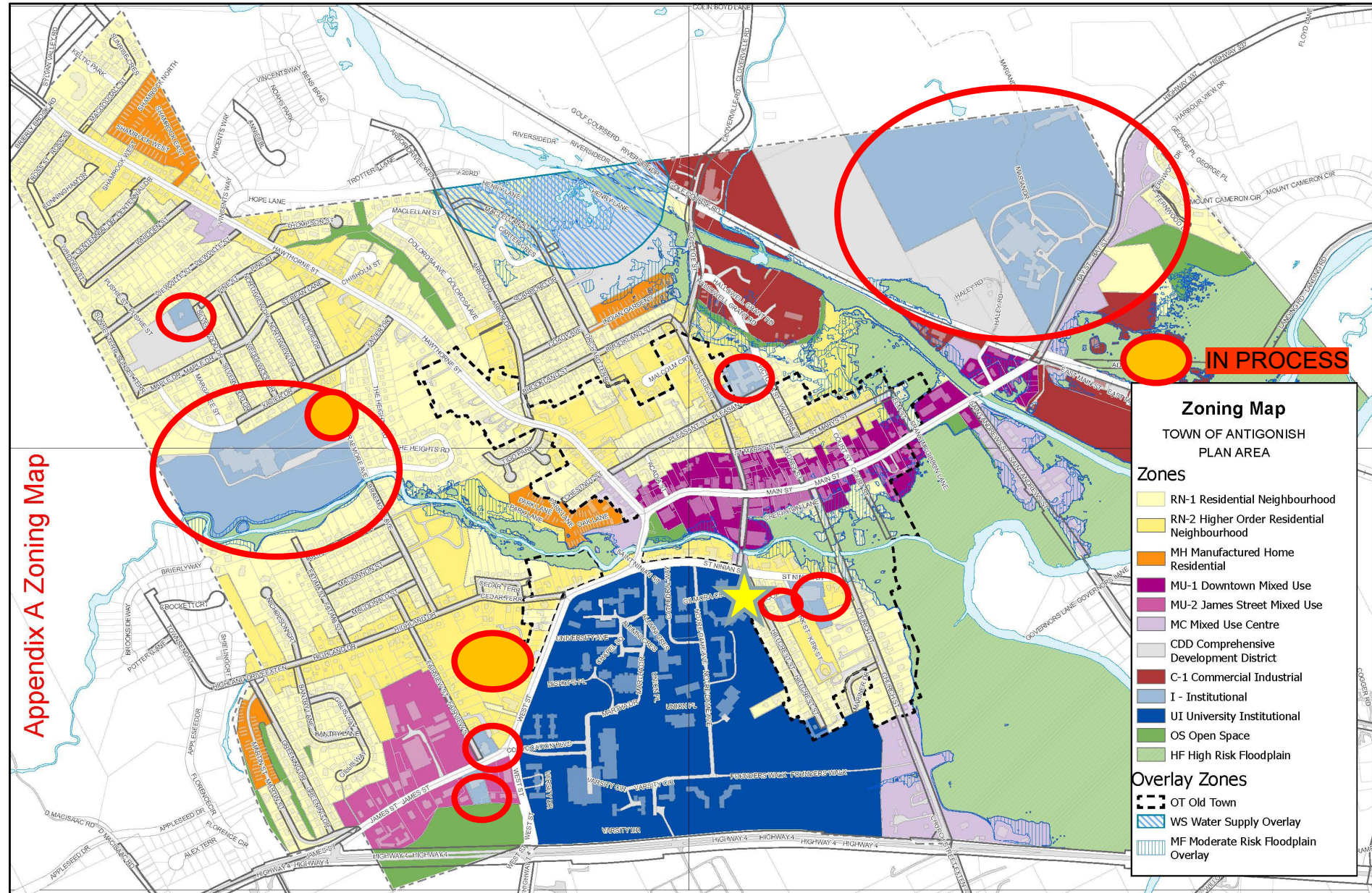
Consideration of concurrent amendments to the Municipal Planning Strategy and Land Use By-law to allow for low-density residential units in the Institutional (I) Zone.

Application by A.W Arbuckle & J.L MacInnis to permit an existing institutional use and new residential development at 83 Kirk Street, Antigonish, Nova Scotia, PID 1004224, as amended.

Information

- On 11 March 2022 staff received an application from A.W Arbuckle & J.L MacInnis to allow for 7 residential units in addition to the existing institutional use (Kids First Antigonish)
- Council wished to inquire into options for adaptive re-use of institutional buildings, including the subject property at 83 Kirk Street.
- Application was put on hold at the request of the applicant.
- 25 November 2022, Applicant wished to proceed with an amended proposal for 3 residential units as a second institutional tenant was secured.

Zoning Map



Institutional use with Accessory Residential



Institutional use with Low Density Residential that is not accessory.

- Keeping the Institutional (I) zone with institutional uses and allowing non-accessory residential dwellings (low density, three or fewer).
 - Example:
 - Kids First Antigonish
 - Highland Community Midwives
 - 3 apartments for rent

NOTE: LUB 10.3.2 Number of Buildings on a Single Lot

Notwithstanding any other provision in this Bylaw, up to 3 buildings may be permitted on a single lot in the Institutional (I) Zone provided that all other requirements of this By-law are met.

Analysis

- Often institutional uses and zones are part of or in close proximity to the residential neighbours that they serve.
 - Part of the residential fabric
 - Minimal impact
 - Compatible uses
 - Little land use conflict
- Varied approach across NS in allowing residential uses in institutional zones
- Regulated by the I Zone provisions
- Shortage of housing
- In keeping with the Statement of Provincial Interest regarding Housing and Infrastructure



Options

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Options 1

Allow low-density residential (three or fewer units) through the **development agreement approval** process by amending the Municipal Planning Strategy and Land Use By-law.

Options 2

Allow low-density residential (three or fewer units) **as-of-right (by development permit only)** by amending the Municipal Planning Strategy and Land Use By-law.

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Options

3

Allow low-density residential (dwelling, three or fewer units) through the **site plan process** by amending the Municipal Planning Strategy and Land Use By-law.

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Options

4

Recommend that Council **refuse the application** to amend the Municipal Planning Strategy. There would be no change. Low-density residential uses that are not accessory to the main use would not be permitted in the Institutional (I) Zone.

Options 5

Other direction by PAC or Council.

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Conclusion and Recommendation

- Staff recommended Option 2. To allow low-density residential (Dwelling, three or fewer units) **as-of-right (by development permit only)** by amending the Municipal Planning Strategy and Land Use By-law.
- Option 2 would allow additional housing, which is compatible with residential neighbourhoods. It would allow for a maximum of 3 dwelling units on the property, subject to the I zone provisions.

Conclusion and Recommendation

Option 2

- That the Planning Advisory Committee recommend to Council to allow low-density residential (Dwelling, three or fewer units) **to proceed via a development permit only**, by amending the Municipal Planning Strategy and Land Use By-law, as set out in the planning report dated May 31, 2023.