

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

From: **Planning Staff (EDPC)**

Date: **June 03, 2024**

Reference: **Amendments to the West River Antigonish Harbour Land Use By-law permitting the conversion of existing non-residential building to entirely residential buildings in the General Commercial (C-2) Zone subject to special requirements.**

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**Recommendation:**

That Antigonish County Council **approve** the proposed amendments to the *West River Antigonish Harbour Land Use By-law* to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.

**Background Information:**

The Eastern District Planning Commission received an application from Stewart Hargreaves, Vice President of S. F. Smith Retirement Living Inc. seeking a text amendment to the *West River Antigonish Harbour Land Use By-law* to permit the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone. This would allow S. F. Smith Retirement Living Inc. to convert a vacant office building located at 31 Central Avenue (PID 01248301), Lower South River, Antigonish County, into a 16-unit apartment building.

On May 16, 2024, an e-transfer for the advertising deposit was received by Staff.

Currently 31 Central Avenue (PID 01248301), Lower South River is zoned as General Commercial (C-2) under the *West River Antigonish Harbour Plan Area* in the Municipality of Antigonish County. Under this zoning, the *West River Antigonish Harbour Land Use By-law* does not permit entirely residential buildings in the zone. In accordance with Section 16.12 of the *West River Antigonish Harbour Land Use By-law*, residential units are only permitted in **commercial** buildings, but residential uses are not permitted on the ground level at the front of said building.

**Analysis:**

The *West River Antigonish Harbour Municipal Planning Strategy* notes that there are several commercial developments and clusters of commercial development found throughout the plan area, including commercial developments located within residential nodes. For example, 31 Central Avenue (PID 01248301), Lower South River is adjacent to other properties/businesses zoned as General Commercial (C-2) such as the Oasis Motel and Leaves & Limbs Sports store but is also near two different mobile home parks and a large pocket of Residential (R-1) zoned properties located between Highway 4 and along South River Road. Furthermore, the *West River*

*Antigonish Harbour Land Use By-law* already permits dwelling units with no limit in commercial buildings.

Staff believe permitting the conversion of existing non-residential buildings to entirely residential buildings will not cause conflicts in land use since the *West River Antigonish Harbour Municipal Planning Strategy* acknowledges that the location of some General Commercial (C-2) zoned properties are sited within residential areas and that the General Commercial (C-2) Zone permits high densities of dwelling units at present though they must be within a commercial building.

From a best practice planning perspective, a mix of commercial and residential promotes robust communities and nodes where individual can live near their workplace. There is also a substantial need for housing throughout the Province and the proposed policy amendment may assist with the issue by incentivizing the development of more housing.

In addition to the text amendment that would permit the conversion of existing non-residential building to entirely residential buildings, Staff would like to include special requirements for such conversions. The proposed special requirements will ensure that the converted building will meet the intent of the *West River Antigonish Harbour Municipal Planning Strategy* and *Land Use By-law*. Part of the preamble for Section 3.3.2 of *West River Antigonish Harbour Municipal Planning Strategy* states:

*“Council would like new developments to reflect the character and architectural styles of the Antigonish area. **More attractive and higher quality developments are desirable, and all buildings should be designed to an architectural style that is compatible with the forms found in Antigonish.** New commercial developments will be strongly encouraged to follow the architectural design guidelines found in the Land Use By-law. Better quality signage and lighting is also encouraged for new developments in the Plan area. New development will be required to adhere to the architectural design guidelines found in the Land Use By-law wherever possible. These guidelines are meant to ensure that new commercial developments have a distinctive and recognizable architectural style that is based on a style found in the Antigonish area.*

***Council would also like to see better site design that includes safer access to sites and commercial buildings for pedestrians, cyclists and motorists.”***

The intent of the Municipal Planning Strategy is that the Municipality is seeking more thoughtfully designed developments that include safer sites for pedestrians, cyclists and motorists. To further this goal, Staff are proposing implementing special requirements for existing non-residential building that shall be converted into entirely residential buildings. Requirements for off street parking and amenity space ensure thoughtful consideration of site design for residents. A parking plan showing clearly delineated parking spaces and markings will help make the development safer for cyclists, pedestrians and motorists.

Staff believe there is no reason to amend the *West River Antigonish Harbour Municipal Planning Strategy* because the proposed amendments are in keeping with the intent and spirit of the

document.

**Conclusion:**

Staff believe the proposed amendments will assist with the housing shortage by allowing old commercial building to be repurposed and reused as they are converted into much needed residential units throughout the County. Special requirements will help ensure that buildings converted entirely residential are more thoughtfully designed and contribute to the community in line with the intention of the *West River Antigonish Harbour Municipal Planning Strategy*.

Staff recommend that Antigonish County Council approve the proposed amendments to the *West River Antigonish Harbour Land Use By-law* to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.

**Proposed Motions for the Planning Advisory Committee:**

Based upon the staff recommendation, the proposed motions for PAC are:

1. *That the Planning Advisory Committee recommend that Municipal Council approve the proposed amendments to the West River Antigonish Harbour Land Use By-law to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.*

**Proposed Motions for Council:**

Based upon a positive recommendation from the PAC, the proposed motions for Council are:

FIRST READING AND SETTING A PUBLIC HEARING DATE:

LAND USE BY-LAW TEXT AMENDMENTS:

1. *That Municipal Council give First Reading and schedule a Public Hearing regarding approving the proposed amendments to the West River Antigonish Harbour Land Use By-law to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.*

SECOND READING AND APPROVAL:

1. *That Municipal Council give Second Reading and approve the proposed amendments to the West River Antigonish Harbour Land Use By-law to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.*

**Appendices:**

Appendix A: Amending Pages

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A BY-LAW TO AMEND THE WEST RIVER ANTIGONISH HARBOUR PLAN AREA

LAND USE BY-LAW

1. Part 16: “General Commercial (C-2) Zone” is hereby amended by adding the following Section after Section 16.12 titled “Residential Uses in a Commercial Building”:

*Converted Dwellings*

**16.13 Non residential buildings may be converted to an entirely residential building in the General Commercial (C-2) Zone provided that:**

- a. All garbage and recycling bins are handled in accordance to Section 19.9 regardless of association with a residential use.
- b. Off-street parking is provided in conformity with the parking requirement schedule found in Section 6.A.23;
- c. Parking spaces, walkways pathway are clearly delineated and marked as shown in plan submitted to the Development Officer prior to approval of the Development Permit;
- d. Amenity space of no less than 7.4 m<sup>2</sup> (80 ft<sup>2</sup>) per unit must be provided for a multiple unit residential building; and
- e. If applicable, the type and location of outdoor lighting is designed as full cut-off in order to provide light for the structure, driveways and any pedestrian access required to maintain safe access, with no light directed at or spilled onto neighbouring properties or into the night sky; and

2. Part 25: “Definitions” is hereby amended by adding the following Section after the Definition of “Alter” and before the Definition of “Autobody Shop”:

...

ALTER means to change a structural component of a building, or to increase or decrease the volume of a building or structure.

**AMENITY SPACE means an area capable of being used for active or passive recreation and enjoyment of the occupants of a residential development. An amenity area may include landscaped areas, patios, verandahs, balconies, communal lounges, swimming pools, sport courts, play areas, and other similar features, and does not include the building’s service areas, parking lots, aisles, or access driveways.**

AUTOBODY SHOP means a building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies and which may include towing service and motor vehicle rentals for customers while the motor vehicle is under repair.

...

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.

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Glenn Horne  
CAO