

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

From: **Planning Staff (EDPC)**

Date: **January 28, 2020**

Reference: **Maximum bedroom allowances in residential dwellings within the Antigonish Fringe Plan Area**

Recommendation:

That Planning Advisory Committee recommend to Council for a maximum bedroom allowance of 29% of the total floor area within residential dwellings.

Background Information:

Planning staff recently approved a 'duplex' development which had shown a plan containing 20 bedrooms, 10 on each side. While it was later confirmed that the building was intended to be used as a student apartment, the current by-law does not out-right restrict this type of development.

Analysis:

Recently, the Town of Antigonish passed a new *Municipal Planning Strategy, Land Use By-law, and Lodging Home By-law*. A part of the new LUB was to address the concern of lodging homes, and as a result, new lodging homes are completely banned within the Town. The Lodging Home By-law will require that existing lodging homes be registered and require an inspection. Due to the Fringe area being so closely located to the Town, it is important to also address lodging homes and similar developments.

One method of ensuring that developments conform to the image of preferred design is by limiting the percentage of floor area that can be dedicated to bedroom use. This method provides a clear definition which applies across all forms of dwellings and reduces the potential for variances in interpretations. Staff recommends that the percentage of acceptable bedroom to total floor area be 29% or less.

Conclusion:

With such a close proximity to Saint Francis Xavier University, the student housing problems also affect the Fringe Planning Area. Although the issue is primarily within the Town of Antigonish, The County should also be addressing this problem to ensure that developments are responsibly designed. Staff recommends that limitations on maximum percentage of bedrooms in residential dwellings be capped at 29% of the total floor area.

Appendix A: Example

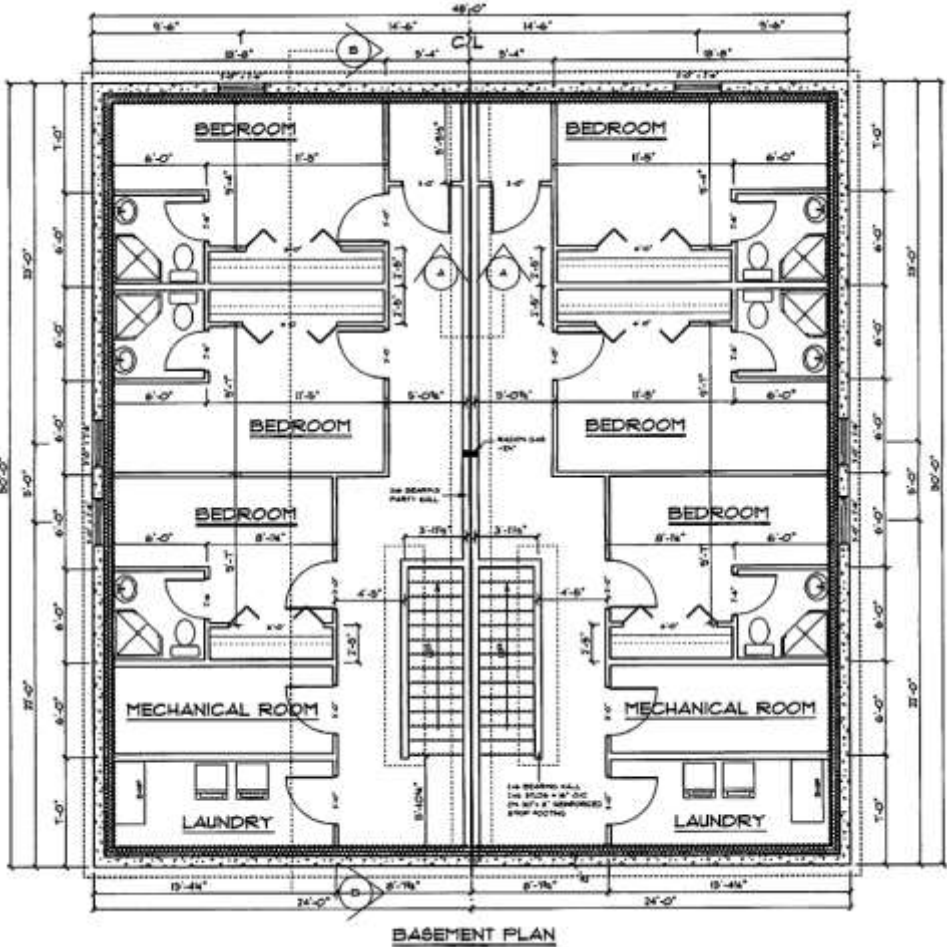
A building which has currently received permits to be developed as a duplex contains 20 bedrooms in total. Neither the definitions nor requirements in the LUB can prevent the development at this time.

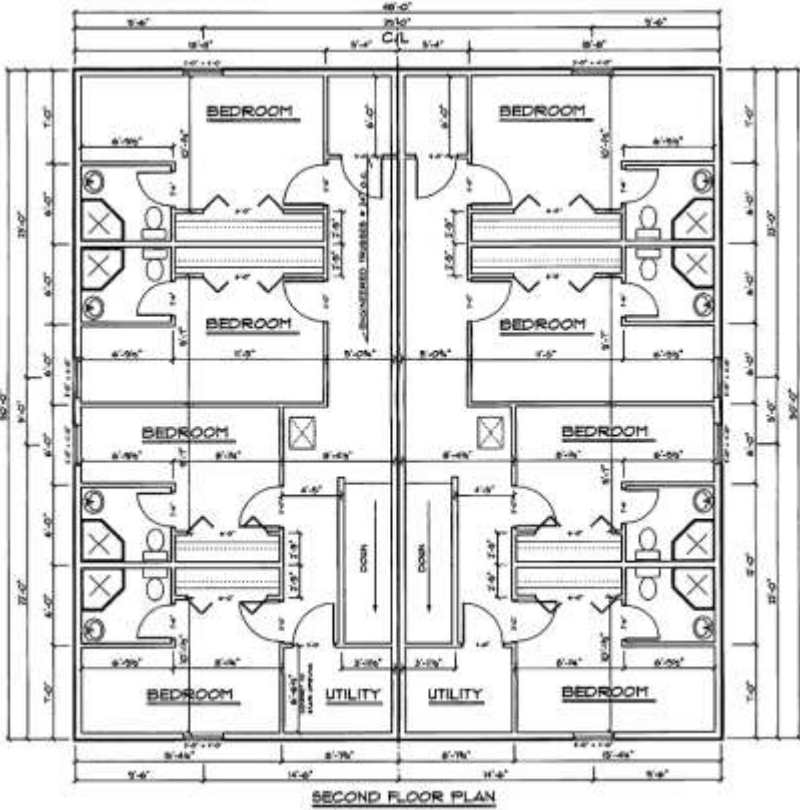
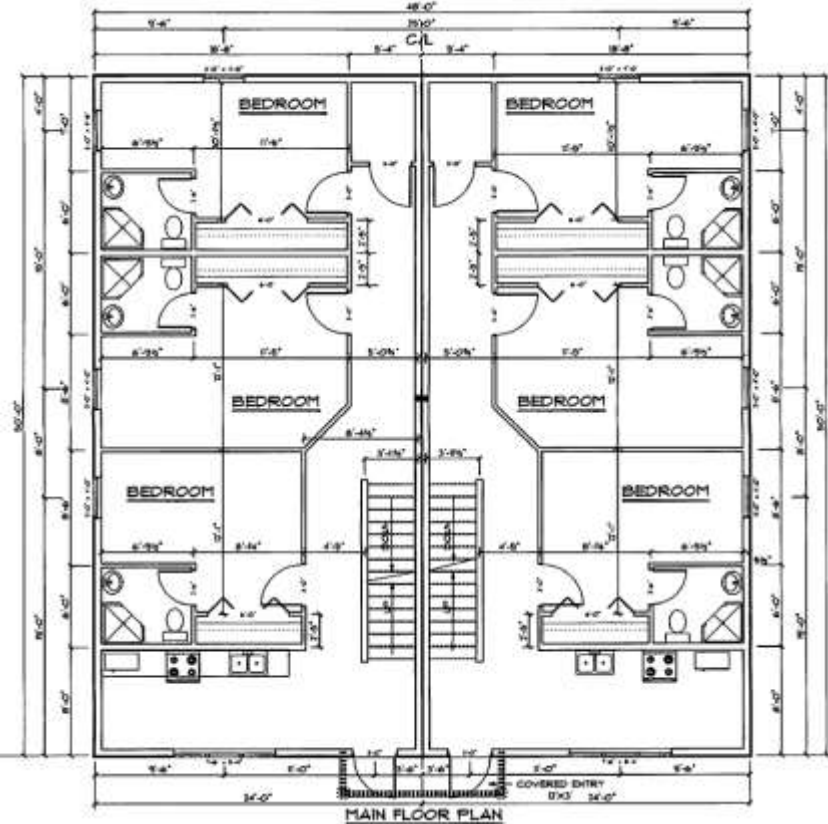
In the *Antigonish Fringe Plan Area Land Use By-law*:

DWELLING UNIT means one or more habitable rooms intended for use by one or more individuals as an independent and separate housekeeping establishment. A dwelling unit shall include both kitchen and sanitary facilities provided for the exclusive use of the individual or individuals within that unit, and shall also include a private entrance from outside the building or from a common hallway or stairway inside the building.

DUPLEX DWELLING means a building that is divided horizontally into two (2) dwelling units, each of which have an independent entrance either directly from outside the building or through a common vestibule.

Floor Plans to 'Duplex' Development





Appendix B – Proposed Amendments:

1) Amendment to the Residential (R-1) Zone

Currently, the only limitations on potential bedrooms within dwellings in the R-1 Zone is bed and breakfast establishments having a maximum of five (5) guest accommodation rooms being permitted and boarding homes having a maximum of five (5) lodging units.

This does not prevent a single detached dwelling or a duplex dwelling from being used as a pseudo-apartment building by dedicating the majority of the floor space to bedroom use.

Staff recommends to include a special requirement for the R-1 Zone to permit only 29% of the total floor area of a dwelling to bedroom use.

2) Amendment to the Multiple Unit Residential (R-2)

Grouped dwellings, multiple unit dwellings, townhouses, and converted dwellings all permit more than five (5) or more units by Development Agreement within the R-2 Zone. Similar to the R-1 Zone, the restrictions are not sufficient to direct development in a responsible matter.

Staff recommends that a special requirement be included in the R-2 Zone to permit only 29% of the total floor area of a dwelling to bedroom use.

3) Amendment to the Rural General (RG-1) Zone

Similar to the R-1 Zone, only bed and breakfast establishments and boarding homes have a limitation on the number of lodging or guest rooms.

Staff recommends that a special requirement be included in the RG-1 Zone to permit only 29% of the total floor area of a dwelling to bedroom use.

4) Amendment to the Rural Residential (RR-1) Zone

Unlike previous zones, there are no limitations on potential maximum bedrooms within any dwelling.

Although there is currently no RR-1 Zone located near the Town boundary, there is a policy within the MPS to allow for rezoning of the nearby RG-1 Zone.

Staff recommends that a special requirement be included in the RG-1 Zone to permit only 29% of the total floor area of a dwelling to bedroom use.

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) Adding, immediately following Subsection 8.18 under Part 8: Rural General (RG-1) Zone, the following text:

Special Requirement for Bedroom Floor Area Maximum

8.19 Notwithstanding anything else in this by-law, no more than 29% of the total floor area of a dwelling can be used for bedrooms.

- 2) Adding immediately following Subsection 9.3 under Part 9: Rural Residential (RR-1) Zone the following text:

Special Requirement for Bedroom Floor Area Maximum

9.4 Notwithstanding anything else in this by-law, no more than 29% of the total floor area of a dwelling can be used for bedrooms.

- 3) Adding, immediately following Subsection 13.7 under Part 13: Residential (R-1) Zone the following text:

Special Requirement for Bedroom Floor Area Maximum

13.8 Notwithstanding anything else in this by-law, no more than 29% of the total floor area of a dwelling can be used for bedrooms.

- 4) Adding, immediately following Subsection 14.7 under Part 14: Multiple Unit Residential (R-2) Zone the following text:

Special Requirement for Bedroom Floor Area Maximum

14.8 Notwithstanding anything else in this by-law, no more than 29% of the total floor area of a dwelling can be used for bedrooms.

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