

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

From: **Planning Staff (EDPC)**

Date: **March 1, 2021**

Reference: **Boarding Homes Accommodations Antigonish Municipal Planning Strategy and Land Use By-law**

Recommendation:

That the Planning Advisory Committee recommend to Council an amendment to the *Antigonish County Land Use By-law* for the addition of greater requirements with regard to **Commercial Boarding Homes**, in all zones, and that they be subject to special requirements as to be decided by the Committee. Also, that the Planning Advisory Committee add **Commercial Boarding Homes**, as a permitted use within the Local Commercial (C-1) Zone, and so the use is subject to greater requirements, and subject to special requirements as to be decided by the Committee.

Background Information:

Planning staff recently approved a ‘duplex’ development (*Appendix A*) containing 20 bedrooms, 10 on each side. While it was later confirmed that the building was intended to be used as a boarding home for short-term rentals, going against the intent of its definition within the *Land Use Bylaw*, the current by-law did not out-right restrict this type of development and usage. In response to this County Council amended their *Land Use By-law* limiting the maximum bedroom allowance to 29% of the total floor area within residential dwellings under (R-1), (R-2), (RG-1) & (RR-1) Zones. These amendments proved to be ineffective as other similar developments were proposed which still met the new provisions and other single-family dwellings with larger than normal bedroom impacted by the provisions. Council then removed Boarding Homes as a permitted use within the Residential (R-1) Zone. Both the maximum bedroom allowance amendment to *Land Use By-law*, and the removal of the use from the R-1 zone were considered as temporary measures. This report is therefore following up on the issue of boarding home accommodations in the area around the Town of Antigonish.

Currently boarding homes are now only permitted within the Multiple Unit Residential (R-2) zone and the definition for Boarding home is found on P.49 of the *Land Use By-Law* reads:

Boarding House: *means a dwelling in which the proprietor supplies either room or room and board for monetary gain, of more than two (2) rooms exclusive of those of the lessee or owner thereof or family members and which is not open to the general public.*

The special provision that previously restricted boarding homes to five rooms was removed from the land use by-law and does not apply in the R-2 Zone.

Research:

Sackville, New Brunswick

On the recommendation of the Planning Advisory Committee, staff have compiled the following research based on review of the planning documents utilized within the Planned Area, of the University Town of Sackville, New Brunswick.

Boarding Homes within the Planned Area, are defined as the following:

“House, Boarding. Means a dwelling in which a proprietor resides in the house and supplies room and board for monetary gain which consists of 6 bedrooms or more exclusive of the owner of the building.”

Boarding homes in Sackville, within the Planned Area are only permitted As-of-Right in the Residential Historic Commercial, and Mixed-Use zones. Boarding homes uses are permitted within the Urban Residential 1 (R1) Zone, Urban Residential 2 (R2) Zone, Urban Residential 3 (R3) Zone, and Rural Residential (RR) Zone, subject to conditions. These conditions include being subject to terms and conditions, as imposed by the Planning Review and Adjustment Committee and Municipal Plan Policy.

To implement a strategy similar to this within Antigonish County, this would be accomplished by permitting the use, through the Development Agreement process. The Development Agreement process would result in a similar process, as the project would be reviewed by the Planning Advisory Committee, and provides opportunity for feedback on terms and conditions such as hours of operation, easements for construction, percentage of land to be built on, landscaping requirements, etc.

Wolfville, Nova Scotia

Taking a different approach to Sackville New Brunswick, the Town of Wolfville offers a unique definition of the use titled *Single Room Occupancies*. This use is described as:

Single Room Occupancies are a housing type where one or two people are housed in single rooms where tenants may share bathrooms and a kitchen in a dwelling unit.

This definition provides insight into what is commonly referred to within the County of Antigonish as Commercial Boarding Houses, and within Wolfville falls under the category of Neighbourhood Commercial Uses. This housing type use is permitted within the higher residential zones, and specific commercial and institutional (university designated) zones with varying numbers of bedrooms permissible through the use.

Within their Low Density Residential General (R-2) Zone, they are permitted, up to four (4) bedrooms; with up to six (6) bedrooms being permitted in the Medium Density Residential (R-3) and Neighbourhood Commercial (C-2) zones; and up to eight (8) bedrooms permitted in the High

Density Residential (R-4) Zone. These uses are permitted provided they meet fire and life safety inspection, and that they meet a greater level of parking requirements, which include providing one (1) additional parking space, per bedrooms over three (3) bedrooms for this usage.

To implement a strategy similar to this within Antigonish County, this would be accomplished by altering the definition of boarding houses, adding it as a permitted use throughout the desired zones, and adding special requirements for the parking process.

Research was conducted in 2015 by a private consulting firm for the Town of Wolfville, regarding Lodging, Board and Rooming Houses in the Town. This document was conducted to review various University and College Municipalities and their definitions, by-laws and licensing techniques. The results of this report summarized in the following statements:

- Develop procedures that apply to the entire area, whereas to ensure coverage rather than appear specific to one area.
- When developing the By-laws, ensure that there are exceptions for those who are seeking to build apartment facilities rather than lodging homes, ensuring there is differences between the two and the definitions are apparent.
- Adding bedroom caps, and the bedroom percentage restrictions can restrict development of larger family homes and has the potential to appear as discriminatory.
- Addition of more specific definitions for key words can assist but could also present difficult regulations for developers and families alike.

Amendments to the Town of Antigonish present the County of Antigonish a relevant, newly developed and highly applicable by-law and licensing strategies for review and potential use if desired, once other policies are in place ensuring they are designated through various boarding house regulations within the *Land Use By-law*.

City of Guelph

Examples of similar *Land Use By-laws* for boarding and lodging homes are found within the city of Guelph which permits Lodging homes (boarding homes) within their Residential One (R.1) Zone, which holds similar intent to the Residential (R-1) zone used within the Antigonish Fringe *Land Use By-law*. For the City of Guelph with a population size of 135,000+ people, their lodging home definition states that their lodging homes:

4.25.2.1 “...Shall be limited to a maximum of 12 Lodging Units.”

This example is being used to showcase the scale of a Town or in this case City, with its limit on the maximum number of units permitted within boarding homes. With the County of Antigonish having a total population around 19,000 according to the 2016 Census data, that would make that City of Guelph around 7.1 times larger, where it was currently permitted that the number of units permitted in boarding homes is similar.

Analysis:

The previously approved 'Duplex' with 20 bedrooms across its two (2) units, showcased a disparity between the intent of the *Municipal Planning Strategy* and the policies and regulations used within the *Land Use By-laws* used to regulate its vision. The bedroom limit that was previously implemented did not assist in the regulation of boarding homes within the Residential Zone, as per the intent of the Zone, stated in the Municipal Planning Strategy. The recent removal of boarding homes within the Residential (R-1) Zone, has allowed for a pause in the development of boarding homes against the intent of the Municipal Planning Strategy. It is of note that Boarding Homes are still permitted as-of-right within the Multiple Unit Residential (R-2) Zone.

A review of Planning Strategies for Sackville, New Brunswick and Wolfville, Nova Scotia, (similar sized University Towns) resulted in insight into alternative management strategies used, and the zones that boarding home uses are found in, in similar Towns within Atlantic Canada. Results conclude that these Towns of similar size and with similar Institutional uses do not permit boarding houses within their low-density residential zones, as the County of Antigonish once did, but rather permits them, with special requirements at minimum, or by Development Agreement in higher density zones. As Council and staff have previously acknowledged boarding housing is an important part of the housing market within the Antigonish County Area, accommodating this type of student housing should be kept if possible.

The research and analysis conducted here also coincides with the Town of Antigonish's work which includes the 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* requires that existing lodging homes be registered and require an inspection. Due to the Antigonish County area being so closely located to the Town, it is important to also address lodging homes and similar developments.

With the implementation of new strategies to manage, and regulate Commercial Boarding Home uses within the County of Antigonish Fringe Planned Area, there is the opportunity to then remove the Special Provision for Bedroom Floor Area Maximums, that would then potentially become irrelevant, or even discriminatory.

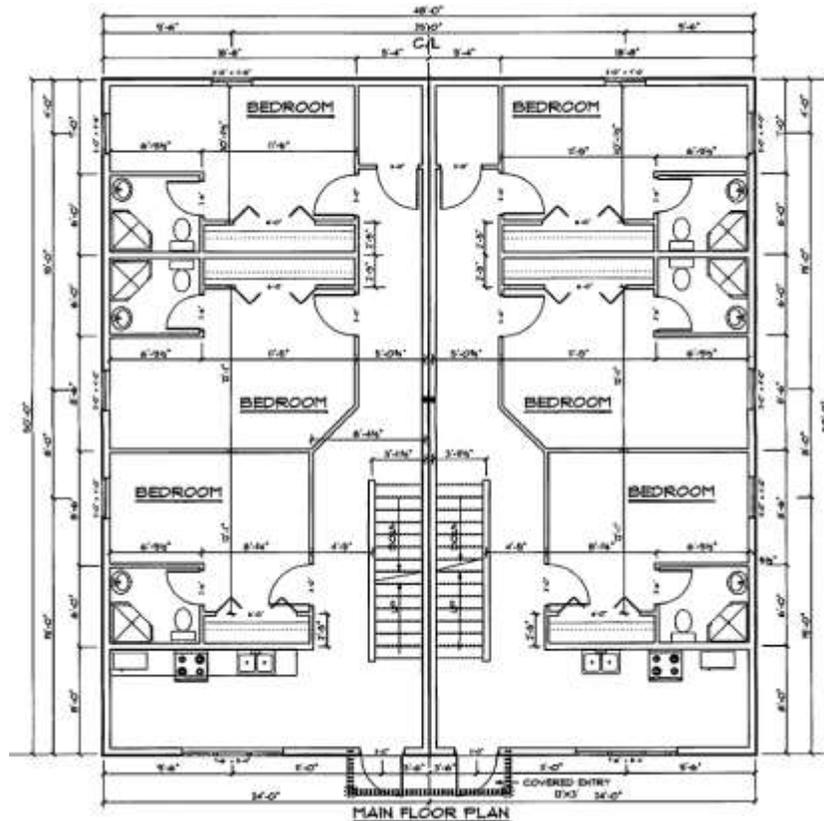
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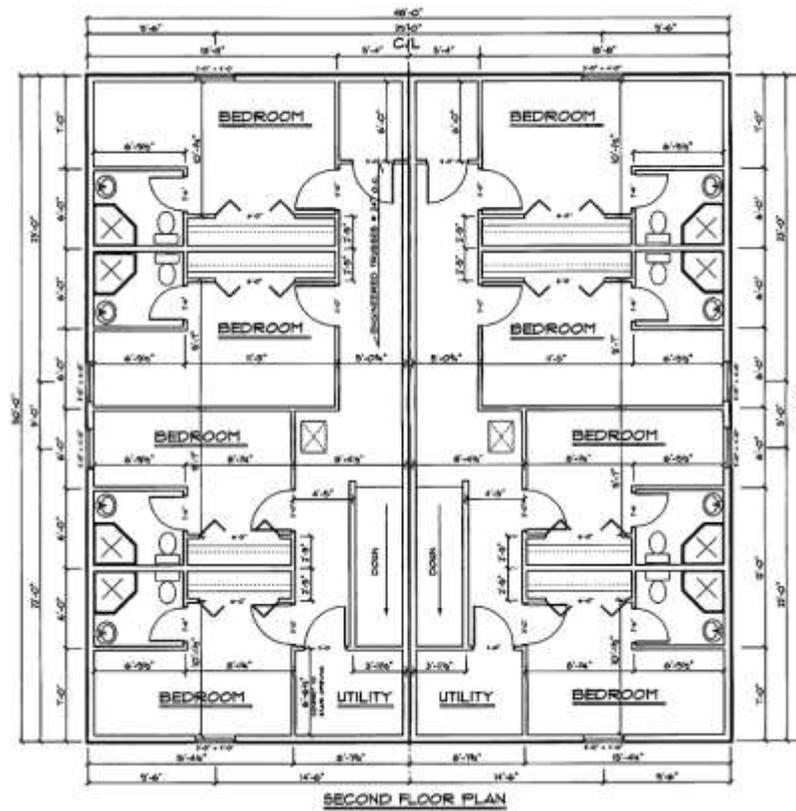
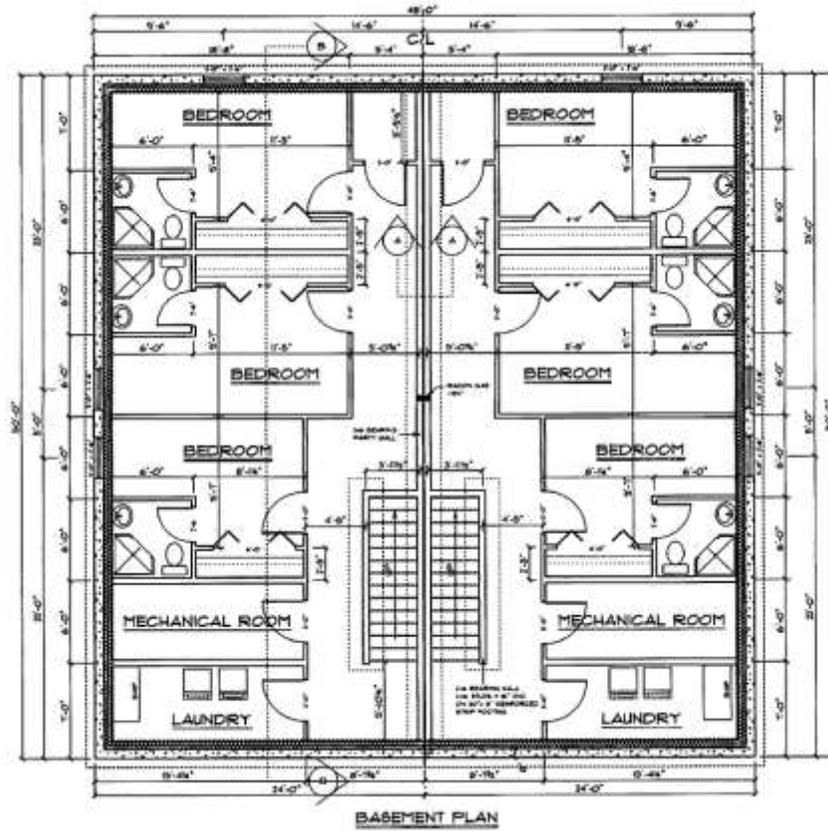
A recent 20 bedroom 'Duplex' which has been identified as and will be used as short-term rental housing has been approved by Planning Staff through the current *Land Use By-law*. This development was approved due to the lack of out-right restriction on this type of development in this zoning despite it not being in-line with the intent of the *Municipal Planning Strategy*. Recently, Boarding Homes were removed from the Residential (R-1) Zone, to permit a pause in development whilst new strategies were reviewed and implemented.

Eastern District Planning Commission staff are recommending that stricter requirements are implemented if Boarding Homes are to be implemented once again within the Residential (R-1) Zone. Proposed and potential strategies could range from utilizing bedroom number limits for that specific use, having special requirements when they are permitted, or using tools such as Development Agreements which would require Committee engagement.

Appendix A: The Floor Plans to the approved 'Duplex'

The below floor plans highlight the miss-use of the Duplex designation, in violation of the intent of the *Municipal Planning Strategy*. With 10 bedrooms per unit of the 'Duplex'.





Appendix B – Proposed Amendment & Proposed Amendment Pages

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

The current special requirement with R-1 Zones permits only 29% of the total floor area of a dwelling to bedroom use assists in ensuring that buildings are not incorrectly classified using the *Land Use By-laws* and better follows the intent of the *Municipal Planning Strategy*. The special requirement does however have the potential to be unnecessarily restricting to larger families or individuals who desire larger than 29% of total floor area to be bedroom space within their home.

Eastern District Planning Commission staff is recommending that the special requirement in the (R-1) Zone, that permits only 29% of the total floor area of a dwelling to bedroom use, be removed.

2) Amendment to the Residential (R-2) Zone.

The current special requirement within (R-2) Zones permitting only 29% of the total floor area of a dwelling to bedroom use assists in ensuring that buildings are not wrongly classified and better follow the intent of the *Municipal Planning Strategy*. The special requirement does however have the potential to be unnecessarily restricting to larger families or individuals living in who desire larger than 29% of total floor area to be bedroom space within their home.

Eastern District Planning Commission staff is recommending that the special requirement in the (R-2) Zone, that permits only 29% of the total floor area of a dwelling to bedroom use, be removed.

3) Amendment to the Residential (RG-1) Zone.

Similar to (R-1) and (R-2) zones, the current special requirement within (RG-1) Zones permitting only 29% of the total floor area of a dwelling to bedroom use assists in ensuring that buildings are not wrongly classified and better follow the intent of the *Municipal Planning Strategy*. The special requirement does however have the potential to be unnecessarily restricting to larger families or individuals living in who desire larger than 29% of total floor area to be bedroom space within their home.

Eastern District Planning Commission staff is recommending that the special requirement in the (RG-1) Zone, that permits only 29% of the total floor area of a dwelling to bedroom use, be removed.

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

While there is not currently (RR-1) located near the Antigonish Town Boundary, there is policy that allows for the rezoning of (RG-1) to permit (RR-1) and as such the policy exists.

The current special requirement within (RR-1) Zones permitting only 29% of the total floor area of a dwelling to bedroom use assists in ensuring that buildings are not wrongly classified and better follow the intent of the *Municipal Planning Strategy*. The special requirement does however have the potential to be unnecessarily restricting to larger families or individuals living in who desire larger than 29% of total floor area to be bedroom space within their home.

Eastern District Planning Commission staff is recommending that the special requirement in the (RR-1) Zone, that permits only 29% of the total floor area of a dwelling to bedroom use, be removed.