

# STAFF REPORT

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

**FROM:** Staff: Eastern District Planning Commission

**DATE:** March 25, 2008

**RE:** Proposed amendments to the *Antigonish Fringe Municipal Planning Strategy* and *Land Use By-law* to include garden suites as a permitted use within the Rural Development (RD-1) zone.

**Recommendation:** It is recommended that Council **approve** the proposed amendments to the *Antigonish Fringe Municipal Planning Strategy* and *Land Use By-law* regarding the addition of garden suites as a permitted use in the Rural Development zone.

**Information:** An application was submitted by David and Yvonne Haley, of West River, to rezone a parcel of land off Cunningham Road (at Church Street Extension) from Rural Development (RD-1) to Residential Multi-Unit (R-2). This would allow the construction of a garden suite adjacent to the main residential building they intend to build, as they are a permitted use in the R-2 zone. A garden suite is defined in the *Land Use By-Law* as “a physically separate dwelling unit placed on a residential lot that already has an existing dwelling sited on it. They are intended to be a *temporary use* [emphasis added] on the lot to be removed once the unit is no longer needed by the parent.”

**Description**

**Designation:** Rural Development  
**Zone:** Rural Development (RD-1)  
**Area:** 7 acres  
**Identification:** Church Street Extension, Beech Hill. PID # 01248467  
**Site visit:** February 14, 2008



**Figure 1: Lands of David and Yvonne Haley**

After reviewing the application, it became apparent to staff that the *Antigonish Fringe Municipal Planning Strategy* does not have policies to support a rezoning from RD-1 to R-2 for dwellings such as the garden suite. Policy 7(b) allows Council to rezone areas presently designated Residential to R-2 to allow new multi-unit dwellings. In this Plan however, Rural Development is considered a different land use designation than Residential. Therefore, a plan amendment to allow garden suites in the Rural Development designation is recommended to allow the proposed development.

**Analysis:** By establishing a Rural Development designation, it was the intention of Council to allow gradual low-impact development, which would not be detrimental to the character and environment of the area; located in areas farther from the built-up areas adjacent to the Town of Antigonish. Garden suites are permitted within the planning area, and staff believes that allowing them in the Rural Development designation is consistent with the intent of the *Municipal Planning Strategy* for a number of reasons.

Garden suites are designed to be temporary buildings that house elderly parents or parents-in-law of the other dwelling on the lot. The Plan recognizes their value as they “enable the parents to live independently, yet within close proximity to his/her family.” Unwanted densification was specified as a concern Council had regarding garden suites; however increased density is generally not a problem in the Rural Development designation, because the “larger tracts of land and greater separation distances between homes” ensure that the environmental and aesthetic impacts of these dwellings is minimal. Garden suites would create no additional traffic or population pressures compared to converted dwellings that are already permitted in this designation.

While the possibility for subdivision was raised as another concern in the MPS, garden suites, as defined in the LUB, are a temporary use designed to house an elderly parent on the property. As such, it is not expected that the lot would be subdivided. In the event that subdivision were still requested, that would be addressed on a case-by-case basis, where the regulations and procedures outlined in the Subdivision By-Law and respecting the zone lot requirements for RD-1, would be applicable.

Municipal servicing is available in some sections of the Rural Development designation, including on the property of the applicant. In unserviced areas, the Department of the Environment and Labour advises that a qualified engineer must assess whether the existing septic system can handle the increased load, or if it needs upgrading or replacing. If the garden suite requires its own separate septic system, the On-site Sewage Disposal Systems Regulations requires that the lot can be subdivided in the future. Regardless, any garden suites built in the Rural Development designation first must adhere to NSDEL regulations, ensuring that they only get built subject to suitability.

**Conclusion:** It is the opinion of staff that the inclusion of garden suites as a permitted use in the Rural Development designation adheres to the intent of the Antigonish Fringe Municipal Planning Strategy, and there are regulatory measures in place to prevent their constructions in unsuitable locations. With an aging demographic in the Plan Area, the addition of garden suites in large lots where they are feasible allows the continuing independence of older residents, while allowing them the opportunity to stay closer to their family. As such, EDPC staff recommends approval of these amendments by the Planning Advisory Committee and County Council.

## A BYLAW TO AMEND THE ANTIGONISH FRINGE MUNICIPAL PLANNING STRATEGY

*The Antigonish Fringe Municipal Planning Strategy is hereby amended by:*

Adding text (**bold**) to Policy 1(b):

- ▶ (...) will permit all those uses permitted in the Residential (R-1) **zone, plus garden suites**, and low impact commercial (...).

Adding text (**bold**) to Sec. 4 Preamble (P. 46)

- ▶ (...) Mobile Home Park (MH-1) Zone; **garden suites in the Rural Development (RD-1) Zone**; and grouped dwellings (...).

Adding text (**bold**) to Policy 19(a):

- ▶ (...) Mobile Home Park (MH-1) Zone; **garden suites in the Rural Development (RD-1) Zone**; and grouped dwellings (...).

This is to certify that the By-law, of which this is a true copy, was duly passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on \_\_\_\_\_, 2008.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this \_\_\_\_day of \_\_\_\_\_, 2008.

---

Alan J. Bond  
Chief Administrative Officer

**A BYLAW TO AMEND THE ANTIGONISH FRINGE LAND USE BY-LAW**

*The Antigonish Fringe Land Use By-Law is hereby amended by:*

Adding a sub-section (d) to Part 5, s.19 “One Main Building on a Lot”:

- ▶ **garden suites in Rural Development (RD-1) Zone.**

Adding the following text to Part 1, “RD-1 Zone Permitted Uses”:

- ▶ **Garden suites**

This is to certify that the By-law, of which this is a true copy, was duly passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on \_\_\_\_\_, 2008.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this \_\_\_\_day of \_\_\_\_\_, 2008.

---

Alan J. Bond  
Chief Administrative Officer