

Upzoning Strategies for Affordable Housing Development

Presentation by Christy Hempel, B. Arch, M. Plan, Phd
Owen Sound Community Services Committee
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About Christy Hempel



- Housing Consultant with TWC Inc
- Christine Hempel Design and Planning – Urban Design, Illustration and Research
- Background in Architecture, Planning, Rural Studies
- Specialist in Community Engagement and Participatory Design

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The typical development process: Step 1

1. Meeting with Housing Provider to learn about goals
2. Initial site visit and mapping
3. Review of zoning bylaw –discussion with planners
4. Review of current funding opportunities
5. Conceptual sketches – site plan and floor plans



The typical development process: Step 2

If zoning is in place already for planned concept: (“As of Right”)

- Project permission is not dependent on public processes and so budget, timelines and feasibility can be predicted.
- Housing provider can apply for CMHC “Seed funding” to support pre-development costs (planning, design, engineering studies, etc) to become “shovel-ready”.
- Housing provider can apply for any time-sensitive funding opportunities, for example, Rapid Housing Sub-stream. Often these funds have a very small application window
- Pre-development work can take place with fewer risks for housing provider

If zoning or official plan does not support plan as drawn:

- Development is not considered “shovel-ready”. Housing provider cannot apply for significant Federal or Provincial funding to support the project.
- Process of obtaining Official plan amendment, zoning amendment, or zoning variance may get started.
- Project permission is dependent on public processes that are not predictable -uncertain budget and timelines.
- Can be risky, often very expensive and can add months or years to a project

Local Examples

If zoning or official plan does not support plan as drawn:

- Lutheran Social Services – St. Clare Place
- Zoning not in place for 6-storey building, requiring amendment for allowable height from 12m to 24.6 meters.
- Studies were required for zoning amendment that would not have been required with as-of-right upzoning (urban design study, solar study, archaeological assessment).
- Application for CMHC funding has been made. Fingers crossed!

Submission Items

Planning Report

Site Plan

Urban Design Study

Shadow Study

Stage 1 Archaeological Assessment & Entry into Ontario Public Register of Archaeological Reports

Survey

Stormwater Management Report

Civil Engineering Drawings

Servicing Feasibility Study



Urban Design Study: St. Clare Place
1043 and 1057 Third Avenue East, City of Owen Sound, Ontario
Part of Lot 4, East of Bay Street, City of Owen Sound, County of Grey, PIN 37055-0172 (LT) and PIN 37055-071 (LT)

Local Examples:

- Market Rate Housing Provider: Tenth Avenue Estates – Graham Design and Construction
- Existing zoning permitted medium density residential but not 4-storey apartment buildings, therefore rezoning was required. SPA process has taken 2 years and added \$750,000 to cost, and still is not done.

“SPA expenses eventually get passed on to the purchaser, increasing the final housing costs. The requirement of excessive studies and the time it takes to review and get approvals adds no value to the end user and local community.”

Richard Graham



Submission Items

[Archaeological Assessment - Final](#)

[Archaeological Assessment - Entry into Register](#)

[Architectural Brief](#)

[Building Sections](#)

[Engineered Site Drawings](#) (Site Plan, Erosion & Sediment Control, Grading & Drainage, Site Servicing, Stormwater, Landscape Plan, Details & Notes)

[Final Peer Review Comments](#)

[Floodplain Study of Kenny Drain](#)

[Front Entrance Elevation](#)

[Functional Servicing Report - Revised September 2024](#)

[Geotechnical Report](#)

[Hydrogeological Assessment](#)

[Land Use Compatibility Study](#)

[Land Use Compatibility Study - Revised June 2024](#)

[Letter from Applicant - Response to Public Comments](#)

[Photometric Lighting Plan](#)

[Planning Justification Report](#)

[Planning Justification Report - Revised June 2024](#)

[Preliminary Noise Assessment Tenth Avenue Estates](#)

[Record of Site Condition letter](#)

[Scoped Environmental Impact Study](#)

[Shadow Study](#)

[Site Plan - Revised August 2024](#)

[Stormwater Management Report](#)

[21 Stormwater Management Report](#)

[Transportation Report](#)

[Transportation Study - Revised August 2024](#)

[Tree Inventory Report](#)

[Urban Design Study](#)

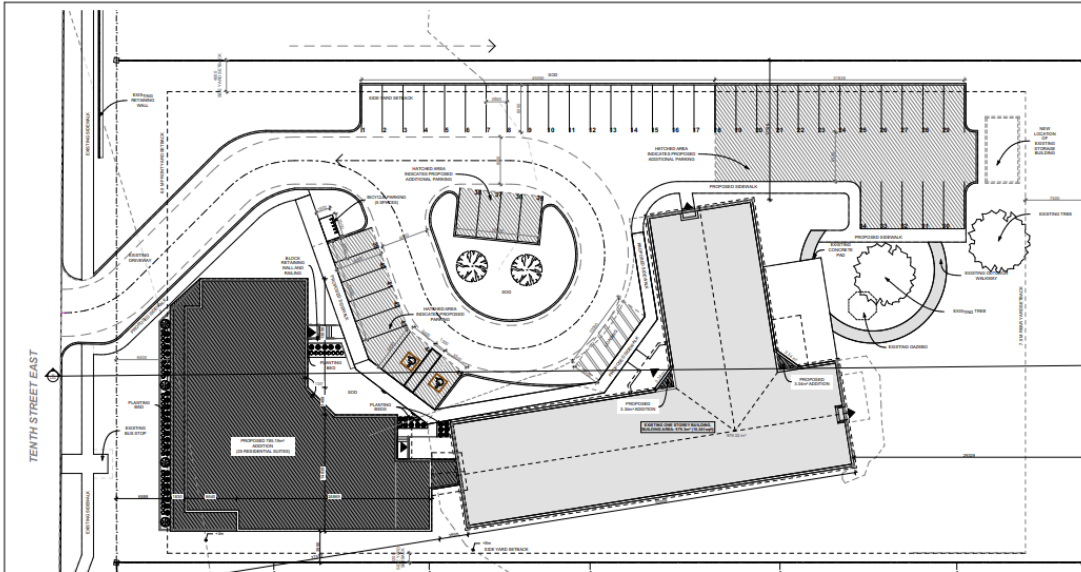
The most common zoning barriers

- 1. Land use regulations that prevent housing from being built in certain zones of the city**
- 2. Prohibition of multi-unit dwellings and other affordable housing types in many residential zones**
- 3. Parking and driveway regulations**
- 4. Size restrictions: height limits and lot line setbacks**

- | | Uses Permitted In Zone | | | | | |
|---|------------------------|----|----|----|-----------------------|----|
| Uses | C1 | C2 | C3 | C4 | C5
(Section 14.82) | MC |
| Industrial Use, Accessory
(see Sec. 5.17.13) | ● | ● | | | | ● |
| Vehicle Sales
Establishments | | ● | | | | |
| Veterinarian Clinics | ● | ● | | ● | | |
| Wholesale Establishments | ● | ● | | ● | | |
| RESIDENTIAL | | | | | | |
| Dwelling, Single Detached | ●* | ● | ● | | | ●* |
| Dwelling, Semi Detached | ●* | | ● | | | ●* |
| Dwelling, Duplex | ●* | | ● | | | ●* |
| Dwelling, Converted | ● | ● | ● | ● | | ● |
| Dwelling, Townhouse | ●* | | ● | | | ● |
| Dwelling, Apartment | ● | ● | ● | ● | | ● |
| Dwelling Units in
combination with a
permitted non-residential
use | ● | ● | ● | ● | | ● |

Amendments affecting the table above: ZBA [4], [25]

1. Land Use Barriers –Institutional zones that exclude housing



- The addition of multi-residential housing to institutional uses provides opportunities for infill development on many sites, and offers flexibility for current uses to expand their housing opportunities
- Many institutional uses such as care homes are wishing to provide age-in-place facilities with a mix of residential properties and care facilities

1. Land Use Opportunities –Mixed Use Institutional

INSTITUTIONAL ZONE

In any Institutional Zone, no land shall be used and no building or structure shall be erected, located or used for any purpose except in accordance with the following regulations:

9.1 PERMITTED USES IN INSTITUTIONAL ZONES

Within any Institutional Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses as identified by a dot:

Uses	Uses Permitted in Zone
Clinics	●
Commercial School	●
Community Centre	●
Community Lifestyle Facility	●
Crisis Residence	●
Day Nursery	●
Group Home	●
Group Residence	●
Hospital	●
Library	●
Long Term Care Facility	●
Museums/Galleries	●
Place of Worship (see Section 5.16.3)	●
Public Park (see Section 5.16.4)	●
Public Use	●
Schools	●
Studio	●
Student Residence	●

City of Owen Sound – apartments prohibited in all institutional zones

Section 31: Institutional Zone (I)

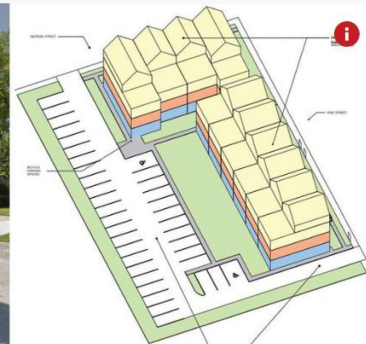
31.1 General

- No person shall use any lot or erect, alter or use any building or structure in any Institutional (I) Zone except in accordance with the applicable provisions of Sections 2, 3 and 31.
- In addition to Section 31.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

31.2 Permitted Uses

- Apartment Building, Public;
- Community Garden;
- Cultural Facility;
- Cemetery;
- Day Care;
- Dwelling, Accessory;
- Food Vehicle;
- Long Term Care Facility;
- Place of Assembly/Banquet Hall;
- Place of Worship;
- Public Uses;
- Social Service Facility; and
- Uses, structures and buildings accessory thereto

31.3 Zone Requirements



Town of Port Colborne – apartments permitted

1. Land Use Opportunities –Mixed Use Institutional



- Churches, Schools and large institutional properties may divest buildings for conversion to housing, or divest land parcels for housing. Mixed use zoning permits potential sites to be “shovel-ready” for access to housing funds.
- Above photos: Entrepreneur Tal Dehtiar converted an Anglican Church in Hamilton into 19 apartments

1. Land Use Barriers – Industrial zones that exclude housing

8.1 PERMITTED USES IN INDUSTRIAL ZONES

Within any Industrial Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

Uses	Uses Permitted In Zone		
	M1	M2	MU
Animal Shelter	●	●	●
Automotive Rental Establishment	●		
Automotive Body/Repair Shop (see Section 5.16.1)	●	●	●
Automotive Washing Establishment	●	●	
Cannabis Production Facility (See Sec. 5.16.7)	●	●	
Catering Services	●	●	●
Clinic			●
Commercial School	●		
Community Lifestyle Facilities	●		●
Contractors Yard		●	
Day Nursery	●		
Dwelling unit (1) accessory to a permitted use for a custodian or maintenance employee	●	●	●



City of Owen Sound – apartments
prohibited

Town of Port Colborne – apartments
permitted

1. Land Use Opportunities – Introduce “Mixed-use Light Industrial” in addition to M1, M2 and MU zones



- The addition of multi-residential housing to some M1 (light industrial) uses offers flexibility for current uses to expand their housing infill opportunities

2. Prohibition of multi-unit dwellings in residential zones



- Hempel proposal for 4-unit small apartment building on large vacant lot in R2 zone. The application was denied request for zoning amendment due to NIMBY neighbour concerns over having “transient” renters next door.
- In 2010, CMHC funding was offered to enable construction. Apartments were to remain affordable for 20 years. To date, 15 years later, the site sits empty.

“We have zones for those people..”

2. Zoning Opportunities

- Small scale multi-unit dwelling are much-needed ‘missing middle’ housing for downsizing seniors, young people entering the workforce, singles, students, and many others with diverse income levels.
- Zoning that prevents small multi-unit dwellings should be seen as discriminatory. Exclusionary zoning prevents “apartment-dwellers” or “renters” from living in certain neighbourhoods.
- Address valid neighbourhood compatibility concerns with design (appropriate scale, size, character) rather than number of units.

Uses	Uses Permitted In Zone					
	R1	R2	R3	R4	R5	MR
RESIDENTIAL						
Dwelling, Single Detached	●	●	●	●	●	●*
Dwelling, Semi Detached	●	●	●	●	●	●*
Dwelling, Duplex	●	●	●	●	●	●*
Dwelling, Townhouse <i>up to 4 units</i>	●	●	●*	●	●	●
Dwelling, Townhouse <i>5+ units</i>		●	●*	●	●	●
Dwelling, Converted (see Section 6.1 ii)			●*	●	●	●
Dwelling, Apartment <i>up to 4 units</i>	●	●	●	●	●	●
Dwelling, Apartment <i>4-8 units</i>		●	●	●	●	●
Dwelling, Apartment <i>8-14 units</i>				●	●	●
Dwelling, Apartment <i>15+ units</i>					●	●
Dwelling Units in Combination with a Permitted Non-Residential Use						●
Group Home	●	●	●	●	●	●
Boarding or Lodging House <i>up to 8 units</i>		●	●	●	●	●
Boarding or Lodging House <i>9+ units</i>			●	●	●	●
Accessory Apartment (see Section 6.1 i)	●	●	●	●	●	●

2. Zoning Opportunities for small Apartment Buildings



- “Apartment Buildings” come in many sizes and shapes. Zoning could support low rise, small scale “gentle density” by allowing smaller apartment buildings in more residential zones

2. Zoning Opportunities” Fourplexes in all R zones

7.3 REGULATIONS

No person shall, within any Residential First Density (R1) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

a) Lot Area (minimum)

- | | | |
|-----|--|--|
| i. | Single detached, semi-detached, duplex, triplex or fourplex building | 450 m ² |
| ii. | Semi-detached building | 250 m ² per unit where each unit is on a separate lot |

THE TOWN OF SAUGEEN SHORES – Zoning By-Law No. 75-2006

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- Housing Accelerator Funding (HAF) are substantial funds granted by the Federal government to spur housing development.
- Municipalities must have zoning that allows for Fourplexes in ALL residential zones to receive funds (Saugeen Shores has received HAF Funding and has used it to design pre-approved plans)

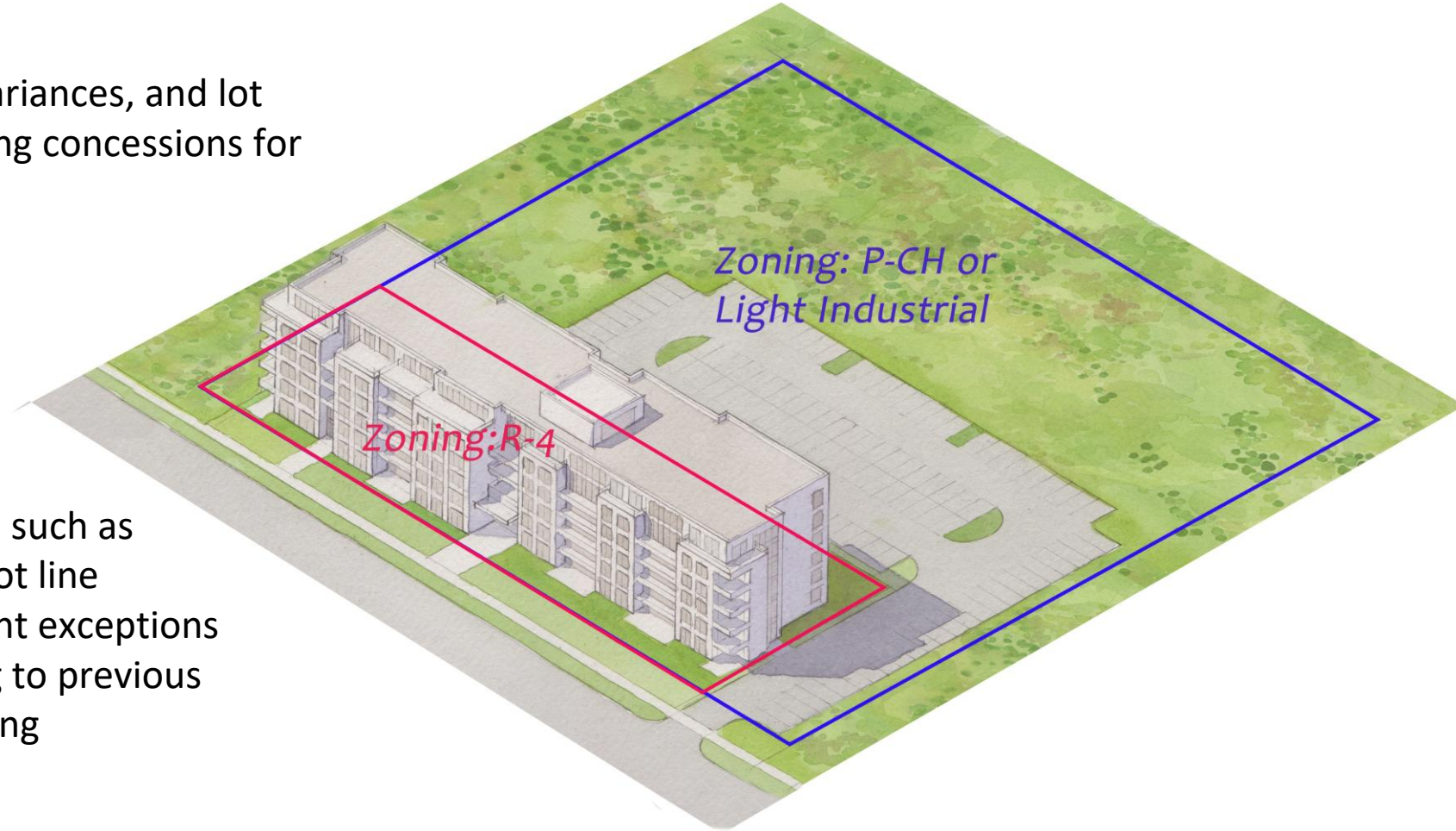
3. Parking and Built Form limits

- Parking requirements often dictate site design
- Minor Variances from parking requirements are sought in 90% of affordable housing projects.
- Parking is not always required by residents, and is not required by funders such as CMHC. However, municipal requirements for planning variances in order to reduce parking creates uncertainty and risk. Developers sometimes overbuild parking (at excessive cost and with a reduction in housing) to avoid procedural delays
- Introduction of a parking waiver for approved projects could remove delays and costs.



3. Parking and Built Form limits

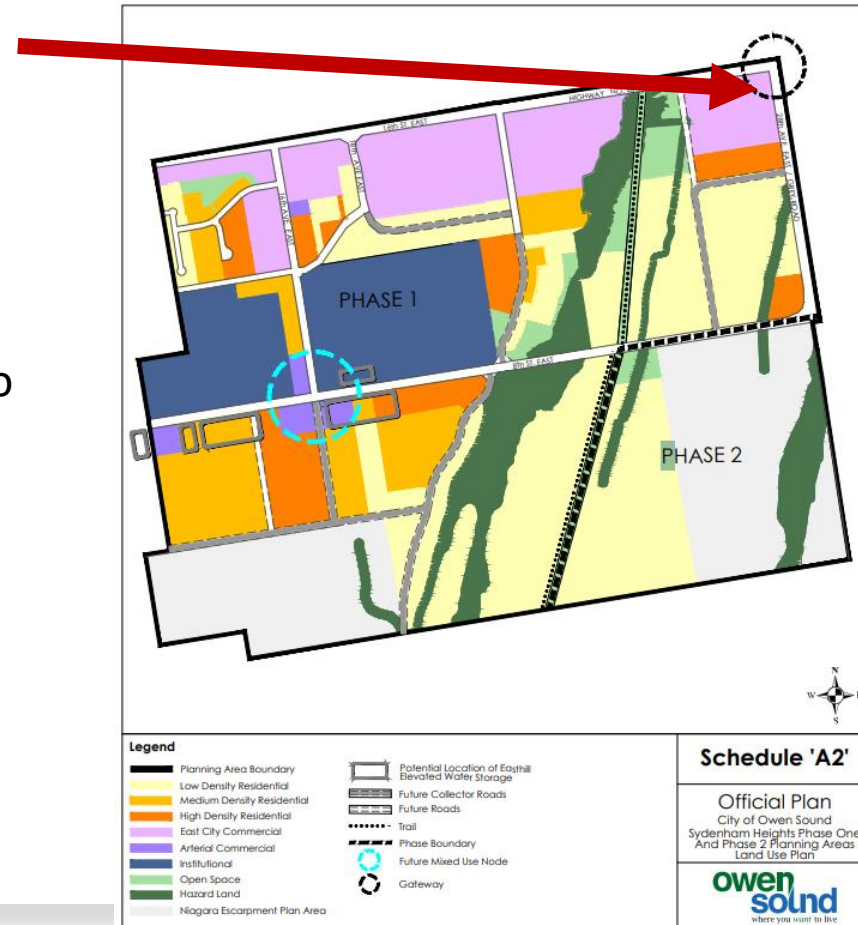
- Lot line setbacks, height limit variances, and lot coverage are frequently requiring concessions for affordable housing.



- For specific development areas, such as brownfield sites, very minimal lot line setbacks, lot coverage and height exceptions along with relocation of parking to previous industrial site could make housing development more affordable.
- Massing concessions could be granted with a waiver process rather than a zoning amendment

4. Identify specific sites for pre-design pre-approval

- Current Official identifies 4+ hectare block of Vandolder land as high- density housing – (possibly 350-500) units that will now be rezoned to institutional lands for school.
- To replace lost housing potential, there is a need to identify new locations for housing in OP, and upzone on existing low-density sites to medium density.
- Invite landowners who would consider potential for affordable housing to explore opportunities with revised zoning by-law

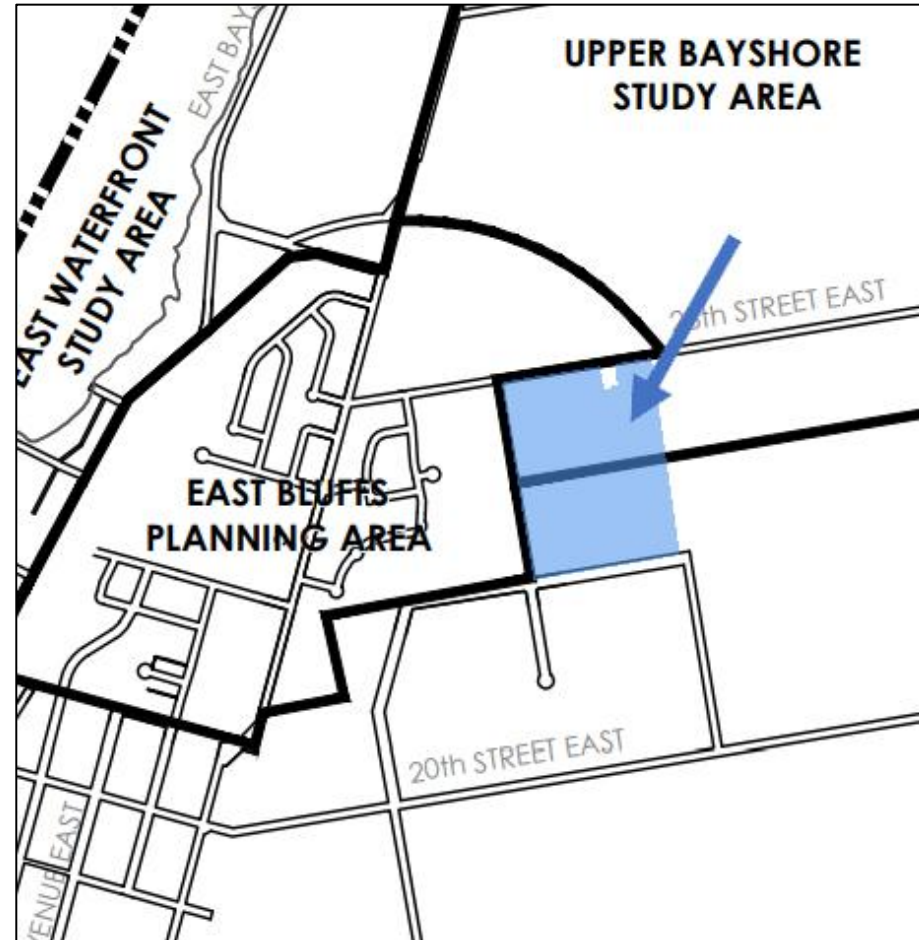


Identify specific sites for pre-design pre-approval

Example 1:

Adjust OP to mixed-use to enable wider range of future uses that include home occupation and housing on Glassworks site.

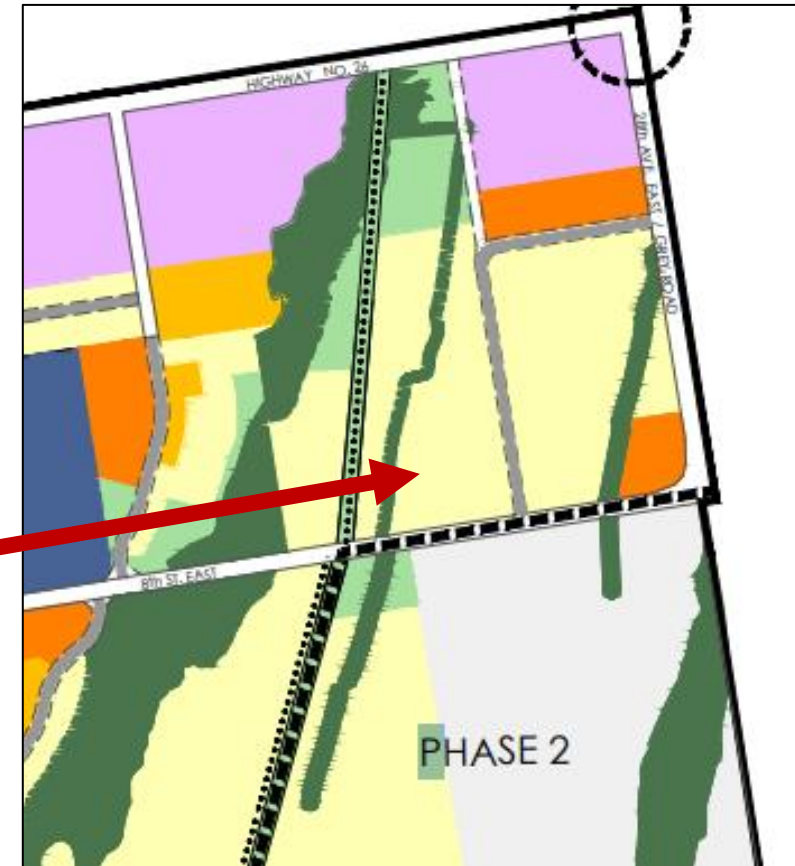
Upzone from M2 (Industrial) to Residential or Mixed Use Light Industrial with housing uses permitted for north half of Glassworks site (Upper Bayshore Study Area) to reduce costs and risks for housing providers and foster housing development.



Identify specific sites for pre-design pre-approval

Example 2: Cormier property

Upzone from Rural to R3 on lands adjacent to new school to enable development of affordable housing.



Identify specific sites for pre-design pre-approval



- Small public sites such as unopened road allowances could be pre-designed and pre-zoned for 'surgical' housing infill o
- Could be used for affordable housing or to generate funds for other public housing projects
- Reach out to all local housing providers/ developers/ landowners for upzoning potential



Thank You

Questions?