



Town of O'Leary

Annexation Zoning &
Housing Accelerator Fund – potential edits to Official
Plan and Bylaw

October 9, 2024 Public Meeting

Restructuring Zoning

- Annexation took effect in April 2024
- New properties are currently un-zoned and need to be added to both the Future Land Use Map in the Official Plan and Zoning Map in the Bylaw



Restructuring Policies – Amendments to Official Plan

Policy PHY-4: Management of Lands Post Restructuring (new)

It shall be the policy of Council to apply land use designations and zoning to parcels brought within the Town's boundaries through restructuring, giving consideration to existing and adjacent land uses.

Plan Actions

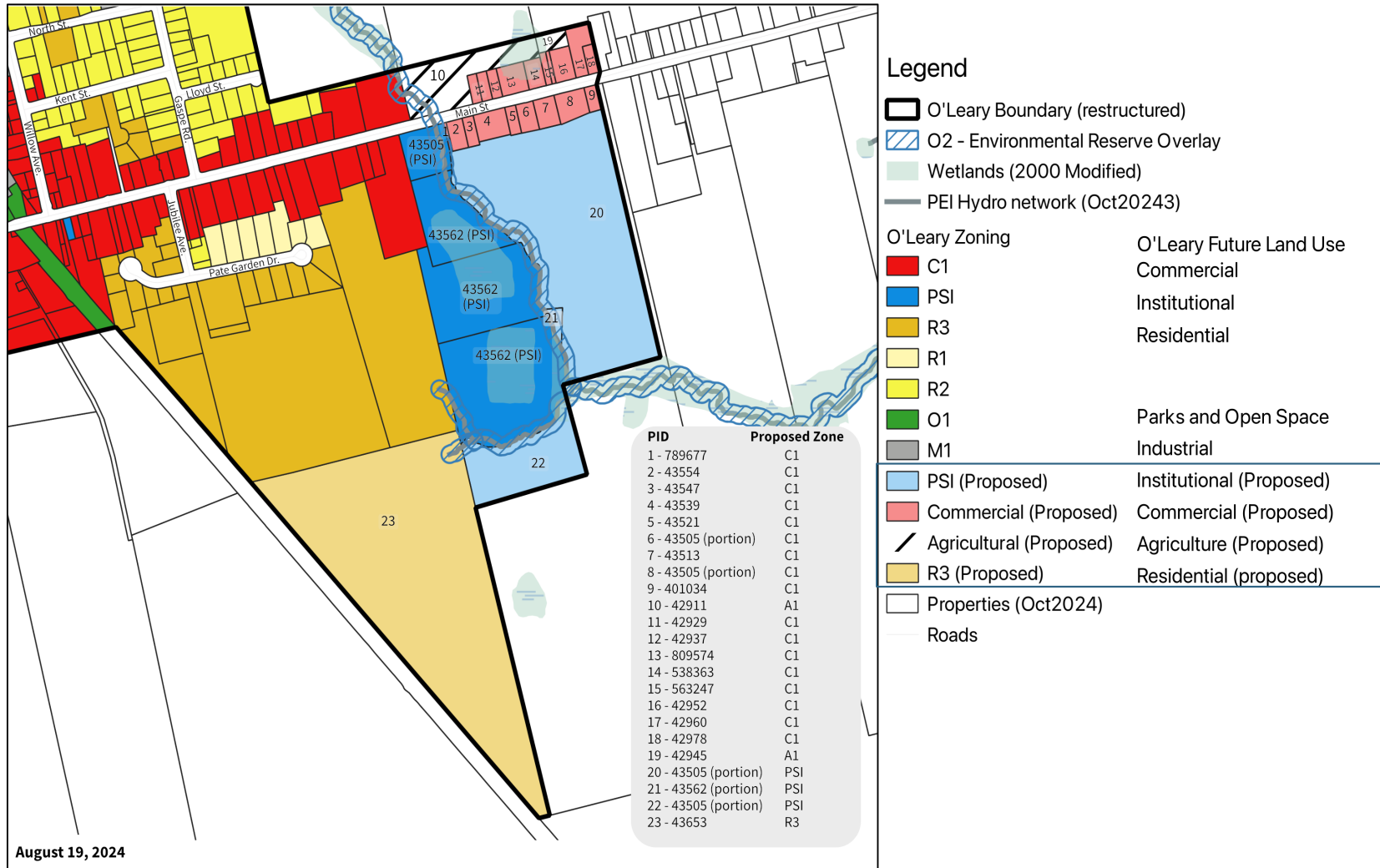
- a. Land use designations and zoning for the parcels added through the restructuring that took effect April 1, 2024 shall be applied as follows:
 - i. PIDs 789667, 43554, 43547, 43539, 43505 (portions), 43513, 401034, 42929, 42937, 809574, 538363, 563247, 42952, 42960, 42978: Future Land Use Designation of Commercial and Zoning of General Commercial (C1);
 - ii. PIDs 42911 and 42945 (portions within Town boundaries): Future Land Use Designation of Agriculture and Zoning of Agricultural Reserve (A1);
 - iii. PIDs 43505 and 43562 (portions): Future Land Use Designation of Institutional and Zoning of Public Service and Institutional (PSI); and
 - iv. PID 43653: Future Land Use Designation of Residential and Zoning of Mixed Density Residential (R3).

Explanation: New policy and plan action outlining the intentions for designation and zoning of new properties

Restructuring Designation and Zoning

- Changes to Future Land Use Map in Official Plan and to Zoning Map in Land Use Bylaw to reflect new properties

Proposed Zoning - Annexed Parcels - Town of O'Leary



Housing Policies – Amendments to Official Plan

- Policy SOC-4: Special Residential Uses - clarifies what is included in shared housing (consistent with original intent, includes government departments and agencies), adds special permit use process for shared housing over a certain number of bedrooms.
- Part 6 – administration - updates to reflect Act requirements and amendments to the Act regarding reporting and appeals.

Housing Policies – Amendments to Official Plan

Policy SOC-4: Special Residential Uses

It shall be the policy of Council to support and encourage special residential uses and supportive housing **such as but not limited to emergency and transitional housing**, group homes, dormitories, rooming houses, and community care facilities, nursing homes, and senior citizen homes within the Town. Those uses will be identified as ‘shared housing’ and will be directed to higher density residential areas as either a permitted use or a special permit use and, in the case of ‘shared housing with special care’ such as community care, nursing homes and senior citizen homes, to the Public Service and Institutional Zone as a permitted use as well.

Plan Actions

- a. The Bylaw shall include ‘shared housing’ as a category of residential use, based on uses that contains 4 or more bedrooms, that meet one or more of the following: (i) that are rented for remuneration as separate rooms for residential accommodation; or (ii) that are operated by **a governmental department or agency**, a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use.
- b. The Bylaw shall include ‘shared housing with special care’ as a subcategory of ‘shared housing’ use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, including options for individual dwelling units for occupants; ‘shared housing with special care’ uses must meet the definition criteria of a ‘shared housing’ use.
- c. The Bylaw shall permit ‘shared housing’ in the appropriate zones as follows:
 - (i) Mixed Density Residential (R3) Zone, permitted use, up to 8 bedrooms per building;
 - (ii) Public Service Institutional (PSI) Zone, permitted use, **up to 8 bedrooms per building**; and
 - (iii) General Commercial (C1), permitted use, **up to 8 bedrooms per building, with additional bedrooms as a special permit use.**
- d. The Bylaw shall permit ‘shared housing with special care’ in the appropriate zones as follows:
 - (i) Medium Density Residential (R2) Zone, permitted use;
 - (ii) Mixed Density Residential (R3) Zone, permitted use;
 - (iii) Public Service and Institutional (PSI) Zone, permitted use; and
 - (iv) General Commercial (C1) Zone, permitted use under the category of ‘institutional uses’.
- e. **The Bylaw shall establish standards and criteria for shared housing uses, which may in some cases differentiate between ‘shared housing’ and ‘shared housing with special care.’**

Explanation: clarifies what is included in shared housing (consistent with original intent), adds special permit use process for shared housing over a certain size.

Housekeeping Policies – Amendments to Official Plan

6.5 Posting of Decisions

Added text:

The Town shall submit an annual statistical return in accordance with section 21 of the *Planning Act*.

6.6 Appeal Procedure

Deleted text:

Any person who is dissatisfied with a decision of the Development Officer or Council in the administration of the Bylaw, as enumerated in Section 28 of the *Planning Act*, may, within 21 days of the decision, appeal that decision in accordance with the Act.

Substituted text:

Any appeal of a decision in respect to the administration of the Bylaw shall be undertaken in accordance with Part V of the *Planning Act*.

Explanation: updates to reflect Act requirements and amendments to the Act.

Amendments to Bylaw

- **Definition updates:** Accessory Dwelling Units (ADUs) (including garden suites and secondary suites), shared housing
- **Section 5.17:** clarifying updates for ADUs – mostly wording changes, clarifying setbacks and heights for garden suites
 - Discussion on whether ADUs should also be permitted in semi-detached and townhouses
- **Parking:** edits for shared housing, standards for changes over time, waiving of requirement where unlikely to be needed
- **R1:** lot requirements table to include mini-homes and tiny homes
- **C1:** shared housing updates, servicing requirements where no sewer
- **PSI:** shared housing updates
- **Part 17:** numbering corrections
- **Part 21:** update to appeals provisions

Housing Accelerator Fund – Amendments to Bylaw

Part 2: Definitions

Added text:

ACCESSORY DWELLING UNIT means a self-contained *dwelling unit* which is secondary to a main *dwelling unit*, either *attached* to or detached from the main *dwelling unit* on the same *lot*, and includes the following:

SECONDARY SUITE means a self-contained *dwelling unit* with a prescribed floor area located within a *single detached dwelling*, a *semi-detached dwelling unit* or a *townhouse dwelling unit* and where both *dwelling units* constitute a single real estate entity.

GARDEN SUITE means a self-contained *dwelling unit* located on the same *lot* as a main *dwelling unit* but detached from the main *dwelling unit* and located on its own footing or foundation.

~~**GARDEN SUITE** means a self-contained second dwelling unit that is:~~ see Accessory Dwelling Unit

- ~~i. — accessory to the main *dwelling*;~~
- ~~ii. — located within an *accessory structure*;~~
- ~~iii. — located on its own footing or foundation; and~~
- ~~iv. — not attached to the *main building*.~~

~~**SECONDARY SUITE** means a self-contained second dwelling unit, located within the structure of a single-detached dwelling.~~ – see Accessory Dwelling Unit

Explanation: updates for housing accelerator fund initiative.

Housing Accelerator Fund – Amendments to Bylaw

5.17 Secondary Suites and Garden Suites Accessory Dwelling Units (ADUs)

- (1) One (1) *secondary suite* may be constructed within any existing *single-detached* dwelling, ~~if the owner of the dwelling~~ subject to the following:
 - (a) the *property owner* shall submit a written application to the *Town* on the prescribed form;
 - (b) the *total floor area* of all *storeys* of a *secondary suite* shall not exceed the lesser of:
 - (i) eighty percent (80%) of the total *floor area* of all *storeys* of the entirety of the main *single-detached dwelling unit* (excluding the *garage floor area*, and common spaces serving both *dwelling units*); or
 - (ii) 80 sq. m. (861 sq. ft.);
 - (c) one *parking space* shall be provided for the *secondary suite*, in addition to the *parking space(s)* required for the main *dwelling* under section 6.1 of this *Bylaw*;
 - (d) the *secondary suite* shall meet the requirements of the *National Building Code* and all requirements under the *Town's bylaws*; and
 - (e) water and wastewater treatment services for the *secondary suite* are provided through the *single-detached dwelling* and in the case of a connection with a septic tank system, the capacity of the systems shall be upgraded as needed to accommodate the increased intensity of use.
- (2) A *secondary suite* shall not be occupied by a *shared housing use*.
- (3) One (1) *garden suite* per *single-detached dwelling lot* shall be permitted in any zone subject to the following:
 - (a) the *property owner* shall submit a written application to the *Town* on the prescribed form;
 - (b) the *garden suite* shall not exceed 80 sq. m. (861 sq. ft.) in total *floor area*;
 - (c) the *garden suite* shall not exceed one *storey* in *height*;
 - (d) the *garden suite* shall be connected to the same electrical, water and sewage services as the main *dwelling* on the *lot*, and, in the case of a connection with a septic tank system, the capacity of the tank shall be adequate to accommodate both the main *dwelling* and the *garden suite*;
 - (e) the aggregate coverage of the lot by the *main dwelling* and the *garden suite* shall not exceed thirty-five percent (35%);
 - (f) one *parking space* shall be provided for the *garden suite*, in addition to the *parking space(s)* required for the *main dwelling* under section 6.1 of this *Bylaw*;
 - (g) the *garden suite* shall utilize the existing access driveway to the *lot*;
 - (h) the *garden suite* shall:
 - (i) not be located in the *front* or *flankage yard* of the *lot*;
 - (ii) be located a minimum of 1.2 m. (4 ft.) from the *rear lot line*, and
 - (iii) meet the minimum *side and rear yard* setbacks for the main *dwelling*;
 - (i) ~~the *garden suite* is constructed and erected in such a manner as to be capable of being readily removed from the site.~~
- (4) A *garden suite* shall not be occupied by a *shared housing use*.
- (5) *Garden suites* may be established in existing *accessory structures* where all applicable standards can be met. In addition, a *garden suite* in a new *building* may include *accessory uses* such as a *garage* or *storage*.
- (6) Notwithstanding clause (3)(c), where a *garden suite* is in an *accessory structure* that includes *accessory uses* such as a *garage* or *storage*, the *accessory structure* may be more than one *storey*, provided the living space does not exceed one *storey* in *height* and in no case shall the *Garden Suite* or *accessory structure* containing the *garden suite* exceed the *height* of the main *dwelling* on the *lot*.
- (7) Notwithstanding the requirements of clause (3)(d), for lots serviced by the *Town's sewer system*, Council may approve a *garden suite* having its own connection to the *Town's sewer system* where in the opinion of *Council*, a shared connection would not be feasible and separate connections would comply with all utility requirements.

Explanation: text updates for housing accelerator fund initiative with ADU standards.

Housing Accelerator Fund – Amendments to Bylaw

5.17 Accessory Dwelling Units (ADUs)

HAF initiative to increase options for ADUs and support more housing units:

Considerations:

- **Garden suites** – in some jurisdictions, they are also being permitted on **semi-detached lot**– basically anywhere where there is a dedicated backyard and guaranteed onsite vehicular access (so not townhouse dwellings that have been subdivided unless there is dedicated rear access), particularly in jurisdictions seeking to permit up to 4 units on a lot.
- **Secondary suites** – in some jurisdictions, they are also being permitted on **semi-detached and town house dwelling lots**, particularly in jurisdictions where they are seeking to permit up to 4 units on a lot.

Options:

1. Restrict to current provisions – permitted on single-detached lots only
2. Permit garden suites and secondary suites on semi-detached lots in addition to single-detached lots
3. Permit garden suites on semi-detached lots and secondary suites on semi-detached and townhouse lots in addition to single-detached lots

Explanation: additional options for housing accelerator fund initiative with ADU standards.

Housekeeping – Amendments to Bylaw

Part 2: Definitions

SHARED HOUSING means a use that contains four (4) or more bedrooms, that meets one or more of the following:

- i. that are rented for remuneration as separate rooms for residential accommodation; or
- ii. that are operated by **a governmental department or agency**, a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing, such as **but not limited to** *group homes, dormitories, rooming houses, and community care facilities, nursing homes, and senior citizen homes*

and includes *shared housing with special care* but does not include a *bed and breakfast, short-term rental, hotel, motel, or tourism establishment*. For greater certainty, a *shared housing use* is not considered a *multiple attached dwelling use*.

4.4 Permit Application

(1) ... **w**here the *person*... → (1) ... **W**here the *person*...

Explanation: clarifying edits

Housekeeping – Amendments to Bylaw

6.1 Parking Requirements

(1) Table of Parking Requirements:

Shared housing with special care, except where otherwise specified

(2) The minimum number of off-street parking spaces required for each building shall be calculated to the nearest whole number.

(3) Where

(a) a proposed change of use within a building or structure existing as of the date of passage of this Bylaw; or

(b) the proposed expansion or an increase in capacity or intensity of use of any building or structure existing as of the date of passage of this Bylaw

will, in the opinion of the Council, substantially increase the volume of traffic necessitating off-street parking, the number of additional parking spaces or loading spaces required shall be the difference between the parking spaces or loading spaces, or both, required by the former use and the parking spaces or loading spaces, or both, required by the new or expanded use.

6.2 OTHER REQUIREMENTS

In (1), removal of comma after 'parking spaces are required,'

6.4 WAIVER OF COMMERCIAL PARKING REQUIREMENTS

(1) Shared parking, vehicle and pedestrian access may be permitted in the General Commercial (C1) Zone where there is more than one building, occupancy or use on a lot, or between adjoining lots, where such sharing will improve vehicular and pedestrian safety, access, movement, and the space required to be occupied by parking lots.

(2) Notwithstanding the provisions of Part 6 above or other provisions of this Bylaw, Council may through a development agreement waive or reduce the parking requirements in a commercial zone in return for parking fees or other considerations as approved by Council, which will further the objectives and policies of the Official Plan in relation to development in the Town.

(3) In rendering its decision, Council shall give consideration to the following:

(a) availability of parking in the proximity of the proposed development;

(b) whether, because of the particular characteristics of the development, the actual parking requirements within the foreseeable future are expected to be lower than those required by the Bylaw;

(c) the extent to which the proposed development contributes toward the objectives and policies of the Official Plan; and

(d) estimated traffic generation of the proposed development.

6.5 ACCESSIBLE PARKING

(1) In addition to the parking requirements found in section 6.1,

Explanation: clarifying edits

Annexation and Housing – Amendments to Bylaw

7.5 Lot Requirements – R1 Zone

Addition of 'Mini Homes and Tiny Homes' to the Single-Detached column in the lot requirements table (meets intent of original bylaw)

10. General Commercial (C1)

10.2 Permitted Uses:

(h) *shared housing uses with 8 or fewer bedrooms per building*;

(i) *shared housing with special care uses*; (pulled out from (c) institutional uses to distinguish from (h))
(renumbering of subsequent clauses)

10.3 Special Permit Uses

(a) *service stations* and other activities associated with the automobile trade, except for a scrap yard; and

(b) *shared housing uses with more than 8 bedrooms per building*.

10.4 Services

- (2) Notwithstanding subsection (1), and subject to section 5.13, Council may approve a development in a C1 Zone serviced by an on-site sewage treatment system where the municipal sewer services are not available and extending the services would be prohibitive or premature.

10.5 Lot Requirements

(4) The lot requirement standards of section 12.3 of the Public Service and Institutional (PSI) Zone shall apply to all *shared housing uses*.

(5) For *shared housing uses*, a minimum of 10% of floor space shall be reserved for communal amenity or recreation space for the residents of the *building*.

Explanation: clarification edit to minimize restrictions on manufactured housing and support tiny homes, reflects intent of original bylaw updates to support the transition of buildings to residential uses and clarification of servicing requirements in newly-annexed properties

Housing – Amendments to Bylaw

12 PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

12.2 Permitted Uses:

(c) *shared housing uses with 8 or fewer bedrooms per building;*

(d) *shared housing with special care uses;*

(renumbering of subsequent clauses)

Explanation: updates to support shared housing uses in alignment with official plan and pulling shared housing with special care out of the institutional uses listing to distinguish from general shared housing uses.

Housekeeping – Amendments to Bylaw

17 OFFICIAL PLAN AND BYLAW AMENDMENTS

17.4 Public Meeting Requirements

(1) Where a public meeting is required under this Bylaw, the development officer shall, at least seven (7) clear days prior to the public meeting:

- (a) ensure that a notice is placed in a newspaper circulation in the area and on the Town's website;
- (b) ensure that written notice is provided to all property owners wholly or partially within:
 - (i) 153 m. (502 ft.) of all boundaries of the subject property, where the subject of the meeting is an application for a variance pursuant to subsection 16.3(2);
 - (ii) 153 m. (502 ft.) of all boundaries of the subject property, where the property is the subject of the meeting for an amendment to the Official Plan or this Bylaw, including a change in zoning or a site-specific amendment; and
 - (iii) 305 m. (1,000 ft.) of all boundaries of the subject property, where the subject of the meeting is an application for an intensive livestock operation; and
- (c) in the case of an application for a change in zoning or a site-specific amendment, ensure a sign a minimum of 1.22 m. by 1.22 m. (4 ft. by 4 ft.) is placed on the land **or area** being proposed for a rezoning or site-specific amendment indicating that an application has been received and directing people to contact the Town to get the specific details.

21 APPEALS

- (1) ~~Any person who is dissatisfied by a decision enumerated in section 28 of the Planning Act in respect to the administration of this Bylaw may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with the Planning Act.~~
- (2) ~~Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the development officer or Council respecting the final approval of a subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the subdivision.~~
- (3) Any appeal of a decision in respect to the administration of this *Bylaw* shall be undertaken in accordance with Part V of the *Planning Act*.

Explanation: updates to reflect changes to the *Planning Act*



Town of O'Leary

Housing Accelerator Fund – Housing Action Plan
Initiatives

October 9, 2024

Housing Accelerator Fund (HAF)

- Contribution agreement signed between Town of O’Leary and Canada Mortgage and Housing Corporation (January 2024).
- Three-year implementation period of *Housing Action Plan* (January 2024 – January 2027).
- Without HAF the Town expected an additional 12 units to be created between 2024 and 2027. HAF will incentivize 15 additional units. A total of 27 units of housing expected by end of program.
- Seven initiatives designed to create systemic change for long term impact.
- Funding tied to the initiatives

CMHC HAF Funding Available

CMHC Housing Accelerator Fund	
Housing Action Plan Initiatives – grants, fees, programs *Assumes minimum number of units achieved.	\$174,000.00
Investments in Municipal Infrastructure to Support Housing *Balance of funds.	\$416,982.90
Total CMHC Contribution	\$590,982.90

Funds are released in four equal, annual installments. Normally in March.

Initiative #1: Permit and Promote Accessory Dwelling Units

- Accessory Dwelling Unit (ADU) as defined earlier
- Revise current bylaws (on-going)
- Town will work with other municipalities to determine guidelines or “pre-approved” plans to support ADU development.

Grant Details	Amount	Target Number of Units
Support the creation of an additional ADU <ul style="list-style-type: none">• Support electrical, wastewater, and water connections• Application fees for development and building permits• Additional common expenses determined to be barriers to ADU implementation	Up to \$10,000	1 permitted ADU over HAF three-year period

Initiative #1: Permit and Promote Accessory Dwelling Units

Comments and discussion:

What has made it hard to add ADUs in the past?

Are there perceived barriers to ADU creation in the Town? Cost, regulation, etc.?

What resources would make creating an ADU easier?

Initiative #2: Conversion of Commercial Structures to Residential Spaces

- Support property owners in converting **under-utilized** or **surplus** commercial property **or parts of buildings** into residential spaces
- Revise current bylaws (ongoing)
- Promote responsible conversion that promotes an attractive look and feel as well as life safety equipment

Grant Details	Amount	Target Number of Units
Offset the costs of <ul style="list-style-type: none">• fire suppression or alert systems,• façade improvements,• accessibility modifications,• energy saving measures, etc.	up to \$2500 per unit	3 units over the three year HAF period

Initiative #2: Conversion of Commercial Structures to Residential Spaces

Comments and discussion:

What are the strengths and weaknesses of current commercial conversion?

How to ensure there is not a loss in useable commercial space?

What resources would make adding residential in commercial buildings easier?

Initiative #3: Encourage Alternative Forms of Housing Construction such as Modular Housing, Manufactured Housing, and Prefabricated Housing

- Permit mini homes in a greater number of residential zones (completed)
- Grow awareness of these policy changes

Program Details	Amount	Target Number of Units
Awareness building		3 units over the three year HAF period

Initiative #3: Encourage Alternative Forms of Housing Construction such as Modular Housing, Manufactured Housing, and Prefabricated Housing

Comments:

Initiative #4: Create a Land Bank Policy for the Allocation of Municipally-Owned Assets for the Development of Affordable Housing

- Create a policy that prioritizes the creation of affordable housing options when selling or disposing of municipal land
- Complement the current RFP process being used

Grant Details	Amount	Target Number of Units
Create a grant scheme to support land transfer costs when divested to an affordable housing provider. Tied to Initiative 7	Maximum reimbursement of \$10,000.	3 units over the three year HAF period

Initiative #4: Create a Land Bank Policy for the Allocation of Municipally-Owned Assets for the Development of Affordable Housing

Comments:

How should the current criteria for the disposal of surplus lands be revised?

- *Point system when assessing proposals?*
- *Affordable housing given priority*

What is strong about the current policy/practice?

What incentives are built into the grants?

- *Transfer costs (legal, taxes, fees)*
- *Land provided at no cost or pro-rated to level of affordability?*

How should affordability be measured?

- *Provider?*
- *Reduced rent for a set period of time?*

Initiative #5: Partnering with Non-Profit Housing Providers to Preserve and Increase the Stock of Affordable Housing

- Work with affordable housing providers to generate additional units of housing that meet local affordability criteria.
- Offer a grant to an existing unit of affordable housing that needs renovation or repairs to maintain its affordability.

Grant Details	Amount	Target Number of Units
<ul style="list-style-type: none">• Generate additional units of housing that meet local affordability criteria• Support renovations or repairs to maintain affordability of existing affordable units	<ul style="list-style-type: none">• up to \$19,000 per new unit of affordable housing• up to \$10,000 to an existing unit of affordable housing	1 new unit over the three year HAF period

Initiative #5: Partnering with Non-Profit Housing Providers to Preserve and Increase the Stock of Affordable Housing

Comments:

Are there specific selection criteria in mind for unit form and depth of affordability?

If non-profit housing providers are unable to supply the units within the HAF period is there a willingness to open this to for-profit housing providers?

Reno grant:

- *Allocate to infrastructure upgrades instead?*
- *Single grant of \$10K or more than one grant?*
- *Call for proposals?*
- *Set grant amount and distribute until spent?*

Initiative #6: Promoting and Allowing more Housing Types that Serve Vulnerable Populations

- Adopt a definition of “tiny home” within bylaws and permit these homes in designated residential zones.
- Work with community organizations to encourage the creation of tiny homes in the community that could meet the needs of vulnerable groups.
- Provide a grant to community partners to promote the development of these units.
- Complete an awareness campaign

Grant Details	Amount	Target Number of Units
encourage the creation of tiny homes in the community that could meet the needs of vulnerable groups	Up to \$10,000 per unit created	2 units over the three year HAF period

Initiative #6: Promoting and Allowing more Housing Types that Serve Vulnerable Populations

Comments:

What are the strengths and weaknesses of current tiny homes in the Town?

What potential partners could be engaged to bring this concept to reality?

Grant modeled on same criteria as accessory dwelling units?

Initiative #7: Grow Home Equity and Rent to Own Opportunities

- Work with community partners to offer rent to own opportunities
 - completed engagement with Habitat for Humanity PEI
- Create a grant for a **non-profit** to complete a **business plan or other professional fees** associated with creating a rent-to-own or home equity growing model of living.
- Create a grant to help cover the **cost of setting up a rent to own or home equity building program**
- Land made available under Initiative 4 by Town

Grant Details	Amount	Target Number of Units
<ul style="list-style-type: none"> • Grant for a business plan to create a rent-to-own or home equity growing model. • Grant to support setting up a rent to own or home equity building program 	<ul style="list-style-type: none"> • up to \$10,000 to complete a business plan or other professional fees • \$20,000 per unit to set up a rent to own or home equity building program 	2 units over the three year HAF period

Initiative #7: Grow Home Equity and Rent to Own Opportunities

Comments:

What potential parameters should be assigned for soft cost development fees?

What disbursement timeline should be assigned to this (or any) grant program?

How should the Town encourage participation in this initiative – call for proposals, grant application?