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Bill 23 – Recommended Official Plan & Zoning By-Law Amendments

Town of Arnprior

May 13th 2024

Context – Bill 23

- / In November 2022, the Provincial Government passed Bill 23, More Homes Built Faster Act, which is part of Ontario’s Housing Supply Action Plan and aims to support the province’s goal to add 1.5 million new homes in Ontario by 2031

- / An prior relevant changes to the Planning Act included:
 - / Additional Residential Unit Requirements
 - / Timelines for Updating of Zoning By-Laws
 - / Development Subject to Site Plan Control
 - / Limits on Scope of Site Plan Control Review
 - / Parkland Conveyance Changes
 - / Minor Variance and Consent Third Party Appeal Rights Removal
 - / Permitting Conveyance of Land in a Land Lease Community
 - / Subdivision Approval – Removal of Public Meetings

- / The provincial government introduced its fifth bill to address the province’s housing crisis since December 2023. Bill 185’s Cutting Red Tape to Build More Homes Act, 2024 (“Bill 185”) was introduced into the legislature on April 10, 2024.

Context – Bill 23 – Planning Act Changes

/ Additional Residential Units

- / Required to permit 2 residential units in a detached, semi-detached or townhouse dwelling, and 1 additional residential unit in an accessory building
- / Required to permit 3 residential units in a detached, semi-detached or townhouse dwelling where there are no dwelling units in an accessory building
- / A maximum of 1 parking space can be required per residential unit
- / No minimum unit size can be imposed
- / Any current official plan policy that contravenes the changes is of no effect
- / No appeal of additional residential unit policies

/ Timelines for Updating of Zoning By-Laws

- / Within 1 year of passing an official plan amendment to include the required policies under the Act, all zoning by-laws must be updated

/ Development Subject to Site Plan Control

- / Cannot apply to residential developments of 10 or less units
- / Land lease community homes included

Context – Bill 23 – Planning Act Changes

- / Limits on Scope of Site Plan Control Review
 - / Limits review of building construction to environmental standards
 - / Limits exterior building design review to consideration of exterior access to an affordable housing development
 - / Limits review of appearance of elements, facilities and works on the land or road, unless it impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands
 - / Limitations on requirements to widen highways

- / Parkland Conveyance Changes
 - / Reduces the amount of parkland conveyance required for affordable or attainable housing developments
 - / Removal of parkland conveyance requirements for non-profit housing developments
 - / Clarification of when the amount of land or cash-in-lieu of parkland is to be determined
 - / Changes to type of parkland that is able to be conveyed
 - / Requirement for 60% of all cash-in-lieu funds to be allocated or spent at the beginning of each year

Context – Bill 23 – Planning Act Changes

- / Minor Variance and Consent Third Party Appeal Rights Removal
 - / Residents can no longer appeal minor variance or consent decisions unless they are the applicant
 - / Decisions can only be appealed by applicant, Minister, specified person or public body

- / Subdivision Approval – Removal of Public Meetings
 - / Public meetings no longer required prior to a decision being made on a draft plan approval of a subdivision

Bill 185 – Cutting Red Tape to Build More Homes Act, Introduced April 10th 2024

- / Site plans and draft plan of subdivisions must include “use it or lose it” lapsing provisions instead of being previously discretionary.
- / Imposes a 3-year time limit to register any draft plans of subdivision approved before March 27, 1995.
- / Revokes earlier legislative efforts (Bill 109) to impose mandatory fee refunds for official plan amendments, zoning by-law amendments, site plans, and plans of subdivision
- / Applicants have the discretion to seek a pre-consultation with the relevant municipality but municipalities can no longer require a pre-consultation by passing a by-law
- / Minister will receive authority to make regulations for additional dwelling units
- / The method for calculating a development charges by-law will now include costs for capital costs and any corresponding background study.

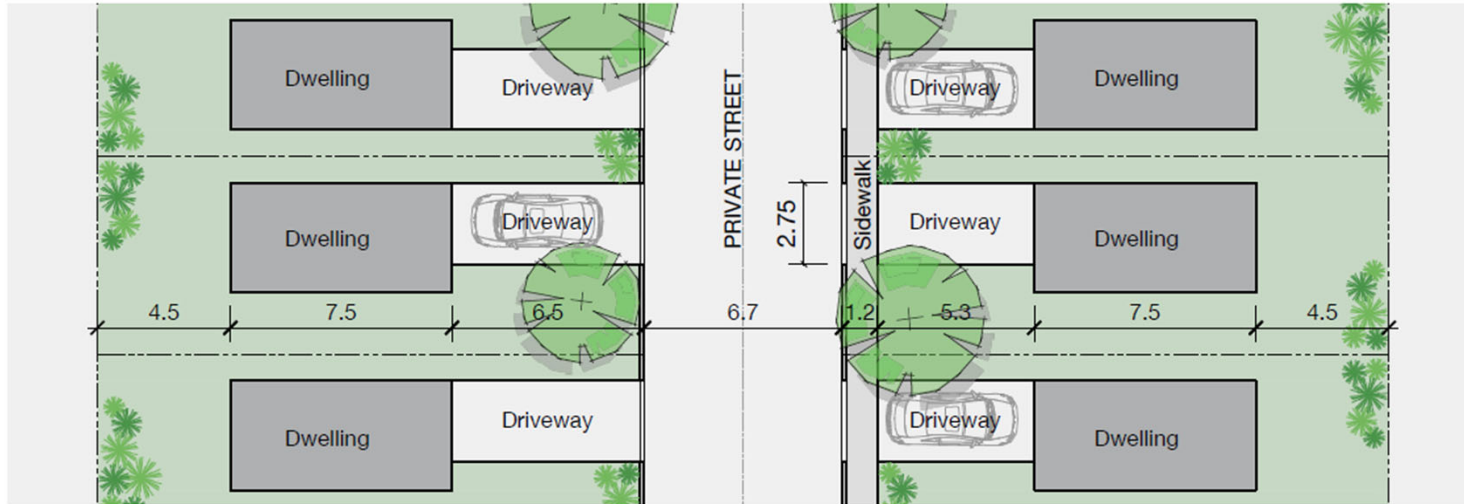
Private Road/Street Policies

- / The current Official Plan does not include policies specific to the creation of a private road/street
- / The current Zoning By-Law defines Private Street as:
 - / **Street, Private** means a private right-of-way that is used by *motor vehicles* but is not owned by the *Corporation* or any other *public authority*.
- / The Zoning By-Law does not include provisions for the creation of private roads nor provisions that require minimum setbacks to private roads
- / It is common for condominium developments to include private roads within their projects as common elements
- / Minimum setbacks to private roads are essential to address land use compatibility and safety concerns

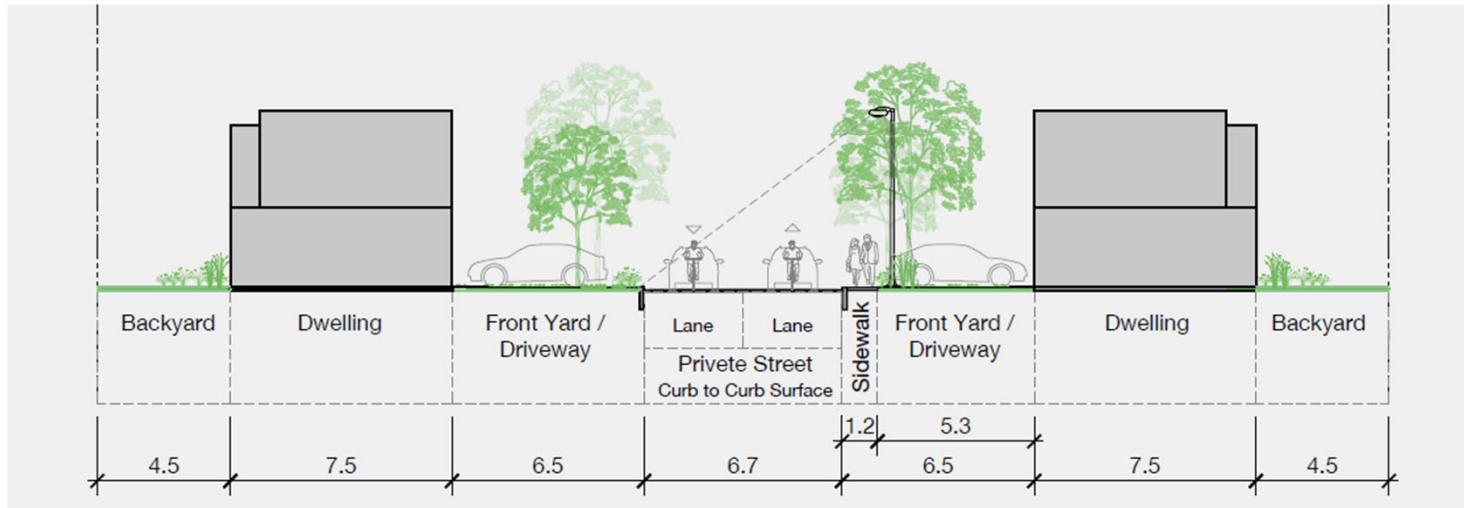
6.7 m lane and 6.5 m front yard setback

EXAMPLE 01

PRIVATE STREET = 6.7m / SETBACK = 6.5m



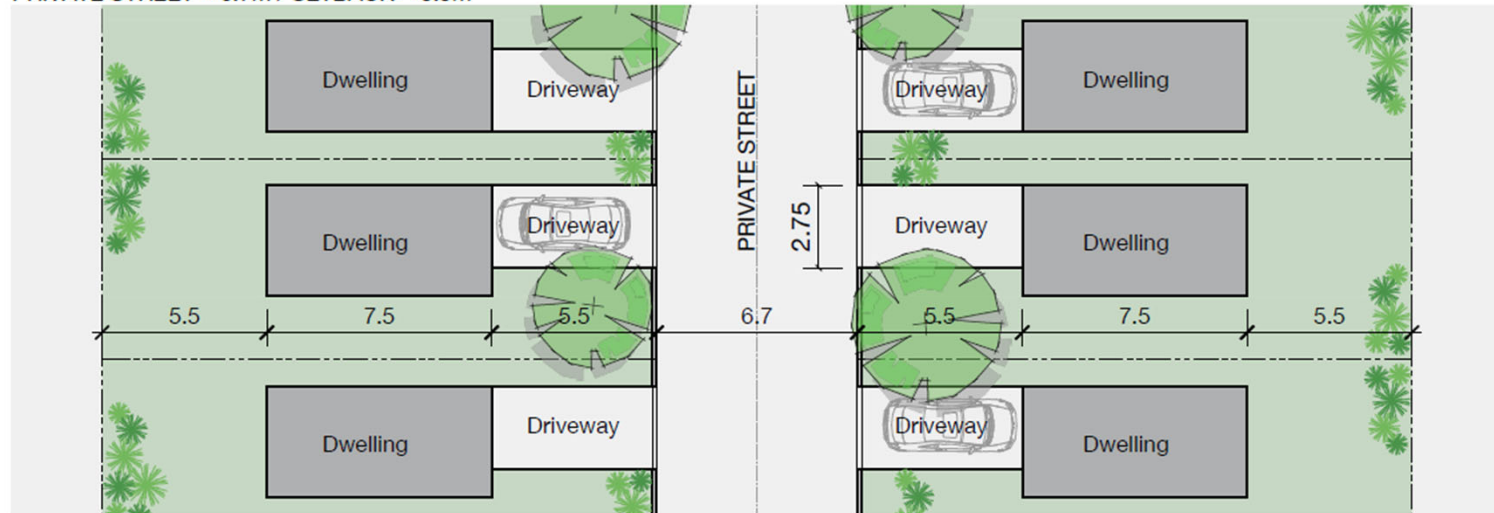
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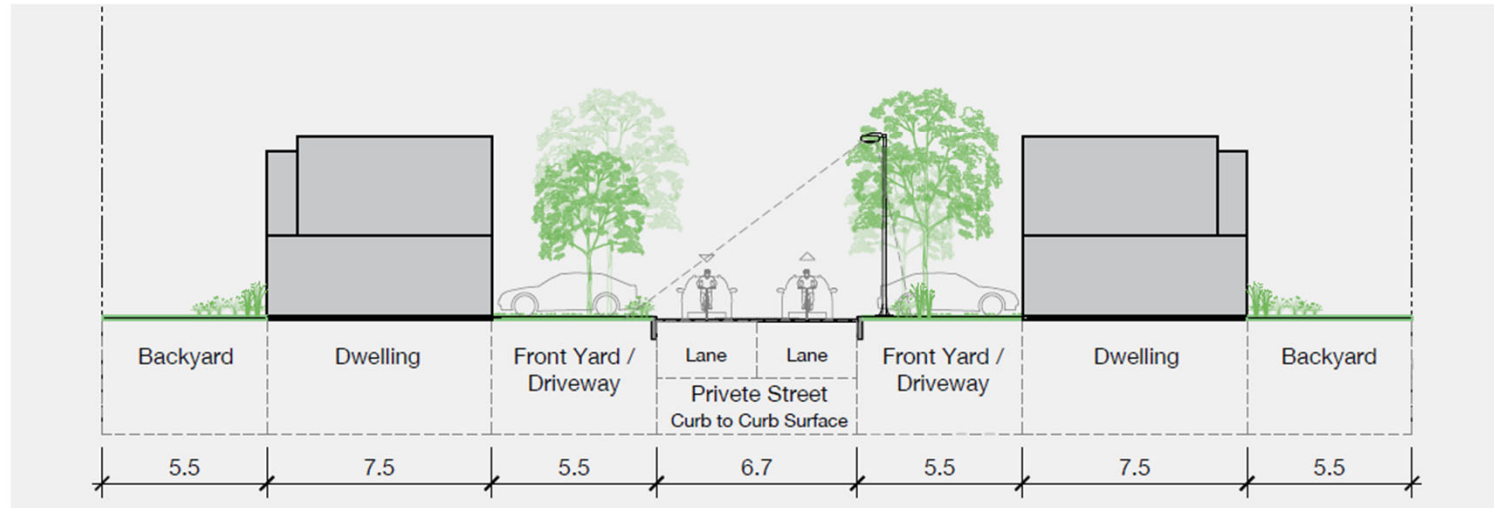
6.7 m lane and 5.5 m front yard setback

EXAMPLE 02

PRIVATE STREET = 6.7m / SETBACK = 5.5m



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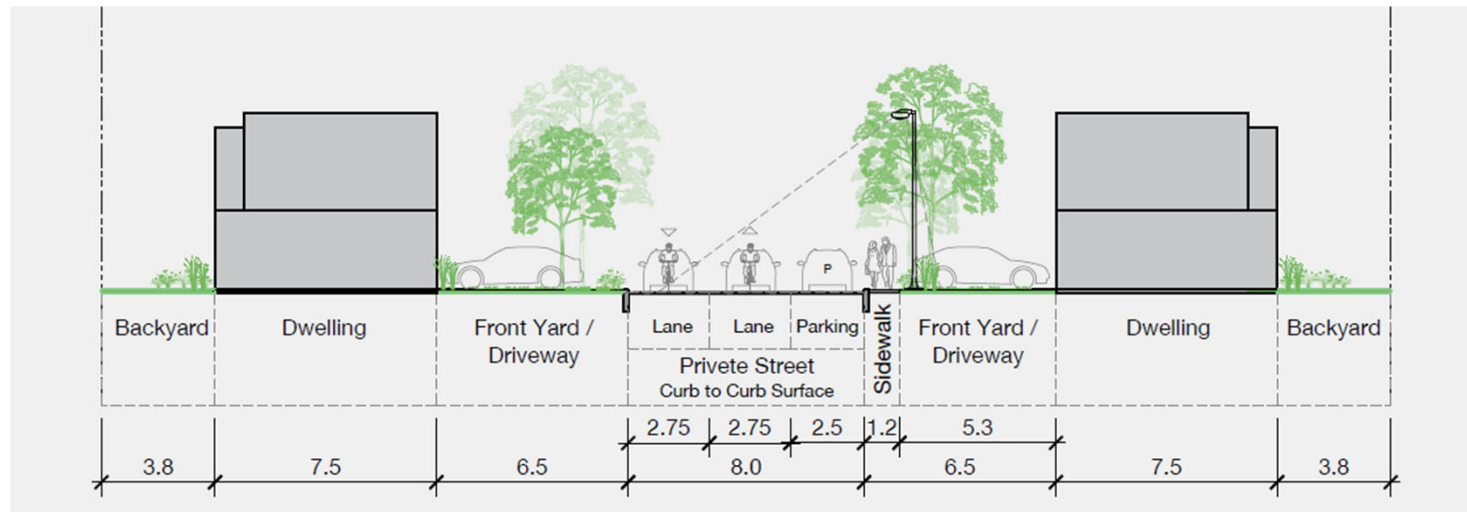
8.0m lane and 6.5 m front yard setback

EXAMPLE 03

PRIVATE STREET = 8m / SETBACK = 6.5m



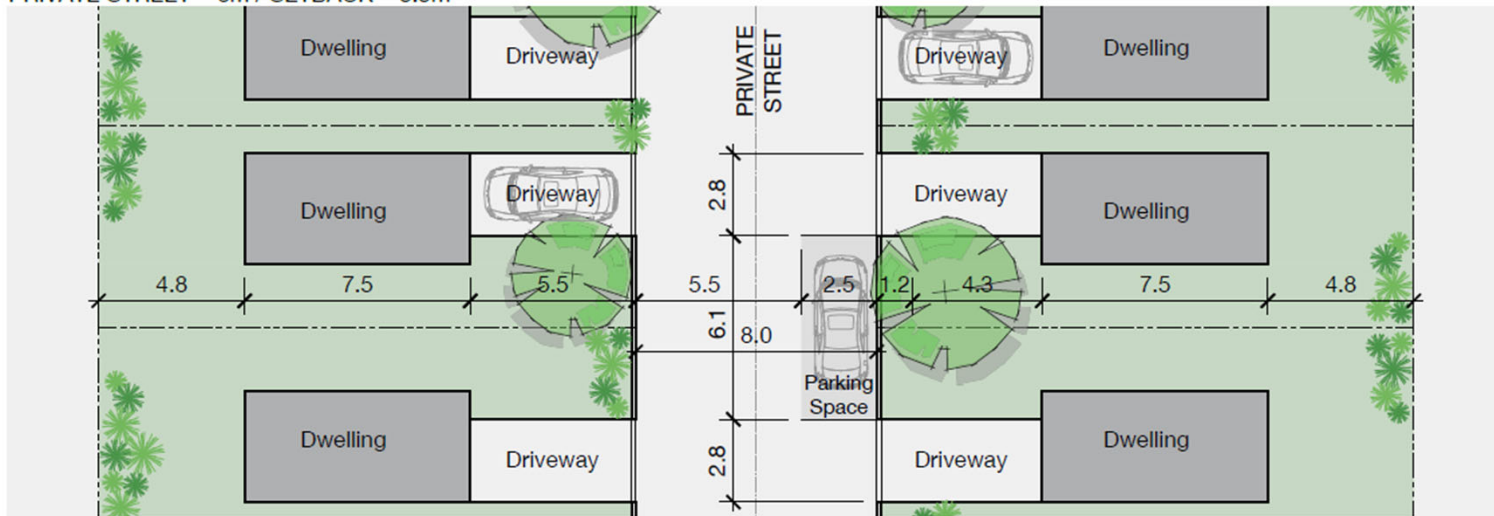
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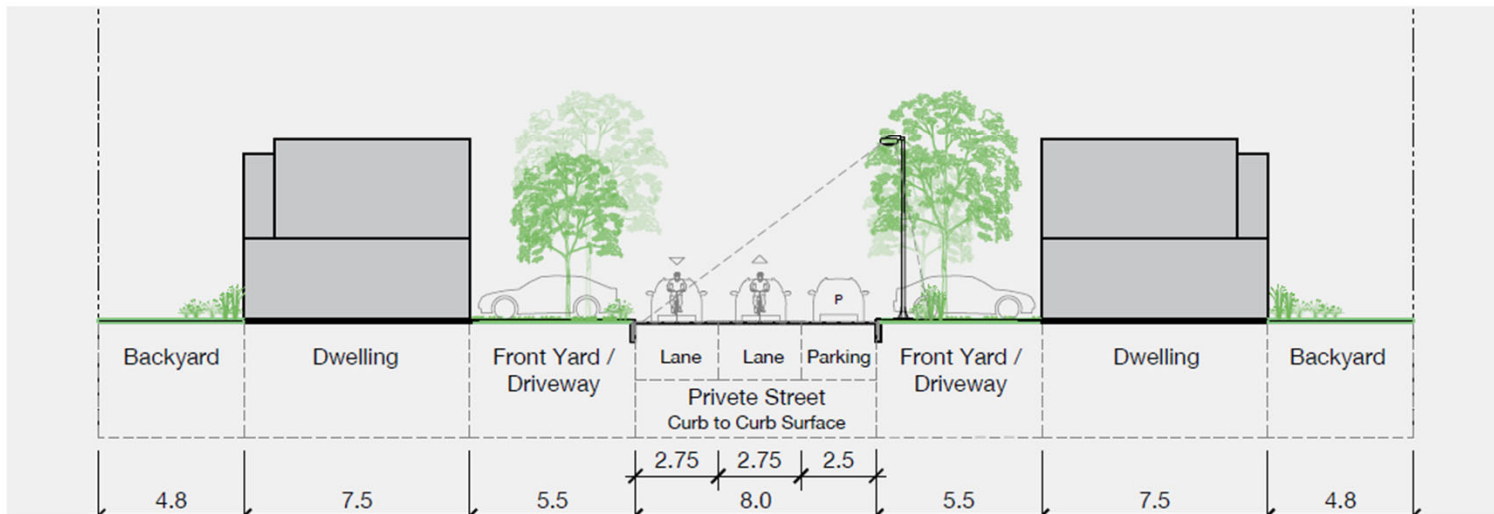
8.0m lane and 5.5 m front yard setback

EXAMPLE 04

PRIVATE STREET = 8m / SETBACK = 5.5m



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Proposed Official Plan Amendments

/ B9 Housing Policies

- / B9.1 c) - Replace “secondary suites” with “additional dwelling units”
- / B9.3 – Rename and revise section to reflect “additional dwelling units”

/ B9.4 Affordable Housing

- / Reconsider affordable housing targets (currently at 15% for projects that consist of 25+ units)

/ C1 Established Residential Area

- / C1.2 – Revise section to permit a transition to higher density developments
- / C1.3 – Revise list of permitted uses to permit additional dwelling units
- / C1.4.1 – Revise modest residential development provisions
- / C1.4.2 – Revise creation of new lots to allow for higher density residential developments
- / C1.4.3 – Revise Site Plan Control design provisions
- / C1.4.4 – Revise existing 2 storey height maximum due to resulting outcome which restricts creation of additional residential units

/ C2 Low/Medium Density Residential Area

- / C2.3 – Revise list of permitted uses to permit additional dwelling units
- / C2.4.1 – Remove *Permitted Housing Mix* section which notes predominate form of housing to be single detached dwellings for new developments
- / C2.4.2 – Revise Integration of Different Housing Types section to reflect removal of permitted housing mix section
- / C2.6 – Revise *Need for a Comprehensive Development Plan* section to remove restrictions related to development of a variety of housing types

Proposed Official Plan Amendments

- / E1.2 Conditions of Approval and Agreements & E1.4 Subdivision Review Considerations
 - / Revise to address private rights-of-ways for condominium developments
- / E2.2 Road Network
 - / E2.2.1 & E2.2.2– Add Private Right-of-Way to sections and establish a minimum road width for private rights-of-way. Creation of private rights-of-way limited to condominium developments
 - / E2.2.3 – Revise *Right-of-Way Widths and Road Widening*s section to reflect limitations on widening requests
- / E6.6 Dedication of Parkland
 - / Revise to reflect non-profit housing exemptions and affordable/attainable housing reductions
 - / Revise to reflect the type of land to be conveyed
 - / Revise to confirm requirement for parkland dedications resulting from site plan control applications
- / E6.8 Use of Moneys Received Through the Cash In Lieu Process
 - / Revise to reflect ability to use funds for “other public recreational purposes” as per the Act
- / F4 Site Plan Control
 - / Revise uses subject to Site Plan Control to reflect restriction of applying SPC to under 10 residential units
 - / Revise to address road widening and exterior design limitations
 - / Revise to address staff delegation of authority for all site plan applications
- / F6 Phasing of Development
 - / Review provision requiring provision of parkland prior to when 25% of lots have been developed
- / F10 Public Participation and Consultation
 - / Consider revising to reflect public input limitations in Site Plan Control

Proposed Zoning By-law Amendments

/ 3.0 Definitions

- / Remove “secondary residential unit” and introduce “additional dwelling unit”
- / Revise definition of dwelling unit
- / Revise or remove definition of “dwelling, triplex” and make associated changes throughout

/ 4.12 Special Setbacks

- / Add section after Section 4.12.2 (Setbacks from Other Roads) to include minimum setbacks to private streets

/ 5.3 Residential Parking Requirements

- / Revise minimum parking space requirements to permit 1 parking space per dwelling unit
- / Revise “secondary residential unit” term and remove “triplex” term

/ 6.2 Description of Zones

- / Revise R1 and R3 descriptions to include additional dwelling units

/ 6.3.1 Secondary Residential Units

- / Revise to permit up to 3 additional dwelling units
- / Revise to remove floor area restrictions

/ 6.4.3 Driveways

- / Revise to reflect additional dwelling units

/ 6.4.9 Dwelling Units

- / Remove restriction that only permits one dwelling unit per lot

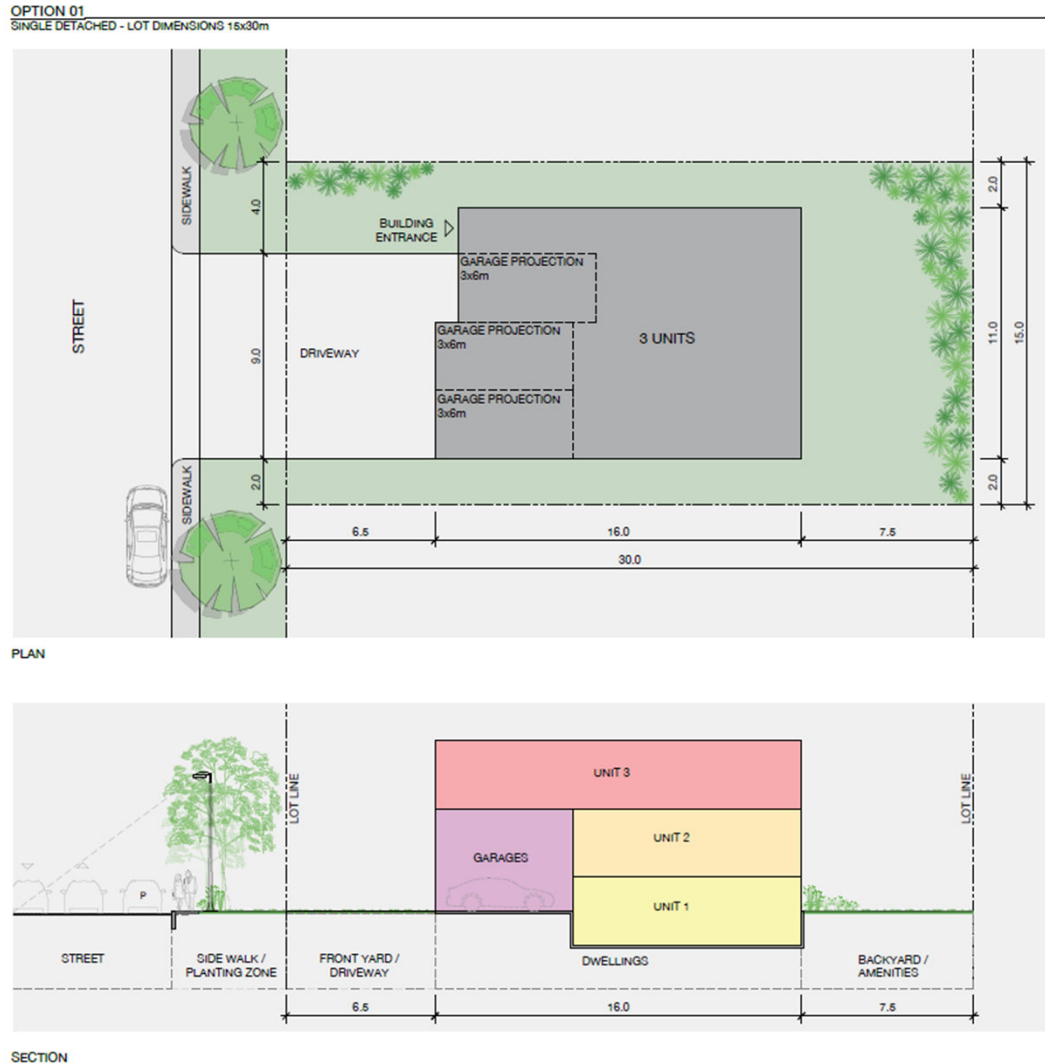
/ 6.4.10 Encroachments into Required Yards

- / Revise to address removal of secondary residential units

Proposed Zoning By-law Amendments

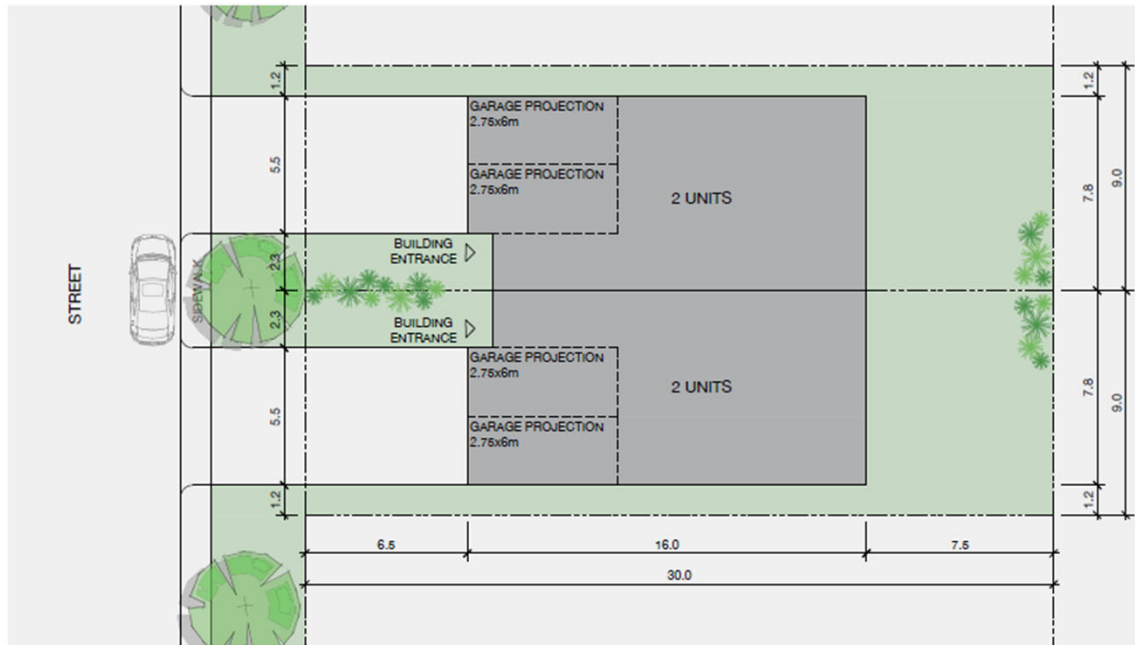
- / 6.5 R1 (Residential One)
 - / Revise permitted uses and standards to permit additional dwelling units, and remove secondary residential unit
- / 6.6 R2 (Residential Two)
 - / Revise permitted uses and standards to permit additional dwelling units, and remove secondary residential unit
- / 6.7 R3 (Residential Three)
 - / Revise permitted uses and standards to permit additional dwelling units, and remove secondary residential unit
- / 6.8 R4 (Residential Four)
 - / Revise permitted uses and standards to permit additional dwelling units, and remove secondary residential unit
- / 7.8 Permitted Uses
 - / Add additional dwelling units

Example of accessory dwellings for a single detached lot.

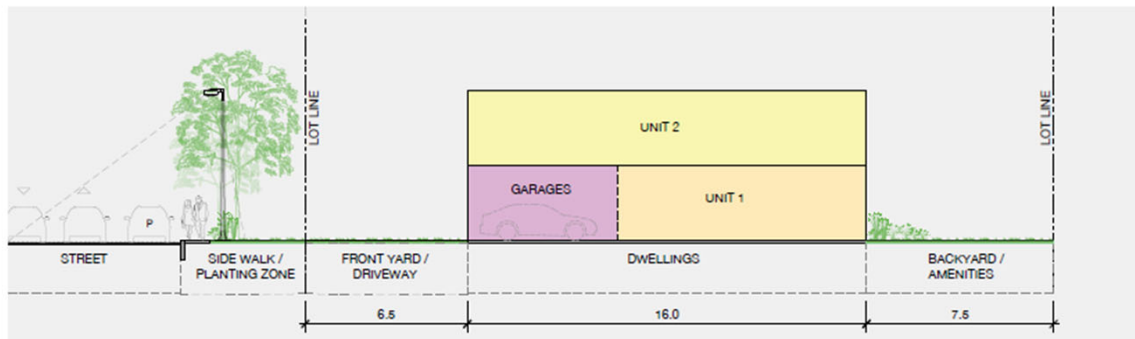


Example of accessory dwellings for a semi-detached detached lot.

OPTION 02
SEMI-DETACHED - LOT DIMENSIONS 9x30m



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SECTION

Next Steps

- / Continue to review implications of Bill 23 and standards for private roads with Arnprior Town Staff.
- / Finalize the Amendments and present final report and By-law to Council.
- / Council makes a decision on the Official Plan Amendments and Zoning By-law Amendments
- / Official Plan Amendment decision, if adopted, provided to County of Renfrew for review and approval

Questions & Comments