



CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

3131 OLD PERTH ROAD • PO BOX 400 • RR 2 • ALMONTE ON • K0A 1A0

PHONE: 613-256-2064

FAX: 613-256-4887

WEBSITE: www.mississippimills.ca

Follow up summary – Bill 23

From: Melanie Knight, Senior Planner
mknight@mississippimills.ca
613-256-2064 ext. 501

Date: 3/14/2023

Re: Bill 23, *More Homes Built Faster Act*, 2022

The purpose of this summary is to provide an overview of Bill 23, *More Homes Built Faster Act*, which received Royal Assent on November 28, 2022.

Background

At their meeting on November 1, 2022, Committee of the Whole (COW) received a report and presentation regarding the tabled legislation which includes a series of amendments to a number of different provincial acts, which are related to development. [Committee of the Whole - November 01, 2022](#)

Overview

Bill 23 received Royal Assent on November 28, 2022. The above noted report highlighted the proposed changes; however, the Provincial Government introduced a series of modifications to the original legislation including the extension of commenting periods to December 9 for some of the amendments proposed to the:

- *Conservation Authorities Act*,
- *Ontario Heritage Act*, and
- *Development Charges Act*

As a result of the above noted changes and the passage of Bill 23, staff have provided the synopsis below with more details in the attached chart of those changes that are now in effect. Additional information will be provided to Council once the commenting periods are closed and the above noted amendments are approved:

Restrictions on Parkland:

- Location of parkland can be appealed to the Ontario Land Tribunal (OLT) by an applicant if the Municipality does not agree with the proposed parkland location – Regulations detailing the parameters of appeal rights have yet to be released.

- Requires municipalities to spend/allocate at least 60% of cash-in-lieu of parkland annually. This will limit the Municipality's ability to save cash-in-lieu of parkland for larger park renewal projects.

Changes to Planning Application Processes and 'As of Right' Development:

- Plans of Subdivision applications are no longer required to hold public meetings. Further consultation is required with Lanark County (the approval authority for subdivisions) to determine the new process. Of note, a related Zoning By-law Amendment application to implement a Subdivision still requires a statutory public meeting.
- Where single detached, semi-detached dwellings are permitted (on municipal services) in the Zoning By-law, property owners will have the ability to convert these dwelling types 'up to' three units. One additional parking space will be required for each unit.
- Minor variance and Consent applications are no longer able to be appealed by third parties (public).
- Site Plan Control is no longer applicable to any development of 10 residential units or less (no exceptions). This will impact the Municipality's ability to use Site Plan Control for infill development, redevelopment in sensitive areas such as the floodplain and will result in a different permit/approvals process for applicants to redevelop their property and connect to municipal services and authorize road cuts.

Planning Applications – Mandatory Refunds

The Provincial Government has indicated in a recent response to the Association of Municipalities of Ontario (AMO) ([Response to AMO](#)) that implementation date of the mandatory refunds of certain planning applications will be extended from January 1, 2023 to July 1, 2023.

Staff note that this will require an amendment to the *Planning Act*, and at the time of writing this Briefing Note, staff are not aware of any legislation that has been tabled to implement the date change.

Future Briefing Notes

Staff will be providing a series of Briefing Notes as further legislation is passed including a report regarding the impacts of Development Charges once legislation is passed on the amendments which are still open for comment until December 9.

In addition, Staff anticipate Official Plan and Zoning By-law amendments to come in 2023 to ensure the Municipality's planning policy framework is up to date.

Bill 23 Changes and effect on Mississippi Mills

| Issue/Act | Changes | Impact to Mississippi Mills |
|---|--|---|
| Inclusionary zoning/ Affordable and Attainable Housing | <ul style="list-style-type: none"> Exempt affordable housing (generally defined as being priced at no greater than 80% of the average price/rent in the year a unit is rented or sold) and attainable housing and inclusionary zoning units from DC, Community Benefits Charges and parkland dedication Introduce criteria to define “attainable housing” An upper limit of 5% of the total number of units in a development that can be required to be affordable as part of inclusionary zoning, and a maximum period of 25 years over which the units would be required to remain affordable | <ul style="list-style-type: none"> Impact on DC’s; however, Council has already amended the parkland by-law, fees and charges by-law to exempt affordable housing. Need clarification - Proposed criteria for attainable housing is unclear, will need further clarification to understand the effect once the Regulations are released. |
| Parkland | <ul style="list-style-type: none"> Parkland rates frozen as of the date that a zoning by-law or site plan application is filed. Freeze remains in effect for two years following approval. If no building permits are pulled in that time, the rate in place at the time the building permit is pulled would apply | <ul style="list-style-type: none"> Impact – the Municipality currently collects cash-in-lieu of parkland at the consent stage and subdivision stage and for any other development at the building permit stage. Cash in lieu of parkland rates are increased yearly based on the same Development Charge % increase. This change will reduce the amount of cash-in-lieu of parkland that can be collected <i>if</i> a development is approved through a Zoning By-law Amendment or Site Plan Control and building permits are not issued until a (calendar) year after planning approval is given as the amount collected will |

| Issue/Act | Changes | Impact to Mississippi Mills |
|------------------------|---|---|
| | <ul style="list-style-type: none"> • Encumbered parkland/strata parks, as well as privately owned publicly accessible spaces (POPS) to be eligible for parkland credits • Landowners can identify land they intend to provide for parkland, with the municipality able to appeal to the Tribunal if there is a disagreement • Parks plans to be required prior to the passing of any future parkland dedication by-law (would not apply to by-laws already passed) • Municipalities will be required to spend or allocate 60% of parkland reserve funds at the start of each year | <p>need to be back-dated to the year that planning approval was given.</p> <ul style="list-style-type: none"> • Impact - could affect quality of parkland in the future depending on the location and encumbrances. TBD with Regulations. • Impact – currently Mississippi Mills staff identify suitable locations for parkland. May impact the preferred locations of parks. TBD with Regulations. • Impact - may affect future Parkland By-law. Mississippi Mills currently has a Parkland By-law in place • Impact – Will add additional burden to staff to develop a spending plan/allocation of cash in lieu of parkland funds in 2023 |
| No third-party appeals | <ul style="list-style-type: none"> • Consents and Minor Variances No one other than the applicant, the municipality, certain public bodies, and the Minister will be allowed to appeal these municipal decisions to the Tribunal. | <ul style="list-style-type: none"> • Impact – removes all third-party appeals (such as residents, members of the public) for Minor Variances and Consents. |
| Intensification | <ul style="list-style-type: none"> • Regardless of the Municipality’s Zoning By-law, allows up to three units per lot (in a serviced settlement): | <ul style="list-style-type: none"> • Impact - as of right zoning to permit up to three residential units per lot. This applies to a "parcel of urban residential land" which is defined as a lot |

| Issue/Act | Changes | Impact to Mississippi Mills |
|---------------------|---|---|
| | <ul style="list-style-type: none"> ○ Three units in the primary residential building, or up to two units in the primary residential building and one unit in a detached building | <p>where a residential use is permitted and on municipal services (Almonte).</p> |
| Subdivision Process | <ul style="list-style-type: none"> • Public meetings no longer will be required for applications for approval of a draft plan of subdivision • | <ul style="list-style-type: none"> • Impact - County is no longer required to hold public meetings for subdivision applications |
| Site Plan Control | <ul style="list-style-type: none"> • Developments of up to 10 residential units will be exempted from site plan control • Architectural details and landscape design aesthetics will be removed from the scope of site plan control | <ul style="list-style-type: none"> • Impact – Will require changes to the current Site Plan Control by-law which requires Site Plan for infill developments and will require a different process for the Municipality to collect securities for road cuts and servicing connections • Impact - Removes staff's ability to require design changes and changes on landscaping details |