THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2011) - 19277

A by-law to amend the Official Plan for the City of Guelph as it affects all lands within the City of Guelph (File OPA#47).

WHEREAS Section 17 of The Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to adopt Official Plans;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Amendment Number 47 to the Official Plan for the City of Guelph, as amended, consisting of the attached text (Schedule A) is hereby adopted.

2. Where notice of this by-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed by the regulations, no part of this by-law shall come into effect until all of such appeals have been finally disposed of by the Ontario Municipal Board.

PASSED this TWENTY-SIXTH day of SEPTEMBER, 2011.

KAREN FARBRIDGE - MAYOR

TINA AGNELLO – ACTING CITY CLERK

SCHEDULE A

FOR BY-LAW NUMBER (2011) - 19277

ITEM 1: The purpose of "ITEM 1" is to delete Section 4.7 Community Improvement and Renewal in its entirety and replace it with a new section 4.7 Community Improvement. The new policies will reflect current best practices, update terminology and references, and will simplify the process for establishing new Community Improvement Plan Project Areas and revising existing Community Improvement Plan Project Areas.

Section 4.7 Community Improvement and Renewal is hereby deleted in its entirety and replaced as follows:

4.7 Community Improvement

The Community Improvement provisions of the Planning Act allow municipalities to prepare and adopt community improvement plans for designated community improvement project areas. Once a community improvement plan has been adopted by the City and has come into effect, the City may undertake a wide range of actions for the purpose of carrying out the community improvement plan, including but not limited to, the acquisition and development of land and/or buildings and the provision of grants and loans to owners and tenants of land and their assignees.

Objectives

a) To maintain and improve the quality, safety and stability of the built environment within the community.

b) To encourage the renewal, rehabilitation, redevelopment or other improvement of private and public lands and/or buildings.

c) To maintain and upgrade municipal physical and community facility infrastructure.

d) To maintain and upgrade the transportation network to ensure adequate traffic flow, pedestrian circulation, and parking facilities.

e) To maintain and upgrade public recreational, park and open space facilities.

f) To encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings.

g) To encourage maximum use of existing municipal services through the infilling, intensification and redevelopment of lands and buildings which are already serviced with municipal services.

h) To improve and maintain the physical and aesthetic qualities and amenities of streetscapes.

i) To encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, to encourage physical improvements to minimize the incompatibility.

j) To improve environmental conditions.

k) To improve social conditions.

l) To promote cultural development and the development of cultural facilities.

m) To encourage and support environmentally sustainable development.

n) To guide and prioritize the expenditure of public funds on community improvements.

o) To encourage community partners to maintain, upgrade and/or add community facilities and services.

Community Improvement Project Areas

4.7.1 The City may from time to time pass by-laws to designate one or more "Community Improvement Project Areas" as provided for by the Planning Act. The entire City of Guelph, or any part of the City, may be designated by by-law as a Community Improvement Project Area.

4.7.2 Council will consider the following criteria in the designation of Community Improvement Project Areas:

a) A significant portion of the building stock, building facades and/or properties in an area are in need of maintenance, preservation, restoration, repair, rehabilitation, redevelopment, energy efficiency or renewable energy improvements;

b) Deterioration or deficiencies in physical infrastructure including but not limited to sanitary sewer, storm sewer and/or water supply systems, roads, sidewalks, curbs, gutters, streetscapes and/or street lighting, and municipal parking facilities;

c) Deterioration or deficiencies in the level of community and social services such as public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;

d) Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;

e) Presence of buildings and/or lands of architectural or heritage significance;

f) An inappropriate range of housing types and densities including insufficient affordable housing;

g) Non-conforming, conflicting, encroaching or incompatible land uses or activities;

h) A shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;

i) Within commercial areas, there are high vacancy rates, deterioration in the appearance of building facades, business signage, streetscapes, public amenity areas and urban design, inadequate parking facilities or inadequate pedestrian accessibility;

j) Within industrial areas, there are obsolete industrial buildings/sites, poor accessibility, inadequate parking, loading and outside storage areas;

k) Known or suspected environmental contamination;

l) There is an opportunity to implement the goals of the Community Energy Plan;

m) Other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,

n) Other significant environmental, social or community economic development reasons for community improvement.

4.7.3 Priority for the designation of community improvement project areas and the preparation and adoption of community improvement plans shall be given to:

a) Those areas where the greatest number of criteria for designation of Community Improvement Project Areas are present; and/or,

b) Those areas where one or more of the criteria for designation of Community Improvement Project Areas is particularly acute; and/or,

c) Those areas where one or more of the criteria for designation of Community Improvement Project Areas exists across the entire municipality or a large part of the municipality.

Phasing

4.7.4 The phasing of community improvements shall be prioritized to:

a) Implement those improvements that will most substantially improve the aesthetic, environmental and service qualities of a community improvement project area;

b) Reflect the financial capability of the City to fund community improvement projects;

c) Take advantage of available senior government programs that offer financial assistance for community improvement efforts; and,

d) Coordinate the timing of related capital expenditures from various municipal departments with departmental priorities.

Implementation

4.7.5 In order to implement a Community Improvement Plan that has come into effect, the City may make full use of the municipal authority granted it under the Planning Act and other Provincial and Federal legislation, and more specifically, the City may undertake a range of actions, including:

a) The municipal acquisition of land and/or buildings and the subsequent;

   i) Clearance, grading, or environmental remediation of these properties;
   ii) Repair, rehabilitation, construction or improvement of these properties;
   iii) Sale, lease, or other disposition of these properties to any person or governmental authority;
   iv) Other preparation of land or buildings for community improvement.

b) Provision of public funds such as grants and loans to owners and tenants of land and their assignees;

c) Coordination of public and private redevelopment and rehabilitation by providing administrative and liaison assistance;

d) Application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement;

e) Programs and measures to promote energy efficient development, redevelopment and retrofit projects;

f) Encouraging the preservation, rehabilitation, renewal and reuse of cultural heritage resources and support of heritage conservation through means available under the Ontario Heritage Act;

g) Continued enforcement of the Property Standards By-law, the Zoning By-law, the Sign By-law and any other related by-laws and policies;

h) Continuing to support the Downtown Guelph Business Association (the Business Improvement Area administration pursuant to the Municipal Act) in its efforts to maintain a strong and viable downtown;

i) Co-operating with private individuals and corporations, service clubs and other public agencies to maintain, upgrade and/or provide new facilities, services and projects, which contribute to the enhancement of the community.

4.7.6 Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the City.

ITEM 2: The purpose of "ITEM 2" is to delete Schedule 5 Community Improvement Area in order to allow the City to establish new Community Improvement Project Areas and revise existing ones by By-law and not require a corresponding Official Plan Amendment.

Schedule 5 Community Improvement Area is hereby deleted and all references to Schedule 5 in the text of the Official Plan are also deleted. In addition, Sections 7.5.c), 7.6 c), 7.6.6, 7.6.7 and 7.6.8 are amended by replacing the text "*(Area 2 on Schedule 5)*" with the text "*as identified on Schedule A to the St. Patrick's Ward Community Improvement Project Area Designation By-law (2002)-16870)*".

EXPLANATION OF PURPOSE AND EFFECT AND AREA OF APPLICABILITY FOR BY-LAW NUMBER (2011)-19277

1. By-law Number (2011)-19277 has the following purpose and effect:

   The purpose of By-law (2011)-19277 is to authorize an amendment to the Official Plan which will revise and update the Community Improvement and Renewal policies of the Official Plan in order to modernize the policies to reflect current best practices and terminology and to provide maximum flexibility to modify existing Community Improvement Plan Project Areas and to establish new Community Improvement Plan Project Areas by eliminating the need for future Official Plan Amendments.

   The proposed Official Plan amendment was considered by Guelph City Council at a Public Meeting held on July 25, 2011 and approved by City Council on September 6, 2011.

   Further information may be obtained by contacting or visiting Planning and Building Services, 837-5616, extension 2395, City Hall, Guelph, Ontario.

   Persons desiring to officially support or object to this Official Plan amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing". Any comments or objections which you may have previously submitted are considered to have been unofficial and for the City's guidance only.

2. By-law (2011)-19277 applies to all lands within the City of Guelph