

AMENDMENT NO. 78
TO THE
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitutes Amendment No. 78.

Also Included, but not constituting parts of the Amendment are explanations of purpose, location, background, implementation, public involvement.

A. PURPOSE

The purpose of Official Plan Amendment No. 78 (OPA 78) is to ensure an up-to-date and flexible policy basis is provided to designate community improvement project areas and prepare community improvement plans in accordance with Section 28 of the *Planning Act*. This is accomplished through the amendment of policies within the City's Official Plan concerning community improvement. The amended Community Improvement policies will ensure the City is well positioned to take advantage of a full range of municipal actions to promote community improvement initiatives and actions throughout the entire municipality.

OPA 78 also makes a minor amendment to Policy 3.3.2.3 in Chapter 3 to complement the primary policy amendments noted above.

B. LOCATION

The text changes made to Volume I of the City of Windsor Official Plan apply to all land within the municipal boundaries of the City. Accordingly, no map is provided.

C. BACKGROUND

The City's Official Plan Review and Brownfield Strategy have been ongoing since 2005. The Official Plan Review has produced a number of background studies and administrative reports dealing with a wide range of topics and is being implemented through a series of Official Plan Amendments dealing with a number of topics such as the City's urban structure; natural heritage; the environment; and land use.

RCI Consulting, which has been assisting in the preparation of a Brownfield Strategy and Community Improvement Plan, completed a Background Report in June 2008. The Background Report, among other things, recommended the City review its Community Improvement policies in the Official Plan. RCI Consulting completed a Planning Policies Report in March 2009, which reviews the City's current community improvement policies and contains recommendations for the adoption of new and revised Official Plan policies that promote community improvement activities for brownfields and a range of other matters.

D. POLICY BASIS FOR THE AMENDMENT

The policy basis for updating the City's Community Improvement policies can be found in the Provincial Policy Statement, the City's Corporate Strategic Plan, and other sections of the Official Plan. Community Improvement policies, which are contained within Chapter 11 of the Official Plan, entitled Tools, implement Provincial and municipal policy directions. Specifically, community improvement policies are being amended to ensure this tool may be used to implement a wide range of Provincial and municipal policy matters, including:

- Maintenance of property;
- Maintenance and improvement of streetscapes;
- Conservation, restoration, and adaptive reuse of cultural heritage resources;

- Neighbourhood improvement;
- Housing;
- Minimizing land use conflicts;
- Economic development;
- Protection, maintenance, and restoration of natural heritage, open space, and recreational facilities and amenities;
- Energy efficiency;
- Maintenance and improvement of municipal services
- Maintenance and improvement of the transportation network;
- General improvement of environmental, social, cultural, and quality of life conditions.

E. DETAILS OF THE AMENDMENT

1. Chapter 3, entitled Development Strategy is amended by revising Policy 3.3.2.3, entitled Community Improvement to delete the word “*transition*” and replace it with “*need of improvement*”.
2. Chapter 11, entitled Tools is amended as follows:
 - a) The preamble to Section 11.8, entitled Community Improvement is deleted and replaced with the following:

“The Community Improvement provisions of the Planning Act allow municipalities to prepare community improvement plans for designated community improvement project areas that require community improvement as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a community improvement plan has been adopted by a municipality and has come into effect, the municipality may offer grants and loans in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan. The municipality may also undertake a wide range of actions for the purpose of carrying out the community improvement plan. Community improvement plans may be used to revitalize existing planning districts, neighbourhoods, corridors or any other area identified as being in need of community improvement due to physical, environmental, economic or social conditions.”

- b) A preamble is added to Section 11.8.1, entitled Objectives as follows:

“Community Improvement Plans may be prepared and adopted by the City to:”

- c) Objectives 11.8.1.1, 11.8.1.3, 11.8.1.4, 11.8.1.5 are deleted, policy 11.8.1.6 is renumbered to 11.8.1.10, and the following objectives are added:

<i>“REHABILITATION</i>	<i>11.8.1.1</i>	<i>Encourage the renovation, repair, rehabilitation, development, redevelopment or other improvement of lands and/or buildings.</i>
<i>STREETSCAPE</i>	<i>11.8.1.3</i>	<i>Maintain and improve the physical and aesthetic amenities of the streetscape.</i>
<i>CULTURALHERITAGE</i>	<i>11.8.1.4</i>	<i>Encourage the conservation, restoration, adaptive reuse and improvement of cultural heritage resources.</i>
<i>RESIDENTIALAREAS AND NEIGHBOURHOODS</i>	<i>11.8.1.5</i>	<i>Strengthen residential areas and neighbourhoods, including where applicable, facilitating residential infill and intensification in residential areas and mixed use areas.</i>
<i>HOUSING</i>	<i>11.8.1.6</i>	<i>Facilitate the construction of a range of housing types and densities, including affordable housing.</i>
<i>LAND USE COMPATIBILITY</i>	<i>11.8.1.7</i>	<i>Encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, encourage physical improvements to minimize land use conflicts.</i>
<i>ECONOMIC DEVELOPMENT</i>	<i>11.8.1.8</i>	<i>Encourage improvement activities which contribute to a strong economic base, strengthen employment, commercial and mixed use areas, and facilitate and promote community economic development.</i>
<i>NATURAL HABITATS AND OPEN SPACE</i>	<i>11.8.1.9</i>	<i>Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space, and recreational facilities and amenities, and establish new facilities where deficiencies exist to meet the needs of the community.</i>

MUNICIPAL SERVICES	11.8.1.11	<i>Maintain and improve municipal services including the water distribution system, the sanitary and storm sewer systems, roads, sidewalks, and street lighting.</i>
TRANSPORTATION	11.8.1.12	<i>Maintain and improve the transportation network, including pedestrian and bicycle trails, to ensure adequate traffic flow and pedestrian mobility and circulation.</i>
ENVIRONMENTAL CONDITIONS	11.8.1.13	<i>Improve environmental conditions.</i>
SOCIAL CONDITIONS	11.8.1.14	<i>Improve social conditions</i>
CULTURAL DEVELOPMENT	11.8.1.15	<i>Promote cultural development.</i>
QUALITY OF LIFE	11.8.1.16	<i>Improve community quality, safety, health and stability.”</i>

d) Policy 11.8.2.1 is deleted and the replaced with the following:

“COMMUNITY IMPROVEMENT PROJECT AREA	11.8.2.1	<i>Council may designate by by-law a Community Improvement Project Area, the boundary of which may be part or all of the municipality. “</i>
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e) Policy 11.8.2.2, entitled Areas For Designation, including subsections 11.8.2.2 (a) – (f) is deleted and replaced with the following:

“CRITERIA FOR DESIGNATION	11.8.2.2	<i>The designation of a Community Improvement Project Area shall be based on one or more of the following conditions being present:</i>
		<i>(a) Properties including buildings, building facades, structures and lands in need of maintenance, repair, restoration, rehabilitation or redevelopment;</i>
		<i>(b) Vacant and/or underutilized properties and buildings which have potential for infill, expansion, development or redevelopment;</i>

- (c) *Commercial areas with high vacancy rates and/or poor overall visual quality of the built environment, including but not limited to building facades, streetscapes, public amenity areas and urban design;*
- (d) *Land use conflicts as a result of incompatible uses;*
(Added by OPA #66-11/05/07-B/L209-2007)
- (e) *Presence of cultural heritage resources;*
- (f) *Known or suspected environmental contamination;*
- (g) *Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roadways, sidewalks, curbs, bike lanes, streetscapes and/or street lighting, and municipal parking facilities;*
- (h) *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;*
- (i) *Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;*
- (j) *Demonstrated problem or deficiency associated with the circulation and/or access of traffic and/or the condition or provision of accessible parking;*
- (k) *areas that have the potential to be new employment areas;*
(Added by OPA #66-11/05/07-B/L209-2007)

- (l) *Presence of natural, cultural heritage, waterway and other amenities which would benefit from protection or enhancement and provide an opportunity for tourism and economic development;*
 - (m) *Other significant barriers to the repair, rehabilitation, development or redevelopment of underutilized land and/or buildings; and*
 - (n) *Other significant environmental, energy efficiency, social or community economic development reasons for community improvement.”*
- f) Policy 11.8.2.3 entitled Community Improvement Plan Contents is deleted the following new section number, title, and preamble is added:

“11.8.3 Community Improvement Plans

Where Council authorizes the preparation of a Community Improvement Plan, it shall be prepared in accordance with the provisions of the Planning Act and will generally contain the following:”

- g) Policies 11.8.2.3 (a) – (e) are renumbered in a numerical format and the following headings, which will appear in the left margin, are added in the following order:

RATIONALE

*COMMUNITY
IMPROVEMENT
PROJECTAREA*

PURPOSE

*GOALSAND
OBJECTIVES*

PROVISIONS

- h) The words *„and/or distribution“* is deleted from policy 11.8.2.3 (e) (iii) and replaced with *„ provision and payment“*.

- i) The following new section number, title, and preamble is added immediately after the policy 11.8.2.4 (renumbered to 11.8.3.6) entitled Public Input:

“11.8.4 Implementation

In order to implement a Community Improvement Plan in effect within a designate Community Improvement Project Area, Council may undertake a range of actions, including:”

- j) The following new policy is added under the new Section 11.8.4, entitled Implementation:

“MUNICIPAL
ACQUISITION AND
PREPARATION

11.8.4.1

The municipal acquisition of land and/or buildings within the Community Improvement Project Area, and the subsequent;

- (a) Clearance, grading, repair, rehabilitation, construction or improvement of these properties;*
- (b) Sale, lease, or other disposition of these properties to any person or governmental authority;*
- (c) Other preparation of land or buildings for community improvement.”*

- k) Policy 11.8.2.12, entitled Municipal Initiatives is renumbered 11.8.4.2 and relocated immediately following new Policy 11.8.4.1, entitled Municipal Acquisition and Preparation.

- l) The last occurrence of the word “and” is deleted from subsection 11.8.2.12 (c) (renumbered 11.8.4.2 c).

- m) The period at the conclusion of subsection 11.8.2.12 (d) (renumbered 11.8.2.12 d) is deleted and replaced with a semi-colon.

- n) The following new policies are added immediately after policy 11.8.2.12 (renumbered 11.8.4.2) entitled Municipal Initiatives:

“GRANTS AND LOANS	11.8.4.3	<i>Provision of public funds such as grants and loans to owners and tenants of land and their assignees.</i>
SENIOR LEVELS OF GOVERNMENT	11.8.4.4	<i>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.</i>
INFORMATION PROVISION	11.8.4.5	<i>Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs.</i>
CULTURAL HERITAGE SUPPORT	11.8.4.6	<i>Support of cultural heritage resource conservation through the Ontario Heritage Act or other means.”</i>

- o) The following new policy is added immediately after policy 11.8.2.5 (renumbered 11.8.4.7), entitled Dissolve A Community Improvement Project Area:

“MONITORING	11.8.4.8	<i>Council will monitor the effectiveness of the implementation of Community Improvement Plans and adjust the Community Improvement Plans as required based on the monitoring results.”</i>
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- p) The words “*Planning Act*” are deleted from policy 11.8.2.6, entitled Maintenance & occupancy Standards By-law and replaced with “*Provincial legislation*”.
- q) The following is text is deleted from policy 11.8.2.7 and added to the end of policy 11.8.2.6, entitled Maintenance & Occupancy Standards By-law:
“The Maintenance and Occupancy Standards By-law may, among other items.”
- r) The word “*Planning Act*” is deleted from policy 11.8.2.9, entitled Appeals and replaced with “*Provincial legislation*”.

- s) The following new policies are added immediately after policy 11.8.2.9 (renumbered 11.8.4.11) entitled Appeals:

*“GRANTS OR
LOANS FOR
REPAIRS* **11.8.4.12** *Council may provide grants or loans to owners of lands that have been ordered to conform with the Property Standards By-law to pay for all or a portion of the required repairs; or if necessary, the clearing, grading, and leveling of the lands.*

*COLLECTION AND
REGISTRATION OF
LOANS* **11.8.4.13** *Loans provided under 11.8.4.12, including interest, may be added to the municipal tax roll and collected in a manner similar to municipal taxes. The loan may also be registered against the land to which it applies.”*

- t) Policy 11.8.2.11 is deleted and replaced with the following:

“PARTNERSHIPS **11.8.4.15** *Council may pursue partnerships with neighbourhood groups, non-governmental organizations, institutions and business associations to improve areas of the city”.*

F. IMPLEMENTATION

OPA 78 enhances the existing Official Plan policies respecting Community Improvement and related policies. The Amendment should be read and implemented in conjunction with the overall policies contained with the Plan.