

# Attachment-1 Official Plan Amendment No. 105 (OPA 105)

## Format of the Amendment

This section of Amendment 105 is for the Community Planning Permit System (CPPS). The proposed amendment includes enabling policies to implement the CPPS. Sections of the Official Plan that are proposed to be added or changed are referred to as **ITEMS** in the following description. Existing policy is indicated with a heading titled **EXISTING POLICY**. Text that is proposed to be amended is indicated with a heading titled **AMENDMENT**. Unchanged text represents existing Official Plan policy that is being carried forward that has been included for context and does not constitute part of Amendment 105. New sections that are proposed to be added to the Official Plan are shown in standard font type with titles appearing in bold. Bolded font indicates defined terms. Italicized font indicates the name of a provincial act or title of a document.

## Implementation and Interpretation

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the City of Guelph and applicable legislation.

Amendment 105 should be read in conjunction with the current Official Plan (February 2024 Consolidation), which is available on the City's website at [guelph.ca](http://guelph.ca), or at the Planning Services office located at 1 Carden Street on the 3rd Floor.

## Details of the Proposed Amendment

### ITEM 1:

The purpose of **ITEM 1** is to amend Section 10.11 to delete it in its entirety, and replace it with the proposed CPPS enabling policies, as written below.

Policy 10.11 is hereby amended as follows:

## **EXISTING POLICY TO BE REMOVED**

### **10.11 Development Permit System**

1. The Development Permit System is an implementation tool that may be used to ensure the goals, objectives and policies of this Plan are realized. The Development Permit System is intended to be a flexible planning tool which combines zoning, site plan control and minor variance processes into a single process.
2. The City may establish a Development Permit System in accordance with the Planning Act.
3. Where such a system is desired, it will be established through amendment to this Plan and address matters such as the area to which the Development Permit System applies, any delegation of Council authority, specific goals, objectives and policies of the Development Permit area, the type of criteria and conditions that may be included in a Development Permit By-law, classes of development that may be exempt and/or specific complete application requirements.

## **PROPOSED AMENDMENT**

### **10.11 Community Planning Permit System**

1. The City may adopt one or more Community Planning Permit By-law under Section 70.2 of the Planning Act to establish a Community Planning Permit System in one or more geographic area of the City, or city-wide. Any Community Planning Permit System will support, at a minimum, the following objectives, as applicable:
  - i. To streamline the **development** review process
    - a. Create a simplified **development** process;
    - b. Obtain sufficient information and details as part of a complete application through pre-consultation; and
    - c. Accelerate **development** approval timelines where applications are consistent with City and agency plans, policies, and standards.
  - ii. To support housing diversity and housing affordability
    - a. Prioritize **development** applications that contribute to diverse, inclusive, and **affordable housing** options in accordance with the City's State of Housing Report and Housing Affordability Strategy;
    - b. Plan for the provision of a mix of uses and densities in accordance with this Plan that allow a range of uses and **housing options**;
    - c. Require the retention of existing **affordable housing** supply; and,

- d. Require the provision of new **affordable housing**.
  - iii. To facilitate the development of complete communities and a high standard of urban design
    - a. Plan for a **compact urban form** that is well-served by transit and supports walking and cycling;
    - b. Set standards for attractive and vibrant spaces in accordance with the urban design policies of this Plan and available guidelines and standards;
    - c. Provide direction on employment uses and principles to promote economic development and competitiveness;
    - d. Plan for the necessary **infrastructure** and utilities to support growth as outlined in this Plan; and,
    - e. Provide direction on commercial uses and principles including commercial services accessed by active transportation
  - iv. To support natural elements and planning for climate change
    - a. Implement urban design and development standards to reduce the impacts of a changing climate on public works and **infrastructure**;
    - b. Protect the Natural Heritage System in accordance with this Plan;
    - c. Regulate tree protection, removal, and planting; and
    - d. Regulate **site alteration** activities, such as placing or removing fill or altering the grade of land.
2. The following areas are designated Community Planning Permit Areas:
    - i. The Stone Road and Edinburgh Road **Strategic Growth Area**, as shown on Figure 1.
  3. The City's Zoning By-law and Site Plan Control By-law shall not apply within areas where a Community Planning Permit By-law has been enacted.
  4. For each Community Planning Permit Area identified in Section 10.11 (2) of this Plan, at a minimum, the following components of this Plan shall be incorporated into the corresponding Community Planning Permit By-law to ensure that development and land uses conform to this Plan:
    - i. The Vision and Principles identified in Part Two of the Plan;
    - ii. The applicable city-wide general objectives and policies found throughout the Plan; and

- iii. The general and specific land use policies for all applicable land use designations within Part Nine of the Plan.
5. Pursuant to the provisions of the Planning Act, a Community Planning Permit By-law shall:
- i. Contain a description of the area to which the by-law applies, which must be within the boundaries of the area identified in the Official Plan;
  - ii. Set out and define permitted and discretionary uses;
  - iii. Set out a list of minimum and maximum development standards with specified minimum and maximum standards;
  - iv. Set out any internal review procedures for community planning permit decisions;
  - v. Describe notification procedures for community planning permit decisions;
  - vi. Set out criteria for determining whether a proposed use or development is permitted;
  - vii. Describe the process for amending community planning development permits, community planning development permit agreements and pre-existing site plan agreements;
  - viii. Outline any conditions of approval that may be imposed;
  - ix. Set out the scope of delegated authority, including any limitations; and
  - x. Include exemptions for any class of development or use of land from the complete information and material requirements for applications under a Community Planning Permit By-law.
6. Where a Community Planning Permit By-law has been enacted, Council may delegate to staff, a Committee, or body appointed by Council its decision making authority on a Community Planning Permit application and its authority to execute, amend and release Community Planning Permit agreements. Limits on and criteria for such delegation will be established in the Community Planning Permit By-law.
7. A Community Planning Permit will be required prior to undertaking any **development** within a defined Community Planning Permit Area unless the applicable Community Planning Permit By-law exempts such **development** from requiring a permit. For the purposes of policies within Section 10.11 (1) through 10.11 (24) of this Plan, development shall have the same meaning as defined in Ontario Regulation 173/16 of the Planning Act.
8. A Community Planning Permit will not be required for the following:

- i. Any development that has a Plan approved through prior Site Plan Control may proceed with development in accordance with the approved Site Plan.
  - ii. Any minor renovations and extensions to existing development.
  - iii. The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if the school site was in existence on January 1, 2007.
9. Pre-application consultation is required prior to the submission of any Community Planning Permit application. The Community Planning Permit By-law shall identify process requirements related to pre-application consultation meetings, as well as identify a list of potential submission requirements for a complete Community Planning Permit application.
10. For a Community Planning Permit application to be deemed complete, the City shall require the provision of additional supporting information or material required to allow full consideration of the application, as outlined in this Plan and in the Community Planning Permit By-law. The scope of the information or material required for each application shall be determined as part of the pre-consultation process. Where applicable, a pre-submission review of technical studies dealing with complex issues is strongly encouraged.
11. If a Community Planning permit By-law is enacted, the use and development of land within the Community Planning Permit Area must comply with the permitted uses, standards and criteria set out in the Community Planning Permit By-law as demonstrated by the issuance of a Community Planning Permit, unless the proposed use or development is exempted from a permit as indicated in the Community Planning Permit By-law.
12. The Community Planning Permit By-law may include provisions to issue a Community Planning Permit as a discretionary use, any use not specifically listed as a permitted use in the Community Planning Permit By-law, provided that the proposed use is similar to and compatible with the listed permitted uses, would have no negative impact on adjoining properties, and would maintain the intent, objectives, and policies of this Plan.
13. In addition, the Community Planning Permit By-law may provide that a Community Planning Permit may be issued to permit, as a discretionary use, an extension to a **legal non-conforming** use or change in use of a **legal non-conforming** use, provided that the proposal is desirable in order to avoid hardship, that it would have no negative impact on adjoining properties, and that it would maintain the intent, objectives, and policies of this Plan.
14. Where existing site plan agreements are already registered on a property, those agreements may be amended as long as such amendments comply with the applicable provisions of the Community Planning Permit By-law.
15. The Community Planning Permit By-law may allow for variations to a development standard as specified in the Community Planning Permit By-law. Such variations will only be permitted if they are consistent with the policies

of this Plan. Consideration shall be given to the implementation of the design principles outlined in Section 8 of this Plan.

16. The criteria for determining whether a development, use of land, discretionary use or variation to the Community Planning Permit By-law provisions may be permitted and shall be set out in the Community Planning Permit By-law and shall include demonstration of the following to the satisfaction of the City:
  - i. the proposed development implements the complete community requirements and conforms to the City's Official Plan in force and effect on the effective date;
  - ii. the proposed development use does not result in significant off-site adverse effects or negative impacts, or any potential significant off-site adverse effects or negative impacts can be mitigated to the satisfaction of the approval authority;
  - iii. the proposed development demonstrates consideration for provincial, regional, and municipal guidelines and regard for technical studies; and
  - iv. the proposed development is consistent with provincial policy, regulations, and standards, as amended.
17. Any proposal for a use which is not listed as a permitted or discretionary use in the Community Planning Permit By-law, or which exceeds the limit of variation permitted in the Community Planning Permit By-law will require an amendment to the Community Planning Permit By-law. An application to amend a Community Planning Permit By-law shall be supported by a comprehensive planning rationale, details of public engagement, and applicable supporting studies and conformity to this Plan.
18. Any amendment to a Community Planning Permit By-law shall conform to the Strategic Goals and policies of this Plan and shall be considered on its merits and in the context of the planned vision for the lands and the surrounding area. Amendments to a Community Planning Permit By-law shall, at a minimum, be supported by a comprehensive planning justification report, a strategy for consulting within the public, and any other supporting information outlined in Section 10.17 of this Plan, as required by the City.
19. City may impose conditions and grant provisional approval prior to final approval of issuing a Community Planning Permit. The Community Planning Permit By-law may require an applicant to enter into and register on title an agreement with the City to address some or all of the conditions of approval imposed on a Community Planning Permit.
20. The City may impose the following types of conditions as a condition of approval:
  - i. A condition that is permitted by section 34, 40, 41 or 42 of the Planning Act.
  - ii. A condition related to **site alteration**.

- iii. A condition related to the removal or restoration of vegetation.
  - iv. A condition related to ongoing monitoring requirements that are considered necessary for the protection of public health and safety or the natural environment.
  - v. A condition related to water, wastewater servicing and transportation network capacity and the phasing of development.
  - vi. A condition requiring the submission of confirmation of review, approvals and/or permits from other agencies and levels of government.
  - vii. A condition related to the provision of **affordable housing** units.
  - viii. A condition requiring the provision of specified facilities, services and matters in exchange for a specified height or density of development as identified in the Community Planning Permit by-law, in accordance with policy 10.11(22) of this Plan.
  - ix. With respect to paragraph 3, 3.1 or 3.2 of subsection 34(1) of the Planning Act, a condition that is related to the matters that would otherwise be prohibited under those paragraphs.
  - x. A condition requiring the owner of land to enter into one or more agreements with the City regarding one or more conditions.
21. The Community Planning Permit By-law may require the applicant to provide financial security to ensure the satisfaction of any condition imposed on the Community Planning Permit, including the completion and maintenance and ongoing monitoring of the development.
22. The Community Planning Permit By-law may establish a condition that requires the provision for specified facilities, services or matters or in-kind contributions in exchange for a specified height or density of development which may be within the minimum and maximum development ranges set out in the by-law or the possible variations from the standard that may be authorized. The Community Planning Permit By-law shall establish a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height or density of development that may be allowed.
23. The Community Planning Permit By-law will prioritize using facilities, services, and matters to incentivize the creation of **affordable housing** units.
24. Notwithstanding the maximum height and densities within this Plan, for lands located within a Community Planning Permit Area, the City may permit additional building height and additional density with the provision of facilities, services, and matters, in accordance with applicable regulations within the implementing Community Planning Permit By-law, without an amendment to this Plan.

25.A Community Benefits Charge and By-law shall not apply in an area where a Community Planning Permit System is in effect, in accordance with The Planning Act.

**ITEM 2:**

The purpose of **ITEM 2** is to amend the boundary of the Strategic Growth Area in the Stone Road West and Edinburgh Road area as identified on Schedule 1a: Urban Structure of the Guelph Official Plan and redesignate lands at 237 Janefield Avenue from MUC-1 to High Density Residential; 204 College Avenue West from Low Density Residential to Medium Density Residential; 180 College Avenue West and part of Block F, Plan 628 from Low Density Residential and Medium Density Residential to High Density Residential; 299 Scottsdale Drive from Low Density Residential to Medium Density Residential; and 185, 195, 201 and 205 Janefield Avenue, 1, 11 and 8 Torch Lane from Low Density Residential to Medium Density Residential in accordance with Figure 1 and Figure 2 to this Amendment.

**ITEM 3:**

The purpose of **ITEM 3** is to add the following definitions to the City of Guelph Official Plan.

**Community Planning Permit Area** An area within a municipality that is subject to the regulations and provisions of a Community Planning Permit By-law as adopted by Council.

**Community Planning Permit System** a land use planning tool under The Planning Act that combines the Zoning Bylaw, Site Plan Control and Minor Variance approvals into a single permit application and approval process. The Community Planning Permit System establishes regulations, permitted uses, standards, and criteria for variations for development within a Community Planning Permit Area.

**Development** - Within areas designated Community Planning Permit System, development means:

- i. a change of use of land,
- ii. the construction, erection or placing of one or more buildings or structures on land,
- iii. the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,
- iv. the laying out and establishment of:
  - a. a commercial parking lot,
  - b. sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act,



- c. sites for the construction, erection, or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act, or
- d. sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,
- v. site alteration, including but not limited to:

**Figure 1: Proposed Amendment to the Strategic Growth Area and Proposed Community Planning Permit Area**  
**Figure 2: Proposed Amendments to Official Plan Schedule 2**

