

**THE CORPORATION OF THE TOWN OF ESSEX**  
**BY-LAW NUMBER 1878**  
**BEING A BY-LAW TO AMEND BY-LAW 1314 BEING A BY-LAW**  
**TO ADOPT A DOWNTOWN COMMUNITY PLAN FOR PART OF**  
**ESSEX CENTRE**

**WHEREAS** Section 28(2) of the *Planning Act*, R.S.O 1990, c. P.13, provides that “where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

**AND WHEREAS** Section 28(2) of the *Planning Act* defines “a municipality or an area within a municipality, that community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”;

**AND WHEREAS** the Official Plan for the Town of Essex contains provisions enabling the Council of the Town of Essex to designate Community Improvement Project Areas, by by-law, for the purposes of preparing and undertaking a Community Improvement Plan;

**AND WHEREAS** the Council of the Town of Essex has deemed it appropriate to designate part of Essex Centre, within the Town of Essex in the Province of Ontario as a Community Improvement Project Area for the purposes of establishing the Essex Centre Community Improvement Plan respecting the redevelopment, revitalization, prosperity and beautification of downtown Essex Centre, and further to establish the necessary policies, guidelines and instructions to implement the Community Improvement Plan, all in accordance with Section 28(2) of the Planning Act R.S.O. 1990, c. P. 13;

**WHEREAS** the Council of the Town of Essex has fulfilled the requirements of Section 28 of the Planning Act, R.S.O. 1990, chapter P.13, as amended;

**And WHEREAS** the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of the Town to hereby amend By-law 1143 as follows;

**And WHEREAS** the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of the Town to hereby amend By-law 1314 as follows;

That the boundaries of the Essex Centre Community Improvement Plan Project Area are hereby revised as shown in Schedule A attached hereto and are hereby declared to be part of bylaw

1314, and that the following be added to Schedule A “Essex Centre Community Improvement Plan Implementation Strategy” of By-law 1314:

1. The following definitions be added to subsection 2.1:

**Alley** means a highway, having a maximum width of less than 7 metres (23 feet), providing a means of access to a lot.

**Combined Use Building** refers to a building having, as a main uses, both a dwelling unit(s) and a non-residential use(s).

**Dwelling** means a building or structure or part of a building or structure that is occupied, in whole or in part, for the purposes of human habitation, but does not include a hotel, motel or mobile home.

**Highway** means all roads dedicated for public use.

**Public Parking Area** refers to a free standing parking area available to the public or a shared parking area in which public and private use is available.

2. The following definitions are deleted from subsection 2.1:

**Facade Improvements** means any repairs or rehabilitation of the building façade(s) as approved by the Town, including for example: the repairing, repainting or cleaning for the facade; restoration of facade masonry, brickwork or wood and metal cladding; replacing of cornices, eaves, parapets and other architectural features; repair and replacement of windows; entranceway modifications for improved accessibility; redesign of the store front; removal of inappropriate signage and installation of appropriate new signage; restoration of the original facade appearance; replacement or repair of canopies and awnings; installation of exterior lighting.

**New affordable residential rental unit** means a new multiple dwelling unit incorporated into a non-residential portion of a commercial building to provide affordable residential housing accommodation within the project area. Affordable is defined as a dwelling unit having a monthly all-inclusive rental rate of \$1000 or less or such other level established by Council on an individual application basis.

3. “Planning Staff” is hereby referred to as “Development Services Staff” under subsection 4.1
4. The following requirement is hereby eliminated under subsection 4.1:
  - a. Requirement to pre-consult with the Ministry of Municipal Affairs and Housing when any substantive changes to the project area boundaries, or the introduction of new programs, is proposed.
5. Section 5.0 is hereby amended to delegate approval authority for the execution of an Agreement from Town Planner to the Economic Development Officer or Manager of Planning Services in his or her absence

6. Subsection 5.2.1 "Development Permit Fee Grant Program" is hereby amended to only allow granting of the Development Permit Fee Grant when in combination with an executed development agreement
7. Subsection 5.2.3 "Tax Increment Grant Program" is hereby amended to eliminate the generation of employment as a qualifier from the provisions of the grant
8. The following grant program is hereby eliminated under subsection 5.2.4:
  - a. Parks Levy Equivalent Grant Program
9. The Façade Improvement Grant under subsection 5.2.5 is hereby amended to include the following:
  - a. Only allow funds for the removal of inappropriate or out dated signage and installation of a new sign structure when used in combination with any façade improvement works eligible under the Façade Improvement Grant;
  - b. Limit the eligibility for the Mini Façade Improvement Grant to only those works that are \$2000 or less; and
  - c. make eligible side and rear façade improvements that face and abut an alley or highway or public parking area
10. The Outdoor Café, Patio and Commercial Outdoor Space Grant Program under subsection 5.2.6 is hereby amended to include the following:
  - a. Funds for the addition of a new accessible entrances to and from the designated outdoor area, new identification and directional signage and facilities or structures or parking of bicycles only when in combination with hardscaping and landscaping works that define, shelter, delineate or otherwise enhance the outdoor space
11. Subsection 5.2.7 is hereby amended to remove the affordability qualifier for the following grants:
  - a. the Conversion Grant Program
  - b. the Rehabilitation Grant Program
12. the Demolition Grant Program is hereby amended to include provisions for complete demolitions only when accompanied by an executed development agreement unless the demolition would result in the fulfillment of a work order.
13. Section 6.0 is hereby amended to state that the Plan implementation period will be until 2021.

This By-law shall take effect on the day of the passing thereof.

**Read a first and second time and provisionally adopted this 21<sup>st</sup> day of January, 2020.**

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Mayor

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Clerk

**Read a third time and finally passed this 3<sup>rd</sup> day of February, 2020.**

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Mayor

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Clerk

Schedule A to By-law Number 1878

