

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to Adopt the Port Colborne Comprehensive Community Improvement Plan, Repeal By-laws 5525/122/10, 5240/146/08, 5769/25/12, 5823/77/12 and any amendments thereto

Whereas, By-law _____ passed on the ____ day of _____, 2023, designated the Port Colborne Comprehensive Community Improvement Project Area; and

Whereas, Section 28(4) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area; and

Whereas, under Section 28(1) of the Planning Act “community improvement” means “the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary”; and

Whereas, the Council of the Corporation of the City of Port Colborne has adopted an existing Official Plan “The City of Port Colborne Official Plan” approved by the Ontario Municipal Board (now Ontario Land Tribunal) in 2013; and

Whereas, Section 6 of the City of Port Colborne Official Plan contains provisions relating to community improvement in the City; and

Whereas, City Council held a public meeting on September 26, 2023 to discuss and receive public input regarding the adoption of the Port Colborne Comprehensive Community Improvement Plan, and has taken other required steps, prior to the enactment of this By-law, to adopt a community improvement plan for the Port Colborne Comprehensive Community Improvement Project Area, as required by the Planning Act and Section 6 of the City of Port Colborne Official Plan; and

Whereas, the City of Port Colborne has prepared a plan entitled the “Comprehensive Community Improvement Plan” attached hereto as Schedule “A” and forming part of this By-law.

Now therefore, the Corporation of the City of Port Colborne enacts as follows:

1. That By-law 5525/122/10 and any amendments thereto, being a by-law to adopt the Central Business District Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
2. That By-law 5240/146/08 and any amendments thereto, being a by-law to adopt the Olde Humberstone Main Street Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
3. That By-law 5769/25/12 and any amendments thereto, being a by-law to adopt the East Waterfront Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.

4. That By-law 5823/77/12 and any amendments thereto, being a by-law to adopt the Industrial Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
5. That the City of Port Colborne "Comprehensive Community Improvement Plan", attached hereto as Schedule "A" and forming part of this By-law, is hereby adopted as the community improvement plan for the Port Colborne Comprehensive Community Improvement Project Area.
6. Pursuant to subsections 28 (5) and 17(27) of the Planning Act, R.S.O. 1990, cP.13, as amended, this by-law comes into effect upon the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsections 17(24) and (25) of the said Act, as amended. Where one or more appeals have been filed under subsection 17(24) and (25) of the said Act, as amended, this by-law comes into effect in principle when all such appeals have been withdrawn or finally disposed of.
7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this _____ day of _____, 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk

CITY OF PORT COLBORNE

COMPREHENSIVE COMMUNITY IMPROVEMENT PLAN

NOVEMBER 2023



PORT COLBORNE

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1.0 Introduction

1.1 Background

The City of Port Colborne (City) has been one of the leading municipalities in Niagara in terms of adopting and implementing community improvement plans (CIPs). Between late 2008 and the end of 2012, the City of Port Colborne adopted six (6) (CIPs) as follows:

1. Olde Humberstone CIP, Urban Design and Streetscape Guidelines (2008);
2. Brownfield CIP (2009);
3. Downtown Central Business District CIP (2010);
4. Industrial CIP (2011);
5. East Waterfront CIP and Secondary Plan (2012); and,
6. Niagara Gateway Economic Zone and Centre CIP (2012).

Almost a dozen incentive programs have been offered by the City of Port Colborne under the above-noted CIPs since they were adopted. As shown in Table 1 below, a total of 177 incentive program applications have been approved by the City under the above-noted CIPs to the end of 2022. This includes close to 30 urban design study and environmental site assessment grant applications, over 100 façade improvement grant applications, 22 residential intensification and rehabilitation grant applications, and 10 tax increment grant (TIG) applications.

Table 1 Incentive Program Uptake by Type and CIP to end of 2022

Program Type	Downtown/ CBD	Main Street	East Waterfront	Brownfield	Industrial	Gateway	
							TOTAL
1) Urban Design Study Grant	10	1	1				12
2) Environmental Site Assessment Grant	1			21			22
3) Façade Improvement Grant	69	21	12				102
4) Residential Intensification Grant	8	1	1				10
5) Residential Rehabilitation			12				12
6) Affordable Housing Grant							0
7) Tax Increment Grant	5			2	1	2	10
8) Planning/Building Fees Grant							0
9) Sidewalk Café Grant							0
10) Sign Replacement Grant		3					3
11) Parking Lot Grant		6					6
TOTAL	93	32	26	23	1	2	177

A number of factors led to the decision by the City to undertake a comprehensive review and update of its CIPs. First, the CIPs are all now dated. Best CIP practices have evolved over the last 10 to 15 years. Also, a number of lessons have been learned from implementation of the existing CIP programs and the real world results. For example, the 11 different incentive programs contained in six CIPs were found to be confusing for applicants, and cumbersome to administer for City staff. Over the years, minor revisions were made to a few

of the CIPs in the form of a few minor community improvement project area expansions revisions, but a comprehensive review and updating of these CIPs has not taken place.

The legislative framework has also changed with the passage of the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23) in November of 2022. Key policies and plans providing direction related to CIPs have also changed at the City, Regional, and Provincial levels over last 10+ years. This includes Port Colborne's Official Plan, Strategic Plan, Economic Development Strategy, and Affordable Housing Strategy. In October of 2021, the Regional Municipality of Niagara also approved a new Niagara Region Incentives Policy to replace its Smarter Niagara Incentive Programs.

Finally, key community improvement needs have shifted in a number of the Community Improvement Project Areas (CIPAs). This includes a greater focus on intensification, affordable housing, brownfield redevelopment, and employment lands development.

Taking all of these factors into consideration, the City determined this an opportune time to conduct a comprehensive review and update of its CIPs. The City retained RCI Consulting to conduct this review and update of its CIPs to make them more responsive to current and future community improvement needs in Port Colborne. RCI Consulting worked closely with the City's Project Review Team (PRT) comprised of City staff assembled to help guide the CIP review and update. The PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met several times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

1.2 Purpose

The primary purpose of this CIP review and update is to revise the City's CIPs to help better achieve the planning and economic development goals and objectives contained in key City plans and policies. During the review of the six (6) existing CIPs adopted by the City, and in consultation with the PRT and Council, it was determined that the:

- Industrial CIP can be readily covered off by the Niagara Gateway Economic Zone and Centre CIP (Gateway CIP) as the Gateway CIP includes the entire Industrial Community Improvement Project Area (CIPA), the goals of the Industrial CIP and Gateway CIP are very similar, and the Gateway CIP incentive programs are available and suitable for promoting industrial development;
- Gateway CIP should remain as a stand-alone CIP document as the Gateway CIP promotes employment development and aligns with, and includes Gateway incentive programs from the Region of Niagara; and,
- Other four (4) existing CIPs should be consolidated into one Comprehensive CIP document.

In addition, this consolidated Comprehensive CIP was designed to be easier to understand than the existing CIPs. This Comprehensive CIP updates and consolidates the existing CIPs to ensure that this CIP better addresses identified community improvement needs in Port Colborne by designating an appropriate CIPA, and including enhanced and more responsive incentive programs.

The purpose of this CIP is to:

- a) Outline the legislative, policy, and planning framework that supports and guides this CIP;
- b) Identify key community improvement goals in Port Colborne based on policy directives and an analysis of existing and planned land uses, building and property conditions, and development and business activity in various parts of the city;
- c) Recommend a Community Improvement Project Area (CIPA) that captures the various areas within the City that are in need of community improvement;
- d) Enhance and better target the incentive programs that can be offered by the City to directly stimulate private sector investment in revitalization and redevelopment within the CIPA; and,
- e) Outline a Monitoring Program and strategies for Municipal Guidance and Leadership and Marketing that will help the City implement and support this Plan, market the incentive programs contained within the Plan, monitor the results of the programs, and adjust them as required.

1.3 Methodology

A Project Review Team (PRT) comprised of senior City staff was assembled to help guide the CIP review and update. This PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met a half dozen times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

A number of tasks were completed to help ensure that this CIP incorporates best CIP practices and lessons learned from implementation of the City's existing CIPs, reflects and promotes current City policy directions, and addresses key community improvement needs and goals in Port Colborne. These tasks included:

- A review of all six (6) existing CIPs, including the boundaries of the existing CIPAs;
- A review of the current legislative framework for the CIP;
- A review of current City, Regional, and Provincial policy, planning, and economic development documents relevant to the CIP;
- A review of the uptake and results of current CIP programs, including program successes, and program gaps and issues identified by City staff involved in administering and promoting these programs;
- A scoped best practices review of CIP programs in several other Ontario municipalities, both within and outside Niagara, to identify best practices and emerging trends in downtown and commercial area revitalization, brownfield redevelopment, employment area development/redevelopment, and the promotion of affordable housing;

- Walking and driving tours of the existing community improvement project areas (CIPAs) and other areas identified as having potential for addition to the CIPAs to determine key areas in need of community improvement and associated potential revisions to the CIPAs;
- Development of key CIP review findings;
- Preparation of Draft revisions to the CIPAs;
- Preparation of Draft CIP incentive programs;
- Presentation of the Draft revisions to the CIPAs and the Draft CIP incentive programs to Council on June 28, 2022, and to the public at a Public Open House held on July 14, 2022, receipt and review of verbal and written comments and feedback during and after these consultation sessions;
- Preparation of a consolidated and comprehensive Draft CIP based on the tasks outlined above;
- Several meetings throughout the CIP update process with the PRT to further refine the above-noted draft deliverables, including the Draft CIP;
- A statutory Public Meeting held under the *Planning Act*, and,
- Finalization of this CIP in consultation with the PRT, based on input from Council and comments received from prescribed commenting agencies, and the public, as applicable.

1.4 Key CIP Review Findings

The review of the existing CIPs using the methodology outlined above resulted in a number of key findings, as follows:

- a) While most of the current CIP programs have been fairly well utilized, especially in the Downtown area, there are a number of improvements that should be made to the incentive programs to enhance their applicability, attractiveness, and uptake;
- b) Having 11 incentive programs spread across 6 CIPs has proven somewhat confusing for applicants and City staff administering the programs alike, and therefore, the number of incentive programs should be reduced with the focus being on more substantive programs;
- c) The preparation of one (1) consolidated and Comprehensive new CIP, as opposed to 6 separate CIPs, was determined to be the preferred approach to updating of the existing CIPs;
- d) Some of the existing CIPAs merit expansion based on community improvement need, current property and building conditions in those areas, and updated City policy directions;
- e) Current policies and plans and emerging community improvement needs suggest that the Comprehensive CIP place more emphasis on intensification, brownfields, affordable housing, and employment lands;
- f) In order to enhance the transparency, responsiveness, flexibility, and financial sustainability of the City's current Development Charge (DC) Bylaw exemptions for brownfield redevelopment and development in the Downtown CIPA, these DC exemptions in the current DC Bylaw should be converted into DC Grants within the new CIP; and,
- g) The incentive programs in the City's new CIP should dovetail as much as possible with the Niagara Region Incentives Policy approved by Regional Council in late 2021.

1.5 Report Content

This CIP is divided into the following sections:

- Section 2 contains the review of the legislative framework for the CIP.
- Section 3 contains the review of key plans, policies and other studies that are applicable to the CIP.
- Section 4 contains the community improvement vision and goals for the CIP.
- Section 5 describes the Community Improvement Project Area (CIPA) for the CIP, also referred to herein as the “Project Area”.
- Section 6 contains a comprehensive set of financial incentive programs specifically designed to help achieve the community improvement goals in the various CIPAs.
- Section 7 contains a Municipal Guidance and Leadership Strategy that specifies other actions and initiatives the City should take to support the CIP.
- Section 8 contains a Monitoring Program designed to assist the City in monitoring progress on implementation of the CIP, including the economic and other impacts of the programs contained in the CIP.
- Section 9 contains a basic Marketing Strategy to help the City market the incentive programs in this new CIP.
- Section 10 provides a brief conclusion to the CIP.

2.0 Legislative Framework

2.1 Municipal Act, 2001

Section 106 (1) and (2) of the *Municipal Act, 2001* prohibits municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses. Prohibited actions include giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any municipal property at below fair market value; and giving a total or partial exemption from any levy, charge or fee. This prohibition is generally known as the “bonusing rule”.

Section 106 (3) of the *Municipal Act, 2001* provides an exception to the bonusing rule for municipalities exercising powers under subsection 28 (6), (7) or (7.2) of the *Planning Act* or under section 365.1 of the *Municipal Act, 2001*. It is this exception under Section 28 of the *Planning Act* that allows municipalities with enabling provisions in their official plans to prepare and adopt community improvement plans (CIPs). CIPs provide municipalities with a comprehensive framework for the planning and provision of economic development incentives in areas requiring community improvement.

Section 365.1 of the *Municipal Act, 2001* operates within the framework of Section 28 of the *Planning Act*. A municipality with an approved CIP in place that contains provisions specifying tax assistance for environmental remediation costs can pass a by-law providing for the cancellation of part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Municipalities may also apply to the Province to provide matching school property tax assistance through the Province’s Brownfields Financial Tax Incentive Program (BFTIP).

Section 107 of the *Municipal Act, 2001* describes the powers of a municipality to make a grant, including the power to make a grant by way of a loan or guaranteeing a loan, subject to Section 106 of the *Municipal Act, 2001*. In addition to the power to make a grant or loan, these powers also include the power to sell or lease land for nominal consideration or to make a grant of land; provide for the use by any person of land owned or occupied by the municipality, upon such terms as may be fixed by council; sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by council.

In order to encourage good stewardship, maintenance and conservation of locally designated heritage properties, municipalities may, under Section 365.2 of the *Municipal Act, 2001*, pass a by-law to establish a local Heritage Property Tax Relief (HPTR) program to provide tax relief (10 to 40 per cent) to owners of eligible heritage properties, subject to an agreement to protect the heritage features of their property. This financial tool is designed to help owners of heritage properties maintain and restore their properties. An eligible heritage property for this program is a property or portion of a property that is designated under Part IV of the *Ontario Heritage Act* or is part of a heritage conservation district under Part V of the *Ontario Heritage Act* and that is subject to a heritage easement agreement. The Province shares in the cost of the program by

funding the education portion of the property tax relief. Municipalities that adopt the HPTR program contribute to the program by funding their portion of the property tax relief.

2.2 Planning Act

Section 28 of the *Planning Act* allows municipalities with provisions in their Official Plans relating to community improvement to designate by By-law a “community improvement project area” and prepare and adopt a CIP for the community improvement project area. Once the CIP has been adopted by the municipality and comes into effect, the municipality may exercise authority under Section 28 (6), (7) or (7.2) of the *Planning Act* or Section 365.1 of the *Municipal Act, 2001* in order that the exception provided for in Section 106 (3) of the *Municipal Act, 2001* will apply.

According to Section 28 (1), a “community improvement project area” is defined as “a municipality or an area within a municipality, the 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”. Therefore, there are a variety of reasons that an area can be designated as an area in need of community improvement.

Section 28 (1) defines “community improvement” as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable, or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary”. This represents a wide range of possible municipal actions.

Once a CIP has come into effect, the municipality may:

- i) acquire, hold, clear, grade or otherwise prepare land for community improvement (Section 28 (3) of the *Planning Act*);
- ii) construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the CIP (Section 28 (6));
- iii) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the CIP (Section 28 (6)); and,
- iv) make grants or loans, in conformity with the CIP, to registered owners, assessed owners and tenants of land 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 CIP (Section 28 (7)).

Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement, Section 28(2) permits the council of that municipality to designate, by by-law, the whole or any part of an area covered by such an official plan as a community improvement project area.

Section 28 (7.1) specifies that the eligible costs of a CIP for the purposes of Subsection 28 (7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities. Again, this includes a wide range of activities that can be considered as eligible costs for grants and loans.

Section 28 (7.2) allows the council of an upper-tier municipality to make grants or loans to the council of a lower-tier municipality, and the council of a lower-tier municipality to make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a CIP that has come into effect, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans. This provision allows upper tier municipalities to help lower tier municipalities fund the grant and loan programs in their lower tier CIPs.

Section 28 (7.3) specifies that the total of all grants and loans made in respect of particular lands and buildings under Section 28 (7) and (7.2) of the *Planning Act* and tax assistance provided under Section 365.1 of the *Municipal Act, 2001* in respect of the land and buildings shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28 (11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28 (7) or an agreement entered into under subsection 28 (10) against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land. It should be noted that while Section 28 (11) allows a municipality to register an agreement concerning a grant or loan against the land to which it applies, it does not require the municipality to do so.

Section 69 allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Alternatively, a municipality can collect planning application fees and then provide a partial or total rebate of these fees in the form of a grant, but this must be done within a CIP.

2.3 Ontario Heritage Act

The purpose of the *Ontario Heritage Act* is to give local municipalities and the provincial government powers to conserve, protect and preserve heritage buildings and archaeological sites in Ontario. While the heritage property tax relief program under Section 365.2 (1) of the *Municipal Act, 2001* is designed to assist property owners in maintaining and conserving heritage properties, Section 39 (1) of the *Ontario Heritage Act* allows the council of a municipality to make grants or loans (up-front or tax-increment basis) to owners of designated heritage properties to pay for all or part of the cost of alteration of such designated property on such terms

and conditions as the council may prescribe. In order to provide these grants and loans, the municipality must pass a by-law providing for the grant or loan.

Grants and loans for heritage restoration and improvement can also be provided by local municipalities under a CIP that has come into effect under Section 28 of the *Planning Act*. One of the key administrative advantages of Section 39 of the *Ontario Heritage Act* is that it requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP. One of the disadvantages of the *Ontario Heritage Act* is that unlike the *Planning Act*, it does not allow municipalities to make grants or loans to assignees, e.g., tenants who may wish to undertake heritage improvements.

Interpretation of Section 39 (1) of the *Ontario Heritage Act* suggests that this section does not restrict grants and loans only to heritage features. Section 39 (1) of the *Ontario Heritage Act* refers to "...paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." Consultations with provincial staff and legal experts have confirmed that this section of the *Ontario Heritage Act* does not restrict grants and loans only to heritage features.

Section 39 (1) of the *Ontario Heritage Act* can also be used to provide grants and loans for the undertaking of professional design studies as these can be considered "part of the cost of alteration". Similarly, a grant or loan for professional design studies can be provided under a CIP. A professional design study is certainly an important precursor to, and key component of, any major heritage feature alteration.

Section 39 (2) of the *Ontario Heritage Act* allows the council of a municipality to add the amount of any loan (including interest) to the tax roll and collect said loan in the same way that taxes are collected, for a period of up to 5 years. This section of the Act also allows the municipality to register the loan as a lien or charge against the land.

In summary, local municipalities can use municipal powers under the *Ontario Heritage Act* or the *Planning Act* to offer grants and/or loans to encourage heritage restoration and improvement. Both statutes offer the flexibility to include non-heritage features as eligible costs. However, the *Ontario Heritage Act* requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP.

2.4 Development Charges Act, 1997

While Section 26 (1) of the *Development Charges Act, 1997*, specifies that a development charge is payable for a development upon a building permit being issued for the development, this Act contains a number of mandatory development charge exemptions, reductions, and deferrals for specific types of development. Several of these development charge exemptions and reductions were introduced by the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23), which received Royal Assent on November 28, 2022.

As per the *Development Charges Act, 1997*, the following types of development are **exempt** from development charges:

- a) A second and third residential unit in an existing or new detached house, semi-detached house or row house if there are no residential units in an ancillary building/structure; and one residential unit in an ancillary building/structure if the existing or new detached house, semi-detached house or row house contains no more than two residential units (Section 2);
- b) Enlargement of an existing industrial building by up to 50% (Section 4);
- c) Affordable¹ and attainable² residential units (Section 4.1) (not yet in force); and,
- d) Non-profit housing development (Section 4.2).

Section 4.1 (8) and (9) of the *Development Charges Act, 1997* requires that for an “affordable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality to maintain the residential unit as affordable for a period of 25 years from the date that the unit is first rented or sold. Section 4.1 (10) and (11) of the Act requires that for an “attainable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality that requires the residential unit to be attainable at the time it is sold.

Development charges for rental housing development are **reduced** by 25% for residential units with 3+ bedrooms, 20% for 2 bedrooms, and 15% for 1 bedroom/bachelor units (Section 26.2 (1.1)). Section 26.1 also specifies that the development charge applicable to rental housing development and institutional development shall be **deferred**, i.e., paid in five (5) equal annual instalments starting on the date an occupancy permit is issued, or the date of occupancy, whichever comes first.

Section 26.2 of the *Development Charges Act, 1997* (and O. Reg. 82/98) also specifies that a development charge be frozen at the time a council receives a site plan application, or if a site plan is not submitted, at the time council receives the application for a zoning bylaw amendment, with the development charge frozen until two years from the date the site plan application or zoning by-law (as applicable) is approved.

Section 5 of the *Development Charges Act, 1997* also allows a municipality to voluntarily exempt a type(s) of development from a development charge, phase in a development charge, or to have a development charge that is lower than allowed, but any resulting shortfall cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges for certain types of development in order to promote community improvement, such as downtown redevelopment, brownfield redevelopment or intensification in

¹ An “affordable residential unit, rental” is defined as one where the rent is no greater than 80 per cent of the average market rent; and an “affordable residential unit, ownership” is defined as one where the price of the residential unit is no greater than 80 per cent of the average purchase price. See Sections 4.1 (5) and 4.1 (6) of the *Development Charges Act, 1997*, for further details.

² An “attainable residential unit” is a residential unit that is not an affordable residential unit, not a rental unit, and was developed as part of a prescribed development or class of developments.

core areas. Because this financial incentive is normally offered before construction, i.e., at the time of building permit issuance, it is a very powerful community improvement tool.

Municipalities can also use a CIP (Section 28 of the *Planning Act*) to offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable. It is typically easier for a municipality to offer a reduction of development charges for certain types of development such as high priority/catalyst sites/projects, affordable and attainable housing projects, and/or projects that achieve desirable economic and/or sustainability performance criteria via a grant within a CIP than via an exemption or deferral within a development charge by-law. In this regard, a CIP is inherently more flexible than a development charges by-law. A CIP can provide grants for certain types of development in certain geographic areas, and/or development that meets specific intensification, affordability, economic and sustainability performance criteria. Furthermore, the types of development and/or performance criteria can be changed without a formal amendment to the CIP. Conversely, development charge reductions within a development charge by-law are prescriptive and are usually based on the location of the development, e.g., downtown, or a specific type of development, e.g., brownfield redevelopment. Furthermore, a deferral offered within a development charge by-law cannot be changed without a formal amendment to the development charges by-law.

3.0 Policy Framework

This section of the report provides a summary of key Provincial, Regional, and City policies that establish the planning and policy framework and help provide context and direction for the programs contained in this CIP.

3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and provides direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that, “decisions affecting planning matters shall be consistent with policy statements issued under the Act”.

The Province of Ontario released the latest version of the PPS in February of 2020 and the policies took effect on May 1, 2020. The vision for land use planning in Ontario in the PPS states that “the long-term prosperity and social well-being of Ontarians depends on planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong competitive economy”. To this end, in relation to the variety of community improvement needs covered by this CIP, key policies in the PPS promote:

- Efficient and cost-effective development land use patterns that conserve biodiversity and prepare for the regional and local impacts of a changing climate (Section 1.1.1);
- Accommodating an appropriate range and mix of affordable and market based residential types, and employment uses (including industrial and commercial) (Section 1.1.1);
- Land use patterns that support active transportation, promote opportunities for intensification and redevelopment, energy efficiency, and minimize the negative impacts to air quality and climate change (Section 1.1.3);
- Planning authorities identifying appropriate locations and promoting opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3);
- Planning authorities promoting economic development and diversity by maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and seeking to address potential barriers to investment (Section 1.3.1);
- Planning authorities planning for, protecting and preserving employment areas for current and future uses (Section 1.3.2);
- Planning authorities protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Section 1.3.2);
- An appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs and the social, health, economic and well-being requirements of current and future residents (Section 1.4.3);
- Healthy, active communities with parks, public and open spaces, trails and linkages that facilitate active transportation and the provision of public access to shorelines (Section 1.5.1);

- Long-term economic prosperity through the maintenance and enhancement of the vitality and viability of downtown and mainstreets and the redevelopment of brownfield sites (Section 1.7.1);
- Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (Section 1.7.1);
- Opportunities for sustainable tourism development (Section 1.7.1);
- Focusing major employment, commercial and other travel-intensive land uses on sites well served by transit and encouraging transit supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (Section 1.8.1); and,
- Land use and development patterns that support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of changing climate (Section 1.8.1).

3.2 Growth Plan for the Greater Golden Horseshoe (2020)

The 2019 Growth Plan for the Greater Golden Horseshoe (GGH) (the “Growth Plan”) came into effect on May 16, 2019 and was amended on August 28, 2020 (Amendment 1). The Growth Plan is the Province of Ontario’s growth strategy for the GGH region, which includes the City of Port Colborne and the Regional Municipality of Niagara. The Growth Plan provides an overall growth strategy for the region to 2051 that is implemented through municipal planning documents, primarily the Official Plan, as well as other planning documents and policies such as Community Improvement Plans (CIPs). The Growth Plan directs growth to settlement areas and prioritizes intensification with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields.

In recognition of the importance of cross-border trade with the United States, the Growth Plan recognizes the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre as having unique economic importance to the GGH region and Ontario. The Growth Plan notes that planning and economic development in the Gateway Economic Zone and Centre will support economic diversity and promote increased opportunities for cross-border trade, movement of goods and tourism.

The Growth Plan graphically identifies the Gateway Economic Zone and Gateway Economic Centre on Schedules 2 (Place to Grow Concept), 5 (Moving People - Transit) and 6 (Moving Goods) in the Plan. The Gateway designation in Schedule 2 of the Growth Plan shows a Gateway Economic Zone stretching along the Niagara River and the Queen Elizabeth Way between the City of Niagara Falls and the City of Fort Erie, and a Gateway Economic Centre which is centered in southern Niagara Region near the City of Port Colborne and City of Welland, along the Welland Canal, including the Major Port facilities in Port Colborne.

Section 7 of the Growth Plan defines the Gateway Economic Zone and Gateway Economic Centre as the “Settlement Areas” conceptually depicted on Schedules 2, 5 and 6 that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario. The Growth Plan then further defines “Settlement Areas” as urban areas and rural settlements within municipalities that are:

- a) Built-up areas where development is concentrated and which have a mix of land uses; and,
- b) Lands which have been designated in an official plan for development in accordance with policies of the Growth Plan.

The Growth Plan notes the importance of ensuring an adequate supply of land for employment areas and other employment uses within the GGH. In fact, Section 2.2.5 on Employment Lands stresses the need for municipalities to promote economic development and competitiveness by:

- Making more efficient use of existing employment areas and underutilized employment lands, increasing employment densities, and promoting opportunities for the intensification of employment areas;
- Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment; and,
- Providing opportunities for a diversified economic base, including a range and choice of suitable sites that support a wide range of economic activities and employment uses, as well as planning for employment areas for current and future uses.

Section 2.2.6 of the Growth Plan contains policies directing municipalities to:

- Achieve the minimum intensification and density targets in the Growth Plan via identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents, and establishing targets for affordable ownership and rental housing; and,
- Identifying mechanisms, including land use planning and financial tools to support implementation of this policy.

The Growth Plan directs that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout their delineated built-up area. Therefore, a CIP for Port Colborne can play an important role in helping the City conform to the Growth Plan, not only by achieving its intensification targets, but by ensuring that development within the urban area achieves the various policy goals of the Growth Plan.

3.3 Niagara Region Official Plan

The Regional Municipality of Niagara Council adopted a new Niagara Official Plan (“NOP”) on June 23, 2022. This Plan was approved, with modifications, by the Minister of Municipal Affairs and Housing on November 4, 2022. The NOP provides the strategic policy planning framework for managing growth coming to Niagara. The policies of the NOP guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The NOP contains the following vision for 2051. Niagara is a region

of distinct, vibrant and connected urban and rural communities. Niagara Region will support and grow a sustainable and diversified economy while providing exceptional quality of life for all, and protecting our beautiful natural landscape.

3.3.1 Growing Region

Chapter 2 of the NOP contains policies for managing growth. This includes general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara. The policies in this section support:

- a) principles of complete communities, which incorporate sustainable land use forms;
- b) a more diverse range and mix of housing types and densities and the provision of more affordable and attainable housing options;
- c) opportunities for intensification, including infill, expansion or conversion of existing buildings, and the redevelopment of brownfields and greyfield sites; and,
- d) Local Municipalities preparing intensification strategies.

One of the key objectives in Section 2.3 (Housing) is to achieve affordable housing targets through both land use and financial incentive tools. In fact, Section 2.3.3 states that financial incentive programs such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing, should be considered to support the development of affordable and attainable housing.

3.3.2 Competitive Region

Chapter 4 of the NOP focuses on the importance of a vital, competitive, and diverse economy, and a sound tax base to position Niagara for economic prosperity. Employment policies identify and protect employment areas, establish density targets for employment areas, and provide evaluation processes for converting existing or establishing future employment areas. The objectives of this section include maximizing the economic development potential of the Niagara Economic Centre and Zone, and planning employment lands to enhance economic resilience through a diversified economy.

Section 4.2.2 of the NOP deals with the Niagara Economic Gateway (Gateway Economic Zone and Centre). As it relates to Port Colborne, the Niagara Economic Gateway includes the Settlement Area within Port Colborne, existing port infrastructure in Port Colborne, the Welland Canal within Port Colborne, major rail infrastructure in Port Colborne, and major tourist destinations. The policies in this section of the NOP state that the Region will work with the other levels of government to prioritize improvements to major goods movement facilities and corridors and planned corridors within the Niagara Economic Gateway to focus on development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities, as well as support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.

3.3.3 Vibrant Region

Chapter 6 of the NOP focuses on elevating the livability of Niagara's communities and introduces policies related to creating vibrant urban and rural places. Urban design policies assist the Region in achieving a high-quality built environment through the design of the built form and mobility networks. The urban design policies in Section 6.2 promote:

- a) excellence and innovation in architecture, landscape architecture, site planning; and,
- b) revitalization and redevelopment within downtowns and community cores to enhance their existing character.

The healthy community policies in Section 6.3 of the NOP support the development of healthy, vibrant and safe communities that provide a high quality of life. This includes supporting walkable and bikeable neighbourhoods through active transportation.

3.3.4 Community Improvement Policies

Policy 7.5.1 in Chapter 7 of the NOP contains the Region's Community Improvement policies and notes that the Region may support community improvement through Regional programs enabled by plans, policies and by-laws it may establish, and by participation in eligible programs in Local Area Municipalities. Furthermore, the Region will regularly engage with Local municipal staff regarding administration and enhancement of programs designed to promote community improvement. Policy 7.5.4.1 of the NOP also encourages Local Area Municipalities to adopt CIPs to support the objectives and policies of the NOP.

3.4 Niagara Region Incentives Policy

The Region's Smarter Niagara Incentive Programs (SNIPs) were endorsed by Regional Council in 2002. The Region used these programs to provide a matching proportionate share of certain financial incentive programs offered by a local municipality through a Local CIP, subject to a maximum contribution from the Region, depending on the program. The SNIPs first underwent a major review and update in 2011.

Niagara Region formed a Grants and Incentives Review Committee in 2019 with the purpose of this committee to review the efficacy of existing grant programs and determine if new programs needed to be created. As a result, the 2011 SNIPs were reviewed, with Regional Council passing a recommendation on October 21, 2021 to approve a new Niagara Region Incentives Policy to replace the SNIPs. This new incentives policy promotes four priority areas for Niagara Region, namely:

- 1. Affordable housing;
- 2. Employment;
- 3. Brownfield remediation; and,
- 4. Public realm.

Regional Council directed that the SNIPs be maintained with a maximum dollar figure available for grants determined during the annual budget process, and that staff develop sunset clause policies for the SNIPs that include reasonable expiration dates. The expiration date for most of the SNIPs was established as October 1, 2023. However, Regional Council directed that the Regional Tax Increment Grant (TIG) and Smart Growth Development Charge Reduction Programs be maintained in municipal CIP districts until October 1, 2024, or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation.

Appendix A contains a listing and summary description of the incentive programs available under the Niagara Region Incentives Policy.

The Region and local municipalities in Niagara have a Region/Area Municipality Incentive Coordinating Committee to coordinate the provision of joint Local/Regional incentives through local CIPs. The Region has also developed Smart Growth Design Criteria that are used by Regional staff to determine if development projects within community improvement project areas or on brownfield sites are eligible for a Regional Development Charge reduction.

3.5 Niagara's 10 Year Economic Development Strategy

In June of 2022, Niagara Regional Council approved a 10 Year Economic Development Strategy for 2022-2032. The Vision Statement for the Strategy is: "Niagara is where innovative businesses grow and community-minded individuals stay—coming together to build a more prosperous future." The strategic directions include a focus on business retention and expansion and green development and sustainability. Recommendations of the Strategy included:

- Introducing a new suite of incentives to support business growth and new investment in the region;
- Advocating for and adopting new programs and policy to support affordable and attainable housing and new residential development; and,
- Ensuring brownfield incentive programs remain relevant and competitive to attract redevelopment and investment in Niagara.

3.6 Niagara Housing Plans and Studies

The Niagara Housing Statement Final Report was received for information by Niagara Region Council in July of 2019 and circulated to Local Area Municipalities. This was largely a database exercise.

The Region's 10 Year Housing and Homelessness Action Plan was prepared in 2014 in consultation with local community members, service providers, local area municipalities, and other stakeholders as per the requirements of the *Housing Services Act*. The Plan covers the period 2014 to 2023. The Plan was updated in 2019.

One of the key goals of the Action Plan is to increase housing opportunities for low and medium income households. The Plan states that one of the key actions to help accomplish this goal is to use the planning and development process to facilitate the creation of appropriate market housing and affordable housing stock. The Action Plan goes on to recommend that local planning and financial tools such as CIP grants and deferral of development charges be used (Goal 3.7) and that Local Municipalities partner with the Region on financial incentives with emphasis on consistent application of tools to support the development of affordable housing (Goal 3.8c).

Finally, the Region developed a series of Regional activities to address affordable housing (Affordable Housing Strategy placemat). This includes the Region supporting partners to develop incentives and development charge deferrals to promote the construction of affordable housing.

3.7 Port Colborne Strategic Plan 2023-2026

The Strategic Plan was adopted by City Council on June 27, 2023. The Strategic Plan is a guidance document to assist Council and staff in priority setting, resource allocation and decision making. The Plan's Vision for Port Colborne is "a healthy and vibrant waterfront community embracing growth for future generations".

The strategic pillars of the Strategic Plan are as follows:

- Environmental and Climate Change;
- Welcoming, Livable, Healthy Community;
- Economic Prosperity;
- Increased Housing Options;
- Sustainable and Resilient Infrastructure.

Virtually all of the strategic pillars are relevant to the CIP and can help guide the CIP. One of the three strategic pillars of the Plan is "attracting business investment and tourists to Port Colborne". One of the key measures items under the Economic Prosperity pillar is to incentivize private sector investment in commercial facade improvements, residential redevelopment, brownfield remediation, and industrial redevelopment through new or improved CIPs. This new Comprehensive CIP fulfills that measure.

3.8 Port Colborne Economic Development Strategy and Action Plan 2018-2028

The City of Port Colborne Economic Development Strategy was approved by Council in April of 2018. The Economic Development Strategy identifies four priority areas for the City to focus its economic development efforts and includes action plans to help guide the City's economic development efforts over the coming years. The four priority areas are:

1. Small Independent Business;
2. Residential Development;
3. Industrial Development; and,

Port Colborne Comprehensive CIP

4. Tourism & Destination Development.

The economic development vision statement is: “Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community”.

Guiding principles in the Port Colborne Economic Development Strategy that are relevant to this CIP include:

- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible; and,
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community.

Actions recommended in the Strategy that are relevant to this CIP include the updating of the Downtown Central Business District Community Improvement Plan from 2010.

3.9 Port Colborne Official Plan

The City of Port Colborne Official Plan was approved by the Ontario Municipal Board on November 25, 2013 and covers the period from 2012 to 2031. The general purpose of the Official Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The vision statement and strategic directions in the Plan establish the general direction of planning and development for the City of Port Colborne. In addition to the vision and strategic directions, there are strategic planning policies, land use and secondary plan policies, and community improvement policies in the Official Plan that provide direction for this CIP. The Official Plan vision, strategic directions and planning policies relevant to this CIP are summarized below.

3.9.1 Vision

Section 2.1 of the Official Plan contains the vision statement. Key aspects of the Vision for the City of Port Colborne in relation to this CIP include:

- Providing the opportunity for a mix of residential accommodations;
- A community development pattern that supports the existing business community and promotes new business opportunities;
- Provide policies that support a high quality living environment that protects and enhances the natural environment and heritage features;
- Incorporate urban design elements to achieve attractive and distinct neighbourhoods within the Community;
- Develop and implement Community Improvement Plans to improve communities characterized by inadequate physical, social, community or recreational facilities, infrastructure or obsolete/derelict buildings; and,
- Maintain, and where possible, improve public access to the Lake Erie shoreline.

Section 2.2 of the Official Plan contains the City's Growth Management Strategy. This Strategy supports:

- a) Infill and intensification subject to the applicable policies in the Urban Residential and Downtown Commercial designations;
- b) Compact and transit supportive development within the built boundary and on designated greenfield lands; and,
- c) the maintenance of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.

3.9.2 Strategic Directions

Section 2.3 of the Official Plan identifies six "Strategic Directions" that seek to implement the vision for the City of Port Colborne. Of the six, the following strategic directions provide guidance for the CIP:

- **Enhancing Quality of Life:** The City will promote a compact urban form; a good mix of housing types and land uses; efficient and cost effective infrastructure and transportation; and, good urban design for neighbourhoods and business areas.
- **Developing an Economic Gateway:** The City of Port Colborne is identified as an Economic Gateway Centre in the Province's Growth Plan. Therefore, the City will strategically position itself as part of this important Economic Gateway by:
 - working in partnership with all levels of government to ensure that attractive employment lands in the City are provided and protected to create job opportunities and economic diversity, which allows growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media;
 - encouraging port facilities and the marine transportation industry to prosper; and,
 - actively promoting existing industrial lands along the east and west side of the Welland Canal and adjacent to the proposed Niagara to GTA corridor using a "ready for business" approach.
- **Strengthening and Integrating Natural, Cultural and Heritage Resources:** Port Colborne's natural, historical and cultural setting is an important asset, enhancing the quality of community life and supporting tourism development. Therefore, the City will take an aggressive approach to the preservation of these assets, including the conservation of significant built heritage resources and cultural heritage landscapes.
- **Enhancing Public Areas:** The City will pay further attention to the waterfront, the canal, the downtown, Main Street and other important corridors and places in the municipality to support tourism, economic development, and quality of life.
- **Taking Advantage of Underutilized Lands:** Through innovative approaches to brownfield and waterfront development, downtown revitalization and community improvement, the City will demonstrate leadership in this field. This includes:
 - aggressively promoting the remediation of contaminated older industrial lands;

- promoting the reuse of some of older industrial lands along the waterfront and Canal for tourism, recreational, residential or other uses that reintegrate these lands into community life;
- providing for new Canal-related, non-noxious industrial uses adjacent to community uses in the harbour area; and,
- promoting the rehabilitation and reuse of greyfield properties throughout the community as an alternative to the establishment of additional commercial lands.

3.9.3 Strategic Planning Policies

Section 2.4 of the Official Plan contains Strategic Planning Policies.

Housing

Policies in Section 2.4.2 of the Official Plan promote affordable ownership and rental housing, including the use of a variety of planning tools to promote affordable housing, and the promotion of affordable housing via infill and intensification.

Intensification and Infill

Policies in Section 2.4.3 of the Official Plan encourage intensification specifically within local intensification areas, which include the Downtown and Main Street West Development, and throughout the entire Built-up area. The objectives of the intensification policies in the Official Plan are to:

- Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
- Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial.

Employment Areas

Policies in Section 2.4.5 of the Official Plan provide projected employment growth for the Municipality and specify that Employment areas are lands that provide opportunities for clusters of business and economic activities, including but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities.

Economic Development

Policies in Section 2.4.6 of the Official Plan recognize the Downtown and Main Street Areas as the City's primary commercial districts and the City will continue to work with property owners, business associations and other community groups to enhance these areas. The City will continue to support the designation and expansion of the Downtown and Main Street areas as Community Improvement Project Areas and Business Improvement Areas (BIAs). Increasing the supply of housing in the Downtown and Main Street areas and maintaining and upgrading existing housing shall be encouraged as a means of meeting the diverse housing needs and maintaining long term prosperity in the Downtown and Main Street areas.

Policies in Section 2.4.6 also speak to the importance of industrial development and note that the City will work closely with the St. Lawrence Seaway Management Corporation or appropriate federal government agency to ensure that federal lands along the Welland Canal are available for industrial and/or community uses, and the City will work with all industries to retain and foster their growth.

Energy Conservation and Climate Change

Policies in Section 2.4.9 support the reduction of energy consumption via development of compact and mixed-use neighbourhoods, and incorporation of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.

3.9.4 City-Wide Land Use Policies

Section 3 of the Official Plan contains the City-Wide Land Use policies, which in conjunction with land use designations as shown on Schedule A to the Official Plan (see **Appendix B**), guide land use in Port Colborne. Section 3 of the Official Plan contains general policies and design guidelines for each of the land use policies. The following land use policies in Section 3 of the Official Plan are of particular relevance to this CIP, including for the designation of Community Improvement Project Sub-Areas.

Downtown Commercial

Section 3.6 of the Official Plan specifies the land use policies for the Downtown Commercial area. This area includes the Downtown Central Business District and Olde Humberstone Main Street Commercial District. The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes. Intensification and mixed use development is encouraged in the Downtown Commercial area.

Intensification and infill in the Downtown Commercial Area is permitted and encouraged, subject to the design guidelines in the Official Plan, and any other design guidelines established by the City, and the requirements of the Zoning By-law. Mixed use development is encouraged in the Downtown. The preferred built form for mixed use development is commercial and offices uses on the ground floor, with residential units above.

Industrial/Employment

Section 3.10 of the Official Plan specifies the land use policies for Industrial/Employment lands. These are areas of serviced and un-serviced lands. The predominant uses for lands designated Industrial/ Employment shall include, but not be limited to: manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, cannabis production facilities; industrial activities related and proximate to the Canal and harbour such as ship dockage and repair; and accessory uses such as parking garages. The Design policies for Industrial/Employment lands

also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

Economic Gateway Centre

Section 3.11 of the Official Plan contains the policies for the Port Colborne Economic Gateway Centre. The areas identified on Schedule A as Economic Gateway Centre represent lands located near the Welland Canal and along Highway #140. The predominant uses of lands designated Economic Gateway Centre shall include, but not be limited to: transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer's showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses. Additionally, educational institutions which are complementary to the aforementioned uses are permitted as well as: retail; restaurant; and personal service uses that are scaled to serve the needs of the area's employees. The Design policies for Economic Gateway Centre also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

3.9.5 East Waterfront Secondary Plan

Section 5.2 of the Official Plan contains the Secondary Plan for the East Waterfront (see Appendix B). The long term vision for the East Waterfront calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill development and a variety of lakefront experiences. The intent of the Secondary Plan includes a number of objectives that could be promoted via incentive programs in a CIP, including:

- a) Repair and renovate existing housing stock and other buildings;
- b) Protect, restore and re-use architecturally and historically significant buildings;
- d) Reduce the environmental and visual impact of industrial uses; and,
- e) Attract new investment and development to vacant properties.

The lands identified on Schedule F of the Official Plan as the East Waterfront Secondary Plan are those lands intended to be used for a mixed use area including, Low and Medium Residential, Mixed-Use, Industrial, and Parks and Open Space and the uses associated with those designations.

The Strategic Planning policies for the East Waterfront in Section 5.2.3 of the Official Plan specify that the City will:

- through a Community Improvement Plan and other initiatives, promote and facilitate improvements to private property in the East Waterfront Secondary Plan area; and,
- continue to work with the St. Lawrence Seaway Management Corporation to strengthen the prosperity of the marine industry on the east side of the Welland Canal, immediately west of the East Waterfront Secondary Plan area.

3.9.6 Community Improvement Policies

Section 6 of the City's Official Plan contains policies on Community Improvement. These policies were prepared in accordance with the Region's Model Community Improvement Policies. The full text of the Community Improvement policies in the City of Port Colborne Official Plan are contained in **Appendix C**.

The policies of Section 6.1 and 6.2 establish a wide range of actions that the City can take regarding community improvement. These include:

1. Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts, deficient municipal hard services, social, community or recreational services; or economic instability;
2. Establishment of incentive programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing and/or social development issues and needs;
3. Designation of a Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan, and as amended from time to time; and
4. Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 of the Planning Act, R.S.O. 1990.

Section 6.2.1a) outlines the conditions (one or more) that must be present for designation of community improvement project areas. Many of these criteria apply to the Community Improvement Project Area and Sub-Areas for this CIP, including:

- Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
- Non-conforming, conflicting, encroaching or incompatible land uses or activities;
- Inadequate mix of housing types;
- Known or perceived environmental contamination;
- Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
- High commercial vacancy rates;
- Existing or potential business improvement areas;
- Vacant *lots* and under-utilized properties which have potential for infill, intensification, redevelopment or expansion to better utilize the land base;
- Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/ or loading facilities;
- Other barriers to the repair, rehabilitation or redevelopment of under- utilized land and/or buildings; and,
- Any other environmental, social or community economic development reasons.

Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:

- i) The anticipated improvements achieve the Vision and Strategic Directions in the Official Plan;
- ii) The greatest number of conditions for designation of a CIPA2 are present; and/or
- iii) Where one or more of the conditions are particularly acute; and/or,
- iv) Where one or more of the conditions exist across the entire Urban Area of the City.

Section 6.2.2 a) identifies the objectives of community improvement plans. This CIP has been prepared to meet several of these objectives, including:

- ✓ Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
- ✓ Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally significant buildings and properties;
- ✓ Encourage residential and other types of infill and *intensification*;
- ✓ Encourage the construction of *affordable* housing;
- ✓ Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
- ✓ Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
- ✓ Encourage the remediation and redevelopment of Brownfield sites;
- ✓ Support existing or potential business improvement areas;
- ✓ Improve environmental conditions; Improve social conditions;
- ✓ Facilitate and promote community economic development; and
- ✓ Improve community quality, safety and stability.

Section 6.2.2 b) specifies the minimum content requirements of a CIP. This CIP meets or exceeds all these minimum content requirements.

Section 6.2.3 outlines a full range of actions that the City can undertake to implement a CIP and these actions have been included (as applicable) in this CIP. Section 6.2.3 also specifies that all developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in the Official Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws. Finally, Section 6.2.3 notes that Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

3.9.7 Cultural Heritage Policies

Section 7.1 of the Official Plan contains policies to help ensure the protection, preservation and enhancement of historic buildings, structures and land. This includes heritage designation and the establishment of heritage conservation districts under the Ontario Heritage Act. The City also supports the protection and enhancement

of cultural and heritage assets which include the establishment of a Heritage Character Area and Urban Design Guidelines that can preserve and guide new development or re- development and is supported by rebate and incentive programs that encourage property owners to protect, preserve and enhance these assets.

3.10 Port Colborne Affordable Housing Strategy

The Port Colborne Affordable Housing Strategy was approved by Council on September 13, 2022. This Strategy contains the following vision statement: Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.

The Housing Strategy establishes four high level goals as follows:

1. Increase diversity of built form and tenure to provide more housing options for residents;
2. Promote greater intensification and density to leverage existing physical and social infrastructure;
3. Protect and expand purpose-built rental supply including affordable rental housing; and,
4. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.

The Housing Strategy contains 12 recommendations to help accomplish these goals. The key recommendation as it relates to this CIP is Recommendation 7 which is to: explore the viability of financial and non-financial incentives for affordable housing and purpose-built rental developments. The Housing Strategy notes that the challenge to Port Colborne in designing an incentive program that promotes and attracts affordable housing development is twofold: (1) to be competitive with the CIP affordable housing incentives programs offered by other municipalities in Ontario while, (2) also being fiscally responsible. The Housing Strategy identifies a number of incentive programs that can be included within a CIP to promote affordable housing, including:

- Residential Intensification Grant;
- Affordable Housing Grant;
- Tax Increment Grant; and,
- Development Charges Grant.

4.0 Community Improvement Vision and Goals

The general vision and key goals contained in the various existing CIPs were reviewed and updated based on the updated City policies in consultation with the PRT. As previously noted, the goals of the Industrial CIP and the Gateway CIP are very similar, and therefore, can be readily addressed by the current stand-alone Gateway CIP. The vision and key goals for the Downtown, Main Street, East Waterfront, and Brownfields were streamlined and focused, and are presented below.

4.1 Vision

4.1.1 Main Street

Main Street will be a diverse mixed use center with a broad range of housing types, business, educational, cultural and recreational uses. Main Street will be vibrant and dynamic, offering a comfortable pedestrian environment and public spaces. Main Street will act as a compelling central place for residents with services and activities that are needed regularly, but will also be a tourist destination with heritage architecture, civic art, unique stores, thoughtfully designed public spaces, and specialized festivals and events. New buildings, building improvements, and public infrastructure will incorporate high quality design and sustainable design principles.

4.1.2 Downtown

The Downtown will be an active and vibrant commercial area with a broad range of uses and updated building facades and signage that maintain the Downtown's authentic feel and character. The Downtown will have a strong visual and physical relationship with the Welland Canal and celebrate its history as a working port. There will be more people living Downtown in a diverse range of housing opportunities. Downtown will be more pedestrian and cycling friendly with interesting and accessible streetscapes and more public gathering spaces. The Downtown will be better connected to the Canal, Marina, Main Street commercial area, and the East Waterfront community.

4.1.3 East Waterfront

The East Waterfront will see the incremental restoration and renovation of commercial, residential and other buildings in the community, as well as residential and mixed use infill development on vacant and underutilized properties. Architecturally and historically significant buildings will be restored, and adaptively reused. Streetscapes will be made greener and more pedestrian friendly. There will be new open spaces, better recreational opportunities, trail enhancements, and better pedestrian and cycling connections to the waterfront, including Nickel Beach.

4.2 Key Goals

4.2.1 Main Street

The key goals of this CIP for the City's Main Street CIPA are as follows:

- Improve building facades and signage;
- Diversify the mix of uses and activities for workers, visitors, and residents;
- Fill gaps along the street with mixed use buildings that are consistent with the architectural scale and style of existing buildings;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Improve the attractiveness, vibrancy and walkability of the area;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Provide an enhanced public gathering space for community and cultural events;
- Increase tourism visits to the area and make Main Street a focal point for tourism;
- Improve connections to open spaces and recreational amenities; and,
- Improve connections with the Canal, Waterfront, Marina, Main Street and East Waterfront areas.

4.2.2 Downtown

The key goals of this CIP for the City's Downtown CIPA are as follows:

- Improve and update building facades and signage, while maintaining and enhancing the area's authentic feel and character;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Diversify the range of commercial uses on West Street to better activate the street and the Welland Canal;
- Improve the visual and physical relationship of the area with the Welland Canal and celebrate its history as a working port;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Increase the number of public gathering spaces; and,
- Improve connections from Downtown to the Canal, Waterfront, Marina, Main Street, and East Waterfront areas.

4.2.3 East Waterfront

The key goals of this CIP for the City's East Waterfront CIPA are as follows:

- Protect, restore and re-use architecturally and historically significant buildings;
- Attract new investment and development to vacant properties;

- Improve the quality of streetscapes in the neighbourhood;
- Reduce the environmental and visual impact of industrial uses;
- Create new open spaces and recreational opportunities;
- Improve pedestrian and cycling connections to the lakefront.

4.2.4 Brownfields

The key goals of this CIP for brownfields in the Brownfield CIPA are as follows:

- Promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety at brownfield sites;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase the supply and range of housing types;
- Increase tax assessment and property tax revenues;
- Retain and increase employment opportunities; and,
- Support intensification and land efficient forms of development.

4.2.5 Industrial/Employment Lands

The key goals of this CIP for industrial/employment lands in the Gateway CIPA are as follows:

- Promote private sector investment that establishes new businesses or expands existing businesses;
- Create new and/or maintain existing permanent jobs, as well as short-term construction jobs;
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base;
- Support investments in high growth economic sectors that contribute to the diversification of the local economy;
- Facilitate development of the City's employment lands; and,
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies.

5.0 Community Improvement Project Area

The CIPA for the Brownfield CIP, Gateway CIP, and Industrial CIP were all designated via text reference to a specific area within the City of Port Colborne as follows:

Brownfield CIPA - the entire urban area of the City of Port Colborne, as amended from time to time.

Gateway CIPA – all designated employment lands³ in the settlement areas⁴ within Port Colborne, as amended from time to time.

Industrial CIPA – all lands designated as “Industrial” on the City of Port Colborne’s Official Plan Land Use Schedule A, as amended.

It was determined that the boundary of the existing Brownfield CIPA is appropriate and be retained as is. As previously noted, it was determined that the boundary of the Industrial CIPA is wholly contained within the boundary of the Gateway CIPA. Also, the goals of the Industrial CIP and the Gateway CIP are very similar. Finally, review of the incentive programs contained in the Gateway CIP as compared to the incentive programs in the Industrial CIP determined that the Gateway CIP will serve to promote the development and redevelopment of industrially designated lands in Port Colborne. As such, it is recommended that the Industrial CIPA be de-designated and the Industrial CIP be discontinued. The Gateway CIP will continue to act as a standalone CIP for the promotion of employment lands development and redevelopment on all designated employment lands in the settlement areas within Port Colborne, as amended from time to time.

The CIPA for the Downtown CIP, Main Street CIP and East Waterfront CIP were all designated based on a map showing the boundary of each CIPA. A walking/driving tour of these CIPAs and adjacent areas was conducted with members of the PRT. A follow up tour of specific geographic areas identified for potential inclusion in the CIPAs was also conducted. During and after these tours, land uses, Official Plan designation, zoning, property and building conditions, business activity, and vacancy levels within these respective boundaries and adjacent areas were reviewed with the PRT in light of updated policy directions, community improvement needs, and community improvement goals, to determine the need to adjust the CIPA for each of these areas.

Based on the above-noted analysis, and for the purpose of strategically targeting the incentive programs contained within this CIP, it is recommended that the CIPA for this CIP be designated as **“the entire urban area of the City of Port Colborne, as amended from time to time”**. This CIPA if further divided into the following four (4) sub-areas:

³ “designated employment lands” means lands that have been designated in the Local Official Plans for employment uses.

⁴ “settlement areas” means the urban area, villages and hamlets.

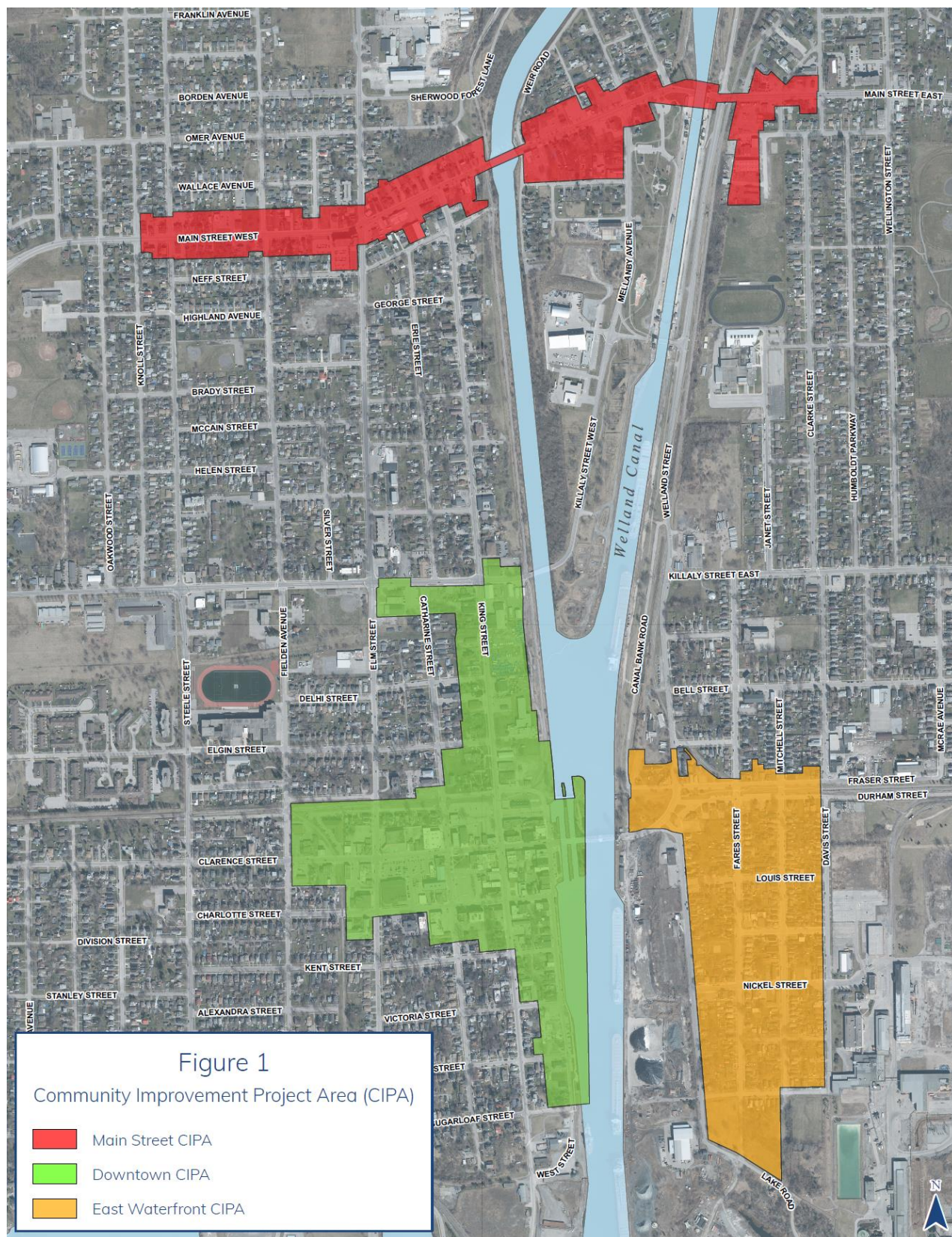
- 1) The “Main Street CIPA” (see Figures 1 and 2);
- 2) The “Downtown CIPA” (see Figures 1 and 3);
- 3) The “East Waterfront CIPA” (see Figures 1 and 4); and,
- 4) The “Brownfield CIPA” which is “the entire urban area of the City of Port Colborne, as amended from time to time”.

The CIPA is the area where the financial incentive programs contained within this CIP can be offered. The CIPA for this CIP as denoted above is to be designated by a by-law passed by Council.

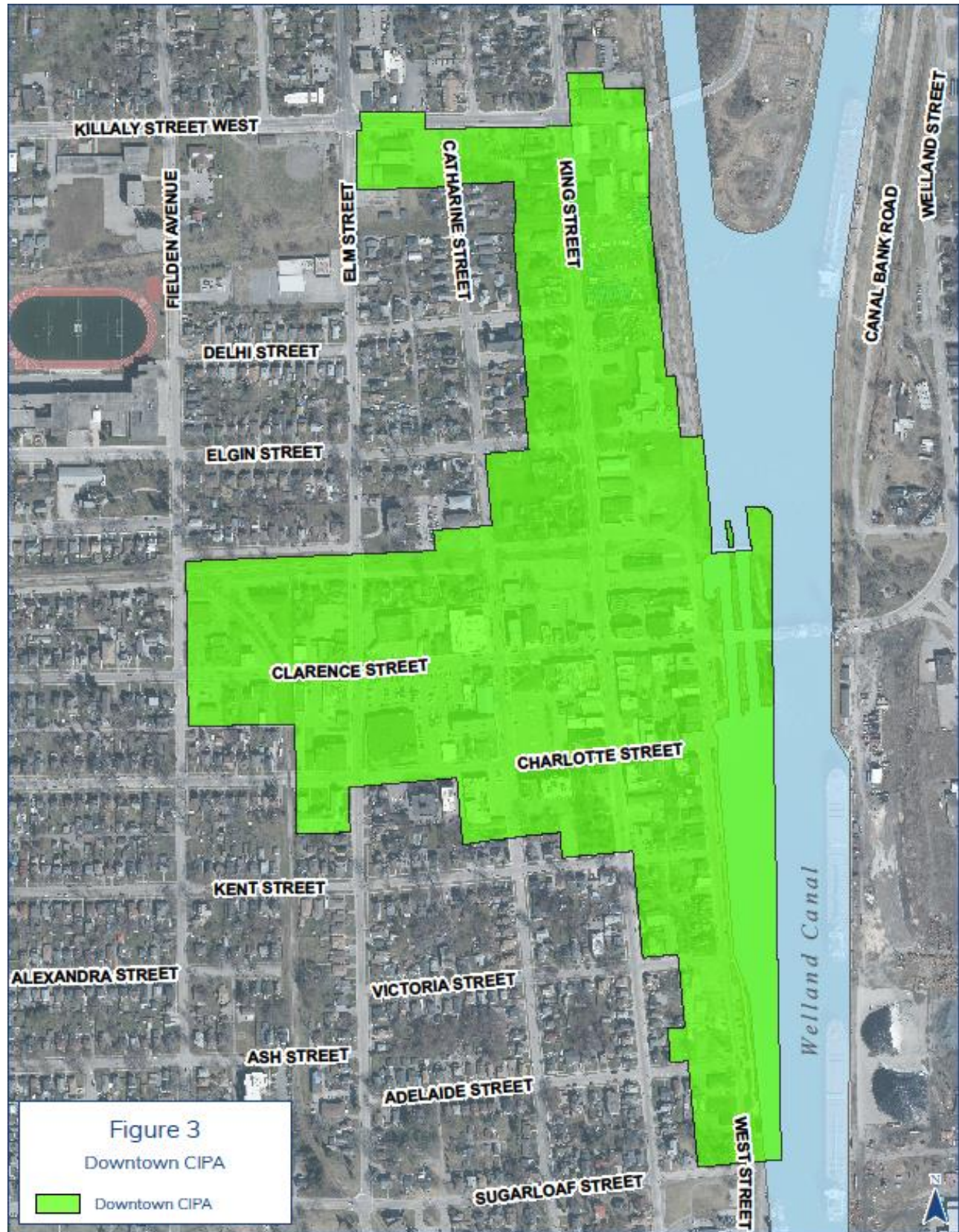
To provide the City with flexibility (entirely at the discretion of the City) to include properties that are immediately outside the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA within one of these CIPAs,

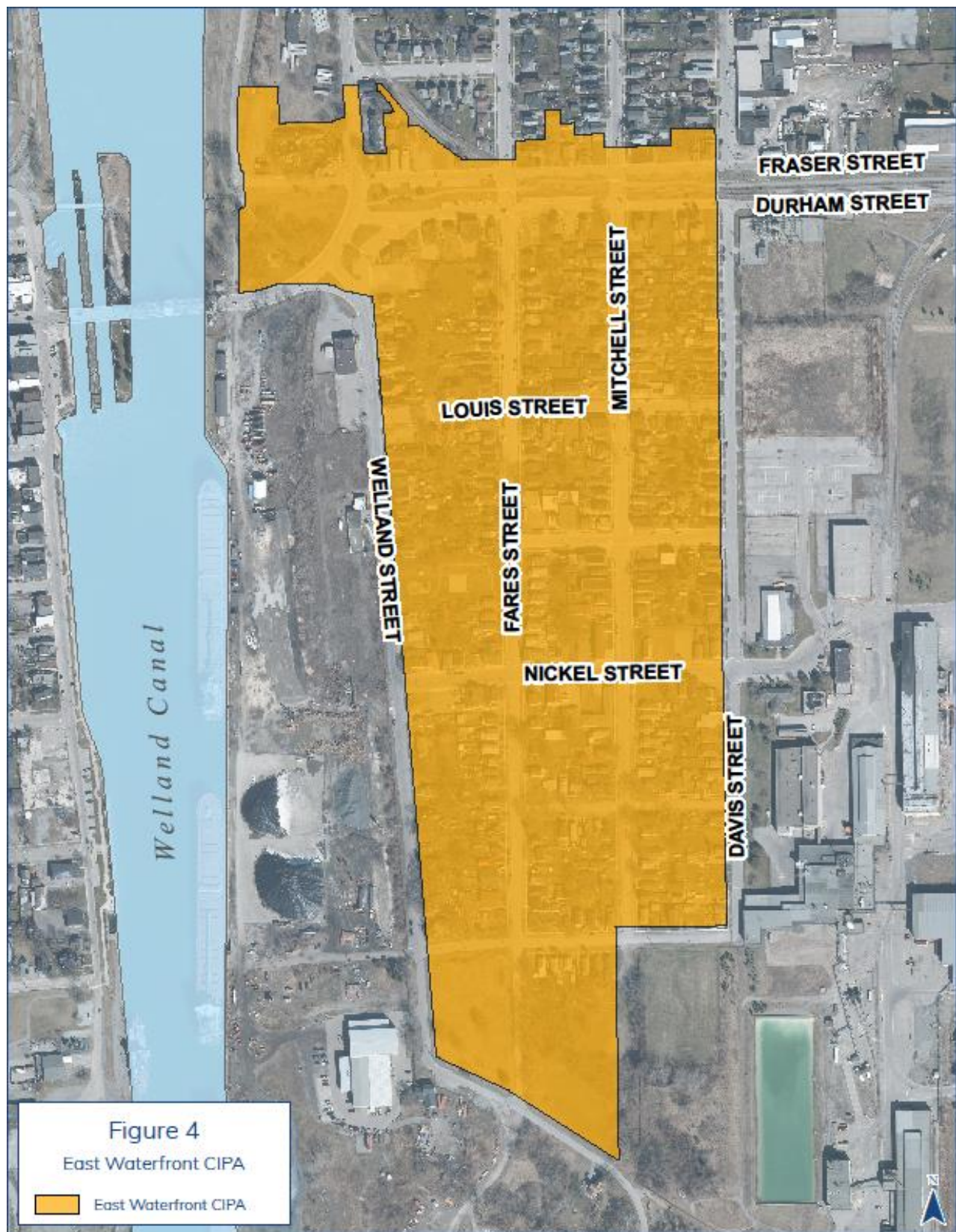
- a) Properties that are immediately adjacent to the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA may be considered by the City to be within one of these CIPAs, on a case by case basis, subject to these properties meeting the need for community improvement and any proposals for development of these properties meeting the applicable key community improvement goals of this CIP for that CIPA.

However, should the City approve a property that is immediately adjacent to the Main Street CIPA, Downtown CIPA, or East Waterfront CIPA Primary CIPA for inclusion within one of these CIPAs, this will in no way alter the boundaries of said designated CIPAs within the designated CIPAs as shown in Figures 1 through 4 below.









6.0 Incentive Programs

6.1 Summary of Incentive Programs

The financial incentive programs in this Comprehensive CIP draw on the City's experience with the incentive programs in the existing CIPs, and recent best practices in other municipalities. However, the incentive programs in this CIP were developed in consultation with the PRT to strategically address existing and emerging key community improvement needs across the municipality in order to help achieve the community improvement goals identified in Section 4.0. Consequently, not all of the incentive programs contained in this CIP will be offered across the entire urban area of the City of Port Colborne.

Once this CIP is adopted and approved, the incentive programs in the CIP can be activated by Council, one or more at a time, based on Council approval of the implementation of each program, subject to the availability of funding. In this regard, the CIP enables Council to implement the incentive programs contained herein, but does not obligate Council to implement any or all of these incentive programs. Furthermore, Council controls the implementation of the incentive programs and Council will decide which programs will be offered in the CIPAs, and the amount of funding allocated to the financial incentive programs. Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, subject to the restrictions contained in this CIP, and any additional restrictions imposed by the City.

When implementing the incentive programs, depending on budget considerations at the time, Council can set the maximum grant available for each incentive program at or below the maximum specified for that program herein. Council may also specify a maximum grant amount for any incentive programs where a maximum grant amount is not specified herein. Finally, all of the financial incentives described herein may be provided to applicants at the sole discretion of the City of Port Colborne.

General requirements that apply to all the incentive programs and program specific requirements have been included in this CIP to help ensure that the goals of the CIP can be met while protecting the financial, planning, and other interests of the City. **Table 2** below provides information for each of the incentive programs that can be offered by the City under this CIP, including the specific CIPAs where each program can be made available by the City (eligible CIPA), and the types of properties/projects that are eligible to apply for each incentive program in each eligible CIPA. The balance of this section provides a description of the general program requirements, and the basic details for each of the incentive programs, including the program purpose, description, and program specific requirements. **Appendices D and E** contains supporting information for one or more of the incentive programs. These appendices do not form an operative part of the CIP, and may be changed from time to time by the City, as required, without amendment to this Plan.

Table 2 Summary of Incentive Programs

Program	Description	Eligible CIPA	Eligible Properties/Projects
1) Environmental Site Assessment Grant Program	A Grant equal to 50% of the cost of eligible environmental studies to a maximum: a) grant of \$20,000 per study; b) two (2) studies per project; and, c) \$30,000 per project.	Brownfield CIPA (entire urban area).	All properties, but applicants must clearly demonstrate a legitimate intention to undertake eligible community improvement/redevelopment of the property.
2) Urban Design Study Grant Program	A Grant equal to 50% of cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments to a maximum grant of \$2,000 per property/project.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	All properties with potential for eligible community improvements.
3) Facade and Property Improvement Grant Program	A Grant equal to 50% of cost of eligible front facade and storefront improvement and restoration works up to a maximum grant per project of \$20,000. Maximum grant can be increased by up to \$5,000 (on a matching 50/50 basis) for projects on properties that are designated under the <i>Ontario Heritage Act</i> . A separate Grant equal to 50% of cost of eligible side and/or rear facade improvement and restoration works up to maximum grant per project of \$5,000 only where said rear and/or side facades are highly visible from a public road, public parking area or public open space.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Existing commercial, institutional and mixed use buildings only.

Table 2 Summary of Incentive Programs (cont'd)

Program	Description	Eligible CIPA	Eligible Properties/Projects
4) Residential Grant Program	A Grant equal to 50% of cost of renovating existing residential units and/or constructing new residential units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	<ul style="list-style-type: none"> i) Renovation to existing residential units in mixed use buildings to Building Code, Fire Code, and Property Standards Bylaw. ii) Conversion of excess/ vacant commercial space on upper stories of commercial and mixed use buildings into one (1) or more net residential units. iii) Intensification of existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units. iv) Vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.
5) Affordable Rental Housing Grant Program	A Grant equal to 50% of cost of constructing new affordable rental housing units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Entire urban area, but priority will be given to applications in Main Street, Downtown, and East Waterfront CIPAs.	New affordable rental housing units ⁵ rental housing units only created by eligible project types 4) ii) to iv) above. Can be combined with the Residential Grant Program, in the Main Street, Downtown, and East Waterfront CIPAs, as applicable.
6) Brownfields Tax Assistance Program (TAP)	Cancellation of the City property tax increase for up to 5 years during the tax assistance period. Cancellation of the education property tax increase is subject to approval by the Minister of Finance and is a separate process from the CIP program application process.	Brownfield CIPA (entire urban area).	Property must have a corresponding Brownfield TIG application.

⁵ See Appendix D for the definition of “affordable rental housing”.

Table 2 Summary of Incentive Programs (cont'd)

Program	Description	Eligible CIPA	Eligible Properties/Projects
7) Tax Increment Grant (TIG) Program	a) Main Street, Downtown and East Waterfront TIG - Annual TIG equal to 80% of City property tax increase generated by project for up to 10 years following project completion. TIG increases to 100% for affordable rental housing units.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Only projects that create a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.
	b) Brownfield TIG - Annual Tax Increment Grant (TIG) equal to 100% of City property tax increase generated by project for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The total amount of the Brownfield TIG is; a) capped at the total eligible program costs; and, b) reduced (offset) by the amount of the Brownfield DCG.
8) Development Charge Grant (DCG) Program	Main Street, Downtown and East Waterfront Development Charge (DCG) – A Grant equal to 50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Applicants must choose between the TIG Program and the DCG Program.
	Affordable Rental Housing DCG ⁶ – a Grant equal to 100% of the City DC payable on affordable rental housing units.	Entire Urban Area	Applicants must choose between a TIG Program and the DCG Program.
	Brownfield DCG – A Grant equal to up to 100% of the City DC payable.	Brownfield CIPA (entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG.

⁶ This program is overridden by any in effect Provincial legislation that requires the City to provide a 100% Development Charge Exemption for affordable rental housing units. If that is the case, no TIG will be available.

6.2 General Program Requirements

All of the financial incentive programs contained in this CIP are subject to the following general requirements as well as the individual requirements specified under each program. The general and program specific requirements contained in this CIP are not necessarily exhaustive, and the City reserves the right to include other requirements and conditions as deemed necessary on a program and/or property specific basis:

- a) Application for any of the incentive programs contained in this Plan can be made only for properties within the Community Improvement Project Area (CIPA) as defined in Section 5.0 of this Plan;
- b) None of the incentive programs contained in this Plan will be offered on a retroactive basis. This means that the City can accept applications for the financial incentive programs contained in this CIP only after this CIP has been adopted by Council and approved. This also means that an application for any financial incentive program contained in this CIP must be submitted to the City and that application must be approved by the City prior to the commencement of any eligible studies or eligible works that are the subject of the application;
- c) In addition to the restriction of eligibility for incentive programs to certain CIPAs and land uses as specified in this Plan, the City may further restrict eligibility for any of the incentive programs contained in this Plan to certain geographic areas, land uses, types of development, and other additional criteria, without amendment to this Plan, to help ensure that funded projects achieve the goals of this Plan and maximize community improvement benefits;
- d) Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, i.e., the incentive programs can be combined or “stacked”, subject to the general and individual program requirements and maximum grant restrictions contained in this CIP, and any additional program requirements and restrictions that may be imposed by the City;
- e) With the exception of the Brownfield Tax Increment Grant (TIG) and Brownfield Development Charge Grant (DCG) Programs, applicants for all other Tax Increment Grant (TIG) Programs and Development Charge Grant (DCG) Programs contained in this CIP must choose between a TIG Program and a DCG Program. An applicant cannot apply for both programs.
- f) Applicants are eligible to apply for both the Brownfield Tax Increment Grant (TIG) and the Brownfield Development Charge Grant (DCG) Programs contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the approved Brownfield DCG.
- g) Applicants who apply and are approved for a TIG and/or a DCG under this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.

h) Except for the following programs, the applicant must be the owner of the property,;

- i) Environmental Site Assessment (ESA) Grant Program;
- ii) Urban Design Study Grant Program;
- iii) Facade and Property Improvement Grant Program;

For the programs noted in h) i) to iii) above, if the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and receive the grant payment, with said written consent in a form acceptable to the City;

- i) An individual, corporation or other party who has litigation pending against the City, including appeals to planning and other tribunals, may be deemed by the City in its sole and absolute discretion to be ineligible to apply for/receive any of the incentive programs contained in this CIP;
- j) Regardless of whether or not an Applicant otherwise satisfies the general and program specific requirements contained in this CIP, City Council or its delegate may reject any incentive program application received from an applicant where there is credible information that the applicant has been involved recently or repeatedly in illegal activity, supporting the conclusion that the applicant will not conduct themselves with honesty and integrity in undertaking the community improvement for which a grant is being sought. In this regard, applicants are individuals, corporations, and principals of the corporation, including corporate officers and directors;
- k) An application for any financial incentive program contained in this CIP must include plans, drawings, studies, cost estimates, contracts, reports, construction values, rental rates, sale prices, and other details as required by the City to satisfy the City with respect to the costs, design and performance of the project, and conformity of the project with the CIP;
- l) The City may require that an applicant submit for approval professional urban design studies, architectural/design drawings, and a heritage impact assessment prepared by a qualified professional with said studies and drawings in conformity with all applicable design guidelines specified by the City;
- m) The City may require that an applicant submit for approval a business plan, impact studies such as traffic studies, studies of microclimatic conditions (sun, shadow, wind), and any other studies as deemed necessary by the City, and such studies shall be to the City's satisfaction;
- n) Review and evaluation of an application and supporting materials against program eligibility requirements will be done by staff who will then make a recommendation to Council or Council's designate;
- o) The application is subject to approval by Council or Council's designate. Should Council's designate decide not to approve the application, the applicant has the right to appeal that decision to Council;

- p) Except for the ESA Grant Program and the Urban Design Study Grant Program, as a condition of application approval, the applicant will be required to enter into a Grant Agreement with the City. This Agreement will specify the terms, duration and default provisions of the incentive to be provided. This Agreement is also subject to approval by Council or Council's designate;
- q) Each program in this CIP is considered active if Council has approved implementation of the program and Council has approved a budget allocation for the program (as applicable);
- r) Where other sources of government and/or non-profit organization funding (Federal, Provincial, CMHC, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs have been applied for, are anticipated, or have been secured, these must be declared as part of the application, and accordingly, the grant/loan from the City may be reduced on a pro-rated basis;
- s) The City reserves the right to audit the cost of any and all works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- t) The City is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant;
- u) If the applicant is in default of any of the general or program specific requirements, any other requirements of the City, or any of the terms and condition specified in the grant agreement, the City may delay, reduce, or cancel the approved grant, and require repayment of the approved grant, including the ability to add the repayment of the approved grant amount to the property tax roll;
- v) The City may discontinue any of the programs contained in this CIP at any time, but applicants with an approved grant will still receive said grant, subject to meeting the general and program specific requirements;
- w) All proposed works approved under the financial incentive programs and associated improvements to buildings and/or land completed must conform to all applicable City guidelines, by-laws, policies, procedures and standards, including applicable Urban Design Guidelines;
- x) All works completed must comply with the description of the works as provided in the application form, supporting materials, and contained in the program agreement, with any amendments as approved at the sole discretion of the City;
- y) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements and approvals;

- z) All improvements made to buildings and/or land shall be made pursuant to a Building Permit, and/or other required permits, and constructed in accordance with the Ontario Building Code and all applicable zoning requirements and planning approvals;
- aa) When required by the City, outstanding work orders, and/or orders or requests to comply, and/or other charges from the City must be satisfactorily addressed prior to grant approval/payment;
- bb) Property taxes must be in good standing at the time of program application and throughout the entire length of the grant commitment;
- cc) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City;
- dd) Applicants approved for the programs contained in this CIP will be required to complete the eligible studies and eligible works within specified timeframes as specified in their approval letter or grant agreement; and,
- ee) The total of all grants, loans and tax assistance provided in respect of the particular property for which an applicant is making application under the programs contained in this CIP and any other applicable CIPs shall not exceed the eligible cost of the improvements to that particular property under all applicable CIPs.

6.3 Environmental Site Assessment (ESA) Grant Program

6.3.1 Purpose

The purpose of the ESA Grant Program is to promote the undertaking of environmental studies so that more and better information is available with respect to the type of contamination and potential remediation costs on brownfield properties.

6.3.2 Description

Eligible environmental studies include a Phase II ESA (complete, partial, or supplemental), Remedial Work Plan, Risk Assessment/Risk Management Plan, testing and tracking for excess soil management, and a Designated Substances and Hazardous Materials Survey. Environmental study grants will only be offered on eligible properties where there is potential for renovation/adaptive reuse/expansion of the buildings on the property, and/or development/redevelopment of the property. Applicants must clearly demonstrate their legitimate intention to undertake one or more of these activities on an eligible property, by whatever means deemed necessary by the City⁷. Studies undertaken solely for the purposes of purchase/sale due diligence shall not be eligible for this program.

This program will provide a grant equal to 50% of the cost of eligible environmental studies to a maximum:

- a) grant of \$20,000 for any eligible environmental study;
- b) two (2) studies per project; and,
- c) \$30,000 grant per project.

Applications for this program will be processed and approved on a first come, first served basis. Review and evaluation of an application and supporting materials against program eligibility requirements will be completed by staff, and a decision on the grant application will be made by staff acting as Council's designate.

Grant payments approved under this program would be provided to applicants following submission to the City for review of the final completed environmental study with the original invoice, indicating that the study consultants have been paid in full. The grant will be paid on the lesser of two cost estimates provided for the study or the actual cost of the study.

Property owners may assign the grant to non-owners, otherwise known as assignees. For example, some property owners may wish to enable prospective purchasers to be eligible for the ESA Grant. Assignees are eligible to apply for and receive this grant, subject to providing the City with written consent from the owner to conduct the study and provided that the property owner has assigned the grant to the assignee.

⁷ This may include, but is not necessarily limited to the submission of a letter of intent to renovate, adaptively reuse, expand and/or redevelop the property, and submission of a preliminary development plan (if planning applications have not yet been submitted).

The grant may be reduced or cancelled if the study is not completed, not completed as approved, or if the consultant(s) that conducted the study are not paid in full. The applicant will agree to provide the City with permission to notify any other subsequent project proponents of the existence of an environmental study or studies.

6.3.3 Program Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Council:

- a) An application must be submitted to and approved by the City prior to the start of any environmental study to which this grant will apply;
- b) Environmental studies shall be for the purpose of:
 - i) confirming and describing the location and concentration of contamination at the site (complete, partial, or supplemental Phase II ESA);
 - ii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan, Risk Assessment/Risk Management Plan);
 - iii) testing and tracking for the purpose of excess soil management as per O. Reg 406/19;
 - iv) Designated Substances and Hazardous Materials Survey.

For application type c i) above, applicants must complete and submit to the City for review and retention a Phase I ESA that demonstrates the property is suspected of environmental contamination and that preparation of a Phase II ESA is recommended.

For application type c ii) above, applicants must complete and submit to the City for review and retention a Phase I ESA that demonstrates the property is suspected of environmental contamination and that preparation of a Phase II ESA is recommended, and a Phase II ESA that demonstrates that as of the date the Phase II ESA was completed, the property did not meet the required standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry for the proposed use of the property.

- c) All ESA Grant applications will include:
 - i) a minimum of two (2) study cost estimates⁸;
 - ii) a detailed study work plan; and,
 - iii) a description of the planned development/redevelopment, building renovation/adaptive reuse, and/or building expansion, including any planning applications that have been submitted/approved;

⁸ The grant to be paid will be based on the lesser of the two cost estimates, or the actual cost of the study, whichever is less.

- d) All completed environmental studies must comply with the description of the studies as provided in the grant application form;
- e) One (1) electronic and one (1) hard copy of the study must be submitted to the City for the City's review and retention; and,
- f) Approval of an ESA Grant application (except Risk Assessments/Risk Management Plans) will be revoked if the study is not submitted within two (2) calendar years of the date that the ESA Grant application is approved.

6.4 Urban Design Study Grant Program

6.4.1 Purpose

To help promote the undertaking of professionally prepared high quality urban design studies, architectural/design drawings, and heritage impact assessments that meet the City's Urban Design Guidelines and any other applicable guidelines and to help offset the costs of preparing said professional urban design studies, architectural/design drawings and heritage impact assessments.

6.4.2 Description

This program will provide a matching grant equal to 50% of the cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments required by the City to a maximum grant per property/project of \$2,000. Only one Urban Design Study Grant application per property/project will be allowed.

6.4.3 Program Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Council:

- a) The following types of professional studies/drawings/assessments for the renovation, conversion, and expansion of existing buildings and the construction of new buildings are considered eligible for a grant under this program:
 - i) urban design studies;
 - ii) architectural/design drawings;
 - iii) heritage impact assessments; and,
 - iv) any other study as approved by the City.
- b) All studies/drawings/assessments must be prepared by a qualified professional (i.e., architect/design professional) as determined by the City;

- c) One (1) electronic and one (1) hard copy of the study/drawings/assessment must be submitted to the City for the City's review and retention; and,
- d) All studies/drawings/assessments must be to the satisfaction of the City and must meet the City's Urban Design Guidelines and any other applicable City guidelines, by-laws, policies, procedures, and standards.

6.5 Facade and Property Improvement Grant Program

6.5.1 Purpose

To promote the rehabilitation, restoration, preservation and improvement of the front, side and rear facades of existing commercial, institutional and mixed use buildings, including retail storefront display areas and signage.

To promote improved landscaping, driveway access, and parking areas of existing commercial, institutional, and mixed use buildings with particular emphasis on the public street edge in order to improve visual quality and create a safer and more comfortable pedestrian environment.

6.5.2 Description

This program will provide a grant equal to 50% of the cost of eligible front facade and storefront improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$20,000.

The maximum grant available under this program can be increased by up to \$5,000 (on a matching 50/50 basis) for projects that are also designated under the *Ontario Heritage Act*.

A separate grant equal to 50% of the cost of eligible side and/or rear facade improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$5,000 may be provided where said rear and/or side facades are highly visible from a public road, public parking area or public open space.

6.5.3 Program Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Council:

- a) The following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings are considered eligible for a grant under this program:
 - i) repair or replacement of storefront, including repair or replacement of storefront doors and windows;
 - ii) exterior and entrance modifications to provide barrier free accessibility;

- iii) repair or repointing of facade masonry and brickwork;
 - iv) repair or replacement of cornices, parapets, eaves and other architectural details;
 - v) repair or replacement of awnings or canopies;
 - vi) facade painting, cleaning, and refinishing treatments as acceptable to the City;
 - vii) addition of new lighting/upgrading of existing lighting fixtures on exterior facade and in entrance and storefront display areas;
 - viii) repair, improvement, or replacement of existing signage, and installation of new signage (as permitted by the Sign By-law);
 - ix) landscaping, including plant materials, planters and planting strips, (to a maximum of 15% of the approved grant amount);
 - x) addition of new lighting and/or upgrading of existing lighting (e.g., conversion to LED lighting) where said lighting is not attached to the building;
 - xi) construction, expansion or upgrading of an outdoor commercial patio/café area;
 - xii) construction, consolidation, or improvement of parking areas and driveway access/egress;
 - xiii) architectural/design fees required for eligible works (to a maximum of 10% of the grant amount);
 - xiv) other similar repairs/improvements as may be approved; and,
 - xv) items i) to xiv) above as they apply to side facades and rear facades that are highly visible from a public road, public parking area or public open space.
- b) In addition to the eligible costs specified in a) above, the following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act* are also considered eligible for a grant under this program:
- i) works that conserve or enhance elements specified in the Reasons for Designation accompanying the designating by-law under the *Ontario Heritage Act*;
 - ii) original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.);
 - iii) removal of modern materials and replacement with documented original materials;
 - iv) reconstruction or construction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.);
 - v) cleaning of masonry buildings, as acceptable to the City, if it is necessary for the building's preservation;
 - vi) all final finishes, such as paint and masonry, as acceptable to the City; and,
 - vii) structural repairs and works required to maintain or preserve significant heritage features.
- c) For commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act*, the facade restoration and improvement works should be supported by documentation in the form of historic photographs or drawings clearly showing the feature(s) to be restored or reconstructed.

- d) The City may consider applications for phased facade improvements under this program, subject to the maximum grant amounts per project noted above.

6.6 Residential Grant Program

6.6.1 Purpose

To promote improvements to the quality of the existing housing stock and increase the supply of housing via:

- a) renovations to existing residential units in mixed use buildings;
- b) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new residential units;
- c) residential intensification of existing mixed use or residential apartment/multi-unit buildings; and,
- d) the infilling of vacant lots with new residential units.

6.6.2 Description

This program will provide a grant equal to the cost of renovating existing residential units to code and/or constructing new residential units on the basis of \$15 per square foot of habitable floor space renovated or constructed, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).

The Residential Grant Program can be used for rental or ownership units. If used for ownership units, the grant may apply to buildings that fall under the *Condominium Act*. The Grant will be paid once all construction is complete and the City has conducted all final inspections.

6.6.3 Program Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Council:

- a) The following types of projects are considered eligible for a grant under this program:
 - i) renovations to existing residential units in mixed use buildings to bring these units into compliance with the Building Code, Property Standards By-law and the Fire Code;
 - ii) conversion of excess commercial and/or vacant space on upper stories of commercial and mixed use building to one (1) or more residential units;
 - iii) intensification of an existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units; and,
 - iv) vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.

6.7 Affordable Rental Housing Grant Program

6.7.1 Purpose

To increase the supply of new affordable rental housing⁹ via:

- a) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new affordable rental residential units;
- b) intensification of existing mixed use or residential apartment/multi-unit buildings to create new affordable rental residential units; and,
- c) the infilling of vacant lots with new affordable rental residential units.

6.7.2 Description

This program will provide a grant equal to \$15 per square foot for the creation of new affordable rental housing units, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project). While the City can offer the Affordable Rental Housing Grant Program as a stand- alone program across the entire urban area, priority will be given to applications in the Main Street, Downtown, and East Waterfront CIPAs. The Affordable Rental Housing Grant Program can also be combined with the Residential Grant Program in the Main Street, Downtown and East Waterfront CIPAs. Applicants have the option to apply up to \$10,000 of their approved Affordable Rental Housing Grant against planning and building permit fees at the time these must be paid, with a concomitant reduction in the balance of the Affordable Rental Housing Grant when it is paid upon project completion.

The affordable rental housing units created under this program must remain as affordable rental housing units as per the definition of affordable rental housing and minimum period of time as specified in **Appendix D**. Therefore, all applicants approved for a grant under this program must enter into an Agreement with the local municipality to maintain the residential unit as affordable for the minimum period of time specified in Appendix D. The Applicant will be responsible for annually confirming with the City that all residential units funded by this program remain as affordable rental residential units. The grant provided to the applicant will be immediately due and payable for all units that are no longer affordable rental housing within the period of time specified in Appendix D.

6.7.3 Program Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Council:

- a) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D;:

⁹ See Appendix D for the definition of “affordable rental housing”.

- i) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
 - ii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
 - iii) the infilling of vacant lots with new affordable rental residential units.
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

6.8 Brownfield Tax Assistance Program (TAP)

6.8.1 Purpose

To encourage the remediation and substantial rehabilitation, adaptive reuse, development/redevelopment of brownfield sites (where actual contamination has been confirmed) by providing tax assistance in the form of a cancellation of part or all of the property tax increase on a property that is undergoing or has undergone remediation and development to assist with payment of the cost of environmental remediation and/or risk assessment/ management. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

6.8.2 Description

As noted in Section 2.1 of this CIP, the legislative authority for the Brownfield TAP is established under Sections 365.1 of the *Municipal Act, 2001*. Municipalities can pass a tax assistance by-law that cancels part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, as defined in Section 365.1 of the *Municipal Act, 2001*.

An “eligible property” for the Brownfield TAP is a property within the CIPA that is also eligible for the Brownfield Tax Increment Grant (TIG) Program where a Phase II ESA has been conducted in accordance with O. Reg. 153/04 and, as of the date the Phase II ESA was completed, did not meet the required standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry.

The “assistance period” for the Brownfield TAP is the period of time starting on the date on which the tax assistance by-law is passed by the City, and ending on the:

- a) the date when the total tax assistance provided equals the total eligible costs; or,
- b) the end date specified in the by-law (maximum of 5 years from the date the by-law was passed), whichever comes first.

“Eligible costs” for the Brownfield TAP are the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. These eligible costs are specified in the Program Requirements in Section 6.8.3 below. In no case will the total amount of the tax assistance provided under the Brownfield TAP exceed the total of these eligible costs.

An application for the Brownfield TAP must be for a site with confirmed environmental contamination as evidenced via a Phase II ESA that demonstrates the site does not meet the required standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry. An application for the Brownfield TAP must be accompanied by an application for the Brownfield TIG Program. Stand-alone applications for the Brownfield TAP are not permitted, and a Brownfield TAP application can only be approved if the corresponding Brownfield TIG Program Application is approved.

As part of the tax assistance provided to the applicant, the City may also request participation from the Region of Niagara (applicable only if the Region offers a Brownfield Tax Assistance Program) in order to provide for a cancellation of part or all of the Regional property tax increase, on an application by application basis. In order for the tax assistance by-law to apply to Regional property taxes, before it is passed by the City, the City must supply a copy of the proposed by-law to the Region, and Regional Council must, by resolution, agree that the by-law will also provide for a matching equivalent cancellation of the Regional property tax increase for up to 5 years. The tax assistance provided by the Region may be delivered on a different schedule than the tax assistance provided by the City, and may be subject to additional conditions.

The City may also apply to the Ministry of Finance for matching school property tax assistance on behalf of the property owner under the Province’s Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province. In order for the tax assistance by-law to apply to school property taxes, the BTIF Application must be approved in writing by the Minister of Finance. Matching school property tax assistance for eligible properties available through the Provincial BFTIP, or through any other replacement programs administered by the Province, is subject to approval by the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the City, and may be subject to additional conditions. An approval made under the City’s Brownfield TAP shall be conditional on the Applicant receiving approval from the Minister of Finance for a corresponding application under the Province of Ontario’s BFTIP respecting cancellation of the school portion of property taxes.

Each property approved for the Brownfield TAP will be subject to passing of a by-law by the City that authorizes the provision of the tax assistance. This by-law will contain conditions required by the City as well as conditions required by the Region (if applicable) and the Minister of Finance.

6.8.3 Program Requirements

Applicants that have applied for a Brownfield TIG are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to availability of funding as approved by City Council, Regional Council (if applicable) and the Minister of Finance:

- a) An application for the Brownfield TAP must be accompanied by:
 - i) an application for the TIG Program, including a description of the development that will take place on the site post remediation/risk assessment;
 - ii) a Phase I ESA;
 - iii) a Phase II ESA that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry;
 - iv) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan that contains or is accompanied by:
 - aa) a cost estimate for the actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*; and,
 - bb) a work plan and budget for said environmental remediation and/or risk assessment/risk management actions, including a description of the proposed remediation, including the approach, methods and technologies to be used;
- b) The total value of the tax assistance provided under this program shall not exceed total eligible costs. This includes the eligible costs of:
 - i) A Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment/Risk Management Plan not disbursed by the ESA Grant Program;
 - ii) environmental remediation, including the cost of preparing a Record of Site Condition (RSC) and Certificate of Property Use (CPU);
 - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site;
 - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment/Management Plan and/or CPU;
 - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated; and,
 - vi) environmental insurance premiums;
- c) Should the owner of the property default on any of the conditions in the tax assistance agreement or by-law, cancelled property taxes (plus interest) will become payable to the City, the Region (if applicable) and the Province;

- d) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP).

6.9 Tax Increment Grant (TIG) Program

6.9.1 Purpose

To encourage substantial rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from these various types of development. This incentive is also designed to assist in securing project financing.

6.9.2 Description

N.B. An applicant applying for the Main Street, Downtown, or East Waterfront TIG Program cannot apply for any Development Charge Grant (DCG) Program contained in this CIP.

An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.

Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.

Subject to the “as built” project achieving the minimum increase in assessment value (AV) (as determined by MPAC) specified in **Appendix E¹⁰**, this program will provide an annual tax increment grant (TIG) for up to ten (10) years after project completion equal to a percentage of the increase in the municipal (City and Region)¹¹ portion of property taxes¹² generated by completion of an eligible project as shown in **Table 3** below.

¹⁰ The Brownfield TIG Program is exempt from this minimum assessment value increase requirement.

¹¹ Regional Municipality of Niagara participation in this program is subject to approval by the Region. If the Region does not offer a corresponding program, or elects not to participate in this program, the grant will apply only to the City property tax increase.

¹² This program does not include the Education portion of the property tax increase.

Table 3 Tax Increment Grant (TIG) Program by Type

TIG Program Name	TIG is Equal to:	Eligible CIPA	Program Eligibility
Main Street, Downtown, and East Waterfront TIG Program	80% of the municipal property tax increase for up to 10 years following project completion. TIG increases to 100% for up to 10 years for affordable rental housing units ¹³ .	Downtown CIPA. Main Street CIPA. East Waterfront CIPA.	Only projects that generate a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E. An applicant for this TIG Program cannot apply for a DCG Program under this CIP.
Brownfield TIG Program	100% of the municipal property tax increase for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The maximum amount of the Brownfield TIG is capped at total eligible costs for the Brownfield TIG as verified by the City. An applicant for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but the total amount of the Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.

The approved applicant would first construct and complete the approved project. The City would then pay the fixed grant annually once:

- The eligible project has been completed in accordance with the grant application;
- Final building inspections have taken place;
- An occupancy permit has been issued (as applicable);
- All deficiencies have been addressed;
- All general and program specific requirements and grant agreement requirements have been met, and continue to be met, to the City's satisfaction;
- The property has been reassessed by the Municipal Property Assessment Corporation (MPAC) and the assessment value of the property has increased by the minimum specified in Appendix E; and,
- The new property taxes have been paid in full for the year.

The City may establish a maximum total grant that can be paid under this program per application/property/project.

Pre-project Municipal taxes will be determined before commencement of the project at the time the application is approved. For purposes of the grant calculation, the increase in municipal property taxes (tax increment) will be calculated as the difference between pre-project municipal property taxes and post-project municipal

¹³ See Appendix D for the definition of "affordable rental housing".

property taxes that are levied as a result of re-valuation of the property by the MPAC following project completion. The tax increment does not include any increase/decrease in municipal taxes due to a general tax increase/decrease, or a change in assessment for any other reason. The annual grant amount to be paid over up to 10 years will be fixed based on post-project property taxes as determined based on post-project assessment value of the project upon completion. This fixed grant amount will then be paid annually once the eligible project is complete, building inspection has taken place, the property has been reassessed by MPAC, and the new property taxes have been paid in full for the year in which the grant is to be provided.

Assignment of an approved grant under the TIG Program is not permitted, unless it is an approved Brownfield TIG Program application, in which case, the City may allow, entirely at its own discretion, the approved applicant to assign the Brownfield TIG grant to a third party, but this is limited to a one-time assignability by the approved applicant.

If an application for both the Brownfield TIG Program and the Brownfield TAP has been approved, the annual grant available under the Brownfield TIG Program will begin when the benefits of the Brownfield TAP end.

6.9.3 Program Requirements for the Main Street, Downtown, and East Waterfront TIG Program

Applicants are eligible to apply for funding under one of the Main Street, Downtown, and East Waterfront TIG Programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects that generate an “as built” increase in assessment value (as determined by MPAC) specified in Appendix E are considered eligible for this program:
 - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings;
 - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings;
- b) If during the grant period, a building receiving a TIG is demolished, all grant payments shall cease and the City reserves the right to require repayment of the grant payments; and,
- c) If during the grant period, a building/property designated under the *Ontario Heritage Act* receiving a TIG is demolished or any of the heritage features are altered in any way that would compromise the reasons for designation, all grant payments shall cease and the City reserves the right to require repayment of the grant payments.

6.9.4 Program Requirements for the Brownfield TIG Program

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the program requirements in Section 6.9.3 above, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) An application for the Brownfield TIG must be accompanied by a:
 - i) Phase I ESA;
 - ii) Phase II ESA prepared by a qualified person that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry;
 - iii) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan prepared by a qualified person that contains or is accompanied by:
 - aa) a cost estimate for the actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*; and,
 - bb) a work plan and budget for said environmental remediation and/or risk assessment/risk management actions, including a description of the proposed remediation, including the approach, methods and technologies to be used;
- b) The total value of the grant provided under the Brownfield TIG Program shall not exceed total eligible costs which include only the costs of:
 - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
 - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
 - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
 - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
 - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil, except where the soil is found to be contaminated;
 - vi) environmental insurance premiums not disbursed by the Brownfield TAP;
 - vii) demolishing buildings (excluding permit fees);
 - viii) building rehabilitation and retrofit works (excluding permit fees); and,
 - ix) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities.
- c) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP); and,

- d) While the City, entirely at its own discretion, may allow an applicant with an approved Brownfield TIG to assign the Grant to an assignee as the result of the sale or other transfer of the property, the approved TIG will cease immediately upon any subsequent sale or other transfer of the property.

6.10 Development Charge Grant (DCG) Program

6.10.1 Purpose

To encourage rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the City development charge normally payable on such development projects. This incentive is also designed to assist in securing project financing.

6.10.2 Description

N.B. An applicant applying for the Main Street, Downtown, East Waterfront or Affordable Rental Housing DCG Program cannot apply for a TIG Program contained in this CIP.

An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.

Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.

The DCG Program will provide a grant equal to a percentage of the City development charge normally payable (after any reduction of development charges for redevelopment) as shown in **Table 4** below.

City development charges will be paid in full by an applicant for this program at the time development charges are normally paid, e.g., building permit issuance. The City would then pay the DCG to the applicant only once after:

- i) The eligible and approved project is complete;
- ii) Final building inspections have taken place;
- iii) An occupancy permit has been issued (as applicable);
- iv) All deficiencies have been addressed; and,
- v) All program and grant agreement requirements have been met to the City's satisfaction.

Table 4 Development Charge Grant (DCG) Program by Type

DCG Program Name	DCG is equal to:	Eligible CIPA	Program Eligibility
Main Street, Downtown, and East Waterfront DCG Program	50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Affordable Rental Housing DCG Program ¹⁴	100% of the City DC payable on affordable rental housing ¹⁵ .	Entire urban area	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Brownfield DCG Program	Up to 100% of the City DC payable.	Brownfield CIPA (Entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG. The maximum Brownfield DCG is equal to the eligible costs for the Brownfield DCG as verified by the City.

As applicable, an applicant can apply for one of the Main Street, Downtown, East Waterfront or Brownfield DCG Programs, and the Affordable Housing DCG Program, together. The City may establish a maximum total grant that can be paid under the DCG Program(s) per application/property/project.

In order for an applicant to take advantage of the Brownfield DCG Program, the applicant must have an approved Brownfield TIG application. The amount of the Brownfield DCG will equal the total cost of environmental remediation (Items i) to vi) in Section 6.9.4 b) above that has been approved and verified by the City, up to the amount of the City development charge normally payable after any reduction of development charges for redevelopment. The amount of the Brownfield DCG paid to the applicant will be deducted from any Brownfield TIG amount.

6.10.3 Program Requirements for the Main Street, Downtown, and East Waterfront DCG Program

Applicants are eligible to apply for funding under one of these programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects are considered eligible for this program:
 - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;
 - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;

¹⁴ This program is overridden by any in effect Provincial legislation that requires the City to provide a partial or 100% City Development Charge exemption for affordable rental housing units. If that is the case, no TIG will be available.

¹⁵ See Appendix D for the definition of “affordable rental housing”.

6.10.4 Program Requirements for the Affordable Rental Housing DCG Program

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Council:

- a) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D:
 - ii) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
 - iii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
 - iv) the infilling of vacant lots with new affordable rental residential units;
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

6.10.5 Program Requirements for the Brownfield DCG Program

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) An applicant must have applied and been approved for a Brownfield TIG;
- b) Only the following Brownfield TIG costs that have been approved and verified by the City are considered eligible costs for the Brownfield DCG:
 - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
 - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
 - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
 - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
 - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated;
 - vi) environmental insurance premiums not disbursed by the Brownfield TAP.

- c) The maximum Brownfield DCG that can be paid to the applicant equals the amount of the City Development Charge normally payable after any reduction of Development Charges for redevelopment.
- d) The amount of the Brownfield DCG paid to the applicant will be deducted from the maximum Brownfield TIG amount approved under the Brownfield TIG Program.
- e) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP);

7.0 Municipal Guidance and Leadership Strategy

This section of the CIP outlines the ways in which the City of Port Colborne will:

- a) provide design guidance for private sector community improvement projects that take advantage of the incentive programs in the CIP to help ensure that these projects help to achieve the goals of this CIP;
- b) support community improvement by undertaking public realm improvements and other community improvement initiatives across the CIPA, including the Main Street, Downtown and East Waterfront CIPAs. These guidance and leadership actions are summarized below.

7.1 Urban Design Guidelines

The City has existing Urban Design Guidelines for the Main Street CIPA (referred to as the Olde Humberstone Design Guidelines) and an existing Urban Design Strategy for the Downtown CIPA. These documents are available on the City's website, or by request from the City's Planning and Building Division.

7.1.1 Main Street Urban Design Guidelines

The Main Street Urban Design Guidelines were prepared as part of the Olde Humberstone CIP in 2008. The purpose of these Design Guidelines is to direct the appropriate form, scale, and character of development in the Main Street CIPA so that the vision for the Main Street CIPA is realized through thoughtful and insightful design of the private realm. The Design Guidelines are to be used by staff to help ensure that building owners and developers seeking to take advantage of the incentive programs contained in the CIP can only do so by following the Urban Design Guidelines.

The key objectives of the Main Street Urban Design Guidelines are as follows:

- Preserve and accentuate the unique cultural legacy of the Main Street area;
- Coordinate the appearance, function and character of the private realm along Main Street;
- Encourage compatible new infill development and redevelopment while preserving and enhancing existing high quality built form;
- Ensure that the Main Street core is a safe, comfortable, and well-designed environment for shopping, work, recreation and living; and,
- Improve the image and usability of the City of Port Colborne's gateway community.

The Main Street Urban Design Guidelines are quite comprehensive and provide guidance on:

- i) Land Use and Building Placement;
- ii) Built Form and Massing;
- iii) Architectural Character and Details;
- iv) Building Alterations; and,
- v) Landscaping.

7.1.2 Downtown Urban Design Strategy

The Downtown Urban Design Strategy was completed in July of 2010 as part of the CIP process. The Urban Design Strategy provides a comprehensive and coordinated strategy that directs future City decisions related to physical improvement, both public sector and private sector, in order to help achieve the vision for the Downtown CIPA. The principal objectives of the Urban Design Strategy are to:

- 1) Establish the overall vision for physical improvement in the Downtown CBD;
- 2) Identify a series of public realm enhancements;
- 3) Identify opportunities for intensification and redevelopment;
- 4) Identify appropriate land uses for existing undeveloped or underutilized properties;
- 5) Provide Urban Design Guidelines for façade improvements; and,
- 6) Identify any necessary amendments to the existing policy and regulatory documents.

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan. This Plan illustrates a series of improvements that are recommended for public places and spaces within the Downtown CIPA. This includes recommendations on gateway signage, wayfinding signage, streetscapes, a civic square, the Clarence Street bridge, public art; the Port Promenade; and West Street.

Section 5.0 of the Downtown Urban Design Strategy contains the Private Realm Improvement Plan. This Plan illustrates a series of improvements recommended for private buildings and properties within the Downtown CIPA. This includes recommendations on development and redevelopment, and improvements to building facades, private parking lots/areas, and property edges.

Section 6.0 of the Urban Design Strategy contains Façade Improvement Guidelines that are intended to be used by various participants in the facade design process in the Downtown CIPA. This includes both the City when reviewing planning applications; and developers, landowners, business owners, and their consultants, when designing and undertaking site and building improvements.

Section 7.0 of the Urban Design Strategy contains an Implementation Strategy that specifies the priority of the various public realm improvements (by type) in the Public Realm Improvement Plan.

7.2 Public Realm Improvements

The Olde Humberstone CIP, Downtown CBD CIP, and East Waterfront CIP all contained recommended public realm improvement projects designed to support private sector community improvement and improve the attractiveness, vibrancy, sense of place, and image of these CIPAs. The public realm improvement projects in these three CIPAs were reviewed in consultation with the PRT, and the following were identified as the key public realm improvements on the part of the City that are still relevant for implementation. Additional details on these public realm improvements can be found in the CIP sections as referenced below.

7.2.1 Main Street Public Realm Improvement Projects

Many of the public realm improvements recommended for the Main Street CIPA area in Section 3.3 of the Olde Humberstone CIP are focussed on celebrating the Canal and enhancing the ability to attract both tourists and residents to the waterfront. The main public realm improvements for the Main Street CIPA include:

- Improvements to the Lift Bridge Gateway and surrounding area, including signage and landscaping;
- Enhancements to Lock 8 Park;
- Upgrades to the Mellanby Avenue intersection;
- Enhancements to Weir Bridge;
- Creation of a public open space venue;
- Creation of and enhancement of existing courtyards, pocket parks and pedestrian alleyways;
- Consolidation and improvement of rear lot parking areas;
- Construction of a rail trail to Downtown;
- Construction of cycling facilities;
- Stabilization of the Canal slope;
- Upgrading of the King Street intersection;
- Upgrading of Cenotaph Park;
- Improvements to sidewalk improvements; and,
- Installation of gateway, directional and wayfinding signage.

7.2.2 Downtown Public Realm Improvement Projects

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan for the Downtown which specifies improvements to a broad range of elements and features within the public realm such as streets and streetscapes, public spaces, public buildings, and parking areas. The primary objective of the Public Realm Improvement Plan is to make the Downtown a comfortable and safe walking environment that is visually interesting and engaging, and to spur and mutually reinforce private sector investment in the buildings and properties to generate further activity Downtown.

The Public Realm Improvement Plan for the Downtown includes the following eight (8) types of public realm improvements:

- Establishment of Gateway signage features;
- Establishment of Wayfinding Signage;
- Improvement of Streetscapes;
- Establishment of a Civic Square;
- Accentuating the Clarence Street Bridge;
- Incorporation of Public Art features;
- Enhancement of the Port Promenade;
- Enhancement of the streetscape design for West Street.

7.2.3 East Waterfront Public Realm Improvement Projects

The long-term vision for the East Waterfront contained in Section 5.2 of the East Waterfront CIP includes major enhancements to the public realm in this area. The most significant public realm improvements are the enhancement of a linked system of trails, neighbourhood streetscape improvements, and improvement to the Clarence/Welland/Durham Street intersection.

7.3 Other Community Improvement Initiatives

As noted in Section 2.2 of this CIP, once the City has designated a CIPA and adopted and approved a CIP for the CIPA, in addition to the power to make grants and loans to pay for the whole or any part of the eligible costs of a CIP, the City may also engage in the following activities within the CIPA:

- a) Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- b) Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the CIP; and,
- c) Sell, lease, or otherwise dispose of any land and buildings acquired or held by it to any person or governmental authority for use in conformity with the CIP.

A proactive strategy of municipal leadership in the form of land acquisition, preparation, and partnership with the private sector in redevelopment projects has been shown to be a key component of successful revitalization of older downtown, commercial, and brownfield areas in numerous Canadian and U.S. municipalities. Therefore, the City of Port Colborne may exercise its full authority and powers under the *Planning Act*, the *Municipal Act, 2001*, and other applicable legislation to undertake any and all of the above-noted activities to promote community improvement that helps achieve the goals of this CIP. In particular, this includes, but is not limited to:

- Increase the supply and diversity of housing opportunities, including affordable housing;
- Ensuring an adequate supply of employment land;
- Attract and spur investment in high economic growth sectors and sector clusters that will help diversify the local economy;
- Promote brownfield redevelopment for new housing, employment and commercial uses;
- Create and enhance public gathering spaces; and,
- Create new open spaces and recreational opportunities.

In addition to the above-noted initiatives, the City should also continue to:

- i) monitor and update as required the City's Official Plan, Zoning By-law, other by-laws, regulations, and policies that direct land use planning to ensure that they do not act as an impediment to community improvement;
- ii) undertake studies, such as parking, traffic, retail market, environmental, and other studies as required, to support private and public community improvement initiatives;

- iii) undertake and support ongoing promotion, marketing and special events in the Main Street, Downtown, and East Waterfront CIPAs; and,
- iv) further detail and implement a Marketing Strategy (see Section 9.0) to promote the City's incentive programs and development opportunities to property owners, developers, potential end users, and support professionals in the City, Region and outside the Region of Niagara.

8.0 Monitoring Program

8.1 Purpose

The Monitoring Program has several purposes. It is designed to monitor:

- a) Funds dispersed through the CIP incentive programs to determine which programs are being most utilized, and use this information to adjust the programs, as required;
- b) Feedback from applicants to the incentive programs so that adjustments can be made to the incentive programs, as required; and,
- c) The economic impact associated with projects taking advantage of the CIP incentive programs.

This CIP is not intended to be a static planning document. It is intended to be a proactive plan for economic and community renewal and revitalization. Therefore, information obtained through the Monitoring Program should be used by the City to periodically adjust the incentive programs to make them even more relevant and user friendly. Information collected through the Monitoring Program should also be utilized to provide regular CIP update reports to Council (at least annually) on the amount of private sector investment being leveraged by the public sector incentive programs, and the economic benefits associated with these private sector projects. Ultimately, the purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs in order to help ensure that the key community improvement needs in Port Colborne are properly addressed by the CIP.

8.2 Description

Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. As well, feedback from users of the incentive programs should be considered and utilized to periodically adjust the incentive programs in order to improve their effectiveness and ensure that the incentive programs are effective for a range of project types and sizes in the CIPA. In addition, progress on implementation of the public realm improvement and other community improvement initiatives should be reported to Council on a regular basis.

Table 5 below presents a list of the variables that should be monitored on an individual project and aggregate basis for the incentive programs contained in this CIP. In addition to these quantitative economic measures, the City should attempt to monitor the qualitative results of the CIP in terms of its social and community benefits. This could include the impact of private sector community improvement projects and public realm improvement projects on existing and new businesses in the CIPAs.

Regular qualitative observations should be conducted by staff of the individual and cumulative impact of both public and private CIP projects in the CIPAs. This could include comments received by staff from business owners, property owners, potential investors, and residents. These qualitative measures should be regularly monitored and reported to Council along with the quantitative measures specified in Table 5.

Table 5 Monitoring Variables

Program	Monitoring Variable
1) Environmental Site Assessment Grant Program	<ul style="list-style-type: none"> • Number and location of applications. • Type of ESA (Phase II ESA, Remedial Work Plan, Risk Assessment/ Risk Management Plan, testing/tracking for excess soil management, Designated Substances and Hazardous Materials Survey). • Cost of the ESA. • \$ Amount of grant by type of ESA. • Number of grant applications leading to actual redevelopment projects (brownfield and non-brownfield). • Number and \$ Amount of program defaults.
2) Urban Design Study Grant Program	<ul style="list-style-type: none"> • Number and location of applications. • Type of study. • Cost of the design study/drawings/heritage impact assessment; • \$ Amount of grant. • Number of grants leading to facade improvement, property improvement, or other construction projects; • Number and \$ Amount of program defaults.
3) Facade and Property Improvement Grant Program	<ul style="list-style-type: none"> • Number and location of applications by type (facade improvement (front/ side/rear) and/or property improvement). • \$ Amount of grant. • Type and total cost (\$) of facade improvements. • Type and total cost (\$) of property improvements. • Total value (\$) of other building improvements/construction. • \$ Value of private sector investment leveraged. • Number of new businesses successfully occupying the space (1 year post project completion). • Increase in assessment value of participating property. • Increase in City, Region and education property taxes of participating property • Number and \$ Amount of program defaults.
4) Residential Grant Program	<ul style="list-style-type: none"> • Number and location of applications by type (renovation, conversion, intensification, infill); • \$ Amount of grant. • Number of residential units renovated and/or new residential units built by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built. • Total cost (\$) of residential units renovated and built. • Total value (\$) of other building improvements/construction. • \$ Value of private sector investment leveraged. • Rental rates/sale price by unit. • Increase in assessment value of participating property. • Increase in City, Region, and education property taxes of participating property. • Number and \$ Amount of program defaults.

Program	Monitoring Variable
5) Affordable Rental Housing Grant Program	<ul style="list-style-type: none"> • Number, location, and square footage of affordable residential units built by type (bachelor, 1 bedroom, 2 bedroom, 2+ bedroom). • \$ Amount of grant. • Total cost (\$) of affordable residential units built. • Total value (\$) of other building improvements/construction. • \$ Value of private sector investment leveraged. • Affordable rental rates. • Increase in assessment value of participating property. • Increase in City, Region, and education property taxes of participating property. • Number and \$ Amount of program defaults.
6) Brownfields Tax Assistance Program	<ul style="list-style-type: none"> • Number and location of applications; • Estimated and actual amount of City, Region, and education tax assistance (\$) provided; • Eligible cost (\$) by type. • Hectares/acres of land remediated and redeveloped; • Net industrial/commercial space (sq.ft.) rehabilitated or constructed; • Net residential units/sq.ft. renovated or constructed; • Total value (\$) of construction; • \$ Value of private sector investment leveraged; • Jobs created/maintained; • Number and \$ Amount of program defaults.
7) Tax Increment Based Grant (TIBG)	<ul style="list-style-type: none"> • Number and location of applications by type (Brownfield, Main Street, Downtown, or East Waterfront CIPA). • Estimated and actual amount of City and Region grant (\$). • Total value (\$) of construction. • Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space built/converted/ rehabilitated. • Square footage of commercial, industrial and institutional space constructed. • Number of new businesses successfully occupying space (1 year post completion). • Jobs created/maintained. • Increase in assessed value of participating property. • Increase in City, Region, and education property taxes of participating property. • Number and \$ Amount of program defaults.
8) Development Charge Grant Program	<ul style="list-style-type: none"> • Number and location of applications by type (Brownfield, Main Street, Downtown, East Waterfront or Entire Urban Area). • % and \$ Amount of grant; • Total value (\$) of construction; • Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built. • Square footage of commercial, industrial and institutional space constructed; • Number of new businesses successfully occupying space (1 year post completion); • Jobs created/maintained; • Increase in assessed value of participating property; • Increase in City, Region and education property taxes of participating property; • Number and \$ Amount of program defaults.

8.3 Program Adjustments

The individual incentive programs contained in this CIP can be activated, deactivated or discontinued by Council without amendment to this Plan. Increases in funding provided by the financial incentives contained in this CIP, the addition of any new incentive programs to this CIP, or an expansion of any of the CIPAs will require a formal amendment to this Plan in accordance with Section 28 of the *Planning Act*. The City may periodically review and adjust the terms and requirements of any of the programs contained in this Plan, without amendment to the Plan. Such minor changes or discontinuation of programs will be provided to the Regional Municipality of Niagara and the Minister of Municipal Affairs and Housing for information purposes only.

9.0 Marketing Strategy

9.1 Key Objectives and Messages

Experience with implementation of the various Port Colborne CIPs over the last 15 years, and experience in other municipalities with successful CIPs, suggests that it is very important to the successful implementation of the new Port Colborne Comprehensive CIP that the enhanced and more widely available incentive programs contained in the new CIP be effectively marketed to property owners, business owners, developers, investors, and current and potential employers within the CIPA as soon as possible after the CIP new is approved and the new incentive programs are launched. It is also important that the availability of the new incentive programs be effectively communicated to target audiences and markets outside of Port Colborne, both within and outside Niagara.

The purpose of the basic Marketing Strategy contained in this section is to provide a general guide to proactively and strategically inform, advertise and market the CIP incentive programs, redevelopment opportunities, and planned public realm improvements that have been and will be undertaken by the City in the CIPAs. This Marketing Strategy should be implemented as soon as possible after Council adopts and implements the Comprehensive CIP. Also, to help ensure ongoing successful implementation of the CIP, the Marketing Strategy can and should be adjusted as necessary over time based on the messaging, targeting, and marketing tools that prove most effective. The City should also engage with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, Downtown BIA, and other business and industry associations in Port Colborne in supporting the marketing of the CIP incentive programs to property owners, business owners and developers.

It is recommended that the City budget for and implement a Marketing Strategy that:

- a) Provides direction on how to obtain information on available incentive programs, including program guides and application forms, and how to obtain assistance and advice from City staff on making application for the incentive programs;
- b) Informs property owners, business owners, and developers with regard to recent and planned public realm and capital improvement projects and other actions planned by the City to improve the investment environment and conditions within the CIPA; and,
- c) Publicizes recent developments and business activity within the CIPA, especially those success stories that took advantage of the City's CIP incentives programs

All of these activities will help to further bolster the image of the CIPAs as a good place to invest, open or expand a business, and reside.

9.2 Target Audience

The long-term success of the CIP will depend on investment from both within (existing property and business owners) and outside Port Colborne. Therefore, it is important to market to both these target audiences. However, the best ambassadors (marketers) for the CIP programs are the business and property owners and residents already located in the CIPAs, and in particular those who have taken advantage of the CIP incentive programs. The impact of what existing business and property owners and residents tell potential investors and business owners cannot be underestimated. Therefore, it is very important for the City to regularly reach out to potential investors, developers and business using the marketing tools described below to inform them about available incentive programs, planned public realm improvements, ongoing and planned revitalization and development projects, and even other attractors such as festivals and events.

The Marketing Strategy should be targeted to:

- a) Existing property owners and business owners in the CIPA, especially those in the Main Street, Downtown, and East Waterfront CIPAs;
- b) Business owners/employers in the rest of Port Colborne;
- c) Business and industry associations both within and outside Port Colborne, including but not limited to the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA;
- d) Developers active in the Port Colborne and Niagara real estate market and other real estate markets in Ontario;
- e) Support professionals within and outside Port Colborne, including real estate professionals, lending institutions such as banks and trust companies, planning consultants, architects, lawyers, and others; and,
- f) Residents within the CIPAs, as well as the general public.

9.3 Marketing Tools

As much as possible, the marketing of the CIP incentive programs should be a comprehensive multi-media campaign containing information, education and advertising components. The following key tools are recommended to implement the Marketing Strategy:

- a) A media release advising that the Comprehensive CIP has been adopted by Council, highlighting the new incentive programs, how to apply, and when the new incentive programs will launch;
- b) An easy to read online and hardcopy Incentive Programs Brochure that outlines the financial incentive programs available from the City, including basic information on the programs and how to apply;
- c) Inclusion of this brochure in the City's annual property tax billing for all commercial properties within Main Street, Downtown and East Waterfront CIPAs;
- d) A revised single application form for all the incentive programs that clearly specifies all required information and is more user friendly than the current various application forms;
- e) A direct "Incentive Programs" link from the City's "Business and Development" webpage to the CIP Incentive Programs webpage, which will contain the Comprehensive CIP, a flow chart showing the CIP

application process, Incentive Program Guides, the single Application Form, and supporting documents such as the Urban Design Guidelines;

- f) Coordination with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA to add links on their websites to the City's CIP Incentive Programs webpage;
- g) Inclusion of CIP information in planning and economic development publications and other media produced by the City outlining available incentive programs; public realm improvements (planned, underway, and recently completed); and revitalization and redevelopment success stories that have taken advantage of the City's CIP incentive programs, including before and after photos of these projects;
- h) Create and issue media releases that profile successful CIP projects across the various CIPAs;
- i) Develop and host an "Open House" for property and business owners, developers, and support professionals such as local real estate and other professional associations outlining the new CIP programs just prior to their launch;
- j) Periodic presentations/information sessions to property and business owners, developers, and support professionals such as local real estate and other professional associations, outlining available incentive programs, how to apply, and success stories in the CIPAs that have taken advantage of the City's incentive programs;
- k) Promotion of stories in local media (newspaper, radio, web) on the CIP, public realm improvements and community improvement success stories in the CIPAs;
- l) Promotion of the CIP Incentive Programs with CIP focused posts on the City's social media accounts such as Twitter and LinkedIn accounts that explain the programs that will be available under the new CIP, and encourage the target audience to make application for the new programs.
- m) Consider utilizing tools such as Google AdWords to target CIP messaging to developers, real estate associations, environmental/ planning consultants, and finance, insurance and legal professionals in and around Port Colborne and Niagara;
- n) Requiring recipients of CIP grants to post a sign (designed and supplied by the City) that indicates the project is taking advantage of the City's CIP incentive programs and contact information for the CIP programs;
- o) Posting (only with the property owner's permission) information on the City's CIP incentive programs in vacant storefronts; and
- p) Creation of a thank you letter signed by the Mayor to be sent to CIP applicants after a project is successfully completed.

10.0 Conclusion

This Comprehensive CIP represents the culmination of 15 years of experience with community improvement planning in the City of Port Colborne. The lessons learned from implementation of the half dozen existing CIPs have been combined with best practices, and updated planning, policy, and economic development goals to produce a consolidated Comprehensive CIP that will serve to strategically promote community improvement across Port Colborne for years to come.

The incentive programs contained in this CIP have been developed specifically to help achieve the key community improvement goals in the various CIPAs. The incentive programs have been targeted to particular areas and types of development within the CIPAs based on the direction provided by the policy framework, the PRT, Council, and the input received from stakeholders and members of the public during preparation of this Plan.

The adoption and approval of this CIP will provide the legislative basis and comprehensive incentive programs policy framework needed to help the City of Port Colborne enhance community improvement results in the Main Street, Downtown, and East Waterfront areas along with the rest of the Urban Area. Successful implementation of this CIP will require a commitment by Council to funding for implementation of the incentive programs, as well as a financial and staffing resources commitment to administer, market, and monitor the incentive programs.

Monitoring of the incentive programs is very important to the success of the CIP. Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. The purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs. It is also recommended that this Comprehensive CIP be reviewed and updated with five (5) years.

Experience in other municipalities has shown that early, effective, and ongoing implementation of the Marketing Strategy will help to make investors, developers, and property and business owners aware of the City's updated and expanded incentive programs. This will result in a more successful CIP. Ongoing monitoring of the performance of the incentive programs and adjustment of the programs as required will also help to ensure the long-term effectiveness and success of this CIP.

APPENDIX A

Niagara Region Incentives Policy

Appendix 1: Regional Transitional Incentive Dates

A. Smarter Niagara Incentive Program (SNIP) Timeline Proposals

Projects must have submitted complete application packages by the expiry date indicated. Application submission in advance of expiry date is recommended to ensure applications are complete.

Program	Expiry Date	Sunset Clause	Transition	Notes
Affordable Housing Grant	October 1, 2023	N/A	N/A	Never operative
Agricultural Buildings and Facilities Revitalization Tax Increment Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	No uptake to date
Agricultural Feasibility Study Grant	October 1, 2023 Complete funding application must be received	October 1, 2024 Project completion and invoicing	None	No uptake to date
Brownfield Tax Assistance Program Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	None

Community Improvement Plan/ Secondary Plan Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified through individual project approvals	None	Secondary plans mandated by Regional policy or deemed to have significant Regional interest will be considered for funding on a case by case basis
Environmental Assessment Study Grant	October 1, 2023 Complete funding application must be received	October 1, 2024 Project completion and invoicing	None	Studies will be considered eligible costs under Regional brownfield incentive programs
Façade and Building Improvement Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	None
Heritage Restoration and Improvement Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	None

Public Domain Grant	October 1, 2023	N/A	N/A	Replaced by Public Realm Investment Program in 2016
Residential Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	Replaced by Small Building Rental grant program

B. Council-Mandated Incentive Dates

Program	Expiry Date	Sunset Clause	Transition	Notes
SNIP Property Rehabilitation and Revitalization Tax Increment Grant	October 1, 2024 Complete application must be received	Project completion and invoicing as specified in individual project agreements	None	Replaced by Brownfield and by Niagara Business Attraction Tax Increment Grant programs
Smart Growth Regional Development Charge Reduction	October 1, 2024 Complete application received OR transition agreement executed	Project completion and invoicing as specified in individual project agreement	October 1, 2024 For eligible projects meeting criteria outlined in this report	Current program expires with Regional DC Bylaw August 31, 2022; transition to October 1, 2024 expiry provided through this report

Niagara Region Incentives Policy Programs

September 2023

Program	Program Description	Grant Type
AFFORDABLE HOUSING		
Partnership Housing Program	Partnerships with for- and non-profits to generate more purpose-built rental and move clients off the housing waitlist by using a suite of Regional incentives customized by project	Suite of incentives (e.g., TIFs, DC grants and deferrals) for Affordable Housing Capital Development
Affordable and Supportive Housing RDC Deferral	A deferral of Regional DCs for affordable or supportive housing units in projects having an agreement with a Regional department or agency for as long as the units remain affordable	Regional Development Charge Deferral
Non-profit Affordable Rental Housing RDC Deferral	A deferral of 50-100% of Regional DCs depending on level of affordability for affordable rental housing units with CMHC funding for as long as the units remain affordable as defined	Regional Development Charge Deferral
Non-Profit RDC-based Grant	A grant for up to 100% of DCs payable for eligible non-profit developments	Regional Development Charge Grant
Intensification RDC Grant	A grant providing DC relief to secondary suites created within or on the property of residential dwellings as required in the DC Act and until no longer mandatory in the Act	Regional Development Charge Grant
Residential Rental Grant	A grant for the creation of secondary suites within or on the property of a residence which remain at affordable rental levels for at least 10 years	Regional Project Grant
Small Building Rental Grant	A grant for the construction of up to five units, up to \$15k/unit, provided units remain at affordable rental levels for at least 10 years	Regional Project Grant

Welcome Home Niagara Home Ownership Program	A forgivable loan for downpayment assistance of 5% to a maximum of \$20,296 (purchase price not to exceed \$405,930), as amended from time to time, for renters at specific income levels purchasing a home	Forgivable Loan
Niagara Renovates Homeownership	Forgivable loan over 10 years for repairs and accessibility modifications for low and moderate income households	Forgivable Loan
Niagara Renovates Multi-residential	Forgivable loan over 15 years to fund repairs or provide accessibility for affordable units in multi-unit buildings	Forgivable Loan
Non-Profit and Co-op Capital Repair Costs	Funding for capital repairs to non-profit and co-op housing providers having agreements with NRH	Forgivable Loan
Housing Provider Capital Loan Program	Emergency loan program, with 25% forgivable over time, to support repairs to non-profit and co-op affordable housing providers having agreements with NRH	Loan and Grant
EMPLOYMENT		
Gateway CIP Tax Increment Grant	A matching tax increment grant for projects in the Gateway CIP area with eligible scores on economic and environmental criteria which result in increased assessment value	Tax Increment Grant (Local and Regional Gateway CIP)
Gateway CIP RDC-based Grant	A matching grant of Regional DCs payable for projects with exceptional scores (14+) on Gateway CIP criteria	Regional DC Grant (Local and Regional Gateway CIP)
Niagara Business Attraction Tax Increment Grant	A matching tax increment grant for projects approved under local CIPs with eligible scores on economic and environmental criteria resulting in increased assessment value	Tax Increment Grant (Local CIP)
Industrial Use RDC-based Grant	A grant equal to 100% of Regional DCs for new or expanded industrial developments meeting the definition of Industrial Use	Regional Development Charge Grant

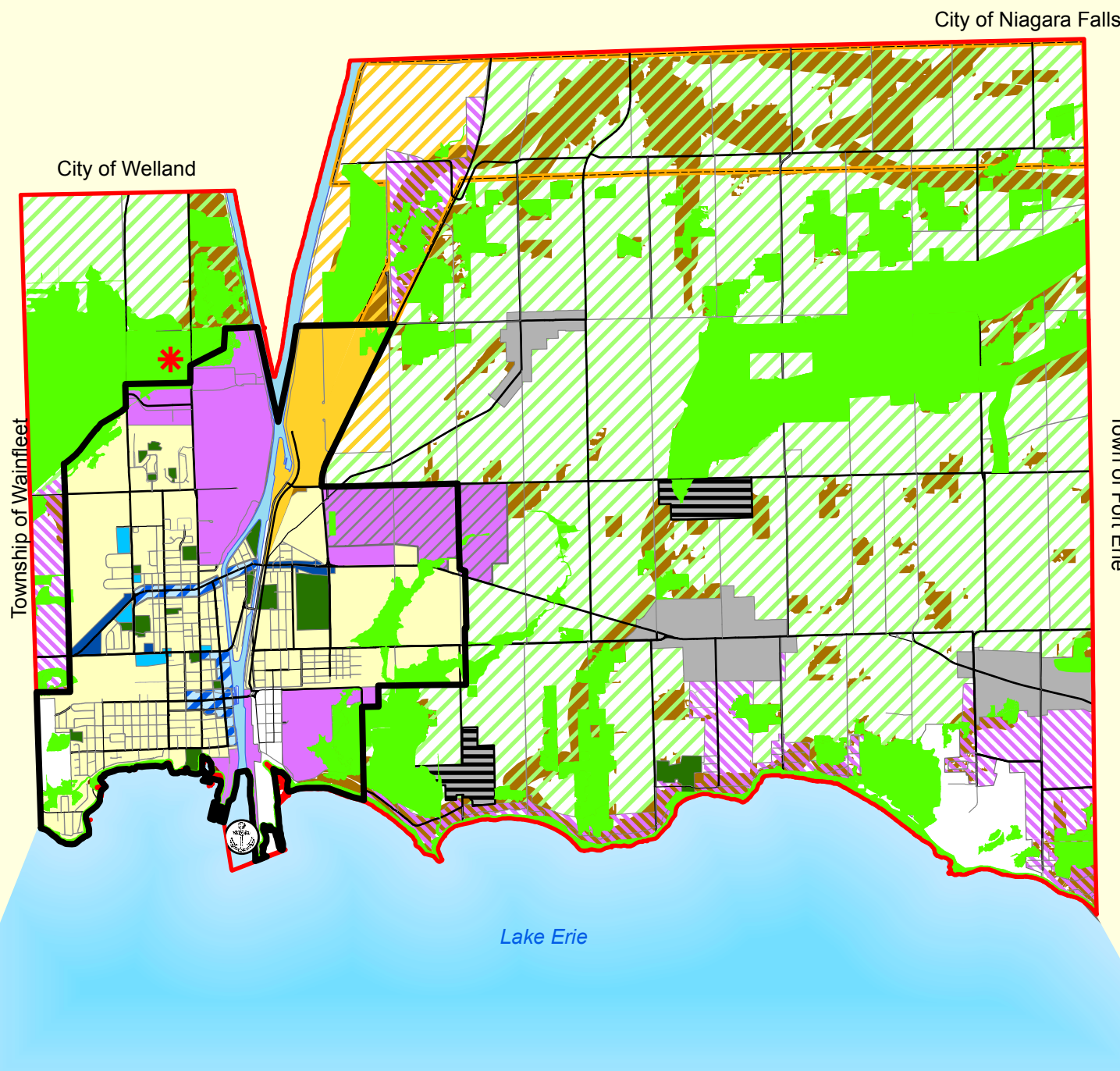
Employment RDC-based Grant NOTE: This program inaccessible for duration of Industrial RDC Grant	A grant equal to a percentage of Regional DCs payable based on creation of full time jobs in manufacturing and professional, scientific and technical services sectors	Regional Development Charge Grant
50% Industrial Expansion RDC Grant	A grant equal to Regional DCs for enlargements to existing industrial buildings for up to 50% of original gross floor area as required in the DC Act and until no longer mandatory in the Act.	Regional Development Charge Grant
BROWNFIELD REMEDIATION		
Brownfield TIG Tier 1: Select Sites	A matching tax increment grant for remediation costs on major brownfield sites whose remediation will result in significant economic, environmental, social, and health benefits; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
Brownfield TIG Tier 2	A matching tax increment grant (for remediation costs of brownfield sites eligible through local CIPs; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
Brownfield RDC Deferral	A deferral of Regional DCs for eligible brownfield sites until an occupancy permit is issued or up to five years from signing of agreement	Regional Development Charge Deferral
Large-scale Brownfield RDC Grant	A grant equal to Regional DCs for projects meeting the definition of brownfield, over 10 hectares in size, and in a Secondary Plan area or area subject to a Secondary Plan process as of August 25, 2022	Regional Development Charge Grant
PUBLIC REALM		
Public Realm Investment Program	Matching grant for capital projects that provide public realm enhancements on Regional roads in core areas	Regional Matching Grant to Local Area Municipality

APPENDIX B

Port Colborne Official Plan Schedule A: City-Wide Land Use

Port Colborne Official Plan

Schedule A: City-Wide Land Use



- Municipal Boundary
- Urban Area Boundary
- EPA
- ECA
- Agricultural
- Hamlet
- Urban Residential
- Rural
- Downtown Commercial
- Commercial Plaza
- Highway Commercial
- Marine Commercial
- Industrial / Employment Area
- Mineral Aggregate Operation
- Gateway Economic Centre
- Rural Employment
- Parks and Open Space
- Private Open Space
- Special Study Area
- Secondary Plan Area
- Major Port
- Former Waste Management Facility



0 0.5 1 2 3 4
Kilometres
1:75,000

© City of Port Colborne, Engineering and Operations Department.
This map was compiled from various data sources and is current as of August 2012.

APPENDIX C

Port Colborne Official Plan Community Improvement Policies

Section 6

Community Improvement

Section 6: Community Improvement

6.1 Community Improvement

The City will accomplish community improvement through:

- a) Ongoing maintenance, rehabilitation, *redevelopment* and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts; deficient municipal hard services, social, community or recreational services; or economic instability;
- b) Establishment of programs to encourage private sector *redevelopment* and rehabilitation that addresses identified economic development, land *development*, environmental, housing, and/or social development issues and needs;
- c) Designation of Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan and as amended from time to time; and
- d) Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 the Planning Act R.S.O. 1990.

6.2 Community Improvement Plans

Section 28 of the Planning Act (Community Improvement) allows municipalities to prepare Community Improvement Plans for designated Community Improvement Plan project areas which require 'community improvement' as a 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 is adopted by the City and approved by the Province, the City may offer incentives to encourage private sector rehabilitation of land and buildings. The City may also undertake a wide range of actions for the purposes of implementing the Community Improvement Plan.

6.2.1 Community Improvement Project Areas

- a) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
 - i) Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
 - ii) Non-conforming, conflicting, encroaching or incompatible land uses or activities;
 - iii) Deficiencies in physical *infrastructure*, including but not limited to sanitary sewer systems, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
 - iv) Poor road access and/or traffic circulation;
 - v) Deficiencies in community and social services including but not limited to; public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities and public social facilities;
 - vi) Inadequate mix of housing types;
 - vii) Known or perceived environmental contamination;
 - viii) Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
 - ix) High commercial vacancy rates;
 - x) Existing or potential business improvement areas;
 - xi) Vacant *lots* and under-utilized properties which have potential for infill, *intensification*, *redevelopment* or expansion to better utilize the land base;
 - xii) Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;

- xiii) Other barriers to the repair, rehabilitation or *redevelopment* of under-utilized land and/or buildings; and
 - xiv) Any other environmental, social or community economic development reasons.
- b) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:
 - i) The anticipated improvements achieve the Vision and Strategic Directions in this Plan;
 - ii) The greatest number of conditions as defined in 6.2.2 (a), are present; and/or
 - iii) Where one or more of the conditions in 6.2.2 (a), are particularly acute; and/or
 - iv) Where one or more of the conditions as established in 6.2.2 (a), exist across the entire Urban Area of the City.

6.2.2 Community Improvement Plans

- a) Community Improvement Plans (CIP's) shall be prepared and adopted to meet one or more of the following objectives:
 - i) Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
 - ii) Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally *significant* buildings and properties;
 - iii) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreation amenities;
 - iv) Encourage residential and other types of infill and *intensification*;
 - v) Encourage the construction of *affordable* housing;
 - vi) Reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts;
 - vii) Where necessary include an Environmental Impact Study which determines specific measures to prevent impacts on natural heritage features;

- viii) Maintain, upgrade and improve municipal services and public *utilities* such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
 - ix) Improve vehicular and pedestrian traffic flow, including for cycling;
 - x) Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
 - xi) Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
 - xii) Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
 - xiii) Encourage the remediation and *redevelopment of Brownfield sites*;
 - xiv) Support existing or potential business improvement areas;
 - xv) Improve environmental conditions;
 - xvi) Improve social conditions;
 - xvii) Promote cultural development;
 - xviii) Facilitate and promote community economic development; and
 - xix) Improve community quality, safety and stability.
- b) Community Improvement Plans shall contain at a minimum:
- i) Statement of purpose;
 - ii) Goals and objectives;
 - iii) Clear description of the Community Improvement Project area;
 - iv) Critical analysis of the need (justification) for community improvement;
 - v) Description of all incentive programs; and
 - vi) As a technical appendix, the justification for the delineation of the project area and the design of the incentive programs.
- c) During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for public participation.

6.2.3 Implementation

- a) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the City of Port Colborne may undertake a range of actions including:
 - i) The municipal acquisition of land and/or buildings within Community Improvement Project areas; and the subsequent:
 - Clearance, grading or environmental remediation of these properties;
 - Repair, rehabilitation, construction or improvement of these properties;
 - Sale, lease or other disposition of these properties to any person or governmental authority; and
 - Other preparation of land or buildings for community improvement.
 - ii) Provision of monetary incentive programs such as grants, loans, waiving or exemption of application fees and other financial instruments;
 - iii) Provisions of non-monetary incentive programs such as exemption from parking requirements and/or exemption from parkland dedication requirements;
 - iv) Application for financial assistance from senior level government programs;
 - v) Participation in senior level government programs that provide assistance to private landowners for the purpose of community improvement;
 - vi) Provision of information on municipal initiatives, financial assistance to private landowners for the purposes of community improvement; and
 - vii) Support of heritage conservation through the *Ontario Heritage Act*.
- b) All *developments* participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws.
- c) Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

APPENDIX D

Definition of Affordable Rental Housing

“Affordable Rental Housing” means a residential unit intended for use as a rented residential premises where:

- a) the rent is no greater than 80% of the average market rent based on CMHC data;
- b) the tenant is dealing at arm’s length with the landlord; and,
- c) the rent for the unit is maintained as per a) above for a period of 25 years from the date that the unit is first rented.

APPENDIX E

Minimum Assessment Value Increase Requirement for TIG Program Eligibility

With the exception of the Brownfield TIG Program, in order for a project to be eligible for a TIG Program contained in this CIP, the project must generate a minimum “as built” increase in assessment value (as determined by the Municipal Property Assessment Corporation (MPAC)) of at least \$500,000.