



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 93-2018

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### Being a By-law to Adopt the Downtown Southend-Riverwalk Core Area Community Improvement Plan

File No. 350202.006

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**Whereas** By-law No. 150-06 passed by the Municipal Council of the Town of Fort Erie on September 11, 2006, as amended, adopted the Official Plan for the Town of Fort Erie, and was approved by The Regional Municipality of Niagara on November 18, 2011; and

**Whereas** the Town of Fort Erie Official Plan contains provisions relating to Community Improvement Plans and empowers Council to adopt Community Improvement Plans within designated Community Improvement Project Areas; and

**Whereas** Subsection 28 (4) of the *Planning Act*, R.S.O. 1990 c.P13 (the "Act") provides for the adoption of Community Improvement Plans respecting areas designated as Community Improvement Project Areas; and

**Whereas** a public meeting with respect to the proposed Downtown Southend-Riverwalk Core Area Community Improvement Plan was held on May 22, 2018 in accordance with the said *Act*; and

**Whereas** Report No. PDS-46-2018 was considered at the Council-in-Committee meeting held on July 9, 2018, and subsequently authorized and approved by Council to authorize the adoption of the Downtown Southend-Riverwalk Core Area Community Improvement Plan; and

**Whereas** By-law No. 92-2018 passed by the Municipal Council of the Town of Fort Erie on July 9, 2018 designates certain lands as the "Downtown Southend-Riverwalk Core Area Community Improvement Project Area"; and

**Whereas** it is deemed desirable and in the interest of the municipality to adopt the Downtown Southend-Riverwalk Core Area Community Improvement Plan;

**Now therefore** the Council of the Town of Fort Erie enacts as follows:

1. **That** the "Downtown Southend-Riverwalk Core Area Community Improvement Plan" for the "Downtown Southend-Riverwalk Core Area Community Improvement Project Area" attached hereto as Schedule "A" and forming part of this By-law, is adopted.

- 2. That** the Clerk of the Town is authorized to effect any minor modifications, correcting or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 9<sup>th</sup> day of July, 2018.**

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Mayor

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Clerk

I, Carol Schofield, the Clerk of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 93-2018 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.

# DOWNTOWN SOUTHEND- RIVERWALK

## CORE AREA COMMUNITY IMPROVEMENT PLAN



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### 1.0 Introduction

#### 1.1 In Everyone's Interest

The development of Community Improvement Plans (CIP's) for traditional downtown environments have become an integral part of broader community planning initiatives in downtown cores throughout North America as communities cope with adverse impacts resulting from historical development, sub-urban living and lifestyles. As new communities are planned on the broader scale, many Ontario cities and towns share similar circumstances whereby the older and more established commercial core areas have been left idling in the wake of larger, corporate commercial and consumer driven trends towards accessing goods and services in their daily lives. While these commercial conditions continue to exist, and would appear to be part of the new community landscapes for years to come, the challenges faced by our older downtown environments to remain sustainable in their own right are of interest to all stakeholders and residents of their respective communities. Creation and implementation of CIP's is a tool provided for under *Section 28* of the *Planning Act* and it is the Town of Fort Erie's intention to exercise and make use of these permissions to assist in the rejuvenation and revitalization of our traditional downtown commercial core areas.

#### 1.2 Steps to Success

The Town of Fort Erie is responding to provide incentive programs for our unique collection of culturally rich and socially significant traditional downtown commercial environments. It is anticipated the suite of incentive programs being introduced will result in the Town's ability to offer all of its traditional commercial core areas equitable access to funding. The Town seeks and encourages participation in the programs in a move towards reinforcing our downtowns as the community hub for social, cultural, commerce and tourism activity, with addition of new or intensifying residential use to support commercial viability. These anchors of our past remain a critical part of our community fabric and with a little imagination and innovation towards rejuvenation; these cores can become significant social and economic contributors to community vitality. Creating a sustainable environment for these core areas requires commitment and confidence that maintaining and improving the quality of the space and building stock will increase in further investment and visitation. A warm, inviting and visually stimulating streetscape can provide a comforting and pleasurable experience, resonating positive opinion respecting 'sense of place' objectives.

We must remain cognisant of the difference between *memory* and *place*. Memories live on inside us, while place requires our physical attention if it is to continue playing the role of a positive memory maker. Downtown revitalization efforts provide a vehicle and opportunity to make investment towards maintaining and creating that new or renewed sense of place.

## **2.0 Character of Southend-Riverwalk's Downtown Commercial Core**

### **2.1 The Nature of Southend-Riverwalk's Main Street**

Southend-Riverwalk's main commercial thoroughfare is actually Niagara Boulevard (Niagara Parks Commission jurisdiction), which traces the Niagara River's shoreline and has drawn people to it for generations. The eclectic collection of buildings that present themselves to Niagara Boulevard, many of which are showing signs of better times, present a clustered feel with some sites being either vacant or underutilized. Many of the buildings are in need of substantial improvement, all of which creates a sense that more can be done to enhance the public realm, particularly in proximity to the beautiful Niagara River. In addition to Niagara Boulevard's vehicular activity, the route is also a recognized as a national, provincial and regional trail system that creates additional desire to present an aesthetically pleasing and welcoming atmosphere to those persons traveling by other means.

### **2.2 Predominant Built Form**

As touched on in the previous section, the Southend-Riverwalk's Niagara Boulevard and environs can be characterized by two primary built forms; those buildings that were purpose built as commercial structures, and those that were residences converted to commercial use. This is typical of many main streets running through core areas, including other downtown core areas found in Fort Erie. The buildings range in age and architecture with estimates of age ranging from the late 1800's through to approximately the early 1970's. Most of the structures are 1.5 or 2 storeys in height with only one purpose built commercial building having 3 storeys (old King Edward Hotel). Condition of the buildings varies considerably with some having been maintained fairly well over the decades while others are displaying distress on the exteriors. Many of the buildings are also considered repurposed or converted residential dwellings that are now commercially used, some with commercial addition to their respective front facade. This was common in earlier times as commercial areas often grew larger in good economic times, consuming neighbouring residential areas and quickly adapting the building stock for commercial and/or commercial/residential use. In this regard, the Southend-Riverwalk commercial core shares similarity with all of the other Fort Erie downtown core areas.

## **3.0 Rationale for Community Improvement Plan**

### **3.1 Neighbourhood and Secondary Planning**

The downtown commercial core of Southend-Riverwalk has served as a unique commercial and social hub for the Southend neighbourhood for over a century. Even before the Secondary Planning exercises of 2017 commenced, it was identified that the downtown core would benefit from the CIP provisions of the Planning Act. This was reiterated during the Secondary Plan for Southend that received Regional approval in March 2018. This policy documents recommended taking steps toward creation and implementation of CIP's to stimulate private investment in effort

to revitalize and rejuvenate the Southend-Riverwalk core area as new development has been idle for an extended period. Several factors have been identified that had played a role in the diminished development activity including the new commercial model of larger floorspace on Garrison Road's larger commercial sites, Peace Bridge Plaza redevelopment (2004), which pushed the first available in-bound Bridge/Highway exit from Archange Street to Central Avenue, being almost double the distance from the Southend-Riverwalk core area and lastly, the archaeological deposits of the area that encumbered potential for private investment due to resource potential and related costs. Planning staff have pointed to these being some of the contributing factors or reasons, but the commercial model of "big box" is regarded as the primary reason for decline is commercial viability of the area.

Implementation of a CIP with incentives to repair, improve, restore the commercial building stock and promote residential creation and intensification can provide an impetus towards stimulating new private sector investment in this unique riverfront commercial setting. There is a strong sense of history and pride associated with the waterfront and efforts to find a new or rejuvenated purpose have seen the groundwork laid out in the recently approved Secondary Plan. New permission surrounding Core Mixed Use and intensification (height and density) are aimed at putting more residents right inside the commercial area to help maintain commercial viability while also providing for a highly desirable residential setting next to the Niagara River.

The programs proposed in the CIP will provide for incentives needed to encourage property and business owners to collectively enhance the overall public and private realm, strengthening the riverfront theme and reinforcing the remaining commercial core as the hub of social, cultural and commerce in a truly visually appealing manner.

### 3.2 Goals and Objectives

In effort to reinforce the land use planning completed though the Secondary Plan, CIP implementation is a tool to stimulating private investment in the core, the following are considered the primary goals for the three (3) initial funding programs being introduced in this core area:

- ❖ Provide funding assistance in the form of sizable matching Grants to stimulate private investment;
- ❖ In addition to attracting participation from building "owners", provide opportunities to commercial "tenants" to access funding;
- ❖ Simplify and standardize the application process, laying out all requirements in a user guide and through pre-consultation;
- ❖ Introduce opportunity for new residential through intensification or new construction in the form of apartments in conjunction with commercial to provide different forms of housing in the heart of the core area and support the downtown as a walkable neighbourhood;
- ❖ Strengthen the waterfront amenity and character through quality facade and signage that is visually appealing and promotes a 'sense of place';
- ❖ Provide a promotional tool for the programs through media and organizations such as the EDTC and Chamber of Commerce;
- ❖ Measure and report annually on the program activity.



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The following are extracted from the Secondary Plan, which provided directives in following through with establishing the CIP programs for the Southend-Riverwalk commercial core area. Preparation and implementation of this Plan are meant to fulfill those commitments.

***“It is a goal of this Secondary Plan to provide opportunities for enhanced residential development potential in proximity of the waterfront, whether through additional height or redesignation, in combination with infilling and vacant land development in other areas of the Plan suitable for growth. Furthermore, rejuvenation of the waterfront core area commercial is also a prime candidate for Community Improvement Plan incentive programs.”*** - (Southend Secondary Plan 2018)

***“The Town shall seek to implement and administer funding programs to assist eligible commercial properties within the Core Mixed Use designation. Boundaries of a Community Improvement Project Area will be established under separate amendment and may or may not include all Core Mixed Use designations, with criteria defined at the time of the Project Area being established.”*** - (Southend Secondary Plan 2018)

### 4.0 Downtown Southend-Riverwalk CIP Project Area

#### 4.1 Establishing the Limits

The primary factor for establishing the **Community Improvement Project Area** (CIPA) was to align its geography with that of the 2018 approved Secondary Plan defining the “Core Mixed Use” (CMU) designation. The CMU was recently introduced as the replacement land use designation for what had previously been designated simply as “commercial” or with few exceptions. The CMU designation better reflects the identity and intended future uses of the core area, as expressed by stakeholders through the Secondary Plan consultation process. Vacant or generally idle commercial on the periphery of the core has in most cases converted to residential in designation to provide for higher density residential, which will border the core area. CMU is weighted towards requiring a mix of uses in the designated area with at-grade retail/commercial and residential upper levels. Some of the Core Mixed Use zoning provides opportunity for at-grade residential in the back half of the buildings, but

not for all. It also restricts certain uses that would otherwise be permitted in the commercial designation; uses that are seen to be less desirable in a main street, pedestrian oriented setting in this contemporary time.

The limits also reflect and generally align with the Core Mixed Use designation, however may include lands that are designated otherwise. Criteria will define which lands within the CIPA boundary will be eligible and may exclude zoning or designations explicitly to keep the integrity of the intended Programs consistent with the other CIP's in the Town.

Reviewing CIPA limits will be part of the existing 5 year program review and may be re-examined at that time. Current expectation is review could take place in earlier 2019. Any changes to the CIPA limits would subsequently undergo a municipally led public planning process to repeal or amend the by-law of the old boundary and enact a new by-law reflecting any updated limits. The programs, if remaining unchanged, would continue to be applied to the new boundary. Programs are expected to be examined at that same time with potential changes in criteria of the Town's funding partner (Region of Niagara).

## 5.0 Legislative and Policy Framework

### 5.1 Municipal Act R.S.O. 2001

Section 106(1) and (2) of the *Municipal Act 2001(as amended)* prohibits the Town of Fort Erie from directly or indirectly assisting 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* provides an exception to this 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*.

Section 365.1(2) and (3) of the *Municipal Act* allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a deferral or cancellation of part or all of the taxes levied on that property for municipal and education purposes. Section 365.1 of the *Municipal Act* operates within the framework of Section 28 of the *Planning Act*. A municipality with an approved community improvement plan in place that contains provisions specifying tax assistance will be permitted to provide tax assistance for municipal purposes.



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With respect to the permissions described within the cited *Municipal Act* sections, The Region of Niagara and the Town of Fort Erie have appropriate policy within their respective Official Plans to allow for tax relief. Both upper and lower tier governments currently have programs in place to supply relief, such as those of the regional *Smarter Niagara Incentive Programs (SNIP)* and the Town of Fort Erie's *Brownfields CIP*.

The purpose of identifying the *Municipal Act* provisions in this Plan is to provide awareness and to hold in reserve the right to potentially structure and introduce tax relief incentive based programs following a future review and update of this CIP document. The programs being implemented in this CIP are drawing permission under the *Planning Act* by way of grant based incentives. Should tax relief be introduced at a future review, new programs can be applied to the existing project areas following due course of public and stakeholder consultation, formal public and agency engagement and a subsequent decision of the local Council.

### 5.2 Planning Act R.S.O. 1990 – Section 28 (Community Improvement)

Section 28 of the *Planning Act 1990 (as amended)* 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 community improvement plan for the community improvement project area. Once the community improvement plan 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*. The *Municipal Act provides* for exceptions relating to tax relief under Section 365.1, and the Town of Fort Erie's Official Plan acknowledges both tools being at its disposal for efforts in creation of incentive programs.

For the purposes of the programs being introduced under the initial Downtown CIP incentives, grants have been made the focus instead of temporary tax relief; thus Section 28 of the Planning Act is the applicable legislative vehicle for the incentives being introduced. It is worth noting that should additional programs making use of the *Municipal Act* sections be contemplated, these can be introduced at a later date and be subsequently applied to the Project Areas through CIP review and update processes (public).

### 5.3 Provincial Policy Statement (PPS) 2014

The Government of Ontario's *Provincial Policy Statement 2014 (effective April 30, 2014)* provides top-level guidance and direction to upper and lower tier governments as it relates to matters of land-use, social and economic development and planning. All decisions, including those made involving CIP programs must “be consistent with” the *PPS*.

In support for building strong, prosperous communities, efficient use of infrastructure and enhancement of quality of life; the following policy extracts of the *PPS* support local community improvement through:

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*1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote 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.*

*Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

*1.7.1 Long-term economic prosperity should be supported by:*

- a) promoting opportunities for economic development and community investment-readiness;*
- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- d) 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;*
- e) promoting the redevelopment of brownfield sites;*
- g) providing opportunities for sustainable tourism development;*

### **5.4 Places to Grow - Growth Plan for the Greater Golden Horseshoe 2017**

The 2017 *Growth Plan for the Greater Golden Horseshoe*, commonly referred to as “Places to Grow” (P2G) provides a 25-year framework for managing growth, land use and infrastructure planning with the primary objective of developing complete communities in the Greater Golden Horseshoe (GGH) until 2041.

Fort Erie’s unique circumstance finds several “downtown” environments within its four (4) urban or “settlement areas”. Relevant P2G policies that contribute to healthy, sustainable and vibrant communities, extracted for CIP support include:

#### **2.2.1 Managing Growth**

*2. Forecasted growth to the horizon of this Plan will be allocated based on the following:*

- c) within settlement areas, growth will be focused in:*
  - i. delineated built-up areas;*
  - ii. strategic growth areas;*
  - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
  - iv. areas with existing or planned public service facilities;*



**2.2.2 Delineated Built-up Areas**

- 4. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*
- a) encourage intensification generally to achieve the desired urban structure;*
  - c) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
  - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
  - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.*

**5.5 Regional Official Plan - Smart Growth in Niagara**

The Region's Official Plan aligns with the provincially led policy framework and becomes more identifiable with respect to local and regional context. Amendments and initiatives undertaken by the Region, in consultation with stakeholders and local municipal partners, have been reinforcing the move towards targeting intensification and the application of as many smart growth principles that can be made to work in the region's diverse community profiles. The Regional Official Plan subscribes to the complete community philosophy/concept and the foundation smart growth principles, which have been highlighted through the Region's Smarter Niagara Incentive Program (SNIP).

Originally implemented in 2003, the Niagara Region's SNIP has provided opportunities for incentive matching to local municipalities as a means of strengthening local municipal CIP program offerings that are aligned with smart growth principles. Since 2003, the SNIP programs have undergone review and updating to strengthen core programs and to broaden program offerings. A 2011 review of the program had further strengthened the core programs and increased funding amounts in response to consultations with stakeholders and partner municipalities.

The programs being introduced for the downtown commercial core areas in Fort Erie align well with the relevant Regional program funding offered and are characterized as core programs. The Town of Fort Erie are considering the structure of the programs being introduced locally as "model" programs that can be applied/adapted to meet the individual needs of Fort Erie's traditional downtown commercial core areas. The Region of Niagara will be completing a review of its SNIP Programs over the course of 2018 with a goal of implementing changes to current program offerings. At that time, Fort Erie will review all of its CIP Programs, which may result in amendments/modifications to the "model" programs it has in place, including those found as part of this CIP document. Town of Fort Erie seeks to approve and administer the Programs as contained herein, up until such time that modifications may be required.

### 5.6 Town Official Plan

The Town of Fort Erie Official Plan contains a complete section on Community Improvement (Section 6). The Town's Plan sets out the conditions on when a CIP program may be implemented. Furthermore, the Secondary Planning conducted to date has identified and recommended CIP program implementation as being key tools in rejuvenation and renewal in the traditional commercial core areas. The action of implementing this CIP program is an extension of the implementation phase for the Secondary Plan.

Section 6 of the Town's Official Plans provides the following:

#### 6.3 COMMUNITY IMPROVEMENT PLANS

- I. Community Improvement Plans will be prepared to provide direction regarding one or more of the following activities:
  - (a) The provision of public funds such as grants, loans and other financial instruments designed to encourage and promote:
    - i. physical remediation, repair, rehabilitation, redevelopment or improvement of lands and/or buildings;*
    - ii. residential and other types of infill and intensification;*
    - iii. a range of housing types;*
    - iv. affordable housing;*
    - v. heritage and architectural preservation, restoration and improvement;*
    - vi. ongoing viability and revitalization of commercial areas and commercial uses.***

It is important to note that Section 6 of the Town's Official Plan also contains the relevant policy to enable and encourage participation in higher level government programs in order to benefit from available funding at these more senior levels, which in turn provides opportunities for further funding capability, enhancing the program offerings at the local level.

Implementation policies of Section 6 identify these other sources with the following:

#### 6.5 IMPLEMENTATION

- III. Council will apply for grants and other financial assistance through federal, provincial and regional programs and encourage community organizations to provide financial assistance to the Town for the purposes of community improvement.*
- IV. Council will participate in regional, provincial, federal programs that provide assistance to private landowners for the purposes of community improvement.*

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Following public process, Council may designate, by By-law, a Community Improvement Project Area, followed by adoption of a Community Improvement Plan containing relevant incentive programs to be applied to the Project Area. Council, at its sole discretion, may modify or set an alternate date for review or expiry and can otherwise, from time to time, following a public consultation process, if required, make modifications to program offerings. A change in the Project Area boundary limits will require a public process. The Official Plan permits Community Improvement Project Areas to be established anywhere in the urban area to address community improvement needs outlined by the Plan.

Nothing within this Plan shall prevent Council, at its discretion, from cancelling any or all programs provided for under this CIP at anytime. Only those successful applicants with signed agreements with the Town shall retain the right of grant funding, provided the project is completed as approved and all terms of the signed agreement(s) have been met.

## **6.0 Incentive Programs**

### **6.1 Commercial Façade Improvement Grant Program**

#### **Purpose**

To improve and enhance the quality and aesthetic appeal of the building stock in the commercial / mixed use downtown core area through redesign or restoration that supports a healthy and visually appealing mixed use environment. Maintenance of the commercial building stock provides strength and support to the commerce and tourism activity occurring in the core and fosters community pride. This Program is designed as an incentive to core mixed use and commercial property/building owners within the CIP Project Area.

#### **Funding Amounts (Grants)**

Façade Improvement Funding will be made available through a one-time matching grant to eligible & approved projects using the following model:

**25%** - Town of Fort Erie (to a maximum)

**25%** - Region of Niagara (to a maximum)

**50%** - Applicant

#### **Formula**

- (Building Type "A") Built commercial frontage 25' (7.62m) or less may qualify for up to \$10,000 in grants.
- (Building Type "B") Built commercial frontage between 25' and 50' (15.24m) may qualify for \$10,000 plus \$400/built linear foot of commercial to a maximum of \$20,000.
- Corner lots may include up to 50% of their linear built commercial flankage at \$400/built linear foot, provided the facade is in commercial use or forms the outer wall or commercial use. Maximum of up to an additional \$5000 for Building Type "A" and \$10,000 for Building Type "B".

Maximum amount shall not exceed \$30,000 on any single property eligible under this grant program.

Minimum amount eligible for matching grant is \$1000.

Funding for the Façade Improvement Program is being offered through partnering arrangements made between Local and Regional municipal governments to extend the financial assistance to eligible applicants. **Grants are subject to the availability of respective municipal funds reserved for CIP programs.**

Applications will be reviewed by an Evaluation Committee with recommendations to Council or authorized Council delegate to approve, approve with conditions, or deny, being made by the Committee accordingly. Composition of the Evaluation Committee will be determined as part of the administrative development process. Successful applicants will be required to sign an agreement with the Town and all funding will be paid after project completion.



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### Eligible Improvements Costs

The eligible improvement costs considered under this program include, but are not limited to:

- ❖ Design fees for registered professionals (eg.- architect, engineer)
- ❖ Repair / replacement / restoration of storefronts in general, including masonry, windows, doors, eaves, parapets, sign band creation (not business signage), architectural detailing (cornice, frieze, colonnades, etc;), awnings and canopies *where permitted, (subject to conformity with municipal Sign By-law and any required permits or agreements)* and any structural or safety repair or replacement required for the improvement.
- ❖ Cleaning & painting
- ❖ Improvements that introduce accessibility of building entrances

### Eligibility Criteria

In effort to strengthen the existing character of the downtown core area, it is important to recognize that improvements to facades shall have regard for context and theme when determining appropriate improvements. Initial consultation with municipal staff shall include discussion on objectives and available documentation to assist proponents in their conceptual and early design stages. Available reference materials will be discussed with proponents with respect to planned treatment in order to determine if conflicts with consistent, existing theme and styles would be apparent. This does not mean replication is expected, but rather sensitive design should respect area architecture and build on the strengths of the neighbourhood. In order to be considered eligible, the following criteria must be addressed:

### General Criteria

- ❖ Property must be zoned for Commercial or Core Mixed Use in an approved Secondary Plan, used commercially and be within the CIP Project Area;
- ❖ Property taxes must be paid in full;
- ❖ Have not received similar funding in the past 10 year period;
- ❖ Where deemed necessary by the Evaluation Committee, design drawings must be done by qualified persons;
- ❖ Premises will be subject to inspections by Town Building Officials and Fire Department inspectors;
- ❖ Contractors selected to perform the work are properly insured;
- ❖ A minimum of three (3) cost estimates, using the same criteria/terms of reference from qualified contractors to complete the work will be required for submission with



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the application; and

- ❖ Following completion of the work, proof that all contractors have been paid in full;
- ❖ The work must commence within 6 months of signing the required agreement and completed within a year of signing;
- ❖ Does not include roofing replacement or repair;
- ❖ Where required, applicant responsible for obtaining all necessary permits to facilitate project/construction work including temporary obstruction permits for blocked sidewalks and/or roadways.

### Design Criteria

The proposed improvements are to be:

- ❖ Consistent with character and general theme of the existing downtown district and any specific reference materials or studies;
- ❖ Have regard for any study or background materials that may provide direction on theme and character of respective downtown district
- ❖ Preserving desirable architectural features or enhancing poorly represented features and facades is encouraged;
- ❖ Using quality materials that will provide low maintenance and high energy efficiency;
- ❖ In conformity with Town's Comprehensive Zoning By-law and/or the Town's Sign By-law, as the case may be. If proposing encroachment, then any necessary permits for encroachments such as awnings or projecting signs (*where permitted*) that extend over municipal right-of-ways must be obtained separately.
- ❖ Using colour schemes that complement the streetscape





### 6.2 Commercial Façade Signage Grant Program

#### Purpose

To provide incentive for property/building owners and merchants (who may otherwise not own, but rather rent/lease space for their businesses), within the CIP, to make improvements to the business signage that will assist in complimenting the building character and downtown atmosphere.

#### Funding Amounts (Grants)

Funding for the Commercial Façade Signage Program will be made available through a one-time grant to approved, eligible applicants using the following model:

**25%** - Town of Fort Erie to a maximum of \$1000 per eligible business

**25%** - Region of Niagara to a maximum of \$1000 per eligible business (*provided funding has not been exhausted for the property under the Region's portion of the Commercial Facade Improvement Grant*).

**50%** - Applicant

Minimum amount eligible for matching grant is \$500.

Funding for the Commercial Façade Signage Program is being offered through partnering arrangements made between Local and Regional municipal governments to extend the financial assistance to eligible applicants. Grants are subject to the availability of respective municipal funds reserved for CIP programs.

Applications will be reviewed by an Evaluation Committee with recommendations to Council or Council authorized delegate to approve, approve with conditions, or deny, being made by the Committee accordingly. Composition of the Evaluation Committee will be determined as part of the administrative development process. Successful applicants will sign an agreement with the Town and all funding will be paid after project completion.

#### Eligible Signage Costs

The eligible Signage costs considered under this program include, but are not limited to:

- ❖ Graphic Design related fees;
- ❖ Materials and labour costs;
- ❖ Awnings and canopies containing merchant logos or identification;
- ❖ Restorative cleaning & painting and general refurbishment of existing signage that is deemed by the Evaluation Committee to be in keeping with the overall intent and objectives of the Program.



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### Eligibility Criteria

The following criteria must be addressed to the satisfaction of the Evaluation Committee:

#### General Criteria

- ❖ Property must be zoned for Commercial or Core Mixed Use, used commercially, in an approved Secondary Plan and be within the CIP Project Area;
- ❖ Applicant (if not owner) must have written consent from Property/Building Owner;
- ❖ Property taxes payment must be up to date;
- ❖ Business must be licensed with the Town of Fort Erie;
- ❖ Business must maintain year-round operation to qualify for full amount. Partial funding **may** be considered for seasonal operations.
- ❖ Must conform with Town Sign By-law in effect at time of application approval and if required, applicable encroachment permits be acquired from the Town;
- ❖ Does not include window signage;
- ❖ Registered property/building or business owner have not received similar funding in the past 10 year period;
- ❖ Where deemed necessary by the Evaluation Committee, design drawings must be done by qualified persons;
- ❖ Will be subject to inspections by Town Building Officials;
- ❖ Contractors selected to perform the work are properly insured;
- ❖ A minimum of two (2) cost estimates, be submitted for production and installation;
- ❖ Contractor must notify and comply with Town Road Superintendent instruction/direction if any temporary obstructions to the road / sidewalk are anticipated during install.
- ❖ Following completion of the work, proof that all contractors have been paid in full; and
- ❖ The work must commence within three (3) months of signing the required agreement and completed within six (6) months of signing agreement, unless part of an additional facade improvement project, in which case and depending on the scale of facade work, the completion date may be extended to twelve (12) months to coincide with the facade completion deadline;

#### Design Criteria

The proposed signage is:

- ❖ As per Town of Fort Erie Sign By-law in effect at time of application approval;
- ❖ Be in keeping with any available guidelines prepared for reference in respective downtown.
- ❖ Where permitted by By-law, projecting signs, canopies and awnings may require certification from qualified professionals;





## **6.3 Residential Creation and Intensification Grant Program**

### **Purpose**

To stimulate property and building owners to act on increasing the amount of residential apartments available in the Commercial and/or Core Mixed Use zones within the CIP Project Area.

### **Funding Amounts (Grants)**

Downtown Southend-Riverwalk Residential Creation and Intensification Funding will be made available through one-time grants for approved, eligible projects using the following model:

- 25%** - Town of Fort Erie to fund \$10/sq.ft. of habitable space to a maximum of \$5000 or 50% of the habitable floor space per new dwelling unit created and limited to not more than 4 new units per property/building.
- 25%** - Administered by the Town using identical criteria, with supplemental funding equal to the Town grant amount, received through partnering with the Region.
- 50%** - Applicant

Funding for the Downtown Southend-Riverwalk Residential Creation and Intensification Program is being offered through partnering arrangements made between Local and Regional municipal governments to extend the financial assistance to eligible applicants. Grants are subject to the availability of respective municipal funds reserved for CIP programs.

Applications will be reviewed by an Evaluation Committee with recommendations to approve, approve with conditions, or deny, being made by the Committee accordingly. Composition of the Evaluation Committee will be determined as part of the administrative development process. Successful applicants will sign an agreement with the Town and all funding will be paid after project completion.

**Important** – When a change in use occurs on a site from a less sensitive use to a more sensitive use (eg-commercial to residential or, the addition of residential to a commercial site) a “Record of Site Condition” (ROSC) may be required to permit residential use. If a ROSC is determined to be required, the applicant may qualify for funding under the Town’s Brownfield CIP Program to assist in environmental study costs, should the level of study required meet with the Brownfield criteria. Determination on requirement of ROSC is the responsibility of the Town’s Chief Building Official.



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### **Eligible Creation and Intensification Costs**

The eligible costs considered under this program include, but are not limited to:

- ❖ Design fees for registered professionals (eg.- architect, engineer);
- ❖ All building material and labour costs.

### **Eligibility Criteria**

In effort to increase the residential dwellings in the immediate downtown vicinity, creating apartments that conform to all Comprehensive Zoning By-law criteria is desirable. To enable such an effort, the following criteria must be addressed:

#### **General Criteria**

- ❖ Property must be zoned for Commercial or Core Mixed Use within the Project Area;
- ❖ Property taxes must be paid in full;
- ❖ Property/ Building Owner (Applicant) will not have received similar funding in the past 10 year period;
- ❖ Design drawings must be done by qualified professionals;
- ❖ Minimum standards for apartment square footage must meet Town Comprehensive Zoning By-law requirements;
- ❖ Parking provided on site at the rate identified in the Town Comprehensive Zoning By-law, or through approved Minor Variance and agreements where required;
- ❖ Must meet with outdoor amenity area requirements of the Town's Comprehensive Zoning By-law, or through approved Minor Variance;
- ❖ Premises will be subject to inspections by Town Building Officials and Fire Department inspectors prior to application consideration of Evaluation Committee;
- ❖ Any deficiencies in Building or Fire Code must be rectified prior to receiving consideration for funding approval;
- ❖ Contractors selected to perform the work are properly insured;
- ❖ A minimum of three (3) cost estimates, using the same criteria/terms of reference from qualified contractors to complete the work will be required for submission with the application;
- ❖ Following completion of the work, proof that all contractors have been paid in full;
- ❖ The work must commence within 6 months of signing the required agreement and completed within a year of signing;
- ❖ Where required, applicant is responsible for obtaining all necessary permits to facilitate project/construction work; and
- ❖ May require Record of Site Condition (subject to decision of Town Chief Building Official)

#### **Design Criteria**

The proposed residential dwellings:

- ❖ Must meet all necessary Zoning, Building & Fire Code requirements.



### 7.0 Implementation

#### 7.1 By-laws to Establish Project Area and Enact the CIP

The Town of Fort Erie's Official Plan contains the relevant policies to allow for Community Improvement Project Areas to be established by By-law. Council is required to approve a By-law in order to establish the Community Improvement Project Area (CIPA) for Downtown Southend-Riverwalk. The By-law, or any future amendments thereto, will establish the geographic boundaries to which funding programs and their relevant eligibility criteria as identified in Section 6 of this CIP may be applied.

**A plan illustrating the boundary of the Downtown Southend-Riverwalk CIPA is attached to this document as Appendix "A". Changes to the Community Improvement Project Area requires an amendment to the By-law, but does not require an amendment to this CIP.**

Following Council's approval of the CIPA By-law, a resolution of Council endorsing the Downtown Southend-Riverwalk Core Area CIP's application to the CIPA will be required to be passed by By-law also, to effectively bind this CIP to the Project Area for its intended purpose.

#### 7.2 Evaluation Committee

With Implementation of the CIP, an Evaluation Committee will be established to administer the application evaluation and approval process. The Evaluation Committee is intended to provide recommendations to Council or designate regarding approval. The CIP Evaluation Committee should be comprised of the following:

- ❖ A Planning Staff member (Coordinator)
- ❖ Town's Chief Building Official (or designate)
- ❖ Ward Councillor
- ❖ A member of the Heritage Standing Committee
- ❖ A member of the BIA (where a BIA exists)

Members of the Evaluation Committee shall be vetted at the beginning of each meeting for conflict relating to pecuniary interest.

At its commencement, the Evaluation Committee is to be coordinated and managed by a dedicated staff member having responsibility for managing and coordination of the CIP as it relates to application intake and screening. The staff member will also manage and facilitate program marketing. The marketing and promotion of programs will be essential to raising awareness not only to those within the Project Area, but also providing information about the programs to real estate related inquires often received through normal daily planning activity and buyer due diligence.



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The role will require the timely issuance of screened applications to the Evaluation Committee for review. It is anticipated that program up-take will relative surge on the outset of their implementation. Prompt review and liaise with applicants and potential applicants will be important in demonstrating the Town's commitment to the CIP programming. Resource time will be monitored and reported on annually, together with details on program activity.

Applications will be assessed on a first come – first serve basis. Approval of applications is entirely dependent on whether an application has been “deemed complete” or not. An appointed staff member will undertake review of applications and make determination on completeness. A complete application will then receive its order for consideration on approval by the Evaluation Committee.

It is recommended that a monthly application deadline date and monthly Evaluation Committee meeting date be established in order to ensure consistent start-up procedure and expectation of applicants. Complete applications will receive a date stamp and be scheduled for the next available Evaluation Committee Meeting. Depending on the complexity of the application or if more detailed explanation is requested, applicants may be requested to attend the Evaluation Committee Meeting to provide such information. Applicants will be advised if a request for their appearance is being made in advance of the meeting date.

### 7.3 Budget Allocation

Council practices regular annual budget allocation for CIP funding with a reserve fund well established. Annual consideration is given on future the future year's operating budget following annual reporting on the program activity and draw down of available funds. Any change to the allocation amount will be at the sole discretion of Council during budget deliberations.

The Town utilizes a single budget pool approach for all of its CIP's. All approved CIP Program funding is drawn from this single source. A report will be prepared for Council annually, prior to budget deliberations for Council's consideration in determining annual allocation adjustments as a result of activity and the amounts being accessed. **All CIP Programs are subject to available funding.**

### 7.4 Restrictions Between available CIP's

Programs under this CIP are devised so funding over-lap is avoided. In the event that other, additional CIP funding is accessed for assistance, applicants may forfeit eligibility for any or all funding for “double-dipping” (potential overlap) at the discretion of the Town. For example, access to the existing Brownfield CIP programs, for assistance in phased Environmental Site Assessment Study Reporting required for Record of Site Condition, would be permissive. However, accessing Brownfield CIP Incremental Tax Grants for creation of new residential on a (former) Brownfield property at the same time as seeking funding for residential intensification under this CIP will not be permitted.

It is important to note that an application can be made to access all of the CIP program incentives identified in Section 6 of this CIP simultaneously, if eligibility requirements are met and funding is available from both Town and Region.

### 7.5 Program Duration

Programs established in this CIP are to be applied for a term of 5 year from date of By-law passing. Annual review and reporting will be used in any determination of Council to modify the 5 year term or make any changes in the interim. Funding partner program review may also prompt Town review and modification to its program funding limits as a result of any partner funding changes.

### 7.6 Authority of Council

Council for the Town of Fort Erie are the approval authority for CIP programs and grant funding prepared and implemented by the Town under the *Planning Act*. Council may delegate authority for review and approval on its behalf to staff under certain circumstances in order to expedite application processing. In the case of delegated authority, Council may determine a set funding amount or threshold to which its authority may be required.

Programs approved under this CIP are offered at the discretion of Council and may also be rescinded by Council without an amendment to the CIP. This CIP does not limit the right of Fort Erie Council to undertake other initiatives provided for under the Town's Official Plan that form part of downtown improvement initiatives.

Council also has the right to extend, revise or alter this CIP beyond the initial five-year term subject to Council determination on objectives having been met and the measure of performance of the Plan.

Changes to the provisions of this CIP that require formal amendment (public process) to the Plan include any of the following:

- ❖ the addition of new programs of financial assistance to be made applicable within this CIP;
- ❖ an extension to the approved term (duration) of the CIP;
- ❖ any substantial increase in the maximum amount of financial assistance made available under programs accessible in this CIP; and
- ❖ any substantial change in the eligibility criteria for access to programs available in this CIP.

### 7.7 Transfers

Applicants having received approval for funding under programs offered under this CIP may be eligible to transfer such approval in the event that sale of property is initiated during the period of project activity. The new ownership must agree to the terms of the CIP and any signed agreements required at the time of application approval. It will be required that all parties acknowledge that committed funds will be paid out to the new ownership if the project is completed successfully within the permitted timeframe. Without acknowledgement from all parties, funding approval may be revoked by Council or Council's delegate at their sole discretion.

## 8.0 Monitoring

### 8.1 Annual Reporting

As part of the CIP monitoring, a comprehensive annual report on program activity will be furnished to Council prior to budget deliberations. The report will provide Council with statistical information under the following headings:

- ❖ Pre-consultations (provides indication on level of interest);
- ❖ Applications received;
- ❖ Applications processed ;
- ❖ Number of applications approved, approved with conditions or denied ;
- ❖ Effectiveness of Administration (ability of staff resources to process promptly and comments from the Evaluation Committee on information and materials being supplied for their review and ability to recommend);
- ❖ Funding amounts approved (earmarked for successful project completion within the defined period);
- ❖ Funding amounts paid out;
- ❖ Funding recovery from regional program partnering;
- ❖ Applications that have expired or having commitment to funding lapse as a result of incomplete project activity;
- ❖ Estimated amounts of private sector investment having resulted from program participation;
- ❖ If available, any determination of assessment changes;
- ❖ Applicant satisfaction with program delivery and communication of the administration; and
- ❖ Example highlights of redevelopment improvements in terms of façade, signage and/or residential intensification.

The report will also contain staff commentary on any aspects of the program delivery that, in the opinion of staff, should be considered by Council in respect of projected Plan up-take in coming years, and may also include a recommendation on budget allocation. It is expected that the annual reporting will be instrumental in any decision of Council to increase, maintain or decrease annual allocation, recognizing that all CIP program offerings are subject to available funding.



## SCHEDULE "A" TO BY-LAW NO. 93-2018



## Appendix

SCHEDULE "A" TO BY-LAW NO. 93-2018

Appendix "A"





## Appendix "B"

### Appendix "B" – Definitions / Glossary of Terms

#### **Definitions / Glossary of Terms**

**Brownfield Sites** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant (Provincial Policy Statement, 2014).

**Built Commercial Frontage** means the primary commercial façade that addresses the street and includes any composition of office or residential uses located directly above. For the purposes of the Commercial Facade Improvement Grant Program, Built Commercial Frontage shall be defined as being from 'at-grade to sky' rising vertically along the building face subject of any applications for grant funding. Horizontal separation does not constitute separate storefronts.

**Built Commercial Flankage** means commercial facade that may or may not contain primary or secondary entry to the front commercial unit or separate commercial units exposed to the flanking yard of any street. Built Commercial Flankage may also be comprised of the exterior wall wherein active commercial activity is conducted. For the purposes of the Commercial Facade Improvement Grant Program, Built Commercial Flankage shall be defined as being from 'at-grade to sky' rising vertically along the building face subject of any applications for grant funding. Horizontal separation does not constitute separate storefronts. Residential facade and uses located at-grade and any upper levels situated immediately above are not considered commercial unit storefronts and therefore are not eligible for grant funding.

**Commercial Unit Storefront** means a facade that fronts (or flanks) the commercial use conducted immediately behind the wall, face or facade that is presented to the street. A Commercial Unit Storefront is typically at-grade for street-level pedestrian access and can comprise larger windows openings, commercial entrance features and commercial signage that are distinct and clearly recognizable as commercial in use. Some commercial operations are less traditional in storefront appearance, such as those conducted in converted residential dwellings with uses typical of professional offices. In such instances, funding may be considered where demonstrated that the commercial use is conducted in the portion of the building that fronts the street (or flank as the case may be) and also, the commercial comprises the majority of the main floor.

**Community Improvement Plan (CIP)** is a planning tool under Section 28 of the Planning Act which permits planning and financial assistance programs involving lands, buildings, loans, grants and tax assistance for designated community improvement project areas.

**Community Improvement Project Area (CIPA)** "means 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" (Planning Act, Section 28).



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**Incentive Programs** means the programs being made available by the Town, and any assisting partners of the Town, as contained within this CIP.

**One-Time Grant** means approved grant funding will be paid out in one lump sum payment after the project has been completed and all required inspections and clearances have been obtained. The program is not providing incremental/staged payment for partial work having been performed. The one-time grant also means that funding provided through each of these eligible CIP Programs is only made accessible and applied to the building/structure subject of the application, regardless of ownership or tenancy, one time only. Maximums identified in each of the programs, if not exhausted by an applicant, can be applied for under additional applications up until the maximum amount has been granted to the building/structure with an amending or separate agreement being required. Terms of all grants paid out shall be contained in agreements required between the Town and the recipients.

**Owner** means the registered owner of the lands and includes any successors, assigns, agents, partners and any affiliated corporation.