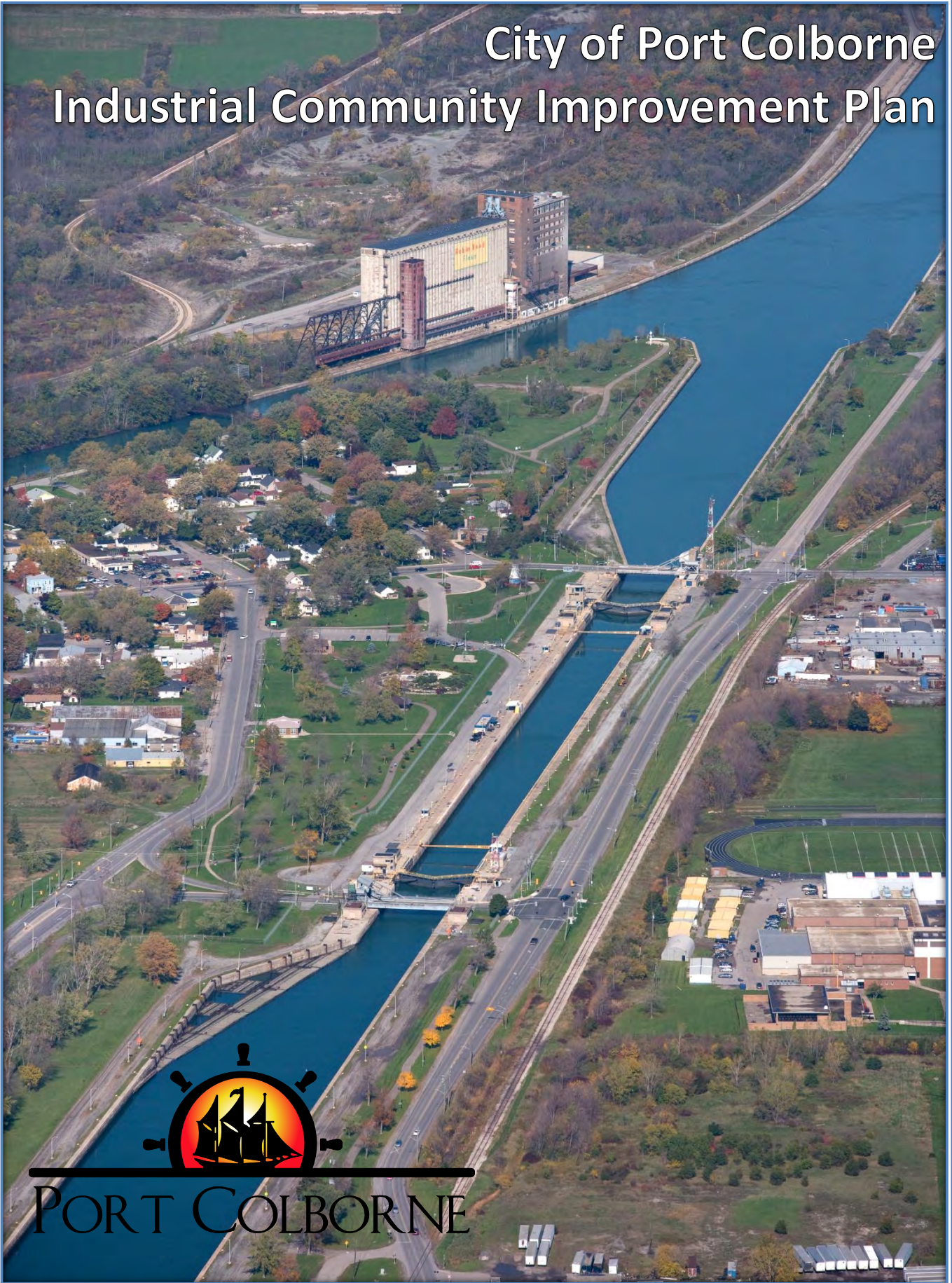


City of Port Colborne Industrial Community Improvement Plan



PORT COLBORNE

Table of Contents

		Page No.
Section 1 Introduction		
1.1	Port Colborne's Economy	1
Section 2 Municipal Economic Development		
2.1	City of Port Colborne- Economic Development, Tourism and Marketing Department	3
2.1.1	Economic Development Division	3
2.1.2	Economic Development Strategy and Action Plan	4
2.2	Selection of Priority Opportunities	5
Section 3 Legislative and Policy Frame Work		
3.1	Purpose	7
3.2	Legislative and Policy Framework	8
3.2.1	Municipal Act, 2001	8
3.2.2	Planning Act- Section 28 (Community Improvement)	8
3.2.3	Provincial Policy Statement (PPS) 2005	10
3.2.4	City of Port Colborne Official Plan	11
3.2.5	City of Port Colborne: Economic Development Strategy And Action Plan: 2010-2014	12
3.3	Community Improvement Plan Goals and Objectives	13
3.3.1	Industrial Community Improvement Plan Project Area	13
Section 4 Financial Incentive Program		
4.1	General Definitions	14
4.2	Targeted Sectors and Uses	17
4.2.1	Lone Eagles Sector	17
4.2.2	Advanced Technology-Based Manufacturing Sector	17
4.2.3	Tourism and Culture Sector	17
4.2.4	Government Services	17
4.2.5	Multi Modal Logistics	18
4.3	General Incentive Program Requirements	19
4.4	General Incentive Program Provisions	20

4.5	The Business Development Grant Program	22
4.5.1	Purpose	22
4.5.2	Description	22
4.5.3	Program Details	22
4.5.4	Areas of Applicability	24
4.5.5	Grant Calculation	24
4.6	The Business Retention and Expansion Grant Program	25
4.6.1	Purpose	25
4.6.2	Description	25
4.6.3	Program Details	25
4.6.4	Areas of Applicability	27
4.6.5	Grant Calculation	27
4.7	The Small Business Investment Grant Program	28
4.7.1	Purpose	28
4.7.2	Description	28
4.7.3	Areas of Applicability	30
4.7.4	Grant Calculation	30
4.8	Development Charges Rebate Program	31
4.8.1	Purpose	31
4.8.2	Description	31
4.8.3	Program Requirements	31
4.8.4	Areas of Applicability	32
4.8.5	Grant Calculation	32
4.8.6	Grant Payment	32
4.8.7	Other Funding	32

Section 5 Other Community Improvement Activities and Actions

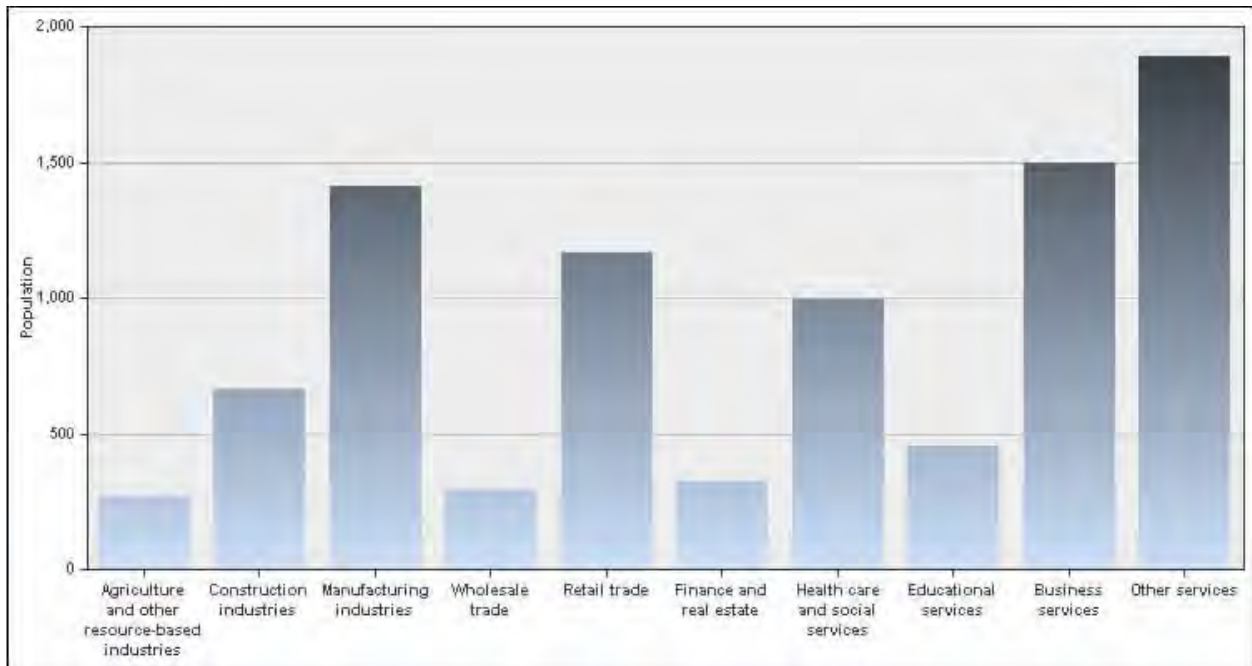
5.1	Property Acquisition	34
5.2	Property Disposition	35
5.3	Ensuring an Adequate Supply of Employment Land	36
5.4	Development Streamlining	37

1.0 Introduction

Port Colborne is situated within the Greater Niagara Region, on the northern shores of Lake Erie. The location of the city plays a significant role as a gateway community, with the Welland Canal running through city center and the American border situated 15 minutes eastward. The population of Port Colborne is 18,600 residents (2006 census) and comprises an area of 122 square kilometers.

1.1 Port Colborne’s Economy

As a small community, the city has been heavily influenced by the economic recession. Port Colborne’s economy relies on the industry for sources of employment. As a developing community, with population growth increasing by 0.8% from 2001 to 2006, it is important that the development of jobs can sustain the community, in a time of economic difficulties. The employment by economic sector for the city of Port Colborne can be seen in Figure 1 below.



Source: Stats Canada 2006 Community Profile

Port Colborne’s employment rate by economic sector reveals that a wide variety of occupations make up services that the city has to offer. Of particular importance are the trade and sales and service industry, comprising almost half of the occupations in Port Colborne. The unemployment rate for the city of Port Colborne at 7.4% is a full percent higher than the provincial rate of 6.4% and only 34% of the eligible workforce remains within the City to work (Statistics Canada, 2006)

Diversification of Port Colborne’s economy as well as diversification within the manufacturing sector will play a key role in strengthening the local economy and mitigating the negative effects

of future economic downturns. Diversification of Port Colborne's overall economy will result in additional jobs in industries such as freelance professionals (writers, analysts, artists, accountants, trades people etc), Tourism and Culture, Government Services and Multi Modal logistics. Diversification of Port Colborne's established manufacturing sector would also see new jobs created in advanced types of manufacturing particularly in Advanced Technology-Based Manufacturing such as food processing and chemical manufacturing, advanced metal fabrication and 'Green' technology (renewable energy).

2.0 Municipal Economic Development

2.1 City of Port Colborne – Economic Development, Tourism and Marketing Department

The City of Port Colborne Economic Development, Tourism and Marketing Department is responsible for the coordination of economic development and tourism for the City. The success of the department is enforced by its strong partnerships with the Port Colborne-Wainfleet Chamber of Commerce, Downtown Port Colborne Business Improvement Area, the Olde Humberstone Business Improvement Area and other community based organizations. The Department is broken down into two Divisions: Economic Development and Tourism.

2.1.1 Economic Development Division

The responsibilities of the Economic Development division include:

- a) Benchmarking Port Colborne's strengths and planning for success;
- b) Helping businesses grow and stay in Port Colborne;
- c) Promoting Port Colborne's business opportunities; and
- d) Leveraging external economic development funding.

In carrying out its responsibilities, the Economic Development division's objectives include:

- a) Coordination of a Business Retention and Expansion Corporate Calling Program;
- b) Economic and competitive analysis and benchmarking;
- c) Encouraging Port Colborne's investment-readiness;
- d) Trade and investment marketing and supply chain initiatives;
- e) Development, preparation and distribution of marketing materials;
- f) Investment and supply chain lead generation;
- g) Business attraction and investment development;
- h) Increasing the awareness of opportunities in Port Colborne; and
- i) Promoting opportunities for job creation and assessment growth.

2.1.2 Economic Development Strategy and Action Plan

The City of Port Colborne, Economic Development Division has recently completed an Economic Development Strategy and Action Plan (EDSAP) for the City. The EDSAP describes a roadmap for the City and its partners (private, non-profit, public sector) illustrating how they can work together to enhance employment and investment opportunities that will benefit the entire community. The plan is based on the premise that the community can develop local visions and goals for what it wants to become, determine the sector in which it has the best chance of being successful and apply resources to achieve this.

For the City of Port Colborne there are a number of motivating factors for this EDSAP. They include:

- a) Desire to enhance its reputation as a proactive community that embraces partnerships with other business development organizations;
- b) Using these partnerships to leverage spending with external funding programs and enhance the likelihood of positive outcomes;
- c) Recognizing that municipalities will be under more pressure to ensure local economies are able to support financial needs; and
- d) Acknowledging that, today, communities must compete for investment, human resources and infrastructure.

In reality, the City is continuously making decisions that affect economic development. The most obvious ways in which economic development is influenced by local government are through decisions on land use and property taxation, but there are many other ways in which economic development can also be either positively or negatively affected. Examples include the working relationship between local government and the business community, the cost and time required to move through municipal review and approval processes and the effort made to understand and respond to the needs of business.

2.2 Selection of Priority Opportunities

A sound Economic Development Strategy builds upon the unique assets and resources of a community, communicating those characteristics to potential investment and development partners in a way that demonstrates an inherent value proposition that is unique.

The City of Port Colborne Economic Development, Tourism and Marketing Department, through ongoing research and strategic planning efforts has identified economic sectors that are currently represented in the local economy and have the opportunity to grow or diversify into new markets or represent potential for significant new business investment and high value job creation. This CIP will focus on the following high-potential sectors that have been identified by the City of Port Colborne Economic Development, Tourism and Marketing Department through their Economic Development Strategy/Action Plan: 2010-2014:

- a) Manufacturing;
- b) Health Care and Social Services;
- c) Tourism;
- d) Business Services;
- e) Distribution and Logistics;
- f) Local Government; and
- g) Personal Services/Retail.

The highest priority initiatives are those that directly increase wealth (e.g. the retention or attraction of an economic driving export-oriented business). The following target sectors are recommended as top priorities:

- a) Lone Eagles (independent business people);
- b) Advanced Manufacturing; and
- c) Tourism/Culture

The following sectors are also important and require attention and, to some degree, have overlap with the above:

- a) Senior Government Services
- b) Multimodal Logistics

These opportunities put focus on the communities' current core strengths and maximize use of underutilized assets. It also gives aim to new directions that have the potential to shape the community for decades to come.

3.0 Legislative and Policy Frame Work

3.1 Purpose

Council has directed the preparation of an Industrial Community Improvement Plan (CIP) that has two main purposes:

1. To diversify the local economy by attracting new businesses that represent new and desirable sectors of the local economy; and
2. To encourage job creation through the attraction of new businesses and/or expansion of existing businesses into identified sectors of the economy.

3.2 Legislative and Policy Framework

This section of the CIP will provide the policy rationale for using the Community Improvement provisions of the *Planning Act* to address the economic challenges that the City of Port Colborne is facing. Additionally, it will demonstrate how the CIP is consistent with the *Municipal Act*, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Regional Policy Plan and City of Port Colborne Official Plan.

3.2.1 Municipal Act, 2001

Section 106(1) and (2) of the *Municipal Act, 2001* prohibit municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses. Prohibited actions include:

- a) Giving or lending any property of the municipality, including money;
- b) Guaranteeing borrowing;
- c) Leasing or selling any municipal property as below fair market value; and
- d) 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 this bonusing rule for municipalities exercising powers used subsection 28(6), (7) or (7.2) of the *Planning Act* or under section 365.1 of the *Municipal Act, 2001*.

Section 365.1(2) and (3) of the *Municipal Act, 2001* 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 during the rehabilitation period and the development period of the property, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Section 365.1 of the *Municipal Act, 2001* 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.

3.2.2 Planning Act – Section 28 (Community Improvement)

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 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* 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) of the *Planning Act*, 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”.

Section 28(1) further goes on to define “community improvement” as:

“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 provisions of such residential, commercial, industrial, public, recreation, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore as may be appropriate or necessary”.

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

- a) Acquire, hold, clear, grade or otherwise prepare land for community improvement (Section 28(3) of the *Planning Act*);
- b) Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan (Section 28(6));
- c) Sell, lease or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan (Section 28(6)); and
- d) Make grants or loans in conformity with the community improvement plan, to registered owners, assessed owners and tenants of land and buildings with the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan (Section 28(7)).

Section 28(7.1) of the *Planning Act* specifies that the eligible costs of a community improvement plan for the purpose of subsection 28(7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and re-construction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28(7.3) of the *Planning Act* specifies that the total of all grants and loans made in request 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 community improvement plan with respect to those lands and buildings.

3.2.3 Provincial Policy Statement (PPS) 2005

The Provincial Policy Statement (PPS) was issued in 2005 under Section 3 of the Planning Act and is intended to provide policy direction on key provincial interest of municipalities as they make planning decisions. The Planning Act required that municipal decisions in respect of the exercise of any authority that affects a planning matter “shall be consistent with” the PPS. As well, community improvement plans should be consistent with the PPS.

The PPS requires that Planning Authorities promote economic development and competitiveness in a number of ways including:

Section 1.1.1

Healthy, liveable and safe communities are sustained by:

- b) Accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) Promoting cost-effective development standards to minimize land consumption and servicing costs;

Section 1.1.2

Sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Section 1.3.1

Planning authorities shall promote economic development and competitiveness by:

- a) Providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses

which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- c) Planning for, protecting and preserving employment areas for current and future uses; and
- d) Ensuring the necessary infrastructure is provided to support current and projected needs.

The CIP is promoting economic development and the competitiveness of Port Colborne by supporting and encouraging diversification of the City's economy.

3.2.4 City of Port Colborne Official Plan

Section L of the City of Port Colborne Official Plan contains policies on Community Improvement. These policies were prepared in accordance with the Region of Niagara's Model Community Improvement Policies.

Sub-section (a) describes how the City will accomplish community improvement through the designation of community improvement project areas and preparation, adoption and implementation of community improvement plans:

a) *Community Improvement*

The City will accomplish community improvement through:

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 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 Community Improvement Plan project area, the boundary of which may be the entire Urban Area of the City of Port Colborne, or any part of the Urban Area 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.

Sections (b) to (d) outline the criteria and priority for designation of community improvement project areas and preparation and adoption of community improvement plans. The Industrial CIP meets several of the criteria of this section including:

c) *Community Improvement Project Areas*

2. Non-conforming, conflicting, encroaching or incompatible land uses or activities;
3. 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;
4. Poor road access and/or traffic circulation;
7. Known or perceived environmental contamination;
9. High commercial vacancy rates;
10. Existing or potential business improvement areas;
11. Vacant lots and under-utilized properties which have potential for infill, intensification, redevelopment or expansion to better utilize the land base;
12. Shortage of land to accommodate widening or existing rights-of-way, building expansion, parking and/or loading facilities; and
13. Other barriers to the repair, rehabilitation or redevelopment of under-utilized land and/or buildings.

The Community Improvement Plan policies contained in the City of Port Colborne Official Plan were reviewed having regard to changes to Section 28 of the Planning Act since October 2005 and Community Improvement policies adopted by other municipalities within the Region. The policies of the Official Plan remain current and provide good support and direction for the preparation of CIP's.

3.2.5 City of Port Colborne: Economic Development Strategy and Action Plan:
2010-2014

Discussed in more detail in Section 2 of this CIP, the objective of the Economic Development Strategy and Action plan is to create a five-year economic development strategy which would allow Port Colborne to articulate key priorities and identify optimal areas of activity. The Strategy and Action Plan recognizes the importance of a strong economy to the overall health of the community. Through a public process, and evaluation of economic development possibilities, this document provides an assessment and action plan for the growth of the City's employment sector.

3.3 Community Improvement Plan Goals and Objectives

The main goal of the Industrial Community Improvement Plan is to promote investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the lands potential. Other goals of the CIP include:

- a) Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- b) Support investments in specified high potential economic sectors that contribute to the diversification of the local economy;
- c) Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base;
- d) Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with the financial limitations and expectations of City taxpayers;
- e) Attract investment based on the community's strengths and competitive advantages;
- f) Facilitate the development of the City's vacant unemployment lands and other areas that have the potential to be new employment areas;
- g) Encourage the redevelopment of the City's historic industrial sites resulting in the continued or renewed productivity of these sites; and
- h) Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies.

This CIP contains specific policies, incentives, directions and municipal strategies that are intended to contribute towards the achievement of these goals.

3.3.1 Industrial Community Improvement Plan Project Area

This Industrial CIP will encompass all lands designated as "Industrial" on the City of Port Colborne's Official Plan - Land Use Schedule A, as amended.*

*NOTE: This does not include lands which are proposed to be designated as Gateway or Rural Employment through RPPA 1-2012, as they are to be included in the "Gateway Community Improvement Plan".

4.0 Financial Incentive Programs

The following section outlines the financial incentive programs that have been developed to deliver on the objectives of this Community Improvement Plan (CIP). Included in this section are definitions for terms that are used in this CIP, target sector and use descriptions and general and program-specific program requirements.

The incentive programs contained in this CIP can be used individually or together by an applicant but in no case can two or more programs be used to pay for the same eligible cost (double dipping is not permitted). The total of all grants, loans and tax assistance provided for the lands and buildings of an applicant under the incentive programs contained in this CIP shall not exceed the eligible cost of the community improvement plan for said land and buildings.

A clear relationship between the financial incentive programs and the CIP's objectives demonstrates the public benefit that can result from offering publicly funded financial incentives to stimulate private sector investment. The incentive programs contained in this CIP represent a comprehensive framework containing a range of programs that are designed to stimulate and entice local industrial development by addressing the critical needs identified in Sections 1 and 2. The financial incentive programs are primarily directed at the private sector and are designed to encourage private sector development and redevelopment of vacant and existing industrial sites.

The financial incentive programs are targeted at sectors of the local economy that will prove to be a sustainable source of employment and will contribute to the diversification of the local economy, while providing a financial return on investment in the form of ongoing property taxes to the City over the long term. To this end, applications must demonstrate to the satisfaction of the City that the development clearly serves the public interest and that there is a need for financial incentives in order for the project to move forward. City Council will act as the final approval authority for the financial incentive programs and be the ultimate judge of a project's contribution to meeting the objectives of this CIP and its "need" for financial incentives.

In addition to outlining the eligibility criteria and requirements for the financial incentive programs, the program descriptions include the necessary safeguards to ensure that the City's interests are protected including realizing the requisite public benefit derived from the incentives.

4.1 General Definitions

This section of the CIP provides the definitions for terms that are used in this CIP and are intended to explain the meaning of a term for the purposes of this CIP.

Accessory Use: a use that is incidental, subordinate and exclusively devoted to the primary *eligible use* as is carried on with the *eligible use* on the same property.

Adaptive Reuse: the process of adapting old buildings by *development, redevelopment, rehabilitation* and/or *construction* for the purposes of using them for new *eligible uses*.

Applicant: may include registered owners, assessed owners and tenants of land and buildings within the community improvement project area, and to any other person to whom such an owner or tenant has assigned the right to receive a grant and/or loan.

Assignee: a person to whom an owner or tenant has legally assigned the right to receive a grant and/or loan pursuant to this CIP.

Base Rate: the total amount of *municipal taxes* payable in the calendar year that City Council approves the financial incentives for the *eligible works*.

Catalyst Project: a *development, redevelopment* or *adaptive reuse* of a building or property for a new use that is not one of the *eligible uses* in one of the *targeted sectors*, but results in the creation and/or retention of a significant number of indirect jobs in one or more of the *targeted sectors*. *Catalyst Projects* must demonstrate by way of a business plan:

- A minimum investment (i.e. *eligible costs*) that totals at least \$250,000;
- The creation of 15 new permanent *jobs* as part of the *development, redevelopment, or adaptive reuse* of a building or property, not including construction jobs; and
- The creation and/or retention of 50 *indirect jobs* in one or more of the *targeted sectors*.

Construction: the erection or physical improvements of the whole or any part of a building or structure for the purpose of *development, redevelopment, rehabilitation* and/or *adaptive reuse*.

Development: investment that results in the productive use of lands and/or buildings within the Community Improvement Project Area for the purpose of eligible uses, and includes but is not limited to new building construction or improvements made for the purposes of establishing or maintain a business enterprise, or the expansion of existing buildings to realize more effective use or the land's potential.

Eligible Costs: are the costs related to *development, redevelopment, rehabilitation* and/or *adaptive reuse* of a building or property in conformity with this CIP and the *Planning Act, R.S.O. 1990, c.P.13*.

Eligible Use: a use that meets the eligibility criteria of one or more of the financial incentive programs described by this CIP.

Eligible Works: includes all *development, redevelopment* and/or *adaptive reuse* of a use that meets the eligibility criteria of one or more of the financial incentive programs described by this CIP.

Existing Business: a business that is in operation and has a physical location within the boundaries of the City of Port Colborne on or before the date the CIP came into effect.

Indirect Jobs: *jobs* that are created in related industries within the targeted sectors as a result of the *development, redevelopment* or *adaptive reuse* of the building or property.

Job: is a permanent full-time (minimum 35 hours per week) position created or retained directly or indirectly as a result of the *development, redevelopment* or *adaptive reuse* of the building or property. It is a measure used in this CIP to evaluate the impact and benefits to be derived by the development, redevelopment, rehabilitation and/or *adaptive reuse* of a building or property (e.g. the number of *jobs* created and/or retained).

MPAC: is the Municipal Property Assessment Corporation established by the *Ontario Property Assessment Corporation Act, 1997*.

Municipal Taxes: the City of Port Colborne (i.e. the municipal) portion of the property taxes payable and does not include the Education portion payable to the province or the Regional portion payable to the Region of Niagara.

Small Business: a business being carried on for gain or profit in one or more of the *targeted sectors*, with less than 50 employees for manufacturing businesses and less than 20 employees for non-manufacturing businesses.

Redevelopment: *development* on properties that have been previously developed, or for the expansion, *rehabilitation* or *adaptive reuse* of an existing building, facility or operation. This can include the acquisition and wholesale changeover in the use of a large site or several smaller neighbouring sites, and may involve some land assembly or demolition activity.

Rehabilitation: the returning of an existing building and/or land to a useful state by *adaptive reuse, development, redevelopment* and/or *construction*.

Retail Use: the use of a building, property or part thereof for the retail sale of goods or merchandise, including the lease or rental of goods or merchandise.

Retrofit Works: improvements and upgrades to a building's infrastructure to improve energy efficiency and performance (i.e. to reduce utility and/or maintenance costs).

Targeted Sectors: sectors of the local economy that have been identified in this CIP in Section 4.2 Targeted Sectors and Uses as eligible for financial incentives and other community improvement activities described by Sections 2 and 3.

Tax Increment: the difference between the base rate at the time of City Council's approval of financial incentives for the project and the municipal taxes after the completion of the approved eligible works and reassessment by MPAC.

4.2 Targeted Sectors and Uses

Section 2.2 of this CIP highlights the high value and/or growth sectors of the local economy that have been identified by the by the City of Port Colborne Economic Development, Tourism & Marketing Department as instrumental in growing and diversifying the local regional economy.

Following this sector identification, the targeted employment uses (i.e. industries and firms) have been identified and defined in this CIP to provide direction to the financial incentive programs.

The financial incentive programs are designed to provide assistance in the form of annual grants to support the *development, redevelopment, rehabilitation* and/or *adaptive reuse* of properties and buildings for employment uses in *targeted sectors*. The *targeted sectors* and eligible employment uses are described below.

4.2.1 Lone Eagles Sector

Freelance professionals, also known as ‘Lone Eagles’, are knowledge workers with highly transportable skills, such as writers, analysts, artists, accountants, trades people, sales professionals, manufacturers’ representatives and other advisors. This sector includes people operating small businesses in: digital media, logistics and distribution, business/management consulting, alternative health and wellness products and services, and tourism services businesses.

4.2.2 Advanced Technology-Based Manufacturing Sector

Advanced manufacturing involves new manufacturing techniques and machines, combined with information technology, microelectronics and new organizational practices in the manufacturing process. It is a key enabler to help manufacturers meet the productivity, quality and cost reduction demands of competitive global markets. This sector includes activity in food processing and chemical manufacturing, advanced metal fabrication, and ‘Green’ technology (renewable energy).

4.2.3 Tourism and Culture Sector

The tourism and culture sector includes key City initiatives such as the multi-use trail network, the waterfront area and marina, special events programming, tourism products including the Arts and Culture Route and Sport Fishing Guide, and the new Port Colborne Health and Wellness Centre. Businesses in this sector include retail and service operations, attractions, hospitality, food services, and guest services.

4.2.4 Government Services

This sector includes employment in health care, social services, education and public administration. This includes the hospital and long-term care facilities, police services, schools and training facilities, and government offices.

4.2.5 Multi Modal Logistics

This sector has two focuses. The first is the transport of goods and raw materials through Port Colborne; the second is industries and establishments related to the servicing and maintenance of port-related activities, including ship construction and breaking, repair and maintenance, suppliers and chandlers, docking and storage. This sector includes activity in wholesaler-distribution, truck, water and rail transportation, support activities for transportation, manufacturing related to ship repair and fabrication, and ship and boat building.

4.3 General Incentive Program Requirements

The general and program specific requirements are not necessarily exhaustive and the City reserves the right to include other requirements and conditions as deemed necessary on an *applicant* specific basis. 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.

- a) Application for any of the incentive programs contained in the CIP can be made only for properties within the Community Improvement Project Area (“Project Area”).
- b) “*Applicant*”, unless otherwise specified, means a registered owner, assessed owner or tenant of lands and buildings within the Project Area, and any person to whom a registered owner, assessed owner or tenant of lands and buildings within the Project Area has assigned the right to receive a grant or loan under this CIP.
- c) If the *applicant* is not the owner of the property, the *applicant* must provide written consent from the owner of the property on the application.
- d) *Applicants* must demonstrate by way of a business plan, to the satisfaction of the City, that financial incentives are necessary in order for the development or redevelopment to be economically viable and that it is meeting one or more objective(s) of this CIP.
- e) *Applicants* approved for the programs contained in the CIP will be required to complete the *eligible works* and have the property reassessed by *MPAC* within specified timeframes.
- f) The *applicant* must address all outstanding work orders and/or other charges from the City (including tax arrears) against the subject property to the satisfaction of the municipality prior to the grant or loan being paid, or be addressed as part of the proposed work.
- g) Any *applicant* that is purchasing City owned property as part of the proposal must enter into a written agreement with the City stating that they will keep and maintain the land, building and the use in conformity with the CIP. The agreement will also include the specific details (amount, duration, performance, expectations, legal remedies, etc) of the incentive programs that will be made available to development. The agreement entered into will be registered against the land to which it applies and the City will enforce the provisions of the agreement against any party to the agreement and all subsequent owners or tenants.

4.4 General Incentive Program Provisions

All projects that are approved for financial incentives are subject to the following terms and conditions, in addition to the individual provisions specified under each program:

- a) Port Colborne Council is the sole approval authority for all applications submitted under the financial incentive programs included in this CIP.
- b) All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards and guidelines, including applicable Official Plan and Zoning requirements and approvals.
- c) Grants will be made upon successful completion of the approved work and documentation of the *eligible costs* associated with the work. The City may undertake an audit of work done and *eligible costs* if it is deemed necessary, at the expense of the *applicant*.
- d) 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.
- e) 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.
- f) The total of all grants and loans provided in respect of the particular lands and buildings of an *applicant* under programs contained in the CIP shall not exceed *eligible costs* with respect to these lands and buildings.
- g) Grants and/or loans will not apply to any portion of the personal property, inventory or land purchase value of the project.
- h) Incentive programs approved by City Council will take effect as of the date of City Council adoption and will not be applied retroactively to any work that has taken place prior to the adoption of the CIP or City Council approval to participate in an incentive program.
- i) City Council at its discretion may at any time discontinue a program; however any participants in the program prior to its discontinuance will continue to receive grants or loans as approved for their property in accordance with the agreement signed with the City of Port Colborne.
- j) If the applicant is in default of any of the general or program specific requirements of the City, the City may delay, reduce or cancel the approved grant.

- k) If a building that was erected or improved with a program grant or loan, is demolished prior to the expiry of the grant or loan period, the grant or loan is terminated and will be recovered by the City.
- l) The City has the right to perform annual inspections to ensure compliance with the agreement and make adjustments to the incentive levels to reflect the current situation in relation to the agreement signed with the City.
- m) City Council, at its sole discretion, may evaluate a proposal and decide on a case-by-case basis to increase the level of the incentives (not to exceed the *eligible costs*) and/or alter the source of funding in cases where the *eligible costs* do not generate a *tax increment* or it is not substantial enough to pay back with *eligible costs* within the timeframe determined by the individual financial incentive programs. Council modified incentives are subject to the eligibility criteria of the individual incentive program.
- n) Financial incentives are based upon increases in property taxes as a result of *development, redevelopment, adaptive reuse* or *rehabilitation*, and are not based on occupancy or changes in occupancy.
- o) Retail uses will not be eligible for the financial incentive programs included in this CIP, unless they are clearly an *accessory use* to the primary *eligible use* and are carried on with the *eligible use* on the same property.

4.5 The Business Development Grant Program

Business attraction is an economic development approach that aims to attract new business investment to the community by assisting in the relocation of new or existing businesses to the area.

The Port Colborne EDO is responsible for business attraction on a local level. This CIP is supportive of the Port Colborne local business attraction efforts and is to be used to make the City of Port Colborne an attractive place to invest.

4.5.1 Purpose

The Business Development Grant Program is intended to provide financial incentive to stimulate new investment in targeted economic sectors for the purposes of expanding and diversifying Port Colborne's economy. The Business Development Grant Program will also apply to projects that demonstrate a major investment resulting in a significant positive impact on the local economy and workforce.

The Business Development Grant Program is aimed at attracting new businesses to the City through the *development* or *redevelopment* of buildings and properties within the Project Area.

4.5.2 Description

The Business Development Grant Program will consist of a grant program, whereby new businesses will be eligible to receive a grant for a percentage of the *tax increment* generated from the investments made in the *development* or *redevelopment* of the building or property in conformity with this CIP.

4.5.3 Program Details

- a) The *development* or *redevelopment* must result in a minimum of 50 new *jobs* for the manufacturing sector, or more than 20 *jobs* in the other *targeted sectors*.
- b) The applicant will be required to submit a complete application to the City describing in detail the *development* or *redevelopment* that is planned. This may include reports, conceptual site plans, business plans, estimates, contracts and other details as may be required to satisfy the City with respect to and conformity of the project with the CIP. The application must be submitted to the City prior to City Council's approval of financial incentives for the project.
- c) *Applicants* must demonstrate by way of a business plan, to the satisfaction of the City, that a Business Development Grant is necessary in order for the *development* or *redevelopment* to be economically viable and meet one or more of the objectives of this CIP.

- d) Business Development Grants are only available to uses that are readily identifiable with one of the *targeted sectors* described in Section 4.2
- e) *Accessory uses* that are exclusively devoted to the primary *eligible use* may be considered an *eligible use* for the purposes of the Business Development Grant Program.
- f) In addition to the above noted permitted uses, a *catalyst project*, as defined by this CIP, may also be eligible for a Business Development Grant.
- g) Business Development Grants are only available for the “*eligible costs*” specified below:
 - i) Demolishing buildings;
 - ii) *Development* or *redevelopment* of a building or property, including improvements and expansion to an existing building;
 - iii) *Adaptive reuse*, building *rehabilitation* and *retrofit works*;
 - iv) Development application fees and building permit fees including but not limited to:
 - Official Plan Amendment;
 - Zoning By-law Amendment;
 - Minor Variance or Consent;
 - Site Plan Approval/Modification;
 - Plan of Subdivision/Condominium
 - Condominium Conversion;
 - Part Lot Control Exemption;
 - Removal of “H” Holding Symbol;
 - Demolition Permit; and
 - Building Permit
 - v) Upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;
 - vii) Constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities where this is required to permit *development, redevelopment, rehabilitation* and/or *adaptive reuse* of the property that is subject of the application.
- h) In addition to the costs listed above, the following costs associated with the promotion of energy efficient development will also be considered eligible costs for the purposes of the Business Development Grant Program:

- i) Base plan review by a certified LEED consultant;
 - ii) Preparing new working drawings to the LEED standard;
 - iii) Submitting and administering the constructed element testing and certification used to determine the LEED designation; and
 - iv) Increase in material/construction cost of LEED components over standard building code requirements.
-
- i) Grants only remain in effect as long as the use(s) remain eligible uses as defined by this CIP. If a proposed development or redevelopment is not an eligible use in one of the prescribed sectors, it will not be eligible for a Business Development Grant.
 - j) Determination of compliance with the requirements of this program and the amount of the property's grant (within the permitted terms of this program) is at the discretion of and subject to City Council approval.
 - k) City Council, at its sole discretion, may evaluate a proposal and decide on a case-by-case basis on the merits of the business case to increase the level of the incentives and/or alter the source of funding in cases where *development* or *redevelopment* does not generate a *tax increment* substantial enough to pay back the *eligible costs* within the timeframe determined by the Business Development Grant Program. Projects must still meet the eligibility requirements of the Business Development Grant Program and Council modified grants will not exceed the *eligible costs* of the *development* or *redevelopment*.
 - l) The Business Development Grant Program may be passed on to subsequent owners for the amount and time left in the original grant payback period with City Council's approval. Subsequent owners will be required to enter into an agreement with the City that outlines the details of the remaining grant amount, eligibility and financial obligations.

4.5.4 Areas of Applicability

The Business Development Grant Program is applicable to the entire Community Improvement Project area for projects that meet the program requirements for the program.

4.5.5 Grant Calculation

The amount of the grant will be determined based upon the provisions of Appendix A of this Community Improvement Plan.

4.6 The Business Retention and Expansion Grant Program

Business Retention and Expansion (BR&E) is an economic development strategy that focuses on the retention and/or expansion of existing businesses. In part, its intended outcome is to create an environment that allows existing businesses to continue to operate effectively and to grow in Port Colborne where they are currently located.

4.6.1 Purpose

The Business Retention and Expansion Grant Program is intended to provide financial incentive to encourage existing businesses to make new capital investment in targeted economic sectors for the purposes of expanding and diversifying the local economy. The Business Retention and Expansion Grant Program will also apply to projects that demonstrate a significant investment resulting in the retention and/or expansion of high value industries and jobs.

4.6.2 Description

The Business Retention and Expansion Grant Program consists of a grant program whereby existing businesses are eligible to receive a grant for a percentage of the *tax increment* generated from the investments made in the *development* or *redevelopment* of the building or property in conformity with this CIP.

4.6.3 Program Details

- a) The *development* or *redevelopment* must result in a minimum of 50 new *jobs* of the retention of 50 existing jobs for the manufacturing sector, or more than 20 new of the retention of 35 existing *jobs* in the other *targeted sectors*.
- b) The *applicant* will be required to submit a complete application to the City describing in detail the *development* or *redevelopment* that is planned. This may include reports, conceptual site plans, business plans, estimates, contracts and other details as may be required to satisfy the City with respect to and conformity of the project with the CIP. The application must be submitted to the City prior to City Council's approval of financial incentives for the project.
- c) *Applicants* must demonstrate by way of a business plan, to the satisfaction of the City, that a Business Retention and Expansion Grant is necessary in order for the *development* or *redevelopment* to be economically viable and meet one or more of the objectives of this CIP.
- d) Business Retention and Expansion Grants are only available to uses that are readily identifiable with one of the *targeted sectors* described in Section 4.2.

- e) In addition to the above noted permitted uses, a *catalyst project*, as defined by this CIP, may also be eligible for a Business retention and Expansion Grant Program.
- f) *Accessory uses* that are exclusively devoted to the primary *eligible use* may be considered an *eligible use* for the purposes of the Business Retention and Expansion Grant Program.
- g) Business Retention and Expansion Grants are only available for the “*eligible costs*” specified below:
 - i) Demolishing buildings;
 - ii) Development or redevelopment of a building or property;
 - iii) Expansion of an existing building or facility;
 - iv) *Adaptive reuse*, building *rehabilitation* and *retrofit works*;
 - v) Development application fees and building permit fees including but not limited to:
 - Official Plan Amendment;
 - Zoning By-law Amendment;
 - Minor Variance or Consent;
 - Site Plan Approval/Modification;
 - Plan of Subdivision/Condominium
 - Condominium Conversion;
 - Part Lot Control Exemption;
 - Removal of “H” Holding Symbol;
 - Demolition Permit; and
 - Building Permit
 - vi) Upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities.
 - vii) Constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit *development, redevelopment, rehabilitation* and/or *adaptive reuse* of the property that is subject of the application.
- h) In addition to the costs listed above, the following costs associated with the promotion of energy efficient development will also be considered eligible costs for the purposes of the Business Development Grant Program:
 - i) Base plan review by a certified LEED consultant;

- ii) Preparing new working drawings to the LEED standard;
 - iii) Submitting and administering the constructed element testing and certification used to determine the LEED designation; and
 - iv) Increase in material/construction cost of LEED components over standard building code requirements.
- i) Grants only remain in effect as long as the use(s) remain *eligible uses* as defined by this CIP. If a proposed *development* or *redevelopment* is not an *eligible use* in one of the prescribed sectors, it will not be eligible for a Business Retention and Expansion Grant.
 - j) Determination of compliance with the requirements of this program and the amount of the property's grant (within the permitted terms of this program) is at the discretion of and subject to, City Council approval.
 - k) City Council, at its sole discretion, may evaluate a development proposal and decide on a case-by-case basis on the merits of the business case to increase the level of the incentives and/or alter the source of funding in cases where *development* or *redevelopment* does not generate a *tax increment* substantial enough to pay back the *eligible costs* within the timeframe determined by Business Retention and Expansion Grant Program. Projects must still meet the eligibility requirements of the Business Retention and Expansion Grant program and Council modified grants cannot exceed the *eligible costs* of the *development* or *redevelopment*.
 - l) The Business Retention and Expansion Grant Program may be passed on to subsequent owners for the amount and time left in the original grant payback period with City Council's approval. Subsequent owners will be required to enter into an agreement with the City that outlines the details of the remaining grant amount, eligibility and financial obligations.

4.6.4 Areas of Applicability

The Business Retention and Expansion Grant Program is applicable to the entire Community Improvement Project Area for projects that meet the eligibility requirements for this program.

4.6.5 Grant Calculation

The amount of the grant will be determined based upon the provisions of Appendix A of this Community Improvement Plan.

4.7 The Small Business Investment Grant Program

Small businesses represent an important part of the local economy. They create jobs and contribute to the City of Port Colborne's culture of innovation by being flexible, adaptable and making significant contributions to the value chain of the larger firms that they interact with. Consequently, the Small Business Investment Program will focus on export-oriented start-ups, innovative new businesses and the creation of a supportive local business incubation environment.

4.7.1 Purpose

The Small Business Investment Grant Program is intended to provide financial incentive to stimulate new investment in small businesses in the targeted economic sectors for the purposes of expanding and diversifying the local economy.

4.7.2 Description

The Small Business Investment Program will consist of a grant program whereby new businesses or existing businesses that are expanding will be eligible to receive a grant for a percentage of the *tax increment* generated from investments made in the *development* or *redevelopment* of the building or property in conformity with this CIP.

Program Details

- a) Small Business Investment Grants are only available to small businesses that have less than 50 employees for the manufacturing sector or less than 20 employees in the other *targeted sectors*.
- b) The *eligible costs* are projected to result in a minimum \$25,000 increase in assessed value after the eligible work has been completed and the property reassessed by *MPAC*.
- c) The *applicant* will be required to submit a complete application to the City describing in detail the *development* or *redevelopment* that is planned. This may include reports, conceptual site plans, business plans, estimates, contracts and other details as may be required to satisfy the City with respect to and conformity of the project with the CIP. The application must be submitted to the City prior to City Council's approval of financial incentives for the project.
- d) *Applicants* must demonstrate by way of a business plan, to the satisfaction of the City, that a Small Business Investment Grant is necessary in order for the *development* or *redevelopment* to be economically viable and meet one or more of the objectives of this CIP.

- e) Small Business Investment Grants are only available to uses that are identifiable with one of the following *targeted sectors* described in Section 4.2.
- f) Small Business Investment Grants are only available for the “*eligible costs*” specified below:
 - i) Demolishing buildings;
 - ii) Development or redevelopment of a building or property;
 - iii) Expansion of an existing building or facility;
 - iv) *Adaptive reuse*, building *rehabilitation* and *retrofit works*;
 - v) Development application fees and building permit fees including but not limited to:
 - Official Plan Amendment;
 - Zoning By-law Amendment;
 - Minor Variance or Consent;
 - Site Plan Approval/Modification;
 - Plan of Subdivision/Condominium
 - Condominium Conversion;
 - Part Lot Control Exemption;
 - Removal of “H” Holding Symbol;
 - Demolition Permit; and
 - Building Permit
 - vi) Upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities.
 - vii) Constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit *development, redevelopment, rehabilitation* and/or *adaptive reuse* of the property that is subject of the application.
- g) In addition to the costs listed above, the following costs associated with the promotion of energy efficient development will also be considered eligible costs for the purposes of the Small Business Investment Grant:
 - i) Base plan review by a certified LEED consultant;
 - ii) Preparing new working drawings to the LEED standard;
 - iii) Submitting and administering the constructed element testing and certification used to determine the LEED designation; and

- iv) Increase in material/construction cost of LEED components over standard building code requirements.
- h) Grants only remain in effect as long as the use(s) remain *eligible uses* as defined by this CIP. If a proposed *development* or *redevelopment* is not an *eligible use* in one of the prescribed sectors, it will not be eligible for a Small Business Investment Grant.
- i) Determination of compliance with the requirements of this program and the amount of the property's grant (within the permitted terms of this program) is at the discretion of and subject to, City Council approval.
- j) City Council, at its sole discretion, may evaluate a proposal and decide on a case-by-case basis on the merits of the business case to increase the level of the incentives and/or alter the source of funding in cases where *development* or *redevelopment* does not generate a substantial enough pay back the *eligible costs* within the timeframe determined by the Small Business Investment Grant Program and Council modified grants cannot exceed the *eligible costs* of the *development* or *redevelopment*.
- k) The Small Business Investment Grants may be passed on to subsequent owners for the amount and time left in the original grant payback period with City Council's approval. Subsequent owners will be required to enter into an agreement with the City that outlines the details of the remaining grant amount, eligibility and financial obligations.

4.7.3 Areas of Applicability

The Small Business Investment Grant Program is applicable to the entire Community Improvement Project Area for projects that meet the eligibility requirements for the program.

4.7.4 Grant Calculation

The amount of the grant will be determined based upon the provisions of Appendix A of this Community Improvement Plan.

4.8 Development Charges Rebate Program

Development Charges are municipal levies against new development to finance the growth-related capital costs associated with meeting the service requirements of development. The underlying intent of development charges is that growth pays for growth and that the financing of capital costs of servicing new growth does not place a burden on existing taxpayers. Growth-related capital costs are costs incurred by the Municipality as a result of expanding the capacity of municipal services to meet the needs of new development.

4.8.1 Purpose

The Development Charges Rebate Program is intended to provide financial incentive to stimulate investment in targeted economic sectors for the purposes of expanding and diversifying the local economy. The Development Charges Rebate Program is aimed at attracting new business to the City and the expansion of existing businesses through the *development, redevelopment, rehabilitation* or *adaptive reuse* of buildings and properties in the Community Improvement Project area.

4.8.2 Description

The Development Charges Rebate Program will consist of a grant program, whereby businesses will be eligible to receive a grant for a percentage of the Development Charges owing from the *development* or *redevelopment* of a building(s) or property in conformity with this CIP.

4.8.3 Program Requirements

- a) The Development Charges Rebate Grant Program will consist of a grant program, whereby registered property owners and/or assignees will be eligible to receive a grant for 100% of the development charges owing.
- b) The compliance of each application with the criteria of this program and the amount of the property's grant (within the permitted terms of this program) is in the discretion of and subject to City Council approval.
- c) The *applicant* will be required to submit a complete application for either the *Business Development Grant Program*, *Business Retention and Expansion Grant Program* or the *Small Business Investment Program* prior to City Council's approval of financial incentives for the project. The City will review the application to ensure that the improvements are eligible for a Development Charges Rebate Program.
- d) Projects are also required to be in compliance with all City By-law regulations and policies, including zoning and building regulations.

- e) The subject property shall not be in a position of property tax arrears. If the tax bill is not paid in full, the City will cancel all future grants and collect past grants made as part of this program.
- f) The City will collect the full amount of Development Charges owed for the proposed development at the time of Building Permit application and will issue the Development Charges Rebate Grant after the final inspection has been conducted by the Building Department.
- g) The grant will be forfeited and repaid to the City if the property is demolished or altered in a manner that does not comply with this CIP before the grant period elapses.
- h) A Development Charges Rebate Grant may be received by a property owner and/or assignee in combination with any other municipal program offered by this Community Improvement Plan. However, in accordance with the *Planning Act*, the total of this rebate (in the form of a grant) and any other grants and loans provided by the municipality either individually or collectively, cannot exceed the *eligible costs*.

4.8.4 Areas of Applicability

The Development Charges Rebate Program is applicable to the entire Community Improvement Project area for projects that meet the eligibility criteria for the *Business Development Grant Program*, *Business Retention and Expansion Grant Program*, or the *Small Business Investment Program* and that are required to pay Development Charges to the City.

4.8.5 Grant Calculation

The amount of the grant will be determined based upon the total amount of Development Charges owing after all exemptions, reductions and credits are applied in accordance with the Development Charges By-law 5354/108/09.

4.8.6 Grant Payment

The City will collect the full amount of Development Charges owing at the time of Building Permit issuance and issue to the applicant the grant worth 100% of the amount paid to the City for Development Charges after final inspection of the building(s).

4.8.7 Other Funding

Developments occurring on a Brownfield, as defined by the City of Port Colborne Brownfield Strategy and Community Improvement Plan, are permitted to take advantage of Brownfield Financial Incentive Programs to recover the costs of studying and remediating the property to an acceptable standard for the proposed end use.

Additionally, projects that meet the program requirements for the *Business Development Grant Program*, Business Retention and Expansion Grant Program, or the *Small Business Investment Program* are eligible for a 100% rebate of all Development Charges owing once all credits and reductions have been applied through both the City of Port Colborne Development Charges By-law (including a reduction in Development Charges for Brownfield Properties as outlined in the Development Charges By-law of up to 70% for properties that have an approved Brownfield incentive application). However, in accordance with the *Planning Act*, the total of the grants and loans provided by the municipality, either individually or collectively, cannot exceed the *eligible costs*.

5.0. Other Community Improvement Activities and Actions

In addition to the financial incentive programs outlined in this CIP, the Planning Act also permits the municipality to undertake the following community improvement activities:

- 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 community improvement plan; and,
- c) Sell, lease or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan.

5.1. Property Acquisition

The City of Port Colborne may facilitate the assembly of land within the city boundaries in conformity with the Community Improvement Plan. Additionally, the City of Port Colborne may acquire, hold, clear, grade or otherwise prepare the land for community improvement as defined by this CIP.

The principal reason for acquisition is to improve and secure the economic well-being of the local economy by asserting an elevated level of control over the acquisition and consolidation of sites suitable for employment uses or that furthers the objectives of this CIP.

Additionally, the City of Port Colborne may choose to construct, repair, rehabilitate or improve buildings on land acquired or held by it to further the objectives of this CIP.

5.2. Property Disposition

The City of Port Colborne may dispose of municipally owned land or buildings within the Community Improvement Project Area in conformity with the Community Improvement Plan. Additionally, the City of Port Colborne may sell, lease or otherwise dispose of any land and buildings acquired or held by it provided the end use of the property and/or buildings remain in conformity with this CIP.

The City of Port Colborne may choose to dispose of municipality owned property or buildings at less than market value in order to facilitate the *development, redevelopment* or *adaptive reuse* of the property and/or buildings.

Municipally owned property that is disposed of for the purpose of meeting one or more of the objectives of this CIP, whether at market value or less, is subject to the following requirements:

- a) All disposition of municipal land must be done so in compliance with the applicable municipal policies;
- b) City Council, with recommendations from City Administration, will determine the percentage below market value, if any, that the City will sell the property for based on the benefit to the public generated by the project, as determined by City Council.
- c) The actual percentage below market value will be determined by City Council with the difference between market value (as determined by an independent appraiser) and the amount paid (i.e. the amount less than market value) applied to the total amount of incentives a project may be eligible for. The total amount of the incentives provided by the municipality, either individually or collectively, cannot exceed the *eligible costs*.
- d) As required by the *Planning Act* the purchaser of City owned property will be required to enter into a written agreement with the City stating that they will keep and maintain the land, building and the use in conformity with the Community Improvement Plan. The agreement entered into above will be registered against the land to which it applies and the City will enforce the provisions of the agreement 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.
- e) Projects are also required to be in compliance with the City's other by-laws and policies, including zoning and building regulations.

5.3. Ensuring an Adequate Supply of Employment Land

The availability of a suitable range of serviced employment lands is a key site selection factor that companies consider in selecting a community for relocation or expansion. The Provincial Policy Statement (PPS) acknowledges the importance having an adequate supply of land for employment uses and the infrastructure that supports it. The PPS requires municipalities to promote economic development and competitiveness by:

- Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- Planning for, protecting and preserving employment areas for current and future uses; and
- Ensuring the necessary infrastructure is provided to support current and projected needs.

5.4. Development Streamlining

For major development applications, the City will actively explore procedural and other development incentives such as, scheduling extra or single-agenda-item City Council meetings, as well as assigning administrative staff dedicated to expedite the review and processing of major development applications that are in conformity with the Community Improvement Plan.

A.1 Grant Calculation

The amount of the grant will be determined based upon the incremental increase in the *municipal taxes* that result from the eligible work being completed. The *tax increment* will be established after the final inspection of the improvements in accordance with the Ontario Building Code and MPAC has established a new assessment value. The total amount of the grant provided cannot exceed the value of the eligible work that resulted in the reassessment.

The payment schedule for all Grants will be in accordance with “Table 1” or until all eligible costs have been repaid, unless otherwise directed by City Council.

Year of Grant	Increment Percentage Rebated	Amount of Taxes Payable
1	35%	Base Rate
2	Equivalent to Year 1	Base Rate
3	Equivalent to Year 1	Base Rate
4	Equivalent to Year 1	Base Rate
5	Equivalent to Year 1	Base Rate
6	Equivalent to Year 1	Base Rate
7	Equivalent to Year 1	Base Rate
8	75%	Base Rate + 25% increment
9	50%	Base Rate + 50% increment
10	25%	Base Rate + 75% increment

Table 1

For *development* or *redevelopment* occurring in a mixed use building, the Grant will be calculated using MPAC’s method of apportioning the assessed value of mixed-use properties into different classes. Only assessed uses that are identified under the Program Details section for each Grant Option will be eligible for a Grant.

A.2 Grant Payment

The *applicant* will pay the full amount of property taxes owed for each year of the program’s applicability and the City will issue the Grant to the approved *applicant* after the final tax bills for each year have been collected and all other eligibility criteria and conditions continue to be met. Grants will not be applied as tax credits against property tax accounts. Vacancy rebates will be deducted from eligible grants. If the tax bill is not paid in full, the City will cancel all future grants and the owner/applicant will be required to repay any and all past grants made as part of this program.

In case of an assessment appeal, the City reserves the right to withhold any forthcoming Grant payments pending final disposition of the appeal. If necessary, the grant will be adjusted and paid once a decision regarding the appeal is rendered.

This program does not exempt property owners from an increase in *municipal taxes* due to a general tax rate increase or a change in assessment for any other reason after the eligible work has been completed.

A.3 Grant Adjustments

The City of Port Colborne reserves the right to adjust the amount of the applicable Grant to reflect:

- a) A decrease in the level of investment and/or number of *jobs* that were used in the original business case to support the application for a Grant;
- b) The amount of all rebates of *municipal taxes* paid to the property owner, including property tax rebates to reflect vacancy, charitable status, heritage status, etc; and
- c) The reduction of *municipal taxes* payable resulting from a successful assessment appeal.

A.4 Other Funding

Developments occurring on a Brownfield, as defined by the City of Port Colborne Brownfield Strategy and Community Improvement Plan, are permitted to take advantage of Brownfield Financial Incentive Programs to recover the costs of studying and remediating the property to an acceptable standard for the proposed end use.

In accordance with the *Planning Act*, the total of the Grant and any other grants and loans provided by the municipality, either individually or collectively, cannot exceed the *eligible costs*.