

THE CORPORATION OF THE CITY OF BROCKVILLE
By-law No. 142-2004

By-law to adopt a Community Improvement Plan for Downtown Brockville

WHEREAS Section 28(4) of the Planning Act, R.S.O. 1990, provides that Council may adopt a Community Improvement Plan; and

WHEREAS the policies of the Official Plan for the City of Brockville indicate that a Community Improvement Plan may be adopted for a Community Improvement Project Area; and

WHEREAS the Council of the Corporation of the City of Brockville has designated the downtown as a Community Improvement Project Area by By-law 141-2004; and

WHEREAS Council of the Corporation of the City of Brockville is desirous of adopting a Community Improvement Plan for Downtown Brockville.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

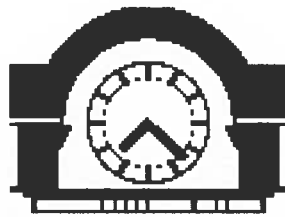
1. THAT, pursuant to the provisions of Section 28(4) of the Planning Act, R.S.O. 1990, the "Community Improvement Plan for Downtown Brockville" annexed hereto as Schedule "1" is hereby adopted as a Community Improvement Plan.
2. THAT Schedule "1" hereto annexed shall be read with and form part of this By-law.
3. THAT this by-law shall come into force and take effect upon passing subject to final approval from the Minister of Municipal Affairs and Housing.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 14th Day of December, 2004


MAYOR


CLERK

SCHEDULE "1"
TO BY-LAW 142-2004



BROCKVILLE

CITY OF THE 1000 ISLANDS

***Community Improvement Plan
for Downtown Brockville
2004***

Community Improvement Plan for Downtown Brockville

1. Purpose

This Community Improvement Plan establishes a framework for the implementation of various programs that will promote and achieve improvements and enhancements in the downtown area of the City of Brockville.

2. Location

The lands subject to this Plan constitute those lands that have been designated as a Community Improvement Project Area pursuant to By-law 141-2004, as illustrated on Schedule "A" hereto. A portion of these lands is located within Planning District No. 1, but the majority is contained in Planning District No. 2, which includes the "downtown" area. These lands are located within the Community Improvement Policy Area as designated in the Official Plan on Schedule "H". The Brockville Downtown Business Improvement Area (DBIA) is also located within this area.

The Community Improvement Project Area is divided into two sections: Priority Area 1 and Priority Area 2, although certain programs described herein may apply to other areas specifically identified, yet still fall within the Community Improvement Project Area.

3. Background

Section 28 of the Planning Act allows municipalities with provisions in their Official Plan relating to community improvement to designate by by-law a "community improvement project area". Once this is done, a municipality may prepare a "community improvement plan" for the project area. Section 28(1) defines a project area 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 development reason".

Downtown Brockville has been in economic decline for several years, and has had trouble maintaining its traditional role as a dynamic and prosperous civic space within the City. There are a visible number of storefront vacancies, under-maintained buildings and vacant lands, and streets that lack a strong sense of public life. Subsequently, there is a need to improve and enhance the existing building stock downtown, both residential and commercial, to attract more shoppers and residents into the downtown core and strengthen the local economy.

Downtown is the cornerstone of every city. It is the social, cultural, historical and physical centerpiece of the city and for that reason, it belongs to everyone. An investment in downtown is an investment that benefits everyone.

Brockville's Official Plan identifies the need to retain and enhance the downtown as a place to live, work, shop and enjoy recreational, cultural and community facilities. The Official Plan delineates downtown Brockville as part of a Community Improvement Policy Area. Within this policy area, the Official Plan establishes improvement policies and initiatives, which include: the rehabilitation and maintenance of properties, the encouragement of visual improvements to properties, infilling on vacant lands, and the retention and restoration of historic structures.

In order to achieve the desired improvements, the Official Plan provides for a number of implementation measures such as the provision of grants, loans, planning application fee reductions, and other financial incentives to finance improvements to privately owned buildings and properties.

4. Goals and Objectives

The primary goal of this Community Improvement Plan will be to promote and encourage commercial revitalization in the downtown area. In order to sustain this goal, the ancillary goal will be to promote the construction and rehabilitation of residential development downtown, and the conversion of upper-floor commercial buildings into residential space.

Mixed-use development is critical to cultivating and preserving an active and prosperous downtown. People who live downtown create a stable customer base and help foster a dynamic street life. Subsequently, there are many vacant buildings and sites, and under-utilized lands downtown. This problem of vacancy needs to be remedied so that the downtown can make optimal use of its lands and take advantage of the potential for new development, services and activities.

The Community Improvement Plan's objectives will be to improve the existing building stock in the downtown, and to encourage infill development on under-utilized sites downtown.

5. Community Improvement Plan Parameters

At the option of City Council, the following program may be implemented for part of the lands to which this Plan applies: Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant Program.

The following programs are currently in place and will be captured in the Community Improvement Plan: Building and Plumbing Permit Fee Grant Program and the Heritage Signage Grant Program. These programs will also be available at the discretion of City Council.

While not a part of this Plan, Brockville City Council has taken a further initiative to encourage private sector property improvements. Through By-law 076-2004, City Council has exempted from development charges the area with the same delineation as Priority Area 1 in this Community Improvement Plan.

6. Community Improvement Programs

The intent of the Community Improvement Plan is to encourage appropriate redevelopment in the Community Improvement Project Area. To this end, there are a number of actions or programs described below that may be implemented by the City.

The following is a brief description of each program offered at the discretion of City Council within all or part of the Community Improvement Project Area. Detailed program descriptions appear in Schedule B which is appended to and forms part of this Plan.

6.1 Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant Program

This program would provide a grant to owners of lands and buildings who undertake improvements or redevelopment that would result in an increased property assessment. The amount of the grant provided will depend on the amount of the municipal portion of property taxes that has increased as a result of the improvements. The TIERR Grant Program offers a grant of 100% of the increase in municipal realty taxes paid annually for a period of five consecutive years. All commercial and residential property located within Priority Area 1 of the Community Improvement Project Area will be the target of this program.

6.2 Heritage Signage Grant Program

This program will provide a grant to owners or tenants of buildings who construct a 'Heritage' sign on their buildings. A grant of \$1000 or 50% of the cost of the sign, whichever is lesser, will be paid to the property owner or tenant by the City following submission and review by the Planning Department of the detailed bill as provided by the sign maker and endorsed by the owner or tenant. The

program is meant to stimulate property improvements, increase building visibility, and encourage visual continuity in the downtown area by way of a 'Heritage' theme for building signage. The Heritage Signage Grant Program applies to the "downtown core area" as defined in the City's Sign By-law.

6.3 Building and Plumbing Permit Fee Grant Program

This program provides for a grant for the equivalent fees paid for Building Permits and Plumbing Permits within a designated area. The program is meant to stimulate and encourage development and property improvements in downtown Brockville. All commercial and residential property within Priority Areas 1 and 2 of the Community Improvement Project Area will be the target of this program.

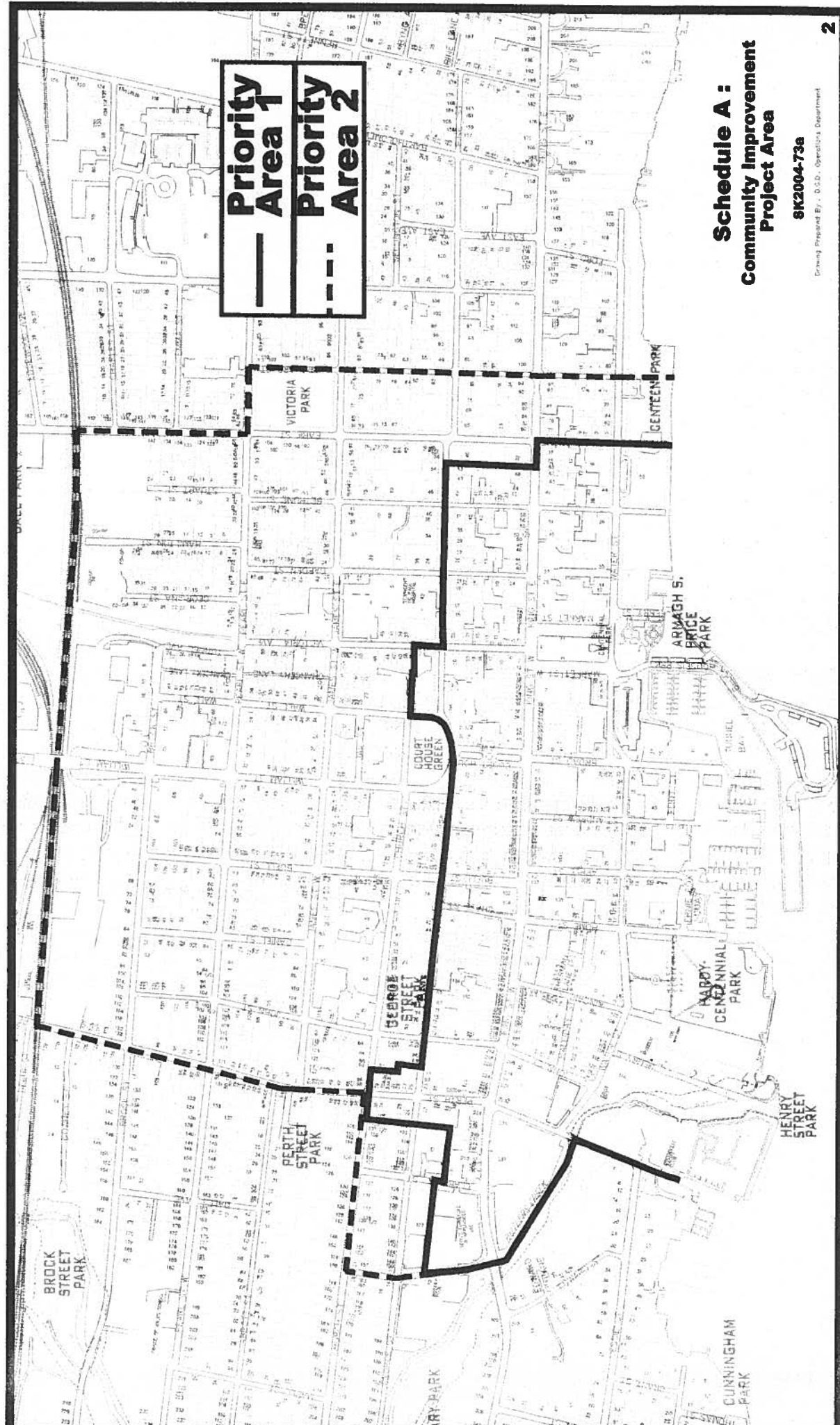
7. Implementation

Programs under this Community Improvement Plan may be offered at the discretion of Council, and may be rescinded without an amendment to the Community Improvement Plan. The introduction of any other financial incentive programs applicable to private lands that are not already established in this plan shall require an amendment to the Community Improvement Plan unless provided for under other legislative authority.

The contents of this Community Improvement Plan shall not limit the right of the City of Brockville and its Council to undertake any other initiatives identified in the City's Official Plan to achieve improvements to the downtown.

City Council will determine the amount of funding to be made available to the various programs under this Community Improvement Plan during the preparation of its annual budget. Any unspent funds at the end of the year may be placed in reserves to be used in following years.

Council will conduct annual reviews of the programs implemented under this Community Improvement Plan to determine their success and ensure their effectiveness.



**Priority
Area 1**
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**Priority
Area 2**

Schedule A :
**Community Improvement
Project Area**

8K2004-73a

Drawing Prepared By: D.S.D., Operations Department

SCHEDULE B

Community Improvement Plan for Downtown Brockville

Detailed Program Descriptions

**Schedule B-1 Tax Increment Equivalent for Rehabilitation and
Redevelopment (TIERR) Grant Program**

Schedule B-2 Heritage Signage Grant Program

Schedule B-3 Building and Plumbing Permit Fee Grant Program

SCHEDULE B-1

Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant Program

Background

This program is meant to stimulate and promote the rehabilitation of existing buildings, and the redevelopment of vacant or under-developed sites in downtown Brockville.

Target Area

All commercial and residential property located within Priority Area 1 of the Community Improvement Project Area will be the target of this program.

Eligibility

All owners of commercial and residential lands and buildings located within Priority Area 1 of the Community Improvement Project Area will be eligible to participate in the program.

If the tenant would like to undertake work, the owner and tenant must enter into an agreement stipulating the arrangement of the grant receipt and work to be done, independent of the City. Due to the fact that the owner receives the tax bill from the City, the owner must be the party with which the City enters into the Commitment and Grant Agreements. The eligible owner may elect to have the grant paid to an assignee, to be specified in the Grant Agreement.

Program Description

The Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant Program would provide financial relief to owners of residential and commercial lands and buildings. The program would provide a grant to owners who undertake improvements or redevelopment that would result in an increased property assessment. The amount of the grant provided will depend on the amount of the municipal portion of property taxes that has increased as a result of the construction. This does not include the Education Tax, or any other charges such as water, sewer or the DBIA levy.

The TIERR Grant Program offers a tax rebate of 100% of the increase in municipal realty taxes for a period of five consecutive years. After the fifth year and in subsequent years, the municipal portion of the realty taxes must be paid in full, and no further grant will be paid. The difference between the municipal portion of realty taxes based upon the property assessment prior to construction and the taxes after the completion of the works resulting in an increase in property assessment, will be the portion eligible for a grant under this program.

The TIERR Grant Program is time-limited. It will be in operation for three years from the date of approval of this Plan by the Minister of Municipal Affairs and Housing. New applications will not be accepted after the third year. However, Council has the option of extending the program.

Implementation

The building permit is used as the 'trigger' for participation in the TIERR Grant Program. The owner would register an intent to participate in this program at the time of making a building permit application. This is called a *Registration of Intent* because it is only after project completion and re-assessment that it can be known if the construction will result in an increased assessment.

By using the building permit as the trigger, the value of the construction can be determined. The total amount of the grant shall not exceed the value of construction.

Application Process

1. The owner signs a Registration of Intent form at the time of building permit application. This indicates the owner's intent in participating in the TIERR Grant Program.
2. The City looks over the building permit and Registration of Intent. If the project qualifies, the City produces a Commitment Agreement documenting the pre-improved assessed value. In order for a project to qualify, it must be in compliance with the City's Zoning By-law, Official Plan, the Ontario Building Code, and any applicable design guidelines established by the City.
3. The owner must inform the City once the project is completed, and request a reassessment of the property. If the Notice of Reassessment shows an increased assessment, and if the construction complies with any applicable design guidelines established by the City, the owner and the City will enter into a Grant Agreement. The Grant Agreement will stipulate the pre-improved and post-improved assessed value, applicable municipal tax rate of that year, the amount of the grant in that year, the method to be used to calculate the grant in the subsequent four years using municipal tax rates to be determined in each of those out years, and the anticipated delivery dates of the grant. The grant will only be paid following confirmation that taxes owing each year specified in the Grant Agreement have been paid in full.

The Registration of Intent will contain the following information:

- the name, address and phone number of the owner,
- the municipal address of the subject property,
- the legal description of the subject property,

- the assessment roll number of the subject property,
- detailed drawings or renderings acceptable to the City's Planning Department drawn to scale, illustrating the nature, extent, location and appearance of the work to be undertaken. Such renderings will show, where applicable:
 - building materials to be used
 - interior and / or exterior colour (for walls, brick, stone, etc)
 - signage detailing
 - exterior and / or interior lighting
 - architectural detailing
 - door and window style and detailing, awnings
 - details relating to exterior and / or interior renovations or remodeling
- the owner's signature

Conditions of the TIERR Grant Program

The Commitment Agreement will state the conditions of the TIERR Grant Program, which are as follows:

1. The rehabilitation or redevelopment of the building or land must result in an increased assessment of the property.
2. Building permit must have a minimum construction value of \$5000 in order for project to qualify.
3. The pre-improved assessed value of the property will be the value of the property on the date of application for the building or demolition permit.
4. The total value of the grant shall not exceed the value of construction.
5. The grant will be a floating grant, the amount of which will be a slightly different amount annually over the five-year period, depending on the tax rates adopted by Council each year.
6. Subject to the adoption by the City of a demolition control by-law, issuance of a demolition permit for a property which has participated in the TIERR Grant Program is at the discretion of the City for the five-year period following the project's completion. Furthermore, compliance with the Ontario Heritage Act will be required respecting any designated building which is the subject of this Program.
7. If the property is demolished, in whole or in part, before the expiration of the grant period, the grants shall stop and all previously received grant payments will be repayable to the City.
8. The program will be available to owners of properties.

9. Participants of the TIERR Grant Program are eligible to apply to any other financial program applicable to Priority Area 1 of the Community Improvement Project Area.
10. The subject property shall not be in a position of tax arrears.
11. Outstanding work orders on the property must be completed by the time of completion of the project. If they are not, the grant will be withheld.
12. Improvements made to any buildings or lands will be in accordance with a Building Permit, the Ontario Building Code, all applicable Zoning requirements, and any applicable design guidelines, as established by the City.
13. A property can participate in the TIERR Grant Program more than once.
14. An owner can participate in the TIERR Grant Program more than once.
15. The Grant Agreement is transferable. Should a subject property be sold before the grant period lapses, the grant will continue for the prescribed timeframe, provided that notice from the owner is given to the City, indicating the details of the transfer of title.
16. The Grant Agreement can be registered on title, at the discretion and cost of the owner, to serve as notice to future purchasers or potential property interests.
17. The Grant Agreement shall provide for the grant to be paid to an assignee of the owner.
18. Construction must be completed within two years after the date of issuance of the building permit. Extensions may be accepted by the Chief Planning Officer at her sole discretion.
19. The TIERR Grant Program is not retroactive. Any construction commenced before a Commitment Agreement is issued by the City is ineligible for the program. However, those construction projects for which a building permit was issued in 2004 and for which approval for use and occupancy has not been issued by the Chief Building Official will be eligible, provided that a Commitment of Agreement is issued by the City prior to the earlier of: approval for use and occupancy; or issuance of a Notice of Reassessment by MPAC respecting assessment changes resulting from the construction, and provided that all other criteria of this Program are met.
20. There is no guarantee that a specific improvement will increase property assessment. Consequently, there are no eligible improvement projects that will *guarantee* a grant from the TIERR Grant Program. The grant depends upon the extent of the construction, and the approach and results of the Municipal Property Assessment Corporation reassessment.

**Priority redevelopment sites within Priority Area 1 of the
downtown Community Improvement Project Area**
(applicable to the TIERR Grant Program)

The following vacant and/or underdeveloped sites have been identified as priority sites for their redevelopment potential *(listed in geographical order from west to east)*:

1. 100 Water Street West
2. 119 Water Street West
3. King Street West, between Apple Street and Home Street
(parking lot and area directly south of it)
4. 10 St. Andrew Street *(waterfront)*
5. 6 Broad Street *(waterfront)*
6. 7 Market Street East
7. 5 King Street East
8. King Street East, between addresses 27 and 45

**Examples of projects that have the potential to
increase property assessment**

- Building extensions or additions
- Building conversions
- Restoration of original building façade
- Structural improvements
- Major renovations

SCHEDULE B-2

Heritage Signage Grant Program

Background

The Heritage Signage Grant Program provides a grant for heritage sign costs to property owners or tenants within a designated area of Brockville.

The program is meant to stimulate property improvements, increase building visibility, and encourage visual continuity in the downtown area by way of a 'Heritage' theme for building signage.

Target Area

Owners or tenants of buildings located within the following boundaries will be the target of this program:

- Butlers Creek and Gilmour Street on the west;
- Church Street between Gilmour Street and Perth Street, James Street between Perth Street and Orchard Street on the north;
- Orchard Street on the east; and
- The St. Lawrence River on the south

The above-stated boundaries contain the whole of Priority Area 1, and part of Priority Area 2.

Costs related to new signage within the boundaries stated above may be eligible under the Heritage Signage Grant Program, if meeting the criteria.

Eligibility

Owners or tenants of buildings will be eligible to participate in this program. The grant may be paid to an assignee of the eligible owner or tenant.

Program Description

- Applications for Heritage Signage Grant shall be submitted to the Planning Department for processing.
- Signs shall be in compliance with Sign By-law 84-89, as amended, and sign permits must have been obtained from the Planning Department.
- Only fixed signs (awnings, fascia, or overhanging signs) shall be eligible. Ineligible are A-boards, banners, directory signs, flags, murals and signs on glazed surfaces.

- Grants shall be paid for eligible heritage signage installations if:

- i) **professionally produced.**

A list of signage contractors who submitted a portfolio of heritage signage will be available from the Planning Department for interested downtown business proprietors. Said list may be revised from time to time.

Costs eligible for a grant for professionally produced signs shall be limited to hard costs and labour, taxes excluded. Pre-consultation and mock-up costs are not eligible.

- ii) **“home made” of professional quality.**

Costs eligible for a grant for a “home made” sign shall be limited to hard costs only, taxes excluded. Labour is not eligible.

- One grant will be available per place of business for signage installations meeting all eligibility criteria.
- A grant of \$1000 or 50% of the cost of the sign, whichever is lesser, will be paid to the owner or tenant by the City following submission and review by the Planning Department of the detailed bill as provided by the sign maker and endorsed by the owner/business proprietor.
- The grant will be provided to the applicant after construction and installation of the sign.
- The final determination for eligibility of signage for the heritage signage grant shall rest with the Chief Planning Officer. The applicant, however, is afforded an opportunity to appeal the decision of the Chief Planning Officer to Council through the appropriate Standing Committee.

SCHEDULE B-3

Building and Plumbing Permit Fee Grant Program

Background

The Building and Plumbing Permit Fee Grant Program provides for a grant equivalent to Building Permit Fees and Plumbing Permit Fees paid for permits issued for properties within a designated area of Brockville.

The program is meant to stimulate and encourage development and property improvements in downtown Brockville.

Target Area

All commercial and residential property within Priority Areas 1 and 2 of the Community Improvement Project Area will be the target of this program.

Eligibility

Owners and tenants of commercial and residential property who apply for and obtain a building or plumbing permit for a property located within Priority Areas 1 and 2 of the Community Improvement Project Area will be eligible to participate in this program.

The grant may be paid to an assignee of the eligible owner or tenant.

Program Description

The building and plumbing permit fees are payable at the time of issuance of a building or plumbing permit for property within Priority Areas 1 and 2.

The owner or tenant of a property for which building or plumbing permit fees are paid shall be provided with a grant equivalent to the fee(s) paid.

The grant will be processed immediately upon receipt of the fees by the City.