

THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

BY-LAW 32 - 2010

Being a By-Law to designate a portion of the Town (commonly known as downtown Port Elgin) as a Community Improvement Project Area and to adopt a Community Improvement Plan for the area.

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

AND WHEREAS the Corporation has an Official Plan in effect which contains provisions relating to community improvement;

AND WHEREAS it is deemed desirable to designate downtown Port Elgin as a community improvement project area;

AND WHEREAS Section 28(5) of the Planning Act, R.S.O. 1990, as amended, provides that a municipality may, by by-law, adopt a community improvement plan for a community improvement project area;

NOW THEREFORE the Council of the Corporation of the Town of Saugeen Shores **ENACTS** as follows:

1. The Community Improvement Plan for Downtown Port Elgin, contained in Schedule 'A' to this by-law, a copy of which is attached to and forms part of this by-law, is hereby adopted.
2. The Community Improvement Project Area, contained in Schedule 'B' to this by-law, a copy of which is attached to and forms part of this by-law, is hereby designated.
3. This By-law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions of the Planning Act, R.S.O. 1990.

READ A FIRST AND SECOND TIME THIS 10TH DAY OF MAY, 2010.

READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 10TH DAY OF MAY, 2010.


Mike Smith, Mayor


Linda White, Clerk

Schedule 'A'

COMMUNITY IMPROVEMENT PLAN TOWN OF SAUGEEN SHORES (PORT ELGIN)

Introduction:

Saugeen Shores has two traditional commercial centres: downtown Port Elgin and downtown Southampton. The focus of this CIP, however, is downtown Port Elgin. Downtown Port Elgin features several blocks with higher-density one to three storey mixed-use commercial buildings. Parking is provided on-street and in various locations on side streets, parking lots, alleys and private lots. Most of the properties in the downtown have been developed; change comes from upgrades to the existing building stock when owners or tenants change or from buildings falling into disrepair if business has failed. There is a desire to ensure that the area remains vibrant and that changes in the area respect the existing character and maintain or increase the livability of the environment.

Purpose of a CIP:

A CIP describes what a municipality intends to do to address various issues in a certain defined area, known as a Community Improvement Project Area. For the purposes of carrying out a CIP, a municipality may undergo a number of initiatives. For example, under Section 28(3) a municipality may acquire, hold, clear, grade or otherwise prepare land for community improvement; under Section 28(6), a municipality may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan; and under Section 28(7) a municipality may make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the Community Improvement Project Area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Through CIPs municipalities can:

1. Focus public attention on local priorities and municipal initiatives;
2. Target areas in transition or in need of repair, rehabilitation and redevelopment;
3. Facilitate and encourage community change in a co-ordinated manner; and
4. Stimulate private sector investment through municipal incentive-based programs.

Planning Act

Section 28 of Ontario's *Planning Act* allows municipalities to prepare Community Improvement Plans, to establish a framework for municipalities to support and implement programs to encourage development and redevelopment, in accordance with Official Plan policies. Whether the reasons are physical, social, economic, or environmental, a community improvement approach is a flexible, comprehensive, co-ordinated and strategic framework for dealing with lands and buildings.

Provincial Policy Statement

Because of the generality of the Provincial Policy Statement (PPS), almost the entirety of the document has some application for Community Improvement. However, several relevant policy areas have been identified:

1. Improving accessibility
2. Maintaining the vitality and regeneration of settlement areas, particularly downtowns and mainstreets
3. Promoting residential intensification
4. Promoting healthy, active communities
5. Conserving heritage resources

Saugeen Shores Official Plan

Saugeen Shores adopted CIP provisions in its 2006 Official Plan. The policies contained therein allow the Town to use CIP's for a broad range of matters. The sum of the CIP policy recommends using CIPs to implement the goals and objectives of the Official Plan (such as promoting the core areas as the commercial foci of the Town, maintain and enhance the Town's character, encourage the protection, maintenance and enhancement of the natural environment, conserve the Town's heritage resources, promote beautification of the Town, encourage barrier-free access, etc.)

Process:

Town of Saugeen Shores Council has by By-law designated a Community Improvement Project Area, and the Town of Saugeen Shores Local Official Plan contains community improvement provisions.

Saugeen Shores Town Council adopted Resolution No. 193-2008 approving "the preparation of a Community Improvement Plan to address the challenges identified through the process" that has been followed thus far.

Council struck a Community Improvement Plan Committee comprised of two members of Council and 6 members of the public. Over the past year, the Committee has held a public open house, discussed the preparation of the plan and established a Vision and Mission Statement.

Town staff consultation was conducted as one-on-one interviews between the Development Co-ordinator and each member of the Management Team as well as brief chats with support staff.

Community consultation was conducted in the following manner:

- Direct invitation to a list of community organizations/associations (see Appendix A to see invitation and list of invitees) to submit comments on Community Improvement
- September 2, 2008. The Committee conducted a walkabout of downtown Port Elgin to get a feel for the existing situation.
- Ad in newspaper soliciting comments on Community Improvement and invitation to attend CIP meeting on October 15, 2008. This meeting was started with an open house where collected information was available to view before the meeting started. ...
- A consultation was held with interested members of the business community of Port Elgin on November 27, 2008
- March 23, 2010. This was the required public meeting under the Planning Act.

Outcome of Public Process:

Public and business comments resulted in 5 broad topic areas to be covered, including Parking and Traffic; Aesthetics; Environment; Accessibility; and Property Standards and Infrastructure. A number of themes overlap the topic areas.

The Committee met to determine projects or programs that would best improve downtown Port Elgin based on the 5 topic areas recommended by the public and businesses. The Committee decided that the following projects or programs should form the CIP:

- A Streetscape Plan
- A Façade Improvement Program
- An Accessibility Improvement Program

Purpose of this CIP:

This Community Improvement Plan establishes a framework for the Town of Saugeen Shores to support and implement a program to encourage enhancement of public spaces, the maintenance and enhancement of commercial building facades and the improvement of accessibility features of commercial buildings in downtown Port Elgin. It also permits the creation of a Streetscape Plan and Façade Improvement Guidelines which, when completed, will guide these enhancements. Furthermore, it provides the Town with the ability to provide financial incentives to achieve these objectives.

Area Subject to this CIP:

The lands subject to this CIP are delineated in Schedule A to this CIP.

Vision Statement:

To make downtown Port Elgin more inviting.

Mission Statement:

To enhance the downtown as an accessible and sustainable hub of the Port Elgin community mindful of the downtown's character, heritage and environment and taking into consideration it's attractiveness to residents, visitors and business.

Objectives of this CIP:

A number of objectives have been established in order to embrace the spirit of the Vision and Mission Statements, and enhance the Downtown.

- To create public roads and spaces that are consistent with Port Elgin's downtown character.
- To encourage continued vitality and economic viability of the commercial core.
- To promote and support continued development of the downtown as one of the traditional commercial centres of the Town.

- To encourage consistency in urban design while recognizing the importance of diversity and character of the existing built form.
- To promote and improve pedestrian access within the downtown and improve connections between commercial areas, recreational trails and other features of the Town.
- To enhance public roads and spaces that already contribute to Port Elgin's downtown character.
- To ensure that the natural environment in which the downtown exists is enhanced where possible.
- To create opportunities for businesses to expand their markets.
- To improve barrier-free access to businesses and public facilities.
- To promote beautification of downtown Port Elgin.
- To conserve downtown Port Elgin's building heritage and to promote building improvements that complement the existing heritage buildings.
- To create incentives for the rehabilitation of the downtown as an attractive and vibrant destination for citizens and visitors.
- To provide support to revitalize buildings.

Streetscape Plan:

The Streetscape Plan should provide direction for public improvements, and can include sidewalk and laneway treatments (including interconnecting links between municipal parking lots and the main street), parking, signage, lighting, landscaping, and furniture.

The following general guidelines shall be considered in preparing the Streetscape Plan:

1. The Streetscape Plan shall co-ordinate all street furniture, including lighting, benches, tree guards, bike racks, planters, garbage/recycling containers, etc.
2. The Streetscape Plan shall be designed to incorporate the Town's Accessibility requirements and commitments. In this regard, the Town's Accessibility Advisory Committee shall be consulted prior to the submission of the Streetscape Plan to Council.
3. Existing significant trees and vegetation should be protected and incorporated into the Streetscape Plan.
4. Streetscape design should incorporate a wide range of strategies to minimize water consumption, including the use of native species, use of mulches and compost, alternatives to lawn and rainwater collection system.
5. Breaks in impervious areas should be provided, by means of permeable surfaces, to minimize discharge into the storm drain system.
6. Walkability and the principles of good active transportation shall be considered in the development of the Streetscape Plan.
7. Elements of the Streetscape Plan shall encourage creativity in the use of public spaces and foster active participation in the public realm.
8. The Streetscape Plan shall incorporate the components of Port Elgin's brand.
9. The Streetscape Plan shall be consistent with the District Design Guidelines.

More specific guidelines will be prepared in consultation with a qualified person (i.e. an architect or landscape architect or similar qualification) and will be approved by Council prior to commencement of the preparation of the Streetscape Plan.

The Streetscape Plan shall be prepared in conjunction with the Façade Improvement Guidelines.

Once the Streetscape Plan is prepared and approved by Council, it shall be implemented at Council's discretion.

Lands may be held and acquired by the Town for the purpose of implementing any feature of the approved Streetscape Plan and any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Façade Improvement:

The Façade Improvement program should provide direction for private improvements, and can include awnings, signage, planters, shutters, colour, lighting, heritage/historic features, and contemporary features. For the purposes of this plan and for preparing the Façade Improvement Guidelines, façade shall mean portions of the building that are street facing and may include awnings, signage, planters, shutters, colour, lighting, heritage/historic features and contemporary features. Facades shall not include laneways or parking areas visible from the street or other portions of the building visible from the street.

In order to implement the Façade Improvement Program the first step will be to conduct a review of the existing building stock within the downtown and prepare a guideline for façade improvements that, in addition to making façade recommendations, links the recommendations of the Streetscape Plan with recommendations for facade improvement.

The Façade Improvement Guidelines shall be prepared in conjunction with the Streetscape Plan.

Once this review is completed, the recommendations contained in the review will comprise the eligible improvements for façade improvement.

The following programs comprise the Façade Improvement Program

Façade Improvement Refund Program

Where a project satisfies the Town's Façade Improvement guidelines, a refund may be granted for building and sign permit fees associated with the façade improvement (or the portion of the permit fees related to the façade if the construction includes elements of the building other than the façade).

Where an application has been approved, the refund would be payable after the Applicant executes a Commitment Agreement with the Town, construction is complete and has been inspected by the Chief Building Official and the Development Co-ordinator. A maximum of one year (12 months) is allowed for completion. The Commitment Agreement would specify eligible works and require no changes to work on the approved façade for five years without Town approval.

Façade Improvement Grant Program

Where a proposed project satisfies the Town's Façade Improvement guidelines, a grant to cover up to 33% of the capital cost of the façade improvement to a maximum of \$10,000 per façade may be available on approved applications. Capital costs may include professional design fees, material, labour and taxes necessary to complete eligible work.

If the project involves second or double façades, a grant of up to 50% of the capital cost of the façade improvement to a maximum of \$15,000 per property may be approved.

Where an application has been approved, the grant would be payable after the Applicant executes a Commitment Agreement with the Town, construction is complete and has been inspected by the Chief Building Official and the Development Co-ordinator, and upon presentation of proof of accounts paid for the completed project. A maximum of one year (12 months) is allowed for completion. The Commitment Agreement would specify eligible works and require no changes to work on the approved façade for five years without Town approval.

Façade Improvement Loan Program

Where a proposed project satisfies the Town's Façade Improvement guidelines, an interest-free loan to cover up to 33% of the capital cost of the façade improvement to a maximum of \$10,000 per façade may be available on approved applications. Capital costs may include professional design fees, material, labour and taxes necessary to complete eligible work.

If the project involves second or double façades, a loan of up to 50% of the capital cost of the façade improvement to a maximum of \$15,000 per property may be approved.

Where an application has been approved, the loan would be payable after the Applicant executes a Commitment Agreement with the Town, construction is complete and has been inspected by the Chief Building Official and the Development Co-ordinator, and upon presentation of proof of accounts paid for the completed project. A maximum of one year (12 months) is allowed for completion. The Commitment Agreement would specify eligible works and require no changes to work on the approved façade for five years without Town approval. The Commitment Agreement will stipulate the repayment schedule.

Façade Improvement Tax Incentive Program

Under this component, Applicants would indicate their interest in the tax incentive program at the application stage. If approved by the Town, a Commitment Agreement would be executed confirming participation in the program.

The difference between the municipal portion of the taxes prior to the work being completed, and the municipal portion of the taxes after completion of the works would be calculated. The amount of increase would be pro-rated over five years such that only 20% of the increase is paid in year one, 40% in year two and so on up to year five. For larger projects where the tax increase is more substantial, the Town may provide for a 10-year phase-in of the increase. Municipal taxes for the subject property must not be in arrears during the phase-in period or this incentive is forfeited.

The project is technically self-financing in that building improvements may result in increased assessment and this translates into more tax. Accounting practices have been established by the Financial Services Department to monitor, report and reconcile these on-going incentives and include the appropriate figures in the annual budgeting.

Façade Improvement – General

A combination of the programs may be allowed subject to Council's approval.

Applications for these programs will be reviewed by staff.

Council will, annually, determine the budget for the Façade Improvement Programs.

Accessibility:

The Accessibility program establishes a program of financial assistance to local business property owners who wish to modify their facilities in order to remove barriers for individuals with disabilities, in accordance with the Ontarians Disabilities Act, 2001 and the Accessibility for Ontarians with Disabilities Act, 2005 and their regulations, codes, guidelines, policies or other approved documents.

The Accessibility program will limit eligible improvements to features of buildings that relate to the street or that interface with Town-owned property (e.g. windows, doorways, entrances, vestibules, lighting, signage, gates, ramps, etc.)

Applications for this program will be reviewed by staff and the Accessibility Advisory Committee.

Accessibility Refund Program

Where a project satisfies the Town's Accessibility guidelines, a refund may be granted for building and sign permit fees associated with the accessibility improvement (or the portion of the permit fees related to the eligible accessibility improvements if the construction includes elements of the building other than the eligible accessibility improvements).

Where an application has been approved, the refund would be payable after the Applicant executes a Commitment Agreement with the Town, construction is complete and has been inspected by the Chief Building Official and the Development Co-ordinator. A maximum of one year (12 months) is allowed for completion. The Commitment Agreement would specify eligible works and require no changes to work on the approved accessibility improvement(s) for five years without Town approval.

Accessibility Grant Program

Where a proposed project satisfies the Town's Accessibility guidelines, a grant to cover up to 33% of the capital cost of the accessibility improvement to a maximum of \$10,000 per application may be available on approved applications. Capital costs may include professional design fees, material, labour and taxes necessary to complete eligible work.

Where an application has been approved, the grant would be payable after the Applicant executes a Commitment Agreement with the Town, construction is complete and has been inspected by the Chief Building Official and the Development Co-ordinator, and upon presentation of proof of accounts paid for the completed project. A maximum of one year (12 months) is allowed for completion. The Commitment Agreement would specify eligible works and require no changes to work on the approved project for five years without Town approval.

Accessibility Loan Program

Where a proposed project satisfies the Town's Accessibility guidelines, a, interest-free loan to cover up to 33% of the capital cost of the accessibility improvement to a maximum of \$10,000 per application may

be available on approved applications. Capital costs may include professional design fees, material, labour and taxes necessary to complete eligible work.

Where an application has been approved, the loan would be payable after the Applicant executes a Commitment Agreement with the Town, construction is complete and has been inspected by the Chief Building Official and the Development Co-ordinator, and upon presentation of proof of accounts paid for the completed project. A maximum of one year (12 months) is allowed for completion. The Commitment Agreement would specify eligible works and require no changes to work on the approved project for five years without Town approval. The Commitment Agreement will stipulate the repayment schedule.

Accessibility Tax Incentive Program

Under this component, Applicants would indicate their interest in the tax incentive program at the application stage. If approved by the Town, a Commitment Agreement would be executed confirming participation in the program.

The difference between the municipal portion of the taxes prior to the work being completed, and the municipal portion of the taxes after completion of the works would be calculated. The amount of increase would be pro-rated over five years such that only 20% of the increase is paid in year one, 40% in year two and so on up to year five. For larger projects where the tax increase is more substantial, the Town may provide for a 10-year phase-in of the increase. Municipal taxes for the subject property must not be in arrears during the phase-in period or this incentive is forfeited.

The project is technically self-financing in that building improvements may result in increased assessment and this translates into more tax. Accounting practices have been established by the Financial Services Department to monitor, report and reconcile these on-going incentives and include the appropriate figures in the annual budgeting.

Accessibility Programs – General

A combination of the programs may be allowed subject to Council's approval.

Applications for this program will be reviewed by staff and the Accessibility Advisory Committee.

Council will, annually, determine the budget for the Accessibility Programs.

Program Eligibility Requirements:

Façade Programs

Within defined area on Schedule A
Commercial or designated heritage properties – residential lowest priority
Comply with façade guidelines, unless exceptions approved by Council
Signature of owner (if tenant is applicant)
No tax arrears
Project must not commence prior to Town approval

Accessibility Programs

Within defined area on Schedule A
Commercial properties
Comply with approved accessibility guidelines, unless approved by provincial/federal agency
Signature of owner (if tenant is applicant)
No tax arrears
Project must not commence prior to Town approval

General

The total of the grants, loans, tax assistance and fee refunds described in the previous sections shall not exceed the cost of improvements made to the buildings and land

Any improvements made prior to the adoption of this CIP are not eligible for financial incentives under this CIP.

The term of this CIP is 5 years from the date of adoption of the CIP. At the conclusion of the term, no financial incentives shall be provided for any improvement project. Improvement projects already granted approval but have not been completed are permitted to be completed provided they comply with the terms of the approval.

Staging of Community Improvements/Action Plan:

1. Streetscape Plan
2. Façade Improvement guidelines
3. Façade Improvement Program
4. Accessibility Improvement Program

The order of priority for the projects is numerical order with 1 being first priority and 4 being lowest priority.

The Town may prepare a 5-year implementation plan to address matters related to timing of construction of improvements, promotion of the policies and programs under this Plan, staging and monitoring of any project or program under this Plan.

Financial Implications:

Consultants/architects/landscape architects
Capital cost of streetscape improvements
Program loans (\$75,000/year/program) – (when loans repaid, the money could be recycled)
Program management (registration of agreements)

Schedule 'B'

Community Improvement Project Area

