THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2016-56

A By-law to designate a Community Improvement Project Area and adopt a Community Improvement Plan under Section 28 of the Planning Act

WHEREAS Council of the Corporation of the Town of Midland deems it appropriate to designate Downtown Midland as a Community Improvement Project Area pursuant to Section 28(2) of the Planning Act;

AND WHEREAS the Council of the Corporation of the Town of Midland has provided for the preparation of the Downtown Midland Community Improvement Plan, pursuant to Section 28(4) of the Planning Act;

AND WHEREAS the Council of the Corporation of the Town of Midland held a Public Meeting with respect to the Downtown Midland Community Improvement Plan on August 3, 2016 pursuant to its authority and responsibility under Sections 28 and 17 of the Planning Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. The Downtown Midland Community Improvement Project Area is hereby designated pursuant to Section 28 (2) of the Planning Act and described on Schedule “A” attached hereto and forming part of this By-law.

2. The Downtown Community Improvement Plan consisting of the attached text and maps as Schedule “B” and forming part of this By-law is hereby adopted pursuant to Section 28 (4) of the Planning Act.

3. That this By-law shall come into full force and effect immediately upon final passage.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF AUGUST, 2016.

THE CORPORATION OF THE TOWN OF MIDLAND

[Signatures]
DOWNTOWN COMMUNITY IMPROVEMENT PLAN

Downtown Midland

Adopted by the Council of the Corporation of the Town of Midland on August 22nd, 2016 by By-law No. 2016-56.
## Contents

1. Introduction .......................................................................................................................... 2
2. The Community Improvement Plan Project Area ................................................................. 2
3. Section 28 – Planning Act .................................................................................................... 2
4. Midland Official Plan ........................................................................................................... 3
5. Goals and Objectives ........................................................................................................... 4
6. Community Improvement Plan ............................................................................................ 6
7. Plan Summary ....................................................................................................................... 15
1. **Introduction**

The Town of Midland has a Community Improvement Project Area and a Community Improvement Plan for the Downtown pursuant to Section 28 of the Planning Act. The formal process of formulating the Plan commenced in 2003 with the approval of the Town of Midland Official Plan, advanced significantly with the completion and adoption by Council of the Downtown Master Plan and Community Improvement Plan in 2015, and has culminated in 2016 with the adoption of this Plan by Council by By-law 2016-56 on August 22, 2016.

This Community Improvement Plan (CIP) proposes a set of goals and objectives that are consistent with the Downtown Master Plan and Community Improvement Plan and a set of revitalization initiatives in accordance with Section 28 of the Planning Act.

2. **The Community Improvement Plan Project Area**

The Downtown Community Improvement Plan applies to the lands within the Community Improvement Project Area as described on the attached Schedule “A” of this Plan. This Project Area corresponds with the limits of the Downtown District as described in the Town of Midland Official Plan and as described in the Downtown Master Plan and Community Improvement Plan.

3. **Section 28 – Planning Act**

Under normal circumstances, Section 106(1) of the Municipal Act, 2001 prohibits municipalities from assisting, either directly or indirectly, any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. Subsection 106(2) of the Municipal Act provides further clarification on the prohibitions:

   (2) Without limiting subsection (1), the municipality shall not grant assistance by,
   (a) giving or lending any property of the municipality, including money;
   (b) guaranteeing borrowing;
   (c) leasing or selling any property of the municipality at below fair market value; or
   (d) giving a total or partial exemption from any levy, charge or fee. 2001, c. 25, s. 106 (2).
However, an exception is made in Section 106(3) of the *Municipal Act*, 2001, for municipalities exercising powers under Section 28(6) and (7) of the *Planning Act*.

Section 28 of the *Planning Act* allows municipalities, where there are provisions in its Official Plan relating to community improvement, to designate by By-law a “Community Improvement Project Area”, and subsequently provide for the preparation of a “Community Improvement Plan”. It is the Town of Midland’s intention, through the adoption of the Downtown Community Improvement Plan, to avail itself of the waiver of the prohibited bonusing provisions under the *Municipal Act* and the *Planning Act*.

For the purposes of carrying out the Community Improvement Plan, a municipality may:

a) Acquire, hold, clear, grade, otherwise prepare, sell, lease or otherwise dispose of lands;

b) Construct, repair, rehabilitate or improve buildings on lands acquired or held by the municipality;

c) Make grants or loans to owners of land or buildings to pay for the whole or any portion of costs of rehabilitating such lands or buildings; and

d) Enter into agreements with any government authority for the preparation, implementation and financing of plans;

provided the above actions and matters are in conformity with the approved Community Improvement Plan.

4. **Midland Official Plan**

On December 16, 2002 Council passed By-law 2002-88 adopting the new Official Plan for the Town of Midland entitled the *Official Plan for the Town of Midland*. Subsection 8.10 of Section 8 of the Midland Official Plan sets out the Objectives and Policies for community improvement in the Town of Midland. The policies and objectives of this section of the Official Plan provide the basis for undertaking community improvement plans and community improvement development projects to help ensure the ongoing maintenance, improvement and rehabilitation of Midland’s commercial, industrial and residential districts. Policy 8.10.3 of the Official Plan identifies the following criteria for the designation of community improvement project areas:
a) Deficient or substandard municipal infrastructure and service facilities such as sewers, water supply and distribution, roads, sidewalks, curbs, and street lighting;

b) Inappropriate or incompatible land use arrangements including deteriorated industrial uses and lands or uses which exhibit environmental or pollution problems;

c) Deficient or deteriorated community and recreational facilities;

d) Deficiencies in regard to buildings, structures, storage, parking, or lands in need of rehabilitation;

e) Problems related to abandonment or vacancy rates in regard to industrial or commercial buildings and uses.

Council identified the Downtown District as its priority area for study in conformity with the above noted criteria and undertook the Downtown Master Plan and Community Improvement Plan in 2014.

5. **Goals and Objectives**

The Downtown Master Plan and Community Improvement Plan sets out the overall vision and goals for the Downtown District and these statements also form the basis for this Downtown Community Improvement Plan. The Downtown Master Plan and Community Improvement Plan dated June 2015 and approved by Council in August 2015 are attached to this Plan by way of reference.

The Town's aspirations and the analysis of the Downtown's physical opportunities, summarized in the Master Plan, set the stage for a long-term plan for Downtown Midland. The foundations for the plan are an overall vision of what the Downtown can become and seven (7) goals that support the vision. The goals are interdependent and mutually reinforcing and therefore should be pursued concurrently. They provide a checklist against which each new proposed improvement for Downtown can be reviewed to ensure it maximizes its contribution.

“**VISION**

*Downtown Midland will be a green, beautiful and vibrant place, where area residents will go routinely to shop, dine, work, learn, play or be entertained, and where visitors will stay to enjoy the region’s many cultural and recreational attractions.*
GOALS

1. Provide more things to do downtown
Shops and restaurants, the Midland Cultural Centre and the Library, and annual festivals and other events bring people downtown, but more attractions are needed to keep downtown active during the day, in the evenings and on the weekends, throughout the year. More shops and restaurants. More festivals and other celebrations. More artistic performances and public art. More places to stroll, relax and play.

2. Improve the pedestrian experience downtown
Every street downtown has sidewalks, but more is needed to encourage walking. More street trees will make downtown more inviting and provide comfort for pedestrians. More benches will provide places to rest. King Street might require the most pedestrian amenities, but Midland Avenue, First Street and the cross-streets are just as important—improvements on them will encourage exploring on foot and support businesses off the main street. Vehicular traffic should move slowly through downtown, and pedestrian crossings should feel safe.

3. Beautify the waterfront and connect it to the downtown core
Georgian Bay is naturally beautiful and one of downtown’s greatest assets, but the open space where people enjoy the water, and connections to it, needs work. More green space and more things to do on the waterfront, in all seasons, will bring more people downtown. Attractive new buildings on the south side of Bayshore Drive will also improve the image of downtown, while calming Bayshore will help to seamlessly connect it to the waterfront.

4. Attract more businesses to downtown
There are empty storefronts to fill on King Street but also the opportunity to attract a variety of businesses across downtown. Shops and restaurants, many offering unique products and experiences, should also be encouraged on the main street and the cross-streets. Professional and personal services belong on the upper floors of King Street buildings or on other downtown streets. Creative companies that diversify Midland’s economy should continue to be encouraged to locate downtown.

5. Improve connections to neighbourhoods and places outside downtown
Downtown might historically begin at Yonge Street and end at Georgian Bay, but by improving links for pedestrians and cyclists to the North Simcoe Recreation Centre, Little Lake Park, Pete Pettersen Park and the future Midland Bay Landing development, these nearby destinations will feel like part of the town’s core and trips between them and downtown will become more common. Improving the streetscapes of the cross-streets for pedestrians and cyclists will also encourage residents in the adjacent neighbourhoods
to regularly visit downtown.

6. **Draw more day and overnight visitors to downtown**

More events, more businesses and a greener downtown will attract more tourists. Distinctive signage on the highways and major roads into town will also be critical to inviting and guiding them. And a hotel, inns and other accommodations in downtown will be needed to encourage overnight stays, which will boost the local economy. The attractions of downtown also need more promotion, in conjunction with other regional destinations.

7. **Stimulate more residential development**

More people living downtown will mean more support for businesses and more street life throughout the day, every day. More apartment buildings and townhouses will also fill gaps in the downtown fabric and contribute to pedestrian-friendly streetscapes. As the number of attractions downtown grows and the public realm is improved, the demand for new and renovated dwellings should increase.”

6. **Community Improvement Plan**

It is Town Council’s intention to create a Downtown revitalization strategy through the adoption and implementation of this Community Improvement Plan for the Downtown Project Area in accordance with the Town of Midland Official Plan and the Downtown Master Plan and Community Improvement Plan.

Two incentive programs for property owners in the Downtown already exist. One is the Town policy to waive Development Charges on new commercial and residential developments in Downtown. The second is the Façade Program administered and funded by the BIA, which offers grants to cover 50% of the cost of exterior façade improvements, such as repainting, restoration, window and sign replacements, up to a maximum grant of $3,000. Both of these programs will be continued.

Revitalization efforts will be focused on encouraging the development and redevelopment of privately held lands in the Downtown. This Plan will implement a comprehensive package of the following three component programs to stimulate investment in buildings that require improvements to meet current building code requirements, or require improvement in their façade or business entrance for appearance or accessibility requirements.

This CIP provides three (3) programs to offset the costs of site improvements and development in the Downtown:
1. Façade Improvement Grant Program
2. Building Renovation Grant Program
3. Application Fees Grant Program

Each incentive program shall be approved by Council annually, subject to the availability of funding. A fund of $30,000 is approved to support all of the programs in 2016. Changes to the CIP incentives fund beyond 2021 should be based on Annual Review on the effectiveness of the programs. Programs should be modified or eliminated if they are not proving to be effective, and new programs should be considered depending on the availability of funds.

All initiatives and applications for assistance for any project under the auspices of this Community Improvement Plan is subject to funding being available from the current year budgets as approved by Council. In all situations, the total level of grant provided to an applicant under this Plan, (i.e. all the following incentives taken together) shall not exceed the value of the work done.

6.1 General Eligibility Requirements & Procedures

The provision of assistance under any program described in Sections 6.2, 6.3 or 6.4 shall generally be administered on a first come, first served basis, to the limit of available funding in any given year. Due to cost uncertainties and ongoing budget pressures and the impacts these have on Town revenues in any given year, the Town reserves the right to suspend, at any time and without formal notice or amendment, participation in any active program on an interim basis pending approval of the next annual budget. Given the Town’s desire to accommodate all eligible participants who wish to partake of the incentives offered under the CIP in any given year, an annual cap on the disbursement the Town can issue has not been instituted. However, due to the limited funds available in any given year (the amount of which varies from year-to-year according to budget decisions) and the inability to predict the level of program participation and approvals, the Town may suspend further participation in any program(s) if, over the course of a given year, the number of applications and /or the magnitude of the projects proposed exceed funds for that year.

In such instances, applications approved up to the point of program suspension will continue to proceed and receive disbursements (where applicable) in the normal fashion. Applications that have been received but not yet approved at the point of program suspension will continue to be processed toward approval/refusal of the application in the standard manner, and if approved, will be put in a queuing sequence
with priority being established in the order that the applications are received. Any applications submitted after the program suspension will not be accepted until the next annual budget is approved by the Town. Applications which have been approved but suspended in the queue will be reactivated upon approval of the next annual budget, with the newly available CIP funding being allocated in order of the queuing sequence.

1. The incentives programs contained in this CIP are only available to properties located within the Downtown Midland Community Improvement Project Area.

2. Applications for the Façade Improvement Grant Program shall be submitted to the Midland BIA in accordance with its policies and requirements including a deadline date for submission. Applications for the Building Renovation Grant Program and the Application Fees Grant Program shall be submitted by April 30th of each year to the Town on the required application forms. Failure to commence work before December 31st of the same year will result in an immediate forfeit of project funding. All work is to be completed within a (1) calendar year of the date of the approval of the grant. If the work is not completed within one (1) year, the grant will not be paid. For 2016, all applications to the Town for work completed or commenced in 2016 shall be submitted no later than November 1st.

2. The financial incentive programs have been designed as rebates to ensure that any private sector commitments towards a specific final product are followed through before public money is provided to assist in the financing of the project. Grants will be made upon successful completion of the approved work, including compliance with all Work Orders and Orders to Comply, and documentation of the costs associated with the work. The Town shall confirm that all requirements of the particular program have been met prior to disbursement of funds. The Town reserves the right to cancel any program application(s) which have been approved but which has not resulted in building activity within six (6) months of the issuance of the associated building permit. Extensions of this time frame may be permitted provided an extension to the permit is also granted.

3. An applicant may be required to provide business plans, development pro-formas, contracts, drawings, reports, and other project details required by the Town as part of the program application.

4. For property that is privately owned, approved applicants may be required to enter into an agreement with the Town which will specify special terms of any grants made available to the development that are in addition to these in accordance with this Community Improvement Plan and the approved application.
5. The Town may delay, reduce or cancel the approved grant and require repayment of the approved grant if the applicant is in default of any of the general or program specific requirements.

6. The Town reserves the right to increase or decrease the total amount of the grant with any of the financial incentives if the scope of work changes and actual costs differ from estimated costs.

7. The Town may request an independent audit to determine the actual costs associated with any application, to be carried out at the expense of the applicant.

8. All approved projects will conform with all Municipal policies, standards and procedures including applicable Official Plan Policies, Zoning By-Laws, Urban Design Guidelines (if any) and heritage matters and will be subject to review and the issuance of necessary planning and developments approvals. All improvements to land or property shall be undertaken subsequent to obtaining a Building Permit and any other required permits, and shall be constructed in accordance with the Ontario Building Code.

9. An applicant whose property taxes are not in good standing at the time of application is not eligible for any financial incentive program. Property taxes must remain current and paid throughout the entire duration of the program commitment. No application shall be approved where there are outstanding liens (e.g. construction liens, court ordered costs, etc.) registered on the title of the property. For the purposes of this CIP, outstanding liens shall not include real estate mortgages.

10. Applicants may participate in more than one financial incentive program contained in this CIP and any other Municipal incentive programs but no two (2) programs may be used to pay the same eligible cost. The combined total amount of any incentives shall be capped at the 50% of improvement costs. Note: This does not preclude an applicant from applying for both the BIA's Façade Program and the Town's Façade Improvement Program for the same project, as described in Section 6.2.

11. Approval of the programs described in this document shall be subject to Council approval. Specific details regarding the programs, including description, funding, eligibility requirements, and administrative procedures are outlined for each of the various CIP programs in Sections 6.2 to 6.5. The parameters, terms and
conditions of any CIP program may be changed, altered, amended or modified by the Council of the Town of Midland without the necessity of an amendment to this Community Improvement Plan, if they are minor in nature. Minor amendments consist of the following:

- Changes to parameters identifying who is eligible to receive grants or loans, subject to the provisions of Section 28(7) of the Planning Act;
- Decreases to percentages regulating the size of grants or fees owing;
- Changes to the type of works considered by the Town as elements contributing to the cost of rehabilitating lands and buildings above and beyond the work indicated on the building permit application;
- Changes to the duration of programs;
- Changes to the values/amounts specified in eligibility criteria;
- Addition or removal of elements of eligible works.
- Composition of the Application Review Team

12. All grants or loans are subject to the availability of funding. Town Council at its discretion may at any time discontinue a program. Any participants in the program prior to its discontinuance will continue to receive loans or grants approved for their project until its conclusion.

13. Approval of application(s) for one or more grant programs will be delegated to Town Staff. The “CIP Application Review Team” shall consist of one (1) member from each of the following Departments:

- Planning and Building Services – Planning Section (Director or Senior Planner)
- Financial Services/Treasury Department – (Manager of Taxation or other Senior Treasury Staff)
- Clerk’s Department (Director or Deputy Clerk)

The Town’s Solicitor, Building and Engineering Staff may be requested to provide advice on applications, as needed. All decisions of the CIP Application Review Team shall require the concurrence of all three (3) members.

14. That a **Downtown CIP Capital Reserve Fund** shall be established as part of this CIP. Unallocated and undisbursed funds from the current year budget shall be directed to be allocated to the **Downtown CIP Capital Reserve Fund** for allocation and disbursement as part of the next year’s budget.
6.2 Façade Improvement Grant Program

Objective
To supplement the Downtown Midland Business Improvement Area (BIA) Façade Program that assists Downtown business owners and tenants with the financing of street-oriented building façade improvements in order to support Downtown businesses and bring improvements to the public realm in downtown.

Funding
For façade improvement projects that exceed the maximum $3,000 grant amount provided by the BIA, the Town will provide 50% of the additional costs up to a limit of $3,000. As with the BIA program, applicants must match the grant amounts dollar for dollar.

For example, a project approved by both the BIA and the Town with a total cost of $10,000 would be funded as follows:

First $6,000 dollars:
- Maximum $3,000 grant from BIA
- $3,000 paid by Owner
Additional $4,000:
- $2,000 grant from Town (50% of additional costs)
- $2,000 paid by Owner
Total project funding:
- $5,000 in Grants
- $5,000 paid by Owner

Program Description
The BIA’s Façade Program offers the opportunity for business owners, tenants, or tenants together with property owners to bring their front and/or rear façade (customer entrances or highly visible areas) up to a standard set forth and approved by the BIA and Town. Eligible Work Includes:

- Repainting or re-facing of façades;
- Repair or restoration of façade masonry, brickwork or wood;
- Replacement, repair or restoration of cornices, eaves, parapets and other architectural features;
- Replacement or repair of windows or doors;
- Entranceway modifications that improve the appearance and/or accessibility to the commercial units;
- Redesign and reconstruction of the storefront;
- Installation of appropriate new signage or improvements to existing signage;
- Installation or repair of canopies and awnings; and
- Installation or repair of exterior lighting.

This program shall be administered by the BIA. The Town will receive a copy of approved BIA Façade Improvement applications including cost quotes and other supporting materials. The Town will review the application and materials and consider the application against applicable policy, by-laws and (if applicable) design guidelines.

If approved, payment will be made upon satisfactory completion of the work undertaken and on presentation of paid final invoices to the BIA. Consistent with the BIA’s procedures, payment will be 50% of best quote regardless of which contractor is chosen, proof of payment from the applicant. Applicants may also apply for the Building Renovation Grant Program provided the total grant amounts approved do not exceed 50% of the improvement costs.

Duration
The Town’s Façade Improvement Program will commence on the day following the date of final approval of the CIP by the Council of the Town of Midland and shall conclude on December 31, 2021. The program shall be subject to a five (5) year review.

6.3 Building Renovation Grant Program

Objective
To provide a financial incentive that encourages improvements to commercial, residential, and mixed-use buildings within the downtown through upgrading and rehabilitation.

Funding
Grants will be provided in the amount of 50% of the cost of eligible improvements, up to a maximum of $6,000 per property per year. The minimum grant amount is $1,500, which means the minimum project cost eligible for a grant is $3,000.

Program Description
Applicants who meet the general eligibility requirements may apply for this program subject to the availability of funding as approved by Council. Eligible works under the Building Renovation Grant Program include:
• Installation of safety and fire protection systems such as carbon monoxide detectors, smoke alarms, fire alarms, exit signs, etc.;
• Installation or repair of fire escapes;
• Installation of new or reinforcement of floors, ceilings and/or walls;
• Improvement to the electrical, ventilation, heating and plumbing supply systems;
• Improvements for barrier-free accessibility upgrades that meet provincial guidelines;
• Improvements relating to other Building Code upgrades; and
• Energy efficiency upgrades including the replacement of windows, replacement of lighting, base plan review by a certified LEED consultant, preparing new working drawings to the LEED standard, submitting and administering the constructed element testing and certification used to determine the LEED designation, and increase in material/construction cost of LEED components over standard building code requirements.

The property owner will submit an application for the grant program at the time of a building permit application or a maximum of six (6) months after the issuance of the permit application. For work completed or commenced in 2016, applications shall be submitted no later than November 1st. The applicant will include a copy of the Building Permit application including drawings detailing the proposed renovations. The application will also include a description of the eligible works and an estimate of the costs of the renovation works. In all cases, and at its sole discretion, the Town shall require two (2) estimates.

Prior to the approval of an application, a Town Staff representative may conduct an inspection of the property to review the condition of the building and the proposed improvement(s). A Property Standards inspection, Building Code inspection and Fire inspection may also be conducted and/or required. Prior to grant approval, the applicant may be required to address additional identified deficiencies or include them in the renovation.

The disbursement of the grant will proceed only after an inspection of the completed works, which confirms all building permit and grant requirements have been satisfied, and following the receipt of invoices and proof of payment from the applicant. Applicants may also apply for the Downtown Midland Façade Improvement Grant provided the total grant amounts approved do not exceed 50% of the total improvement costs.

Duration
The Town’s Building Renovation Grant Program will commence on the day following the date of final approval of the CIP by the Council of the Town of Midland and shall
conclude on December 31, 2021. The program shall be subject to a five (5) year review.

6.4 Application Fees Grant Program

Objective
To encourage infill and redevelopment of lands and building within the Community Improvement Area by assisting property owners with financing the cost of the development process in the form of a grant to offset required planning and building fees.

Funding
Grants will be provided in the amount of 100% of eligible planning and building fees to a maximum of $3,000 per property annually. A rebate in an amount equal to all eligible fees will be provided to the applicant following the final inspection by Town Staff of the completed project.

Program Description
Applicants who meet the general eligibility requirements may apply for this program subject to the availability of funding as approved by Council.

Eligible planning and building application fees for this program include Official Plan Amendments, Zoning By-law Amendments, Minor Variances, Site Plan Control and Development Agreements, Sign Permits, Encroachment Agreements and Building Permits.

The applicant will submit an application for the Application Fees Grant Program at the time of submission of the Permit application or a maximum of six (6) months after the issuance of the permit. For work completed or commenced in 2016, applications shall be submitted no later than November 1st. Prior to the approval of an application, a Property Standards inspection, Building Code inspection, and Fire Code inspection may also be conducted and/or required.

The disbursement of the grant will proceed only after an inspection of the completed work which confirms all approvals and/or Building Permit requirements have been satisfied.

Duration
The Town’s Application Fees Grant Program will commence on the day following the date of final approval of the CIP by the Council of the Town of Midland and shall
conclude on December 31, 2021. The program shall be subject to a five (5) year review.

7. **Plan Summary**

The approval of this Downtown Community Improvement Plan will provide the legislative basis and context for the Town of Midland’s planned initiatives.