

City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP)

APPLICANT INFORMATION PACKAGE

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Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP)

PROGRAM GUIDE
JANUARY 2015

PROGRAM OVERVIEW

The Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP) provides financial incentives to property owners who revitalize, strengthen and diversify the economy in Niagara by promoting private sector investment, development, redevelopment, and construction activity on employment lands in the Gateway Community Improvement Project Areas.* The program is provided through a partnership between the Niagara Region and the participating Gateway Municipalities of Fort Erie, Niagara Falls, Port Colborne, Thorold and Welland. This Program Guide will be used by the Region and is available for use by the Local Municipalities, although Municipal programs may differ due to individual local program administration practices. See Part D for City of Welland Program Information.

Two programs are available through the Gateway CIP:

1. The Tax Increment Based Grant Program (TIBG)
2. The Regional Development Charge Grant Program

THERE IS NO FEE TO APPLY FOR THIS FUNDING!

** See Figure 1 on p. 2 for a map of the Gateway CIP Area, including the Strategic Locations for Investment.*

THE TIBG PROGRAM

The TIBG Program applies only to municipal property taxes (Regional and Local) on an eligible project. The TIBG will provide a tax increment grant to completed projects within the Gateway Project Area, based on their economic and environmental design performance and provided that the project creates an increase in assessment, and therefore an increase in property taxes, upon its completion.

Payments for approved projects will cease when the total tax increment based grant, along with all other grants, loans and tax assistance provided, equals the eligible cost of improvements under all applicable CIP programs or after a pre-determined period of time, as outlined below:

1. Ten (10) years for projects within the Strategic Locations for Investment
2. Five (5) years for projects within the Gateway CIP Project Area, but outside of the Strategic Locations for Investment

THE REGIONAL DEVELOPMENT CHARGE GRANT PROGRAM

The Development Charge Grant Program is only available to approved TIBG program applications that qualify as “exceptional” projects. These are projects that achieve a combination of high scores on both economic performance and environmental design performance. **

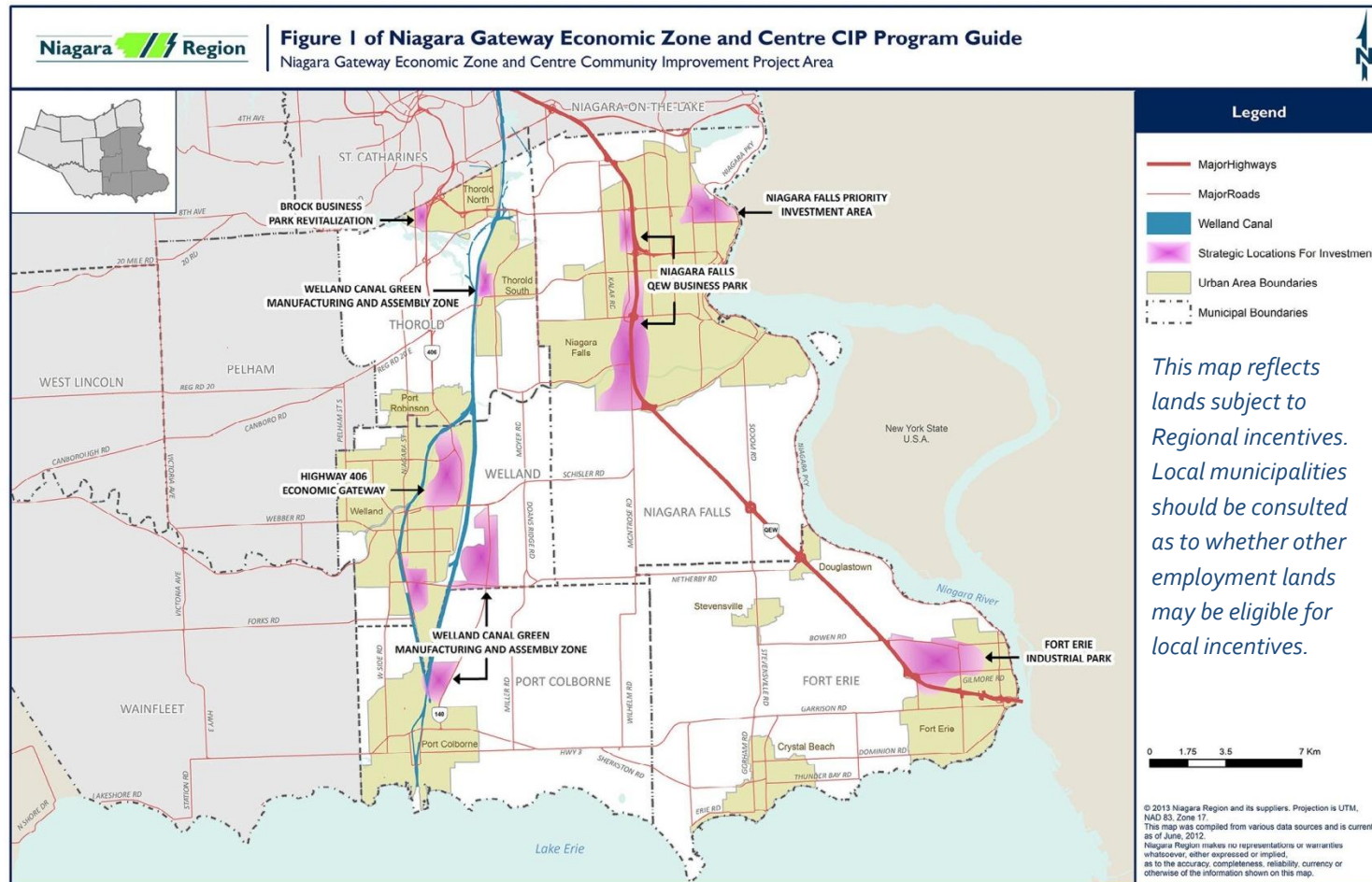
The Development Charge Grant is only applied to Regional Development Charges.

Development Charge Grants will be paid after construction on a project has been completed, rather than as a development charge exemption at the time of building permit issuance. This is because the grant amount is tied to project performance, which cannot be determined until the project is complete.

The Development Charge Grant payment is capped at \$1.5 million.

*** See p.7 for details on scoring exceptional project.*

WHO CAN APPLY?



Any property owner, or an agent authorized to act on behalf of a property owner, within the Gateway Community Improvement Project (CIP) Area may apply to the grant program. The Gateway CIP Area includes only designated employment lands within settlement areas in the five Gateway Municipalities. Within this area, "designated employment lands" refers to lands that have been designated in the Local Official Plans for employment uses. Local Municipalities should be consulted as to whether other employment lands may be eligible for local incentives. For more information on individual properties available, please visit Niagara Sitefinder: <http://sitefinder.niagaracanada.com/>

HOW THE GATEWAY CIP WORKS: APPLICATION PROCESS SUMMARY



TIBG QUALIFICATION AND EVALUATION PROCESS

Tax Increment Based Grant Applications will be evaluated using the following matrix:
(Appendix 1 contains the scoring matrices for all criteria)

Project Evaluation Scoring

A maximum of 20 points can be scored by any one project out of a potential 15 points for economic performance and 5 points for environmental performance. The annual percentage of the municipal tax increment based grant provided to a project will be based on this total project performance score out of 20. The grant would be paid for ten (10) years if the project is located within one of the Strategic Locations for Investment, and five (5) years if the project is located within the Gateway CIP but outside of the Strategic Locations for Investment.

1. Economic Performance

A maximum of 15 points will be available for the economic performance of a project. Points will be awarded based on the number of full-time or full-time equivalent (FTE)* jobs created/retained by the proposed business, and the proposed construction value of the project.

Up to 11 points can be awarded for full-time or full-time equivalent jobs created/retained and up to 4 points can be awarded for construction value.

**Full Time Equivalent (FTE) -- the number of working hours that represents one full-time employee during a fixed time period. For example, a normal full time employee works 1680 hours per year (35h X 48 weeks [52 weeks- 4 weeks of vacation]). Someone working 1420 hours during that year would represent .84 FTE (1420/1680). Two employees working in total 1600 hours during that same period would represent .97 FTE. For this grant, the jobs created through construction of the building are not considered full time or FTE and will not be used for calculating the total grant amount.*

2. Environmental Design Performance

A maximum of 5 points is available for the environmental design performance of a project, with points awarded based on level of Leadership in Energy and Environmental Design (LEED) certification achieved by the project or conformity of the project with the Region's Smart Growth Design Criteria.*

**Employment lands Smart Growth Criteria can be found in Appendix 2 of this guide. The full Smart Growth Design Criteria can be found here:*

<http://www.niagararegion.ca/business/property/reductions.aspx>

TIBG CALCULATION EXAMPLES

The following tables show the hypothetical calculation of two different Gateway CIP Tax Increment Based Grants for a new project. Fictional criteria are provided for each example.

The first year of the grant program would commence once all construction is complete and the property value has been reassessed by MPAC. The grant would be issued for up to 10 years or until 100% of the eligible costs are repaid.

EXAMPLE 1

Project Location: In a Strategic Location for Investment (10 year grant period)

Full Time Jobs Created: 35-50 (8 pts.)

Construction Value: \$2,000,000 – 9,999,999 (2 pts.)

Environmental Design: LEED Silver (3 pts.)

Total Score: 13

% of Grant: 65

Example 1	Before Project	Project Completion	Tax Increment
Assessment Value	\$ 85,000	\$ 8,000,000	-
Municipal Taxes ¹	\$ 783	\$ 113,337	\$ 112,554
Regional Taxes ²	\$ 1,000	\$ 144,743	\$ 143,744
Total			\$ 256,298
% of Tax Increment			65%
Annual Grant Payment			\$ 166,594
Duration of Grant Payment (Years)			10
Total Grant Payment			\$ 1,665,938

EXAMPLE 2

Project Location: In CIP Area (5 year grant period)

Full Time Jobs Created: 51-74 (9 pts.)

Construction Value: \$200,000 – 1,999,999 (1 pt.)

Environmental Design: LEED Platinum (5 pts.)

Total Score: 15

% of Grant: 75

Example 2	Before Project	Project Completion	Tax Increment
Assessment Value	\$ 1,500,000	\$ 10,000,000	-
Municipal Taxes ¹	\$ 13,813	\$ 141,671	\$ 127,858
Regional Taxes ²	\$ 17,641	\$ 180,929	\$ 163,289
Total			\$ 291,147
% of Tax Increment			75%
Annual Grant Payment			\$ 218,360
Duration of Grant Payment (Years)			5
Total Grant Payment			\$ 1,091,801

Assumptions:

1) Municipal tax rate based on an average of the five (5) municipalities included in the Gateway Program (Industrial Vacant .00920863; Industrial Occupied 0.1416713).

2) Regional tax rate based on general levy and average waste rate for municipalities in Gateway Program (Industrial Vacant .01176041; Industrial Occupied .01809293).

These results are based on 2014 tax rates, which are set annually and therefore subject to change. These calculations reflect the portion of the grant that would be received based on the project score, and are for illustration only.

PROGRAM REQUIREMENTS AND FUNDING TIMELINE

Applicants are eligible to apply for funding under the TIBG Program subject to the following:

1. A pre-consultation meeting has occurred
2. Availability of funding as approved by the Local Municipal Council and Regional Council

The annual grant will be offered on a “pay-as-you-go” basis, meaning that the applicant will pay for the entire cost of the eligible project. When the project is complete and the conditions have been met, the applicant would be paid an annual grant lasting for either five or ten years or until the project cost has been recovered. Payment will not commence until a final building inspection has taken place, an occupancy permit has been issued, all deficiencies have been addressed and the property has been reassessed by the Municipal Property Assessment Corporation (MPAC). Municipalities may require taxes to be up to date before program approval.

REQUIRED DOCUMENTATION

Applicants may be required to submit a business plan to the satisfaction of the Local Municipality and Niagara Region.

The Local Municipality may require the applicant to submit for approval impact studies, such as traffic studies and studies of microclimatic conditions (sun, shadow, wind, etc.).

For projects on brownfield sites*, the owner shall file in the Environmental Site Registry a Record of Site Condition (RSC) for the property signed by a qualified person, and the owner shall submit to the Local Municipality proof that the RSC has been acknowledged by the Ministry of the Environment (MOE).

** In a situation where applicants are eligible for multiple programs, for example Gateway Incentives and Brownfield Incentives, the applicant should use the best program for the project. Only one program can be used for the project.*

CESSATION OF PAYMENTS

If, during the grant period, a building receiving a TIBG is demolished, all grant payments shall cease and the Local Municipality and Niagara Region reserve the right to require repayment of the grant payments.

If, during the grant period, a building/property designated under the Ontario Heritage Act receiving a TIBG is demolished or any of the heritage features are altered in any way that would compromise the reasons for designation, all grant payments shall cease and the Local Municipality and Niagara Region reserve the right to require repayment of the grant payments.

DEVELOPMENT CHARGE GRANT QUALIFICATION AND EVALUATION PROCESS

In order for a project approved for a TIBG to also qualify for a Development Charge Grant, the completed project must achieve a score of at least 14 out of 20 in the TIBG application scoring.

Once the TIBG application is approved and the applicant decides to proceed with the project, the applicant would pay Regional development charges in full as normal. After project completion and occupancy, the actual project performance score for purposes of determining the TIBG level would be calculated. If the TIBG level is equal to or exceeds 14 points, a Development Charge Grant equal to the percentage of the Regional Development Charge paid by the applicant would be paid to the applicant by the Local Municipality in the form of a one-time payment.

The Development Charge Grant Payment will be capped at \$1.5 million.

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements outlined below.

- An application can only be made for properties within the Gateway CIP Project Area
- All proposed works approved under the incentive programs shall conform to provincial laws, and Local Municipal and Regional guidelines, by-laws, policies, procedures and standards
- All approved projects must conform to the Region's Model Urban Design Guidelines or Local Municipal Design Guidelines
- Applications must be submitted to and approved by the Local Municipality and the Region prior to the commencement of any works to which the financial incentive program will apply and prior to application of building permit
- Applications must be accompanied by plans, drawings, studies, reports, cost and economic impact estimates, contracts, construction values, certifications, and other details and information as required by the Local Municipality and the Region
- The applicant will be required to enter into a grant agreement with the Local Municipality and Niagara Region specifying the terms, duration and default provisions of the incentive to be provided
- Other sources of funding that can be applied against the eligible costs must be declared
- The Local Municipality and the Region reserve the right to audit the cost of any and all works that have been approved under any of the financial incentive programs, at the expense of the applicant
- The Local Municipality and the Region are 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
- If the applicant is in default of any of the general or program-specific requirements, or any other requirements of the Local Municipality and/or the Region, the approved grant may be delayed, reduced or canceled, and the applicant may be required to repay part or all of the approved grant
- If a building that was erected, expanded, or improved using a grant available under the Gateway CIP is demolished prior to expiry of the grant period, the grant is terminated and any grant amount paid is repayable to and will be recovered by the Local Municipality and the Region
- The Local Municipality and the Region may discontinue any of the programs contained in the CIP at any time, but applicants with approved grants will still receive said grant, subject to meeting the general and program specific requirements
- Proposed land uses must be in conformity with the Regional Official Plan and applicable Local Official Plan(s), Zoning By-laws and other planning requirements and approvals at both the Local and Regional level
- Retail commercial uses and residential uses are not eligible for the incentive programs included in the Gateway CIP

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- All works completed must comply with the description of the works as provided in the application form
- If part or all of a building(s) in a project approved for a grant is converted to retail commercial use or residential use at any time after project completion, but prior to the cessation of grant payments, the amount of the remaining grant payments will be adjusted accordingly
- All construction and improvements made to buildings and/or land shall be made pursuant to a Building Permit and/or other required permits, and constructed in accordance with the Ontario Building Code and all applicable zoning requirements and planning approvals
- Outstanding work orders, and/or orders or requests to comply and/or other charges from the Local Municipality and the Region must be satisfactorily addressed prior to grant approval or payment
- Property taxes must be in good standing at the time of program application and throughout the entire length of the grant commitment
- Local Municipal and Regional staff, officials, and/or agents may inspect any property that is the subject of an application for any of the incentive programs
- Local Municipal and Regional staff have the right to require annual reports from approved applicants and to conduct annual inspections to ensure compliance with the grant agreement and make adjustments to incentive levels to reflect actual project performance in relation to the program requirements and the executed grant agreement
- Applicants approved for the programs contained in this CIP will be required to complete the eligible works within specified timeframes
- The total of all grants, loans and tax assistance provided shall not exceed the eligible costs of the improvements to those particular lands and buildings under all applicable CIPs

CONTACTS

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Niagara Region

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marian.bannerman@niagararegion.ca

APPENDIX 1: SCORING

Economic Performance (Applicant score will be a combination of points for Construction Value **AND** Full Time Jobs Created/Retained)

Construction Value	Points
\$200,000-\$1,999,999	1
\$2,000,000-\$9,999,999	2
\$10,000,000-\$39,999,999	3
\$40,000,000 +	4

Full Time Jobs Created/Retained	Points
1-9	5
10-19	6
20-34	7
35-50	8
51-74	9
75-100	10
100+	11

Environmental Design Performance (Applicant may choose either LEED **OR** Smart Growth options)

Level of Lead Certification	Points
Certified	2
Silver	3
Gold	4
Platinum	5

Region's Smart Growth Design Criteria	Points
Conforms with 3/6	2
Conforms with 4/6	3
Conforms with 5/6	4
Conforms with 6/6	5

APPENDIX 1: SCORING

TIBG Funding Structure

Total Score	TIGB Level
0-7	No Grant
8	40%
9	45%
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

APPENDIX 2: SMART GROWTH CRITERIA

Design Principle(s)	Development Feature	Design Criteria
Foster Attractive Urban Communities and a Sense of Place	Site Design	<ul style="list-style-type: none"> On-site parking predominantly located at the side or rear of the building Parking located in front of the building does not occupy more than 50% of the lot frontage and in depth does not exceed 2 parking bays plus a single access lane
	Architectural Design	<ul style="list-style-type: none"> Building facades facing the street provide architectural design treatments which include colour and material variations, windows and articulations in the wall plane
Context Sensitive	Cycling Infrastructure	<p>Development provides appropriate number of bicycle parking, storage facilities and change room facilities that exceeds the minimum zoning by-law or if no requirements, meets the following:</p> <ul style="list-style-type: none"> 1 per 500 m² of gross floor area, 80% of the spaces Class 1 and 20% Class 2 A shower/ change facility is required for each gender if the gross floor area of the development is 20,000 m² or more
Pedestrian-Friendly Public Realm	Site Design	<p>To provide for a relationship to the street, the development includes ALL of the following:</p> <ul style="list-style-type: none"> An entrance faces the road and is connected to the road by a walkway; and Off-street trails/walkways are provided if possible to minimize travel distances (e.g. connecting cul-de-sacs, connecting to transit stops, access to public spaces) and/or contribute to broader community trail systems.
Environmentally Sustainable	Energy Conservation	<p>To conserve energy and resources and reduce greenhouse gas emissions, the development includes on-site collection and storage facilities for recyclable waste and ONE of the following features:</p> <ul style="list-style-type: none"> Garden roof/ green roof; or Open grid paving or use of high-albedo materials (for roof or ground treatment); or Energy is generated on site from renewable energy sources (i.e. wind, solar, geothermal or through cogeneration); or Other suitable methods as approved by the Municipality and Region.
	Water Consumption Reduction	<p>Apply at least one of the following strategies to reduce water consumption:</p> <ul style="list-style-type: none"> Use of drought-tolerant native species; Use of captured rainwater; Use of recycled wastewater; Use of other non-potable water sources such as stormwater; Use of air-conditioning condensate; Use of foundation drain water.

*Note: These are only the Employment Land Development Smart Growth Criteria. For full Smart Growth Criteria, refer to the Smart Growth Application Process and Criteria Guidebook:
<http://www.niagararegion.ca/business/property/reductions.aspx>

Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP)

APPLICATION FORM

Program Description and Background Information

Please Note: This application form is to be used by persons wishing to apply for funding through the Gateway Community Improvement Plan (CIP) Incentive Program and is to be filled out by the owner or an agent authorized by the owner.

The purpose of the Gateway CIP Program is to revitalize, strengthen and diversify the economy in Niagara by promoting private sector investment, development, redevelopment and construction activity on the employment lands in the Gateway Economic Zone and Centre.

Before filling out this form, please read the attached CIP Program Guide and arrange for a pre-consultation meeting with staff. Please ensure you understand the requirements of the program for which you are applying.

If you find insufficient space on this form to respond to the questions, please provide additional information on a separate page and attach it to the completed form.

*Please **PRINT** the information required on this form.*

Checklist for Consideration

Before completing and submitting this application, please refer to the following checklist to confirm that you are eligible to apply for Gateway CIP incentives.

- ☐ My property is within the Gateway CIP Project Area
(see the companion Gateway CIP Program Guide for a map outlining the approved CIP Project Areas)
- ☐ I have not yet commenced any works to which this funding would apply
- ☐ The appropriate planning approvals have been received
- ☐ I have included the necessary documents required by the Local Municipality and the Region
(see number 10 on this form for the list of required documents)
- ☐ The proposed land use for the property is in conformity with the Regional Official Plan (ROP) and applicable Local Official Plans (OPs), Zoning By-Laws and other planning requirements and approvals at the Local and Regional levels

Application

OFFICE USE ONLY

1. Date of Submission:

Day

Month

Year

2. Applicant Information

a. Registered Owner *(if a numbered company, also give name and address of principal owner)*

Name: _____

Address: _____ Postal Code: _____

Telephone: () _____ Fax: () _____

E-mail: _____

b. Agent *(All correspondence will be sent to the applicant, unless otherwise directed)*

Name: _____

Address: _____ Postal Code: _____

Telephone: () _____ Fax: () _____

E-mail: _____

☐

Please circulate both the registered owner AND the agent on all correspondence

c. Agent Authorization

I/we appoint and empower the agent listed above to act on my/ our behalf with respect to this application.

Signature of Owner: _____

Applicant Name/Organization: _____

3. Description of the Property

a. Municipality

b. Municipal address

c. Legal description *(lot number, registered plan number, concession, reference plan, etc.)*

d. Assessment Roll Number (ARN)

e. Current zoning designation

4. Status of Other Applications

Are there existing, or have there been previous applications to receive incentives on the subject lands?

Yes ☐ No ☐

If the answer is yes, please specify the type and amount of funding applied for, and the status of that application (if known).

5. Description of the Project

a. Size of property _____

b. Existing property use _____

c. Number of existing buildings on property _____

d. Size of existing buildings on property _____

e. Project description *(In the space below, please provide a brief description of the project)*

f. Business description *(in the space below, please provide a brief history of your business; e.g., core business, year established, changes in ownership, description of clients, markets, etc.)*

g. Economic description *(in the space below, please describe the economic benefits of the project; e.g., synergies with other industries, expanding local output, community partnerships, global significance, etc.)*

6. Project Investment

(Please fill in the chart below based on your anticipated investment in the project)

PROJECTED EXPENSES (Years 1-5)	AMOUNT (\$)
Land acquisition	
Site preparation	
Construction of new facility/upgrading existing facility	
Value of equipment to be purchased/installed	
Operational costs (i.e. salaries, administration, etc.)	
TOTAL	

7. Please indicate the following:

- The expected number of full-time or full-time equivalent (FTE)* jobs created through the project _____
- The estimated construction value of the project _____
- The current assessed value of the property _____
- The current property taxes _____
- The expected START date of the project _____
- The expected END date of the project _____

*Full Time Equivalent (FTE) is the number of working hours that represents one full-time employee during a fixed time period. For example, a normal full time employee works 1680 hours per year (35h X 48 weeks (52 weeks - 4 weeks of vacation)). Someone working 1420 hours during that year would represent .84 FTE (1420/1680). Two employees working in total 1600 hours during that same period would represent .97 FTE. For this grant, the jobs created through construction of the building are not considered full time or FTE and will not be used for calculating the economic performance score and the total grant amount for the project.

8a. Environmental Design Criteria

In applying for funding, applicants may choose to incorporate LEED Certification OR Smart Growth Design Criteria into the project. Please indicate which program the project will be using:

☐ **LEED**

Anticipated level of LEED Certification: _____

☐ **Niagara Region Smart Growth Design** Anticipated number of criteria to be met: _____

Please refer to 8b and check off all criteria the project will be incorporating.

8b. If you indicated the project will be complying with Niagara Region Smart Growth Design Criteria, please check all Smart Growth design elements that the project will be incorporating. If you indicated that the project will be complying with LEED Guidelines, please leave this portion of the form blank.

☐ On-site parking, located predominantly at the side or rear of the building. Parking located in front of the building does not occupy more than 50% of the lot frontage and in depth does not exceed 2 parking bays plus a single access lane

☐ Building facades facing the street provide architectural design treatments which include colour and material variations, windows and articulations in the wall plane

☐ Development provides appropriate number of bicycle parking, storage facilities and change room facilities that exceed the minimum zoning by-law OR, if no requirements, meets the following:

☐ 1 per 500 m² of gross floor area, 80% of the spaces Class 1 and 20% Class 2

☐ A shower/ change facility is required for each gender if the gross floor area of the development is 20,000 m² or more

☐ An entrance faces the road and is connected to the road by a walkway and off-street trails/walkways are provided if possible to minimize travel distances (e.g. connecting cul-de-sacs, connecting to transit stops, and access to public spaces) and/or contribute to broader community trail systems

☐ On-site collection and storage facilities for recyclable waste AND one of the following: garden roof/ green roof; open grid paving or use of high-albedo materials, energy is generated on site from renewable energy sources, other suitable methods as approved by the Municipality and Region

☐ Use of at least one of the following strategies to reduce water consumption: drought-tolerant native species, captured rainwater, recycled wastewater; other non-potable water sources such as stormwater, air- conditioning condensate, foundation drain water

9. Outstanding Items

Are there any outstanding work orders on this property? If yes, please identify the nature of the work orders. *(Please attach copies of existing work orders or enforcement notices to this application, if applicable)*

	No	Yes
Fire Code		
Building Code		
Property Standards		
Zoning By-Law Infractions		
Other Municipal By-Law Infraction		

10. Other Information

Along with this application, please ensure you have attached one (1) copy of each of the following documents:

- ☐ Plans
- ☐ Drawings
- ☐ Studies
- ☐ Reports
- ☐ Cost and economic impact estimates
- ☐ Construction value (estimates or quotations)
- ☐ Other information *(Please provide any other information that may be useful to us in reviewing this application below)*

11. Execution of Agreement

All applicants are required to execute an agreement with the Local Municipality and the Region outlining the terms and conditions of payment. A sample agreement is attached in Appendix 1.



Niagara Region Gateway Economic Zone and Centre
Community Improvement Plan Incentive Program
Application Form

12. Affidavit or Sworn Declaration

I, of the

Please PRINT Name of Applicant

.....in the Province of

City/Town/Township

Province

verify that the information contained in this application is true and accurate to the best of my knowledge and belief.

.....

Applicant's Signature (Original Signature Required)

.....

Date



THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

City of Welland
Planning Division
Integrated Services Department
60 East Main Street
Welland, ON L3B 3X4

Telephone: 905-735-1700

Toll Free: 1-800-735-3771

<http://www.welland.ca>

[Email: incentives@welland.ca](mailto:incentives@welland.ca)

OFFICE USE ONLY:

Date Received: _____

Date Deemed Complete: _____

File Number: _____

Application Approved: ☐ Y ☐ N Date: _____

Cost Account Number: _____

Total Amount to be Disbursed: _____

Date of Commencement of Disbursement: _____

Schedule of Disbursements: _____

Date of TIBG/DC Refund Completion: _____

*Confirmation will be sent to applicant
and copied to the Region of Niagara
upon receipt of application.*

CIP Committee Comments:

Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP)

SAMPLE AGREEMENT

Appendix 1

This Agreement dated as of the _____ day of _____, 201__

BETWEEN:

The City of _____ (hereinafter “**City**”)

-and-

THE REGIONAL MUNICIPALITY OF NIAGARA (hereinafter “**Region**”)

-and-

_____ (hereinafter “**Owner**”)

WHEREAS pursuant to s.28(7) of the *Planning Act*, R.S.O. 1990, Chapter P.13, a municipality may, for the purpose of carrying out a community improvement plan that has come into effect, make grants or loans to registered owners, assessed owners and tenants of lands and buildings to pay for the whole or any part of the eligible costs of the community improvement plan;

AND WHEREAS pursuant to Policy 14.F.1(ii) of the Niagara Region Official Plan, the Region may establish programs for the provision of grants and loans to local municipalities for the provision of achieving the goals of the CIP;

AND WHEREAS the Region has endorsed the Niagara Gateway Economic Zone and Centre Community Improvement Plan (hereinafter “**Gateway CIP**”) to provide financial incentives to assist eligible parties with the cost of development, redevelopment and construction activities (hereinafter, “**Improvements**”) on employment lands within the Gateway Improvement Project Areas as set out in the CIP;

AND WHEREAS the City has adopted the Gateway CIP;

AND WHEREAS the Owner is the registered or beneficial owner of the lands identified at section 2 of this Agreement;

AND WHEREAS the Owner has applied for and the Region and the City have each approved the application for a Grant (as hereinafter defined) in respect of Improvements to the lands identified at section 2 of this Agreement;

NOW THEREFORE in consideration for the promises, agreements and covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

Grant

1. Subject to the terms and conditions set forth in this Agreement and in the Gateway CIP, a copy of which is attached hereto as Schedule ‘A’ and forms a material part of this Agreement, the City shall provide to the Owner a Tax Increment Based Grant (hereinafter, “**Grant**”) in the estimated amount and payable on the terms as set out in Schedule ‘B’ hereto.

Eligible Property

2. The Grant shall be in respect of the Improvements located at _____ and more particularly described as _____ (hereinafter, "**Lands**").

Grant Eligibility

3. Eligibility for the Grant shall be determined by the City and the Region in accordance with the provisions of the Gateway CIP, including without limitation s.6.2, "General Program Requirements" and s.6.3, "Tax Increment Based Grant Program". The Region and the City reserve the right to modify, change, alter, add or delete any requirement for eligibility at any time.

Grant Calculation

4. The amount of the Grant shall be equal to a percentage of the municipal tax increase generated by the approved Improvements as determined in accordance with the provision of the Tax Increment Based Grant Program Application Evaluation attached hereto as Appendix C to Schedule 'A' and as set out in Schedule 'B' hereto.

Term of Agreement

5. The term of this Agreement shall be _____ (5 or 10) years (hereinafter "**Term**").

Regional Grant to City

6. The Region shall provide a grant to the City in an amount equal to the Regional portion of the Grant as calculated in accordance with s.3 above. Payment from the Region to the City shall be made for each year of the Term upon receipt of written confirmation by the Region from the City that the City has paid the applicable portion of the Grant to the Owner.

Owner's Representations and Warranties

7. Owner represents and warrants as follows:
 - (a) The Owner has reviewed and understands the provisions of the Gateway CIP and has obtained such advice in respect of it as it, in its sole discretion, deems necessary;
 - (b) No building on the Lands that is intended to be subject to the Improvements for which funding is provided under this Agreement is or has been designated as being of cultural heritage value under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18;
 - (c) All Improvements on the Lands are in accordance with the description of the works as supplied to the Region and the City during or as part of the application process for this Grant;
 - (d) At the time of this Agreement, construction of the Improvements upon which the Grant is based has not commenced; and
 - (e) The Owner acknowledges and agrees that the City and the Region have materially relied upon any and all submissions made by the Owner, including without limitation all building plans, drawings, specifications and ancillary documents provided by the Owner in support of the application for the Grant.

Terms and Conditions

8. Payment of the Grant is subject to the City and the Region being satisfied, in their sole and unfettered discretion, with all reports, documentation and representations made by the Owner in respect of the application for the Grant and any and all ongoing reporting requirements of the Gateway CIP.

9. The total value of the Grant may be reduced from time to time by the amount of any arrears of property taxes assessed or imposed against the Lands.
10. It is understood and agreed that the Grant is given in respect of the Improvements upon the Lands as set out in the application for this Grant. If at any time new construction is added to the Lands that was not a part of the original Improvements, the Grant will be calculated only in respect of the original Improvements.
11. The Grant shall not be payable by the City until each of the following conditions has been fulfilled to the satisfaction of the City and the Region:
 - (a) the Improvements have been completed in full and in accordance with the plans and specifications approved by the City and the Region for the purposes of the Grant application;
 - (b) the Improvements have been made in compliance with the Niagara Region Official Plan, the City's Official Plan, the City's zoning by-law, the *Ontario Building Code* and all applicable by-laws, laws, regulations, policies, plans and standards, whether local, regional, provincial or federal;
 - (c) the Owner has provided evidence of the total eligible costs of the Improvements;
 - (d) the City and the Region have had an opportunity, at their discretion, to verify the quantum of the eligible costs by way of inspection, audit or other means, all at the expense of the Owner;
 - (e) the Owner has satisfied the City and the Region that there are no liens or claims registered against the Lands in respect of the Improvements
 - (f) the Owner has satisfied the City and the Region that there are no outstanding work orders or orders to comply issued by any public authority against the Lands, the Improvements or any business of the Owner carried out or conducted on or from the Lands;
 - (g) the Owner has satisfied the City and the Region that it is in full compliance with all local and regional by-laws and any applicable federal or provincial legislation and regulations applicable to the Lands, the Owner or the Improvements;
 - (h) the Owner has satisfied the City and the Region that all property taxes payable in respect of the Lands are paid in full, have not been deferred, are not the subject of a pending or outstanding appeal and no installments for the current year remain to be invoiced or paid; and
 - (i) all other amounts owing to the City or the Region by the Owner in respect of the Lands have been paid in full.
12. If at any time during the term of this Agreement the building or development to which the Improvements were made is demolished, in whole or material part, or any feature of the Lands or the building designated as a heritage feature under the *Ontario Heritage Act* is demolished or altered in any material way that would affect the said designation, all future Grant payments not yet made shall cease to be payable and the City and the Region may, at their absolute discretion, require repayment of any Grant amount already paid.

Or, if agreement to be used for Development Charges Grant, insert the following as paragraph 12:

If the Owner has also received any amount from the Region or the City on account of the Development Charge Grant Program as set forth in the Gateway CIP and the building or development to which the Improvements were made is demolished, in whole or material part, the Owner shall forthwith be liable to repay to the City or the Region, as the case may be, any amount so received by the Owner under the Development Charge Grant Program.

13. The City and the Region shall have the absolute discretion to forthwith terminate this Agreement in the event of the sale, conveyance or transfer of title to the Lands and no further amounts shall be payable by the City or the Region in respect of the Grant following said sale, conveyance or transfer of title.

Schedule “A”

GATEWAY CIP

SAMPLE

Calculation of Eligible Amounts

SAMPLE

CITY OF WELLAND SPECIFIC PROGRAMS

THE PLANNING APPLICATION FEE GRANT PROGRAM

The City of Welland Planning Application Fee Grant Program is a grant program that would be available only to approved TIBG Program applications that fall with an area identified as a Strategic Locations For Investment. These approved applications would be eligible to a grant of 100% of the applicable Planning Application Fee(s). The Planning Application Fee Grant is provided as a grant payable once final occupancy is approved by the City of Welland Chief Building Official.

CITY OF WELLAND DEVELOPMENT CHARGES BY-LAW EXEMPTION FOR INDUSTRIAL DEVELOPMENT

The City of Welland Development Charges By-law 2014-75 provides a 100% exemption from Development Charges for Industrial Development. For more information see <http://www.welland.ca/ByLaws/bylaw2014-75.pdf>

