

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-058**

By-law to adopt an Economic Development Community Improvement Plan

WHEREAS By-law No. 2023-045, being a By-law to designate an Economic Development Community Improvement Project Area, was passed by the Council of the corporation of the Town of Amherstburg on the 27th day of March, 2023, pursuant to its authority under Section 28(2) of Part IV of the Planning Act, R.S.O. 1990, c.P. 13 (the Planning Act);

AND WHEREAS the Council of the Corporation of the Town of Amherstburg has provided for the preparation of the Economic Development Community Improvement Plan, pursuant to its authority under Section 28(4) of the *Planning Act*;

AND WHEREAS the Economic Development Community Improvement Plan conforms to the Town of Amherstburg Official Plan;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg held a Public Meeting with respect to the Economic Development Community Improvement Plan on April 11, 2023, pursuant to its authority under Section 17 of the *Planning Act*;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg, pursuant to its authority under Sections 17 and 28 of the *Planning Act*, enacts as follows:

1. The Economic Development Community Improvement Plan consisting of the attached explanatory text and map, is adopted and is attached hereto as Schedule "A".

Read a first, second and third time and finally passed this 17th day of April, 2023.

MAYOR – MICHAEL PRUE

CLERK – KEVIN FOX

Schedule "A"

Constitutional Statement

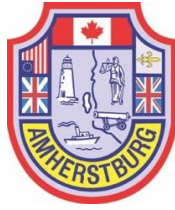
The Community Improvement Plan attached hereto and dated April 2023, consisting of the explanatory text and map contained in Sections 1 through 6 constitute the Economic Development Community Improvement Plan.

Town of Amherstburg

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN



MillerSilani Inc., April 2023



TOWN OF AMHERSTBURG

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN

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SECTION 1 INTRODUCTION

A Background Report (dated January 2023) has been prepared that highlights the opportunities that exist to enhance economic development and job creation in the Town of Amherstburg. These opportunities include becoming part of:

- a new EV technology and manufacturing cluster that is emerging in Southwestern Ontario;
- a new logistics and cross-border transportation hub; and
- the financial/information technology cluster that exists in Southwestern Ontario and Southeastern Michigan.

One of the Town's long-term strategic planning goals is to *"Secure commercial and industrial business investment through the use of progressive land-use planning tools and incentives."* To move forward with a key action item to achieve this strategic goal, the Town of Amherstburg Council has directed that a new Economic Development Community improvement Plan be prepared:

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing commercial and industrial businesses in identified sectors of the economy.

In the Fall of 2022 consultation took place with staff from the following Provincial Ministries and Regional Agencies that have an interest in economic development, community improvement, and brownfield redevelopment matters:

- the Ministry of Municipal Affairs and Housing;
- the Ministry of Economic Development, Job Creation and Trade;
- Invest Windsor-Essex;
- the Ministry of the Environment, Conservation and Parks.

Consultation also took place with senior Town of Amherstburg staff, including:

- the Chief Administrative Officer;
- the Deputy CAO/Director of Development Services;
- the Director of Corporate Services/Chief Financial Officer;
- the Director of Infrastructure Services;
- the Manager of Planning Services; and
- the Manager of Engineering.

A summary of the initial round of consultation is contained in the January 2023 Background Report.

On February 15, 2023 an Open House was held at the Libro Centre to receive comments from any member of the community about a potential new Economic Development Community Improvement Plan. A notice of this Open House was published on January 26, 2023, and was posted on the Town's social media channels.

Residents that attended in person were able to speak with Town Staff and the Consultants, and to provide their verbal input and written comments. The feedback received was generally positive in nature. Several residents submitted comments stating that in their opinion the Town's existing Development Charge Fees were too high, and that these fees were a deterrent to attracting new businesses to Amherstburg. There were no comments posted on social media.

Following the Open House additional consultation took place with Senior Town Staff to finalize the scope and nature of incentives to be included in the new Economic Development Community Improvement Plan (CIP). This new CIP has been drafted to offer a targeted set of incentives that are fiscally responsible and focused on attracting and/or retaining investment and jobs that will improve the economic well being of Amherstburg residents.

SECTION 2 LEGISLATIVE AND POLICY FRAMEWORK

A Community Improvement Plan (CIP) is a municipal planning tool used to establish strategies, actions, and financial programs for improving identified areas within a municipality.

Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”

A “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

A “community improvement plan” is defined as “a plan for the community improvement of a community improvement project area.”

Once a municipality has identified and selected the geographic area that will be included within the CIP project area, it can prepare and adopt a Community Improvement Plan for the designated area.

Following the adoption of the Community Improvement Plan, Section 28 of the Planning Act allows a municipality to:

- a. acquire land within the community improvement project area;
- b. hold land acquired before or after the passing of the by-law within the community improvement project area;
- c. clear, grade or otherwise prepare the land for community improvement;
- d. construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area;

- e. sell, lease, or otherwise dispose of any land acquired or held by it in the CIP area.;
- f. make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. (Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities as identified in Section 28 (7.1) of the Planning Act.)

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies, and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land.

Section 69 of the Planning Act allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Municipalities can also collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Section 5 of the Development Charges Act, allows municipalities to grant exemptions from a development charge. This allows both upper-tier (County of Essex) and lower-tier (Town of Amherstburg) municipalities to offer partial or total exemptions from municipal development charges to support community improvement objectives. Through Section 28 of the Planning Act, as part of an adopted CIP, municipalities can offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable.

These DC exemptions can be targeted and based on the Applicant meeting one or more specified project performance criteria, as set out in the Community Improvement Plan.

It should be noted that the Municipal Act regulates a municipality's ability to provide financial incentives. This restriction is set out in Section 106 (1) of the Municipal Act, and reads as follows:

"Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1)."

Section 106 (2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge, or fee.

Despite these prohibited actions, there are exceptions in the Municipal Act provisions. Section 106 (3) of the Municipal Act provides an exception, allowing municipalities exercising authority under Section 28 of the Planning Act to make grants that would be otherwise prohibited.

A key part of Ontario's policy-led planning system is the Provincial Policy Statement (PPS). This statement was issued in 2020 by the Provincial Government in accordance with Section 3 of the Planning Act, and it provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario, and it includes the following employment-related policies:

"Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and

suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.”

Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri- food network;

- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.”

Section 3 of The Planning Act requires that all decisions made by Municipal Councils with respect to planning matters “shall be consistent with” policy statements issued under the Act.

The County of Essex Official Plan was adopted by County Council and received approval from the Province of Ontario in 2014. This Plan applies to all seven local Essex County municipalities, including the Town of Amherstburg.

The following Essex County Official Plan goals and policies are particularly relevant and applicable to the Town’s new Economic Development Community Improvement Plan:

“Essex County Goals:

- to increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live;
- to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- to encourage employment opportunities on lands within Settlement Areas that are in proximity to rail corridors.”

Essex County Policies:

- all new development within primary settlement areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect;

- Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian-oriented streetscape are encouraged. The preparation of Community Improvement Plans is also encouraged;
- The County encourages the redevelopment of brownfield sites.

The Town of Amherstburg's Official Plan was adopted by Council in 2009 and received final approval in 2010. Subsection 6.5 and subsection 6.3 of the Town's Official Plan articulates the Town's Economic Development and Community Improvement Policies, and read as follows:

"Subsection 6.5 – Economic Development

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect.

This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial, and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

- The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service, and commercial sectors upon the Town and its residents;
- The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites,

maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town;

- The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability, industrial development, and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex, and the Windsor-Essex County Development Commission;
- The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development;
- The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes;
- The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures;
- The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism;
- The Town shall consider participating through financial or other support in County- wide cultural, heritage, convention and recreation activities which support tourism;
- Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion;
- As part of its on-going planning process, the Town will consider the short and long- term, direct and indirect, economic impacts of various types of development;
- In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs;

- The Town shall promote and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

Subsection 6.3 – Policies for Community Improvement

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio- economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

In The principal goals for Community Improvement Area shall be:

- To protect and enhance the quality of the area which the residents value highly;
- To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- To urge and assist owners of commercial, industrial, and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;
- To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
- To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
- To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;

- To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin “Toddy” Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- There is a deficiency or deterioration in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, and libraries
- That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;

- That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if redeveloped or renovated or developed to another land use could enhance or revitalize the area;
- The overall streetscape or aesthetics of the area are in need of upgrades;
- The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the

availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

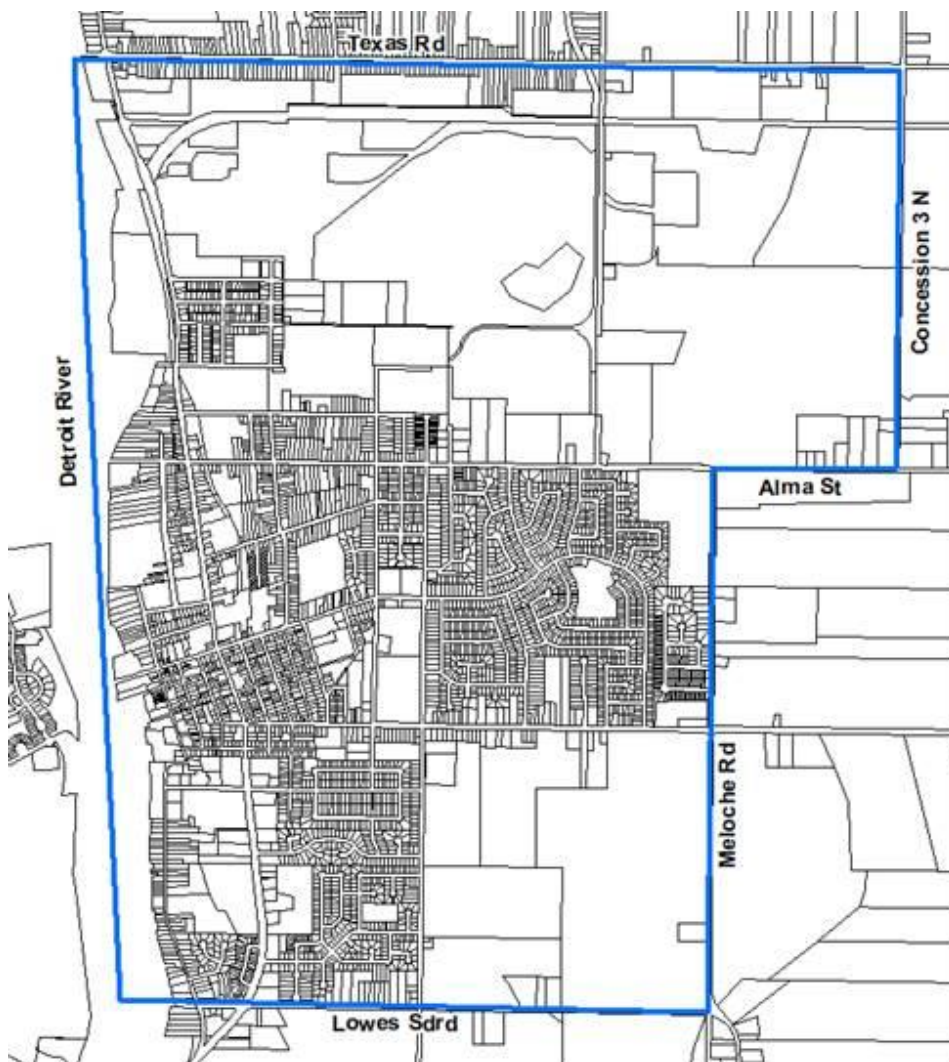
Implementation of the Community Improvements will occur through;

- implementation of the Property Standards By-Law;
- the support of the local Heritage Conservation committee and the application of Heritage designations;
- the acquisition of lands through Town expenditures;
- the sale of public lands for commercial redevelopment;
- the application for various government programs, grants, and loans; and the encouragement of local incentive under private enterprise.;
- the support of the Business Improvement Area;
- consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- encouragement of private initiatives regarding conservation, rehabilitation, redevelopment, and environmental remediation;
- consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.”

SECTION 3 ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA

Council passed a By-law pursuant to Section 28 of the Planning Act designating the lands shown in Figure 1 as the Economic Development Community Improvement Project Area. This CIP project area is based on the geographic land area identified in subsection 6.3.1 of the Town's existing approved Official Plan.

Figure 1 - Limits of the Economic Development CIP Project Area



SECTION 4 COMMUNITY IMPROVEMENT PLAN OBJECTIVES

The objectives of this new Economic Development Community Improvement Plan are as follows:

- 1) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy, including manufacturing, logistics, hospitality, professional services, health care, life sciences, and information technology;
- 2) to stimulate and encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing industrial and commercial businesses in identified sectors of the economy;
- 3) to continue to invest in and assist with the redevelopment of industrially and commercially zoned lands in existing built-up areas of the Town;
- 4) to act as a catalyst for new private sector investments to be made in identified sectors of the local economy;
- 5) to facilitate the re-use, development and revitalization of underutilized lands located within existing designated and serviced employment and commercial districts in the Town of Amherstburg; and
- 6) to be financially responsible to taxpayers, by focusing on strategic priorities and making use of targeted financial incentives that do not adversely impact the municipality.

The above noted objectives are an expression of the intended outcomes resulting from the implementation of this Economic Development Community Improvement Plan. They will also be used to guide decisions that are being made during the life of the plan, and as guideposts to monitor the performance of the CIP.

SECTION 5 FINANCIAL INCENTIVES AVAILABLE

To achieve an important Strategic Economic Development Goal of Council, and the stated objectives of this new Economic Development Community Improvement Plan, the following Financial Incentive Programs are being offered to eligible development projects:

1. An Industrial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new industrial development to Amherstburg and would provide a grant equivalent of up to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this CIP grant the new industrial development (or the expansion of an existing industrial building) must create a minimum of 60 new permanent full time jobs in a manufacturing and/or logistics facility and must make a minimum investment of \$1,000,000.

2. A Commercial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new commercial businesses to Amherstburg, in targeted economic sectors (hospitality, professional services, health care, life sciences, and information technology). It would provide a grant equivalent up to 50% of the municipal property tax increase created by the project for up to 5 years after project completion for eligible projects. To be eligible for this grant the new commercial development (or the expansion of an existing commercial building) must create a minimum of 20 new permanent full time jobs in a hospitality services facility, a professional office and health care facility, a life science facility and/or an information technology facility, and must make a minimum investment of \$500,000 in eligible project costs.

3. A Development Charges Grant and a Building Permit/Planning Fee Grant

Applicants successful in obtaining one of the above noted available tax rebate grants would also be eligible to receive a grant to offset:

- up to 100% of the Development Charge Fees that are owing to the municipality.

- up to 100% of the value of Building Permit and Planning Fees related to the construction of new and/or the expansion of eligible industrial and commercial building projects, to a maximum grant of \$20,000 per eligible project.

It should be noted that a CIP property tax increment equivalent rebate incentive is calculated only in relation to the local municipal portion of the total property taxes paid and does not include the education taxes levied, nor does it include the county's portion of the total property taxes. A county tax incentive would only be available should the County of Essex adopt new Community Improvement Policies agreeing to provide such assistance for projects that would qualify for such an incentive as set out in a Town of Amherstburg adopted Community Improvement Plan.

A detailed application form and program guide will be prepared and utilized by Town Administrative Staff to receive applications and to determine eligibility under one or more of these financial incentive programs.

The following definitions will be used by Town Administrative Staff when preparing the detailed program application form and guideline documents:

- Manufacturing Facility means an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly or similar production of various articles and commodities.
- Logistics Facility means a warehouse used for storage and transportation of goods, distribution facilities, and logistics services such as but not limited to material handling, packaging, and freight storage and forwarding.
- Professional Office and Health Care Facility means an office or clinic maintained and used as a place of business by individuals in licensed and other generally recognized professions that includes but is not limited to doctors, dentists, lawyers, engineers, architects, and accountants.
- Life Science Facility means an establishment primarily engaged in research and development in advanced and applied sciences, that includes but is not limited to biopharmaceuticals, biotechnology, nanotechnology, biomedical engineering, and biogenetics.
- Information Technology Facility means an establishment primarily engaged in providing services that include, but are not limited to the management, operation, programming, maintenance and system administration of computer and telecommunication networks and systems.

- Hospitality Services Facility means an establishment that provides hospitality related services that include, but are not limited to hotel/motel accommodations, restaurants, catering, banquets/receptions, entertainment, and conference/special event venues.
- Permanent Full-Time Employee means a person employed by a business who is normally scheduled to work a minimum of 35 hours per week for the entire normal year of the business, which normal year must consist of at least 48 weeks. The permanent full-time employee must be working in the Town of Amherstburg.
- Municipal Property Taxes is the Town of Amherstburg portion of property taxes payable, and does not include the Education portion payable to the Province of Ontario, and any property taxes payable to the County of Essex.
- Tax Increment is the difference between the base rate at the time of Amherstburg Council's approval of financial incentives for the project and the municipal taxes after the completion of the approved eligible works, occupancy, and reassessment by MPAC. The tax increment will be calculated on an annual basis and will include increases and decreases resulting from tax rate changes and reassessments.

Town Staff will also utilize the following general incentive program requirements when preparing the program application form and guideline document. These requirements are not necessarily exhaustive, and the Town of Amherstburg reserves the right to include other requirements and conditions as deemed necessary as part of the application form and/or the program guide.

- An application for any of the incentive programs contained in the CIP can only be made for properties located within the Community Improvement Project Area.
- If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property on the application. The registered property owner may also be required to be a party to any agreement for the financial incentive programs.
- The applicant will be required to submit a complete application to the Municipality describing in detail the work that is planned. This may include reports, floor plans, conceptual site plans, business plans, estimates, contracts, and other details as may be required to satisfy the Municipality with respect to conformity of the project with the CIP. The application must be submitted to

the Municipality prior to Council's approval of financial incentives for the project.

- All drawings, reports and/or materials submitted to and/or requested by the Municipality to support a financial incentive program application shall be prepared by qualified professionals to the satisfaction of the Municipality.
- The applicant must address all outstanding work orders and/or other fees from the Municipality (including tax arrears) against the subject property to the satisfaction of the Town of Amherstburg prior to the grant being approved.
- Council is the sole approval authority for all applications submitted under the financial incentive programs included in this CIP.
- As a condition of approval of an application for any of the financial incentive programs contained within this CIP, the applicant must enter into an agreement with the Municipality. The agreement will be registered against the land to which it applies and will specify the terms, duration, and default provisions of the grant.
- All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards, and guidelines, including applicable Official Plan and zoning requirements and approvals.
- The total of the grants made in respect of improvements to buildings and/or lands shall not exceed the eligible costs as further specified in the more detailed CIP program guide and application form.
- The Town of Amherstburg may undertake an audit of work done and eligible costs if it is deemed necessary, at the expense of the applicant. Municipal staff, officials, and/or agents of the Municipality may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Municipality.
- The Municipality is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant.
- The financial incentive programs approved by Council will take effect as of the date of Council adoption, and will not be applied retroactively to any work that has taken place prior to the execution of the CIP agreement in accordance with this CIP.

- Council at its discretion may at any time discontinue a program; however, any participants in the program prior to its discontinuance will continue to receive grants as approved for their property in accordance with the agreement signed with the Municipality.
- If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Municipality, the Municipality may delay, reduce, or cancel the approved grant, and any grant amount paid will be recovered by the Municipality.
- If a building that was erected or improved with a program grant is demolished prior to the expiry of the grant period, the grant is terminated and will be recovered by the Municipality.
- The Town of Amherstburg has the right to perform annual inspections, and to request information from the applicant with respect to full time employment numbers, to ensure compliance with the agreement and to adjust the incentive levels to reflect the current situation in relation to the agreement signed with the Municipality.

It should be noted that the CIP program application form and guideline will also include information highlighting the criteria that will be used by Council when evaluating the applications that are submitted pursuant to this new Economic Development Community Improvement Plan

SECTION 6 PROGRAM ADMINISTRATION AND MONITORING

This new Economic Development Community Improvement Plan is intended to be in effect for 5 years from the date of adoption by Council. It can be extended for a further 5 year period at the sole discretion of Council.

Town Staff will put in place a monitoring program and will prepare an annual report to assist Council evaluate the effectiveness of the new Economic Development Community Improvement Plan. This monitoring report will also be used to identify if there are refinements that need to be made to the CIP (including the program application form and guideline documents) to address changing economic conditions that may arise from time to time.