A GUIDE FROM THE CREATIVE PLACEMAKING TOOLBOX:

Planning for Cultural Facilities

How Planning Tools and Incentives can Support Cultural Infrastructure Development

PART I OF II:

LEGISLATION & PLANNING FRAMEWORKS

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ARTSCAPE
Artscape is a not-for-profit urban development organization that makes space for creativity and transforms communities. Artscape comprises: Toronto Artscape Inc., Artscape Non-Profit Homes Inc. and Artscape Foundation. BC Artscape is an independent affiliate.

CREATIVE PLACEMAKING LAB
Artscape’s Creative Placemaking Lab shares our knowledge and experience through workshops, webinars, mentorship and coaching and other activities. We offer a range of programs and services based on Artscape’s unique, tested, highly evolved approach. We publish an array of resources for people interested in developing their own projects, and instigate special projects to contribute to the advancement of the field. All of our Research Publications are available to read/download on our Artscape DIY website.

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# Planning for Cultural Facilities

How Planning Tools and Incentives can Support Cultural Infrastructure Development

## Part I: Legislation & Planning Frameworks

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1. INTRODUCTION

What is the Purpose of this Document?
Based on Artscape’s experience, Planning for Cultural Facilities is intended as a guide and resource to assist with navigating the complex landscape of legislation, planning frameworks, fiscal tools and incentives that must be understood and leveraged in order to gain support, funding and approval for the development of cultural infrastructure.

While Artscape’s development activities are focused in Toronto and Vancouver, it also shares knowledge with urban centres and communities across Canada and around the world. Because planning regulations are unique to each city, province, and country, it should be noted that the focus of this information is on Toronto, Ontario, Canada. A variety of tools exist outside this geographic boundary, and in this document we have also pointed to a small number of examples of planning and fiscal tools from other jurisdictions.

Why is this Important?
Artscape positions its projects within the frame of Creative Placemaking – intentionally leveraging the power of the arts, culture and creativity to serve a community’s interests while driving a broader agenda of change, growth and transformation in a way that also builds local character and quality of place. It is a strategy to improve community prosperity and well-being while allowing neighbourhoods or cities to define, draw attention to and distinguish themselves. Creative Placemaking can be a complex business, and understanding the regulations, programs and policies that govern urban space and how they work together is crucial to any development project.

The individuals responsible for creating and enforcing these policies – and the bureaucracy’s interface for the preparation and submission of development applications – are often planners, who themselves work alongside government officials and departments who specialize in environmental, social, economic and cultural development. The practice of planning refers to the process of managing and directing the physical change of cities, including what can be built within them, so as to achieve positive outcomes with respect to the social, economic, and natural environment. This complex and dynamic process is influenced by technical assessment of future needs, political priorities, past precedent and historical context, and neighbourhood-level interests. While sometimes seen as an afterthought in the context of private sector development and debates over big-ticket infrastructure investment, cultural planning is a vital component of building healthy sustainable communities.

When considering development proposals, planners rely upon a variety of documents – some that articulate overarching visions and guiding principles, and others that detail minute criteria and regulations. Each individual regulation may apply to a specific type of development. By understanding and responding to the regulatory context, it is possible to position a project for support and approval. Similarly, by knowing exactly what tools and incentives are in place, it may be possible to use them to support the feasibility, sustainability and impact of a cultural facility project.
What this document is not, however, is a template. The end results of Creative Placemaking can be astounding, but it is important that communities do not simply try to borrow or copy what has been done elsewhere. For a cultural infrastructure project to succeed, it must be authentically of a place, built from the ground up to respond to local assets and needs, and will undoubtedly require project-specific and place-based strategies and solutions.

Note: In this guide we have described planning tools and assistance that are, or have been, available to arts and culture in Toronto and Ontario. However, the information is, and is intended to be, general in nature and is for information purposes only. This publication is no substitute for professional advice for your own specific situation, and if such advice is needed, such services should be sought from a competent experienced professional. In addition, the material in this document is inherently time sensitive, as changes in legislation, judicial decisions and commercial practice will make information obsolete or inaccurate over time. Always ensure that you are consulting the most recent version of any government plan, act or regulation.

SECTIONS

PART I:

LEGISLATION: Provincial and municipal policy that inform planning and development
PLANNING FRAMEWORKS: Regulations focusing on the development goals of specific locations

PART II:

PLANNING TOOLS: Municipal finance, government assistance, rebates and grants
PLACEMAKING TOOLS: Guidelines and urban design programs that enrich public space
CASE STUDY: Artscape Wychwood Barns

FUTURE SECTIONS:
HOUSING ARTISTS: Live/work zoning and other affordable housing models
TOOLS FROM ABROAD: Planning & fiscal tools in use outside of Ontario that benefit cultural development
LEGISLATION

Overarching legislative documents govern urban space, including policies, statements, plans, and acts. While some are broader in scope and longer-term in guidance, others detail specific rules and regulations for the use, rehabilitation, maintenance, conversion, construction and conservation of the places in which we live.

In Canada, these documents are mandated at the provincial and municipal level, with the practice of land-use planning fulfilling specific regional goals. Understanding this hierarchy provides context when visioning ideas for new Creative Placemaking projects as it dictates typology, scale, density, social servicing, open space and accessibility requirements.

A vibrant creative sector can enhance quality of life, create local pride and support economic development by attracting talent and tourism from outside areas and from around the world.
Land-use planning is intrinsically linked to the success of arts and cultural infrastructure. Similarly, arts and cultural infrastructure is intrinsically linked to the creation of complete communities, and to realizing the intended outcomes of land use plans. In Ontario and Toronto, development and building are guided by a hierarchically organized set of regulatory documents, top-down from province to municipality. Conformity with the broader objectives and interests expressed in the Provincial Policy Statement (PPS) is embedded within the framework of plans described below. Aligning a proposal with the long-term visions and policy objectives expressed by provincial or municipal governments can position a project for political support and administrative approval. The plans and policies discussed in this section are specific to Ontario, but analogous frameworks are found in other provinces.

Artscape recommends checking to make sure you are referencing the most current version when reviewing any legislation that may influence your development. In Ontario, relevant legislation includes:

2. PROVINCIAL LEGISLATION

Provincial Policy Statement (PPS)

*Note: The Provincial Policy Statement is reviewed every five years*

**Description**
The PPS is the official statement of the Province’s interests and policy positions with respect to land use planning. The PPS recently completed its five-year review, and the most recent update came into effect on April 30, 2014.

Key issues addressed in the PPS include:
- Building strong healthy communities through efficient and resilient land use patterns
- Economic prosperity, development and diversification;
- Wise use and management of natural resources;
- Promoting appropriate employment opportunities and residential development, as well as support for a mix of uses.

**Relevance**
The Provincial Policy Statement, in sum, projects the overarching goals of building strong and healthy communities through effective land use and appropriate development. Depending on the mix of uses included in a project (housing, studios, performance space, public space, etc.), cultural infrastructure has the potential to contribute to any of a number of PPS policy objectives. Useful frames might include economic development and diversification, meeting targets for affordable housing, and achieving resilience through compact, mixed use development.

**Places to Grow**

**Description**
The Places to Grow Act is the legislation that enables the Ontario government to enact regional growth plans. The program is described as allowing the government to, “plan for growth and development in a way that supports economic prosperity, protects the environment and helps communities achieve a high quality of life across the province.” Through Places to Grow, the Province has enacted two regional growth plans – the Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario. Within these areas, all municipal land use plans must conform to the regional growth plans.

**Relevance**
Advancing the policy directions and visions of the growth plans can be a relevant consideration for both provincial and municipal interests, and cultural infrastructure can certainly be linked to both the creation of complete communities (the first guiding principle of the Growth Plan for the Greater Golden Horseshoe) and economic development and diversification (the focus of the Growth Plan for Northern Ontario).
**Growth Plan for the Greater Golden Horseshoe**

In the context of one of the fastest growing regions in North America, the Growth Plan provides policy directions related to urban form, transportation, community infrastructure, natural heritage and resource protection, and land use. The plan identifies sprawl as a barrier to competitiveness in the region, and many policy directions are focused on directing growth to built-up areas. The Plan is currently undergoing its 10-year review.

**Relevant sections**
- **2.3.4 Arts, Culture and Creative Industries**
  Provide broad policy directions supporting intensification, and the need for intensification areas to provide a diverse mix of land uses.
- **2.2.5 Major Transit Station Areas and Intensification Corridors**
  Directing that intensification corridors be planned to accommodate local services, including cultural and entertainment uses.
- **3.2.6 Community Infrastructure**
  Discusses the planning and provision of community infrastructure, the definition of which includes buildings and structures that provide public services for socio-cultural activities.

**Growth Plan for Northern Ontario**

This is a 25-year plan to diversify investment and entrepreneurship in the Northern region by supporting existing sectors with high growth potential and providing resources to incubate emerging industries. The Plan is organized around six theme areas for long-term prosperity: Economy, People, Communities, Aboriginal Peoples, Infrastructure and Environment.

**Relevant sections**
- **2.3.4 Arts, Culture and Creative Industries**
  Identifies that efforts to diversify and strengthen economic development in the sector should include creating opportunities for cultural expression in all communities, particularly among youth; promoting incentives for film, television, and digital media; and celebrating the unique cultures of the peoples of Northern Ontario.
- **4.3 Economic and Service Hubs**
  Directs that these areas should include strategies for enhancing community identity, vibrancy, and cultural amenities.
- **4.4.4 Strategic core areas**
  Should be the preferred location for major capital investments in major cultural institutions and entertainment facilities.

**Examples from other jurisdictions:**
- [Regional Growth Strategies of Metro Vancouver](#)
- Alberta’s [Capital Region Growth Plan](#)
- Saskatchewan Plan for Growth
Ontario Planning Act

Description
The Planning Act sets rules for land use planning in Ontario. The Act is the basis for municipal consideration of provincial interests; for municipal preparation of planning documents, such as Official Plans; and for municipal control and regulation of land uses through zoning by-laws and the issuance of minor variances.

Relevance
Whether for cultural infrastructure or other forms of development, the Planning Act underlies the fundamental elements of municipal land use control, and defines the steps, consultation requirements, appeals process, and timelines with respect to processes such as site plan approval, Official Plan amendment and zoning by-law amendment.

Relevant sections
Numerous sections of the Planning Act may be relevant to a development application, including Section 34 (Zoning by-laws), Section 44/45 (committee of adjustment and minor variances), and Section 53 (Consents / severing a property). Two sections are noted below with respect to cultural infrastructure:

- **Section 2 (Provincial Interest)**
  Identifies the adequate provision and distribution of educational, health, social, cultural and recreational facilities as being a matter of provincial interest.

- **Section 37 (Increased density, etc., provision by-law)**
  Allows for municipalities to grant increases in height or density in exchange for facilities, services or matters that benefit the community. Such facilities might include cultural infrastructure.

City of Toronto Act (COTA)

Description
In recognition of Toronto’s size and significance, the Act is a legislative framework that came into force on January 1, 2007, defining a broad set of powers and tools provided to the City of Toronto, above and beyond those delegated by the province to all other municipalities through the Municipal Act.

Relevance
In the context of economic development (Section 83, General power to make grants), the City of Toronto Act allows the City to make grants, including the power:

- To guarantee a loan.
- To sell or lease land for nominal consideration, or to grant land.
- To acquire land and erect and improve buildings and structure to provide leased premises to encourage the establishment and initial growth of small businesses.
3. MUNICIPAL LEGISLATION

Toronto Official Plan

Note: The Toronto Official Plan is updated periodically when policies are updated or appealed.

Description
Provides a vision for growth in the City of Toronto, and for the type of city envisioned for the future. The Plan defines an urban structure that is intended to integrate transportation and land use planning by directing growth to areas designated as Centres, Avenues, Employment Districts, and the Downtown.

Relevance
The Official Plan is concerned with creating a livable city with vibrant neighbourhoods and complete communities – to this end it addresses issues such as affordable housing; a diverse and competitive economy that sustains well-paid, stable and safe employment opportunities; public realm and urban design, and community and neighbourhood amenities. Cultural industries, activities, and infrastructure are explicitly referenced in many sections of the Plan, and are implicitly related to the Plan's vision, narratives, and policy directions.

The Official Plan also provides an important frame of reference for municipal decision-making, and as such it is beneficial to understand the Plan’s vision and policy objectives.

Relevant sections
- **Chapter 2: Shaping the City**
  Introduces the urban structure, and provides policies related to the direction of growth to Centres, Avenues, Employment Districts and the Downtown.
- **Chapter 4: Land Use Designations**
  Establishes permitted uses in each designation, the intended character of such area and development criteria applicable to different designations.
- **3.5.2 Creating a Cultural Capital**
  Recognizes that a great city offers a vibrant cultural life, and acknowledges the role of the City in keeping existing and creating new cultural infrastructure. Policies in this section include that:
  - The arts and cultural community will have access to City owned facilities and properties, including surplus properties, for non-profit community arts performance venues, arts education and training programs, studio, rehearsal, storage and administrative space.
  - The inclusion of new, not-for-profit arts and cultural facilities in development will be promoted through development incentives and public initiatives
  - Concentrations of cultural activities will be promoted to create arts districts and corridors that can collectively draw visitors and revitalize communities.

Full Description

Toronto Zoning By-law

Note: The single city-wide Zoning By-law, 569-2013, was enacted by Council on May 9, 2013.

Description
The regulatory framework that acts as the primary implementation tool for the policies of the Official Plan, providing detailed guidance with respect to matters such as the land use, lot size, building height, placement, setback, floor space indexes (density) and parking requirement for a development. The Zoning By-law is required to conform with the Official Plan.

Relevance
The Zoning By-law provides specific and detailed regulations with respect to how land in the city can be used, and what can be build when lands are redeveloped. Consulting and understanding this framework is essential both to identifying opportunities, and to shaping the form of any type of development proposal.
4. SUMMARY

Descriptions and full text for each document can be found by clicking on the links below:

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<thead>
<tr>
<th>Document</th>
<th>FULL DESCRIPTION</th>
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PLANNING FRAMEWORKS

Cities can direct growth and investment by designating areas targeted for employment, regeneration and other improvements. By establishing these locations, the types of development that best suit social and economic community needs can be encouraged. In addition to zoning for the use, height and density of a building, cities also use planning frameworks to encourage and establish specific types of infrastructure.

While zoning is specific to every parcel, provinces and municipalities use additional criteria to target local goals. In Toronto, these are outlined in the Official Plan under Secondary Plans, Healthy Neighbourhoods, Employment Areas and Regeneration Areas, as well as in supplementary documents like Community Improvement Plans. When planning cultural development it is useful to consider these designations as they can help determine which locations might benefit most from, and be most suitable for creative investment.
5. COMMUNITY IMPROVEMENT PLANS

Cultural Relevance

When building creative places it is important to seek locations that are both welcoming to, and that will benefit from innovative development. By identifying places that fall under such special designations, developers may be able benefit from greater support and assistance, including through incentive-based programs such as grants, loans, and property tax assistance.

(See section 28 of the Planning Act, see section 365.1 of the Municipal Act (2001) and section 333 of the City of Toronto Act (2006) for additional information)

Framework Description

Community Improvement Plans (CIP) are used by cities to target maintenance, rehabilitation and development goals in a specific area. CIPs focus public attention on local issues, encourage positive community change and stimulate private-sector investment.

In Ontario, municipalities may provide grants, loans and property tax assistance for the purpose of carrying out a Community Improvement Plan. Incentive-based programs can include:

- Brownfield environmental assessment, remediation or redevelopment
- Commercial building façade improvements
- Downtown core and waterfront revitalization
- Preservation and adaptive reuse of heritage buildings
- Affordable housing
- Space conversion
- Structural improvements
- Energy Efficiency improvements
- Accessibility enhancements

A definition of Community Improvement Plans is found in Section 28 of the Ontario Planning Act. They are further discussed at both the provincial and municipal level with information found in the Community Improvement Planning Handbook (2008), and Section 5.2.2 of the Toronto Official Plan. Other Ontario municipalities with CIPs include: Windsor, Oshawa, Ottawa, Stratford, Brockville, Kingston, Guelph, St. Catharines and North Bay.

6. REGENERATION AREAS

Cultural Relevance

Culture-led regeneration is a method of encouraging investment; enhancing resilience and community well-being; and transforming locations into attractive and vibrant places through the introduction and expansion of cultural facilities and activity. This approach has been used around the world, including work undertaken in Canada by Artscape, Arts Habitat Association of Edmonton, Calgary Arts Development, and Fogo Island Arts Corporation.

In older industrial areas with a wealth of heritage buildings, development is often encouraged to reuse the existing building stock and create infill that complements the existing built form. In turn, it is expected that these areas will attract creative industries and workers from the creative and cultural sectors.

Framework Description

By designating a regeneration area, municipalities can attract investment to specific locations and encourage new development to revitalize the local community. In Toronto, regeneration areas are places that have suffered as a result of changes in the local and global economic environment. Regeneration areas permit mixed uses of land and buildings that may not be allowed in other areas of the city. These include commercial, residential, live/work, institutional and light industrial uses being situated together within the same regeneration area.

Section 4.7 of the Toronto Official Plan outlines policies for development in Regeneration Areas, including that it:

- Revitalize areas of city that are largely vacant or underused;
- Create new jobs and homes that use existing infrastructure;
- Restore, re-use and retain existing buildings when possible, particularly heritage structures;
- Improve streetscapes and extend open space; and
- Promote the environmental clean-up and re-use of contaminated lands.
Outside Toronto, other locations across Canada utilize culture-led regeneration, including Vancouver’s Downtown Eastside, and Montreal’s Quartier Des Spectacles.

7. EMPLOYMENT AREAS

Cultural Relevance
Investment in creative space and enterprise can contribute to the success of employment areas, enhancing their ability to attract business activity. Toronto’s Long Term Employment Land Strategy recognizes the value of the creative sector with respect to fostering innovation and building connections across sectors. Relevant to the cultural sector, this strategy encourages the development of incubators for start up-businesses and specialized talent pools.

Framework Description
Section 1.3 of Ontario’s Provincial Policy Statement describes the role of planning to promote prosperity through protecting, preserving, and ensuring adequate infrastructure for employment areas. Employment areas (both lands and districts) encourage economic activity and can have far-reaching effects to help grow communities.

Employment areas may receive greater flexibility in the development process through financial and other government assistance.

In 2013 Toronto Council adopted Official Plan Amendment 231, approved by the Province in 2014. This amendment deleted the City’s former Employment Districts, and replaced them with Employment Areas and a different geography. Employment Areas are intended to be used exclusively for business and economic activities, and through the new designation, the City can conserve lands for employment uses, protecting them from speculation and conversion to other uses.

Invest Toronto is a government body that provides resources, information and incentives to businesses already situated or exploring locations in Toronto. The City of Toronto website explains Tax Increment Equivalency Grants (TIEGS), Brownfield Remediation Tax Assistance and other subsidies useful to development in employment areas.

Similarly, the city of Vancouver’s Metropolitan Core Jobs and Economy Land Use Plan recognizes the necessity of planning to help maintain and grow local employment.
8. TARGETED INVESTMENT IN COMMUNITIES

Cultural Relevance
A positive quality of life can be encouraged through enhancing, developing and promoting programs and services that target underserved communities that have been identified as requiring special investment. While the title used to describe targeted community may vary from place to place, cities use special designations to focus investment in specific neighbourhoods. Within these targeted investment frameworks, arts-based community development is an effective method to improve social welfare.

In Toronto, organizations may increase their chances to fulfill grant eligibility requirements and receive funding for projects by targeting and serving Neighbourhood Improvement Areas (NIAs).

Framework Description
In 2005, the United Way, in partnership with the City of Toronto, created the Strong Neighbourhood Strategies to target investment in 13 Priority Areas across the City of Toronto. These areas were selected to target issues associated with low-income, safety and accessibility.

In 2014, the City, through the Toronto Strong Neighbourhoods Strategy 2020, adopted a new method for identifying targeted improvement areas, applying a Neighbourhood Equity Score and Neighbourhood Equity Benchmark to the City’s 140 geographic neighbourhoods. As a result, a new set of targeted areas was identified, now referred to as Neighbourhood Improvement Areas. The spotlight created by targeted investment allows for the focusing of community development and social service resources for programs, community projects, employment initiatives, and new facilities.

The Toronto Official Plan (section 2.3.1) states that in priority neighbourhoods, revitalization strategies should address such matter as:
- Improving local parks, transit, community services and facilities
- Improving the public realm, streets, and sidewalks
- Improving the quality of existing housing, or building a new range of housing
- Identifying opportunities for capital or operational funding
- Identifying partnerships and mechanisms to stimulate neighbourhood investment and a revitalization strategy
9. DIRECTORY OF KEY RESOURCES

LEGISLATION
PROVINCIAL (Ontario)
Provincial Policy Statement
http://www.mah.gov.on.ca/Page10679.aspx

Places to Grow
https://www.placetogrow.ca/index.php?option=com_content&task=view&id=9&Itemid=14

Ontario Planning Act

MUNICIPAL (Toronto)
City of Toronto Act
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06c11_e.htm

Toronto Official Plan
http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD

Toronto Zoning By-law
http://www.toronto.ca/zoning/index.htm

PLANNING FRAMEWORKS
COMMUNITY IMPROVEMENT PLANS
Ministry of Municipal Affairs and Housing: What is a zoning bylaw?
http://www.mah.gov.on.ca/Page1758.aspx

Ministry of Municipal Affairs and Housing: Community Improvement Planning Handbook
http://www.mah.gov.on.ca/Page1297.aspx

Ontario Planning Act: Section 28
https://www.ontario.ca/laws/statute/90p13#BK49

REGENERATION AREAS
Section 4.7: Toronto Official Plan
http://www1.toronto.ca/planning/chapters1-5.pdf

EMPLOYMENT AREAS
City of Toronto: Employment Survey 2014
Part I: Legislation & Planning Frameworks

Invest Toronto
http://www.investtoronto.ca/

Invest in Toronto Business Incentives
http://www.investtoronto.ca/Appendices/AppendiceMasterPage/Incentives/Municipal-Incentives.aspx

Growth Plan for the Greater Golden Horseshoe
https://www.placestogrow.ca/index.php?option=com_content&task=view&id=9&Itemid=14

Toronto Official Plan
http://www1.toronto.ca/wps/portal/
contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD

Targeted Investment in Communities
Map of Priority Investment Neighbourhoods (2009)

City of Toronto: Map of Neighbourhood Improvement Areas:
http://www1.toronto.ca/City%20Of%20Toronto/Social%20Development,%20Finance%20&%20Administration/Shared%20Content/Strong%20Neighbourhoods/PDFs/TSNS%202020%20NIAs_v2.pdf

Strong Neighbourhood Strategies (Toronto)
http://www1.toronto.ca/wps/portal/
contentonly?vgnextoid=42653745ba9a9410VgnVCM10000071d60f89RCRD