

SECTION

37

Section 37 refers to the section of Planning Act which allows the City to ask for benefits to construct, fund or improve facilities when a development requires a Zoning By-law amendment. The City's Section 37 Guidelines identify a Development Threshold for proposed developments that fall within Section 37. The Development Threshold is a development that is at least 7,000 m² and the requested density represents a minimum 25% increase from the permitted as-of-right zoning (zoning at the time of application).

OTTAWA AND SECTION 37

As Ottawa grows, improvements to its community services and facilities are required to meet increasing needs. Section 37 of the Planning Act is a key planning tool available to the City to help ensure that new developments include vital investments to enhance community benefits. Section 37 allows the City to negotiate contributions towards community benefits for developments that seek to increase a site's permitted density by 25% or more. Unlike other municipal financing tools such as Development Charges,

Section 37 can provide benefits to the community in which the development is located. There must be a reasonable planning relationship between the proposed development and the community, as an increase in density can result in a higher number of demands on community facilities and amenities. Section 37 can offer greater flexibility and precision in securing direct and tangible benefits for local communities.

COMMUNITY BENEFITS

This term reflects the City's priority on providing public benefits within the local community in which the contributing development project is located. The increase in height and/or density is an incentive to the developer to provide community benefits at no cost to the City.

SETTING PRIORITIES

Communities in Ottawa can get involved by identifying local priorities established through collaboration with the Ward Councillor. The establishment of this partnership, along with community collaborations, can lead to the preparation of a localized assessment of Section 37 benefits for various neighbourhoods within each ward.

The Planning, Infrastructure and Economic Development department, along with others can help support these conversations by providing advice and expertise on community needs based on policies, local experience and applicable studies.

Once established, the list of local priorities can be used through the Development Review process to help determine appropriate Section 37 benefits to be required as part of a proposed development.

COMMUNITY BENEFIT PROVISIONS OR CASH CONTRIBUTIONS

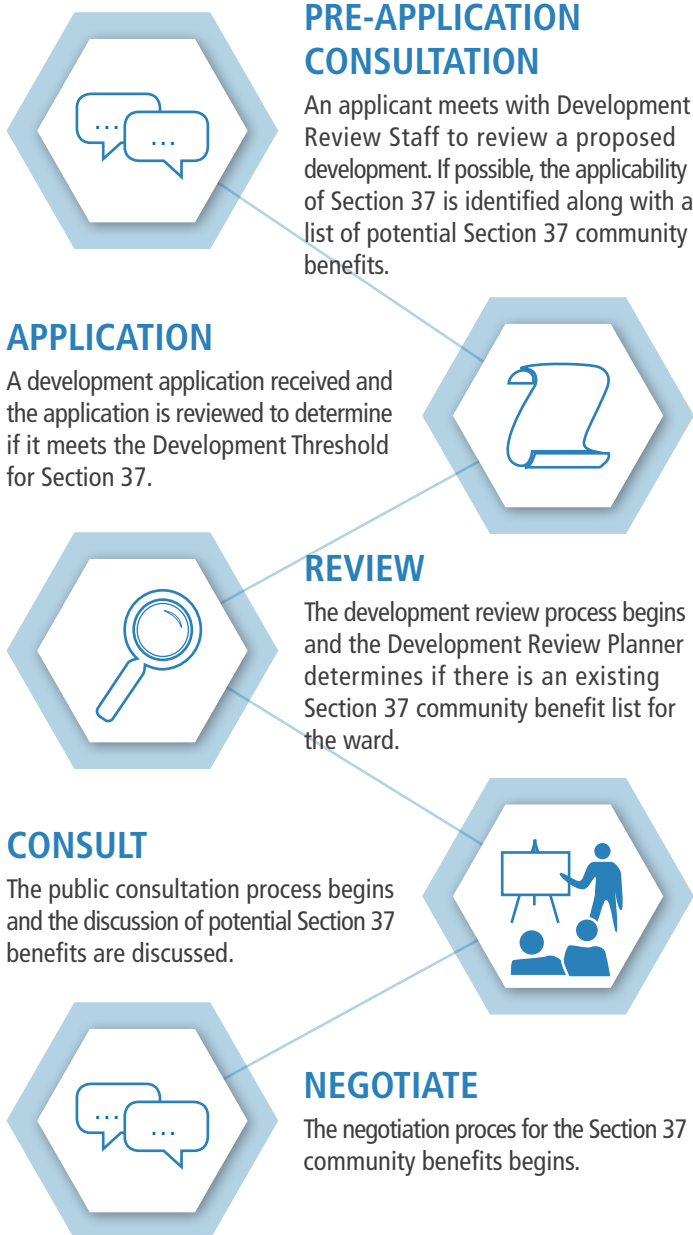
Section 37 benefits are secured by the City through two different methods, provisions and cash contributions.

1. Community benefit provisions occur when the developer agrees to directly provide on-site facilities, such as a day-care or build a community garden.

2. Cash contributions or payments occur when money is provided to the City to be used towards specific amenities or facilities. This happens instead of the developer being required to actually construct or provide these specific amenities or facilities. An example of amenities would be funds for affordable housing.

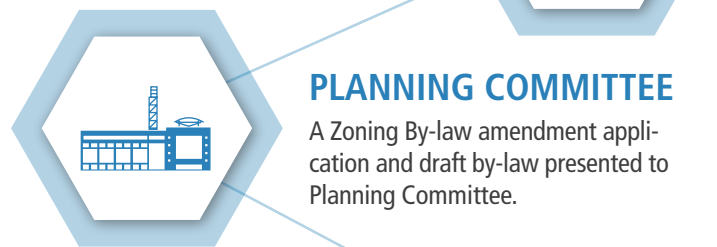
PLANNING COMES FIRST

Discussions around Section 37 benefits occur either at the pre-application consultation stage or upon receipt of an application. The application must meet all of the City's Official Plan policies and represent good planning. Section 37 is not a means to compensate for shortcomings in an application.



AGREEMENT

An agreement on Section 37 benefits is made.



COUNCIL

The application and proposed By-law to Council.



RECEIVED

The Section 37 benefit is received (at the very latest before an above-grade building permit is issued).

WHERE IS THE BENEFIT?

There is often a lag between when the City secures and receives a benefit as in some cases it can take years before an approved development submits an application for a building permit. Delays in receiving the benefit can also occur where large investments require the pooling of funds from multiple projects, such as large affordable housing projects.