



The Municipal Corporation of the Town of Fort Erie

By-law No. 79-2021

Being a By-law to By-law No. 222-2001 to Adopt Policies and Procedures for the Processing of Planning Applications (Waiving Development Fees for Non-Profit Organizations for the Creation of Affordable Housing

Whereas the *Planning Act*, R.S.O 1990, C.P.13 provides for the processing of planning applications, and

Whereas By-law No. 222-2001 was passed by the Municipal Council of the Town of Fort Erie on November 26th, 2001 to adopt the Policies and Procedures for the processing of planning and related applications, and

Whereas By-law No. 222-2001 was amended by By-law No. 77-2014 to include additional notification procedures for Secondary Plans and/or Town Initiated Zoning By-law Amendments, and

Whereas at the Council-in-Committee Meeting held on June 14, 2021 the Municipal Council of the Town of Fort Erie considered and approved Report No. PDS-45-2021 recommending that By-law No. 222-2001 be amended to include a policy for waiving development fees for non-profit organizations who build affordable housing units within the Town, and

Whereas it is deemed desirable to amend the Policies and Procedures for the processing of planning and related applications to include a policy for waiving development fees for non-profit organizations who build affordable housing units within the Town;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" to By-law No. 222-2001 is amended by inserting "Departmental Policy PL-A-10" immediately following "Departmental Policy PL-A-9", in the form attached as Schedule "A" hereto and forming part of this by-law.

- 2. That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 21st day of June, 2021.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 79-2021 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2021.

Schedule “A” to By-law No. 222-2001

PLANNING DEPARTMENT
DEPARTMENTAL POLICY

PL-A-10

Effective:

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Subject: Development Fee Waiver – Non-Profit Organizations

Policy

Require an agreement for all Council approved non-profit requests for waiving of all or certain development fees that result in the creation of affordable housing units.

Definition of Affordable Housing

Affordable Housing is the range of housing to be developed by the non-profit sector, and targets development of housing that costs less than or equal to “average market” rent or price.

In the case of rental housing, affordable is defined as a unit for which the rent is at or below the average market rent in the Town of Fort Erie. Average market rent or price will be determined based on the Canadian Mortgage and Housing Corporation (CMHC) annual average market rent and pricing data for the specific type of unit being developed (bachelor, 1-BR, 2-BR, etc). Where an annual average market rent price is not available for Fort Erie, the average market rent will be calculated based on the Region of Niagara average market rent or price data provided by CMHC.

Development Fees

Eligible development fees will include:

- Official Plan and/or Zoning By-law Amendment
- Consent and/or Minor Variance
- Site Plan Control
- Building Permit
- Development Charges

Procedure

- Upon receipt of a request for the relief of all or certain development fees by a non-profit organization, the Planning Department shall prepare an agreement with the non-profit organization ensuring the following:
 - The non-profit organization must partner with Niagara Regional Housing (NRH) or receive funding to create affordable units through the Canadian Mortgage and Housing Corporation (CMHC) to be eligible to receive exemptions for Development Charge Credits. This partnership must be for at least 50% of the units.
- Each additional unit (outside of NRH or CMHC subsidized units) where an exemption is being requested shall meet the definition of affordable as defined above.
- The additional units (outside of NRH or CMHC subsidized units) shall remain affordable for a minimum of 20-years.
- All units must be considered affordable as defined above in order to be eligible.
- The housing provider/owner must annually provide a statement to the Town of Fort Erie confirming that each unit remains affordable.
- The subject property shall not be in a position of tax arrears.
- Outstanding work orders for the Town's Fire Department or Building Division and requests to comply must be addressed prior to grant approval.
- Improvements made to the buildings or lands shall be made pursuant to a Building Permit and constructed in accordance with the Ontario Building Code and all applicable Zoning By-law requirements, Council approved design guidelines and any other necessary approvals.
- The agreement will be binding on the owner's heirs, successors and assigns.
- The agreement must be registered on title.
- If the housing provider/owner does not carry out its obligations under the agreement, the housing provider shall pay to the Town the entire amount of exemptions conveyed under the agreement, together with any applicable fees and interest.

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References

1. Report No. PDS-45-2021