

BY-LAW 78-21

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a By-Law to Establish Development Charges For the
Town of Aylmer

Whereas Section 2 of the Development Charges Act, 1997 (the “Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development;

And whereas a Development Charges Background Study has been completed in accordance with the Act;

And whereas Council has before it a report entitled “Town of Aylmer Development Charge Background Study” prepared by Watson & Associates Economists Ltd. dated October 15, 2021;

And whereas the Council of the Corporation of the Town of Aylmer has given notice of and held a public meeting on the 17th day of November 2021, in accordance with the Act and the regulations thereto;

Now therefore the Council of the Corporation of the Town of Aylmer hereby enacts as follows:

1. Definitions

In this by-law,

1. “Act” means the *Development Charges Act, 1997, c.27, as amended*;
2. “Administration service” means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the Development Charges Act, 1997, as amended;
3. “Accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

4. "Agricultural use" means a bona fide farming operation;
5. "Ancillary residential building" means a residential building or structure that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling;
6. "Apartment unit" means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;
7. "Attached dwelling" means a dwelling in a residential building which contains two or more dwelling units, which dwelling units have one or two vertical walls, but no other parts, attached to other dwelling units;
8. "Back-to-back townhouse dwelling" means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;
9. "Bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
10. "Benefiting area" means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
11. "Board of Education" means a board defined in s.s. 1(1) of the *Education Act*;
12. "Bona fide farm uses" means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;
13. "Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c.23, as amended*;
14. "Cannabis" means:

- a. Cannabis plant;
- b. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
- c. any substance or mixture of substances that contains or has on it any part of such a plant; and
- d. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

15. "Cannabis plant" means a plant that belongs to the genus Cannabis;

16. "Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

17. "Capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,

- a. to acquire land or an interest in land, including a leasehold interest;
- b. to improve land;
- c. to acquire, lease, construct or improve buildings and structures;
- d. to acquire, lease, construct or improve facilities including,
 - i. rolling stock with an estimated useful life of seven years or more,

- ii. furniture and equipment, other than computer equipment, and
 - iii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R. O. 1990, c. 57*, and
- e. to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
 - f. to complete the development charge background study under Section 10 of the Act;
 - g. interest on money borrowed to pay for costs in (a) to (d);
18. "Charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child, Youth and Family Services Act, 2017, S.O. 2017, C. 14, Sched. 1, a psychiatric facility under the Mental Health Act, R.S.O. 1990, c. M.7, long-term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12;
19. "Class" means a grouping of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the Development Charges Act;
20. "Commercial" means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;
21. "Condominium Act" means the Condominium Act, 1998, S.O. 1998, Chap. c. 19;
22. "Corporation" means the Corporation of the Town of Aylmer;

23. "Council" means the Council of the Town of Aylmer;
24. "Developer" means a person who undertakes development or redevelopment;
25. "Development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;
26. "Development Charge" means a charge imposed pursuant to this By-law with respect to growth related net capital cost;
27. "Dwelling Unit: means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
28. "Exemption" means that no development charge is payable;
29. "Existing" means the number, use and size that existed as of the date this by-law was passed;
30. "Farm building" means that part of a bona fide farming operation that is located upon land which is assessed and used for farm purposes encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
31. "Floor" does not include a storey;
32. "Floor above ground level" means any floor, the entire area of which is located below the lowest level at which the land upon which the building or structure stands abuts any land;
33. "Floor below ground level" means any floor the entire area of which is located below the lowest level at which the land upon which the building or structure stands abuts any land;
34. "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

35. "Group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit, supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under a general or special Act and amendments or replacements thereto, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;

36. "Growth-Related Net Capital Cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from new development in all or a defined part of the Town of Aylmer;

37. "Gross floor area" means:

- a. in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- b. in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - i. a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - ii. loading facilities above or below grade; and

- iii. a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;
38. "Hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
39. "Industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;
40. "Institutional" means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;
41. "Institutional development" means development of a building or structure, or portions thereof, intended for use;
- a. as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - b. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - c. by any of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - ii. a college or university federated or affiliated with a university described in subclause (i), or
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;

- d. as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - e. as a hospice to provide end of life care.
42. "Live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;
43. "Lawfully existing" means a building:
- a. that is not prohibited by a by-law passed under Section 34 of the Planning Act, or a predecessor of that section; or
 - b. that is a legal non-conforming use; or
 - c. that is allowed by a minor variance authorized under Section 45 of the Planning Act, or a predecessor of that section;
44. "Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any part or parts thereof;
45. "Local Services" means those services, facilities or things which are under the jurisdiction of the Town of Aylmer and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
46. "Lot" means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Town's Zoning By-law;

47. "Mixed-use" means land or buildings used or designed or intended to be used for a combination of non-residential development and residential development;
48. "Multiple dwellings" means all dwellings other than single-detached, semi-detached, and apartments;
49. "Municipality" means The Corporation of the Town of Aylmer;
50. "Net Capital Cost" means the capital cost less capital grants, subsidies and other contributions made to the Town of Aylmer or that the Council of the Town of Aylmer anticipates will be made, including conveyances or payments under the Planning Act, in respect of the capital cost;
51. "Non-profit housing development" means development of a building or structure intended for use as residential premises by:
- a. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
 - b. a corporation without share capital to which the Canada Not-for-Profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - c. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation;
52. "Non-residential use" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;
53. "Other multiple" means all residential units other than a single detached dwelling, semi-detached dwelling, or apartment dwelling including, but not limited to, row dwellings, back-to-back townhouse dwelling, and the residential component of live/work units;
54. "Official Plan" means the Official Plan plus amendments of the Town of Aylmer;

55. "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
56. "Place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990, Chap. A.31*, as amended, or any successor thereof;
57. "Planning Act" means the *Planning Act, 1990, R.S.O. 1990, c.P.13*, as amended;
58. "Prescribed index" means the price index as prescribed in the Regulation;
59. "Rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 30 days;
60. "Redevelopment" means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development;
61. "Regulation" means any regulation made pursuant to the Act;
62. "Rental housing" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
63. "Residential dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;
64. "Residential development" means land, buildings or portions thereof used, designed, or intended to be used as living accommodations for one or more individuals, and shall include a single detached dwelling, a semi-

- detached dwelling, a multiple dwelling, an apartment unit dwelling, an ancillary residential building, and the residential portion of a mixed-use building and "residential use" and "residential purpose" has the same meaning;
65. "Residential use" means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;
66. "Retirement home or lodge" means a residential building or the portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall, but do not include private culinary facilities and instead where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
67. "Row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
68. "School, private" means a private school defined under the *Education Act* or any successor thereto, being "an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of, or over compulsory school age in any of the subjects of the elementary or secondary school courses of study".
69. "Semi-Detached Dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;
70. "Service" means a service designed in Schedule "A" to this By-law, and "Services" shall have a corresponding meaning;

71. "Servicing Agreement means an agreement to provide municipal services by the Town of Aylmer pursuant to the provisions of section 51 of the Planning Act;
72. "Single Detached Dwelling" means a completely detached building containing only one dwelling unit and not attached to another structure;
73. "Zoning By-Law" means the Zoning By-Law of the Town of Aylmer or any successor thereof passed pursuant to Section 34 of the *Planning Act, S.O. 1998*.

2. Designation of Services and Classes of Services

2.1. The categories of services and classes of services for which development charges are imposed under this By-law are as follows:

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Fire Protection Services;
- (d) Policing Services;
- (e) Parks and Recreation Services;
- (f) Library Services (Facilities);
- (g) Growth Studies;
- (h) Wastewater Services; and
- (i) Water Services.

2.2. The components of the services and classes of services designated in section 2.1 are described in Schedule A.

3. Application of By-law Rules

3.1. Development charges shall be payable in the amounts set out in this By-law where:

- (a) the lands are located in the area described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

- 3.2. Subject to section 3.3, this By-law applies to all lands in the Town of Aylmer whether or not the land or use thereof is exempt from taxation under s. 3(1) or the *Assessment Act*.
- 3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:
 - (a) the Town of Aylmer or a local board thereof;
 - (b) a board of education;
 - (c) the Corporation of the County of Elgin or a local board thereof; or
 - (d) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

3.4. Approvals for Development

- (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
 - i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - ii. the approval of a minor variance under section 45 of the *Planning Act*;

- iii. a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - iv. the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - v. a consent under section 53 of the *Planning Act*;
 - vi. the approval of a description under section 50 of the *Condominium Act, R.S.O. 1990, Chap. C.26*, as amended, or any successor thereof; or
 - vii. the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

3.5. Exemptions

Rules with Respect to Exemptions for Intensification of Existing Housing or New Housing

Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
- (b) the creation of one or two additional dwelling units in an existing single detached dwelling, each of which contains a single dwelling unit, that are not attached to other buildings, as long as the gross floor area of the additional dwelling unit or units are less than or

equal to the gross floor area of the dwelling unit already in the building;

- (c) the creation of one additional dwelling unit in an existing semi-detached dwelling or row dwelling, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings, as long as the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;
- (d) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units;
- (e) the creation of one additional dwelling unit in any other existing residential building not identified in b) to d) above, as long as the additional unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building;
- (f) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

- 3.5.1 Notwithstanding subsection 3.5(b), development charges shall be imposed if the gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- 3.5.2 Notwithstanding subsection 3.5(d), development charges shall be imposed if the additional unit has a gross floor area greater than:
- a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

3.6. Rules with Respect to an Industrial Expansion Exemption

If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charges that is payable in respect of the enlargement is determined in accordance with the following:

- (a) Subject to subsection 3.8 (c), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
 - i. the gross floor area of the existing industrial building, or
 - ii. the gross floor area of the existing industrial building before the first enlargement for which:
 - i. an exemption from the payment of development charges was granted, or
 - ii. a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;
- (b) Subject to subsection 3.8 (c), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

- i. the gross floor area of the existing industrial building, or
- ii. the gross floor area of the existing industrial building before the first enlargement for which:
 - a) an exemption from the payment of development charges was granted, or
 - b) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- i. determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
 - ii. divide the amount determined under subsection (A) by the amount of the enlargement.
- c) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.8 (b), the cumulative gross floor area of any previous enlargements for which:
- i. An exemption from the payment of development charges was granted, or
 - ii. A lesser development charge than would otherwise be payable under this by- law, or predecessor thereof, was paid,
- pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

- d) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.7. For the purpose of section 3.6, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

Amount of Charges

Residential

- 3.8. The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings, or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.9. The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings, or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

- 3.9.1 Notwithstanding subsection 3.9 of this By-law, the following percentages of each service for non-residential development, as provided below, shall be imposed for the period of January 1, 2022 to December 31, 2026.

Service/Class of Service	January 1, 2022 to December 31, 2022	January 1, 2023 to December 31, 2023	January 1, 2024 to December 31, 2026
Services Related to a Highway	50%	75%	100%
Public Works (Facilities, Fleet and Equipment)	50%	75%	100%
Fire Protection Services	50%	75%	100%
Policing Services	50%	75%	100%
Parks and Recreation Services	50%	75%	100%
Library Services	50%	75%	100%
Growth Studies	50%	75%	100%
Wastewater Services	50%	75%	100%
Water Services	50%	75%	100%

3.10. Reduction of Development Charges for Redevelopment

Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within five years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.9 by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

3.11. Demolition or Removal of Temporary Buildings

(a) Where a lawfully existing temporary building or structure is demolished or removed in its entirety from the land on which it is located within 2 years from the date of issuance of the building permit for the construction, erection or placing of the building or structure at such location, the owner of the building or structure may submit a request to the Treasurer, for payment from the Town Growth Reserve Funds of the amount paid at issuance of the building permit toward all or part of the development charge payable under this by-law.

(b) A request by an owner for a refund of a development charges payment when approved shall be deemed to be a claim eligible for payment as of the time the request was received by the Treasurer for the purposes of this by-law.

Time of Calculation and Payment of Development Charges

- 3.12. Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.13. Notwithstanding subsection 3.12 development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with subsection 3.15 of this by-law, continuing on the anniversary of that date.
- 3.14. Notwithstanding subsections 3.12 and 3.13 development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of

first occupancy, and each subsequent instalment, including interest calculated in accordance with subsection 3.15 of this by-law, continuing on the anniversary of that date.

- 3.15. The annual interest rate to be imposed on developments proceeding with instalment payments subject to subsections 3.13 and 3.14 of this by-law, will be as provided in the Town's Interest Rate Policy.
- 3.16. Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.8 and 3.9 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest as per subsection 3.17. Where both planning applications apply, development charges under subsections 3.8 and 3.9 shall be calculated on the rates, including interest as provided in subsection 3.17, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.17. The annual interest rate to be imposed on developments of land resulting from the approval of a site plan or zoning by-law amendment subject to subsection 3.16 of this by-law, will be as identified in the Town's Interest Rate Policy.
- 3.18. Despite sections 3.12 to 3.17, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. Payment by Services

- 4.1. Despite the payment required under subsections 3.8 and 3.9, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. Indexing

- 5.1. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, beginning on January 1, 2022 and on each January 1 thereafter, in accordance with the prescribed index in the Act.

6. Schedules

- 6.1. The following schedules shall form part of this By-law:

Schedule A: Components of Services and Classes of Services Designated in Section 2.1

Schedule B: Residential and Non-Residential Development Charges

7. Conflicts

- 7.1. Where the Town of Aylmer and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 7.2. Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. Severability

- 8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. Repeal of Current D.C. By-law

9.1 By-law 29-17 is repealed as of 11:59 PM on December 31, 2021.

10. Date By-law in Force

10.1 This By-law comes into effect at 12:00 AM on January 1, 2022.

11. Date By-law Expires

11.1 This By-law will expire at 11:59 PM on December 31, 2026, unless it is repealed by Council at an earlier date.

READ A First, Second, and Third time this 15th day of December 2021.

MAYOR, Mary French

CLERK, Josh Brick

Authority: Council, Resolution 388-21
Staff Report Number: CAO 68-21
Staff Report Date: December 1, 2021
Public Hearing Date: November 17, 2021

**Schedule “A”
To By-law 78-21
Components of Services and Classes of Services Designated
in Subsection 2.1**

Town-wide D.C.-Eligible Services:

Services Related to a Highway

Roads and Related Infrastructure

Fire Protection Services

Fire Facilities

Fire Vehicles

Small Equipment and Gear

Policing Services

Police Facilities

Police Vehicles

Small Equipment and Gear

Parks and Recreation Services

Parkland Development, Amenities, and Trails

Recreation Facilities

Recreation Vehicles and Equipment

Library Services

Library Facilities

Water Services

Storage and Distribution Systems

Wastewater Services

Treatment Plants and Sewers

**Schedule “A”
To By-law 78-21
Components of Services and Classes of Services Designated
in Subsection 2.1**

Town-wide D.C.-Eligible Classes of Services

Growth Studies:

- Services Related to a Highway
- Policing Services
- Fire Protection Services
- Library Services (Facilities)
- Parks and Recreation Services
- Public Works
- Water Services
- Wastewater Services

Public Works:

- Services Related to a Highway
- Water Services
- Wastewater Services

Schedule "B"
To By-law 78-21
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Services Related to a Highway	2,871	2,515	1,762	1,129	1.60
Public Works (Facilities, Fleet and Equipment)	535	469	328	210	0.30
Fire Protection Services	1,352	1,185	830	532	0.75
Policing Services	710	622	436	279	0.39
Parks and Recreation Services	3,300	2,891	2,026	1,298	0.26
Library Services	245	215	150	96	0.02
Growth Studies	341	299	209	134	0.17
Wastewater Services	2,884	2,527	1,770	1,134	1.57
Water Services	2,298	2,013	1,411	904	1.25
Total	14,536	12,736	8,922	5,716	6.31