THE CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2024-036

DEVELOPMENT CHARGES BY-LAW

WHEREAS, Section 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended, (the Act), provided that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development to the area to with the By-Law applies;

AND WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley has undertaken and adopted the recommendations of a Study entitled "Township of Drummond/North Elmsley Development Charges Background Study", dated September 19, 2024;

AND WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley has given notice of and held a public meeting on the 22nd of October 2024 in accordance with the Act and the regulations thereto;

AND WHEREAS, the Council of the Corporation of the Township of Drummond/North Elmsley has indicated its intentions to pass a By-law under the *Development Charges Act*, 1997, as amended, and to impose development charges on land subject to development or redevelopment within the geographical limits of the Township of Drummond/North Elmsley, as hereinafter provided;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Drummond/North Elmsley exacts as follows:

PART 1
DEFINITIONS

1. For the purposes of the By-law, the definitions and interpretations given in this Section shall apply:

   (1) **Act** "the Act," or the "*Development Charges Act, 1997*", shall have the same meaning and shall mean the Development Charges Act, 1997, S.O. 1997, c.27, and all regulations made hereunder.

   (2) **Affordable Residential Unit** shall mean a Residential Unit that meets the criteria set out in the Act.

(3) **Agricultural Use** shall mean the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, maple syrup projection; and associated on-farm buildings and structures, including but not limited to livestock facilities and manure storages, excluding:

(a) Residential uses;
(b) On-farm diversified uses;
(c) Cannabis Production Facilities;
(d) Greenhouse

(4) **Ancillary Residential Use** shall mean a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Row dwelling.

(5) **Attainable Residential Unit** shall mean a residential unit that meets the criteria set out in the Act.

(6) **Bedroom** means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen.

(7) **Board of Education** has the same meaning as set out in the *Education Act*, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof.

(8) **Bona Fide Farm Uses** shall mean the proposed development that 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.

(9) **Building** shall mean a permanent enclosed structure occupying an area greater than ten square metres (10 m^2) and, notwithstanding the generality of the foregoing, includes, but is not limited to:

(a) An above-grade storage tank;
(b) An air-supported structure;
(c) An industrial tent;
(d) A roof-like structure over a gas-bar or service station; and
(e) An area attached to and ancillary to a retail development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them

(10) **Building Code Act** shall mean the *Building Code Act*, S.O. 1992, as amended, or any successor thereof.

(11) **Cannabis** shall mean:

(a) 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.

(12) **Cannabis Plant** shall mean a plant that belongs to the genus "Cannabis"

(13) **Cannabis Production Facilities** shall mean a Building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, growing propagation, 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 but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

(14) **Capital Cost** shall mean 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, construct or improve facilities including,

(i) furniture and equipment other than computer equipment, and
(ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and

(e) rolling stock with an estimated useful life of seven years or more, andto undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By- law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related.

(15) **Commercial** shall mean 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.

(16) **Council** shall mean the Council of the Township of Drummond/North Elmsley.

(17) **County** shall mean the County of Lanark.

(18) **Development** shall mean 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 has the effect of increasing the size of usability thereof, and includes redevelopment.

(19) **Development Charge** shall mean a charge imposed with respect to this By-law.

(20) **Development Charge By-law** shall mean a by-law passed under Section 2 of the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended.

(21) **Dwelling Unit** shall mean one or more habitable rooms designed or intended to be used as a domestic establishment and in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants with a private entrance from outside the building or from a common hallway or stairway inside the building.

(22) **Education Act** shall mean the *Education Act*, R.S.O. 1990, c. E.2, as amended or any successor thereto.

(23) **Existing** shall mean the number, use, and size that existed as of the date this by-law was passed.

(24) **Farm Building** shall mean a building or structure associated with and located on land devoted to the practice of farming and that is used essentially for the housing of farm equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds and as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to that farming operation, including greenhouses, but excludes:

(a) a residential use, with the exception of a bunk house for seasonal farm workers required for that farm operation; and

(b) any building or portion thereof used or intended to be used for any other Non- Residential Use, including, but not limited to: retail sales; commercial services; restaurants; banquet facilities; hospitality and accommodation facilities; gift shops; contractors' shops; services related to grooming, boarding, or breeding of household pets; and alcohol and marijuana production facilities.

(25) **Grade** shall mean the average level of finished ground adjoining a building or structure at all exterior walls.

(26) **Green Energy Development** shall mean the development of Solar PV or Wind Turbine facilities for the purposes of electrical energy generation.

(27) **Greenhouse** shall mean the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other types of nursery stock for wholesale or retail purposes. Such use may also include the retail sale of greenhouse products customarily, incidental, subordinate, and exclusively, devoted to the principal use, located on the same lot therein. A retail space accessory to a greenhouse shall have a maximum retail floor area of 75 square metres.

(28) **Gross Floor Area** shall mean:

(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) outdoor loading facilities above 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, but does not include showrooms.

(29) **Hospice** shall mean 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.

(30) **Industrial** shall mean 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, self-storage facilities, or any land, buildings or structures used for an agricultural use.

(31) **Institutional** shall mean development of a building or structure intended for use:

(a) as a long-term care home within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Act, 2021;*

(b) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;

(c) by any institution of the following post-secondary institutions for the objects of the institution:

(i) a university in Ontario that receives direct, regular, and ongoing operation 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 Institute 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.

(32) **Live-work Unit** shall mean a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently and shares a common wall or floor with or without direct access between the residential and non-residential uses.

(33) **Local Board** shall mean 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.

(34) **Local Services** shall mean those services, facilities or things which are under the jurisdiction of the Township of Drummond/North Elmsley 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.

(35) **Long-term Care Home** shall mean a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Act*, 2021.

(36) **Maximum Interest Rate** shall mean on a particular date, the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank

in Canada, adjusted on the first business day of every January, April, July, and October, plus one percentage point.

(37) **Minimum Interest Rate** shall mean the interest rate of the Bank of Canada on the day the by-law comes into force, updated on the first business day of every January, April, July, and October.

(38) **Mixed Use Development** means a building that is used, designed, and/or designated to be used for both residential and non-residential purposes, including, but not limited to a Live-work Unit.

(39) **Municipality** means the Corporation of the Township of Drummond/North Elmsley.

(40) **Net Capital Cost** shall mean the capital cost less costs that benefit existing development, costs that benefit growth in the post forecast period embraced in the Development Charge calculations, costs ineligible for recovery through Development Charges, and capital grants, subsidies and other contributions made to the Township of Drummond/North Elmsley or that Council anticipates will be made, including conveyances or payments under sections 41, 50 and 52 of the *Planning Act*, R.S.O. 1990, as amended, in respect of the capital cost.

(41) **Non-profit Housing Development** shall mean the development of a building or structure intended for use as residential premises and developed by:

(a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary objective is to provide housing,

(b) a corporation without share capital to which the *Canada Not-for-profit Corporation Act* applies, that is in good standing under that Act and whose primary objective is to provide housing, or

(c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act, 2022*.

(42) **Non-Residential Use** shall mean development other than residential development as defined herein, and includes development for commercial and industrial uses.

(43) **On-Farm Diversified Use** shall mean a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business.

(44) **Owner** shall mean the owner of land or a person who has made application for an approval for development of land upon which a development charge is imposed.

(45) **Planning Act** shall mean the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successor thereto.

(46) **Prescribed** shall mean prescribed by Regulations made under the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended.

(47) **Redevelopment** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential.

(48) **Regulation** shall mean any regulation made pursuant to the Act.

(49) **Rental Housing** shall mean development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

(50) **Residential Dwelling** shall mean 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.

(51) **Residential Building** shall mean a building used or intended to be used for human habitation containing one or more dwelling units in which all domestic functions may be carried on including:

(a) **Accessory Dwelling** shall mean a single dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner such non-residential use or by a family of a person employed on the lot where such dwelling is located.

(b) **Apartment Unit** shall mean any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor. Despite the foregoing, an apartment dwelling includes Stacked Townhouse Dwellings.

(c) **Back-to-Back Townhouse Dwelling** shall mean a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area.

(d) **Converted Dwelling** shall mean a building originally designed as a single detached dwelling which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, non of which shall be located in the cellar of the dwelling, but which may be located partially in the basement.

(e) **Duplex Dwelling** shall mean a building that is divided horizontally into two dwelling units each of which has an independent entrance.

(f) **Mobile Dwelling House** shall mean a dwelling house that is designed, constructed and/or manufactured to provide a permanent residence, but

cannot meet the definition of a modular dwelling house, motor home, travel trailer, tent trailer or other trailer as defined under the Township's Zoning By-law. A Mobile Home shall be designed in accordance with the CSA-Z240 standard and shall only be permitted in a zone where it is clearly defined as a permitted use.

(g) **Modular Dwelling House** shall mean a dwelling house built in one or more major pieces/modules in a manufacturing facility and transported to the site where the unit is assembled on a foundation. The structure must have a CSA-A277 certification. For the purposes of this By-law, a modular dwelling house shall be deemed either a Single Detached Dwelling or constituent part of a Semi-Detached Dwelling, Rowhouse or Other Multiple Dwelling.

(h) **Other Multiple Dwellings** shall mean all dwellings other than Single-Detached, Semi- Detached, Apartment, and Special Care/Special Dwelling units.

(i) **Park Model Dwelling House** shall mean a manufactured dwelling designed and constructed in conformity with CAN/CSA-Z241. A Park Model Dwelling House shall only be used as seasonal dwellings.

(j) **Rowhouse** shall mean 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.

(k) **Row Townhouse** shall have the same meaning as a Row Dwelling.

(l) **Semi-Detached Dwelling** shall mean a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor.

(m) **Single Detached Dwelling** shall mean a residential building consisting of one dwelling unit and not attached to another dwelling unit above grade;

(n) **Temporary Seasonal Dwelling Unit** shall mean a dwelling unit that is removed within eight (8) months in any given calendar year.

(o) **Triplex Dwelling** shall mean a residential building that is divided horizontally into three dwelling units each of which has an independent entrance.

(p) **Special Care/Special Dwelling** shall mean a Building, or part of a Building:

- (i) containing two or more Dwelling Units which units have a common entrance from street level;
- (ii) where the occupants have the right to use, in common with other occupants, halls, stairs, yards, common rooms and accessory Buildings;
- (iii) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements;
- (iv) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and

attendant services are provided at any one or more various levels; and

(v) the residential building or the residential portion of a mixed-use building maintained and operated as a Long-term Care Home under subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*.

(vi) and includes, but is not limited to, Retirement Home or Lodge, Charitable Dwelling, Group Home (including a Correctional Group Home), Hospice, and Long-term Care Home.

(q) **Stacked Townhouse** shall mean a building, other than a Duplex, Row Dwelling, or Back-to-Back Townhouse, containing at least two or more dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade.

(52) **Retirement Home** shall mean a residential building or the residential 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 hail but 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.

(53) **Services** shall mean services designated in this by-law or an agreement made under the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended, as applicable.

(54) **Servicing Agreement** shall mean an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality.

(55) **Solar PV** shall mean electricity generation by a group of photovoltaic cells, typically arranged on a panel, which convert solar energy into electrical energy.

(56) **Temporary Structure** shall mean a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the gross floor area thereof for a continuous period not exceeding eight months.

(57) **Township** shall mean the area within the geographic limits of the Township of Drummond/North Elmsley.

(58) **Wind Turbine** shall mean a rotary engine that extracts energy from the flow of wind, converts it to mechanical energy by causing a bladed rota to rate, and further converts it to electrical energy through an electrical generator.

(59) **Zoning By-Law** shall mean the Zoning By-Law of the Township of Drummond/North Elmsley, or any successor thereof passed pursuant to section 34 of the *Planning Act*, S.O. 1998.

PART 2
APPLICATION

DESIGNATED AREA

2. The designated area within which Development Charges are imposed by this By- law are all lands and associated buildings and structures within the geographic territorial limits of the Township.

DESIGNATED TOWNSHIP SERVICES/CLASS OF SERVICES

3. The designated Township services/class of services for which Development Charges are imposed are those services identified in Schedule "A" to this By-law.

DESIGNATED USES

4. The uses of land, buildings or structures for which development charges are hereby imposed are as follows, and are also as set out in Schedule "B" attached to and forming part of this By-Law, as defined in Section 1 of this by-law, pertaining to the following types of developments:
   (a) Residential;
   (b) Non-Residential; and
   (c) Green Energy.

Development Charges Applicability

5. The Development Charges established by this By-law shall apply to all residential and non-residential development within the Township where the development of the land would increase the need for services and the development requires:

   (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
   (b) the approval of a minor variance under section 45 of the *Planning Act*;
   (c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
   (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
   (e) a consent under section 53 of the *Planning Act*;
   (f) 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
   (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

   5.1 Where two or more of the actions described in Subsection 4 (a) to (g) are required in order to develop land, only one development charge shall be calculated and collected in accordance with the provisions of this By-Law.

   5.2 Notwithstanding Subsection 4.1, if two or more of the actions described in Subsection 4 (a) to (g) occur at different times, and if the subsequent action has the effect of increasing the need for all or some of the services designated in Schedule "A", an additional development charge shall be calculated and collected in accordance with the provisions of this By-law.

6. This By-law shall not apply to lands, buildings or structures that are owned by and used for the purposes of:
   (a) The Corporation of the Township of Drummond/North Elmsley or any board thereof; or
   (b) The County of Lanark or any local area municipality thereof and any boards thereof.

7. For the purposes of the Residential charge, only Development or Redevelopment for the purpose of creating a new dwelling or dwellings shall be subject to the provision of this By-law.

8. For the purposes of the Non-Residential charge, only Development or Redevelopment for the purpose of creating new Gross Floor Area shall be subject to the provision of this By-law.

9. No Development Charge may be imposed with respect to:
   (a) local services installed at the expense of the owner within a plan of subdivision as a condition of approval under Section 51 of the *Planning Act*, R.S.O. 1990, P.13;
   (b) local services installed at the expense of the owner as a condition of approval under Section 50 of the *Planning Act*, 1990, R.S.O. 1990, P.13; or
   (c) local connections to water mains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a By-law passed under Section 204 of The *Municipal Act*, 2001 S.O. 2001 c.25.

10. If an owner or a former owner has, before the coming into force of this By-law, paid all or any portion of a charge related to development pursuant to an agreement under Section 50, or 51 of the *Planning Act*, R.S.O. 1990, or a predecessor thereof with respect to land within the area to which this By-law applies, a credit for the amount of the charge already paid shall be granted within the calculation of the Development Charge applied under this By-law.

11. If an owner or former owner has, before the coming into force of this By-law, entered into an agreement subject to Section 50, or 51 of the *Planning Act*, R.S.O. 1990, or a predecessor therefore, which includes provisions for payment of the Development Charge related to development but said charge has not been paid, the provisions of the said agreement shall prevail to the extent of any conflict with this By-law.

12. Development Charges as set out in Part 3 of this by-law shall apply to residential and non-residential development but only as far as:
   (a) the growth-related net capital costs are attributable to that use; and
   (b) the growth-related net capital cost of each service is attributable to the service or standard of service being provided at the time the Development Charges are being calculated.

PART 3
DEVELOPMENT CHARGES

13. Amount of Charges

Residential

(a) The development charges described in Schedule "A" and 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, and the residential portion for a Live-Work unit, 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

(b) The development charges described in Schedule "A" and set out 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 the non-residential portion for a Live-Work unit, and calculated with respect to each of the services according to the Gross Floor Area of the non-residential use.

Green Energy

(c) The development charges described in Schedule "A" to this by-law in for green energy developments shall be as set out in Schedule "B", attached to, and forming part of this By-Law except that no charge shall apply as set out in Section 14 of this By-Law titled Exemptions.

The development charge for a green energy development shall be calculated based on the total generating capacity of the solar PV or wind turbine installation. The development charge for green energy developments with net generating capacities not equal to 500 kW shall be calculated on a prorated basis.

EXEMPTIONS

14. Notwithstanding Section 13 above, a Development Charge By-law shall not impose a Development Charge with respect to:
    (a) the Municipality and County, or a Local Board thereof;
    (b) a Board of Education;
    (c) The portion of a Place of Worship that is for worship;
    (d) Buildings or structures with a cemetery or burial ground;
    (e) Greenhouses; and
    (f) Bona Fide Farm Uses.

15. Notwithstanding Section 13(b) above, a Development Charge By-law shall not impose a Non-Residential Development Charge with respect to:
    (a) The first 3,000 square feet of G.F.A. of any Non-Residential Development. Non-Residential Development beyond 3,000 square feet of G.F.A. shall be charged the full Non-Residential Development Charge.

16. Exemption for Industrial Development
    (a) Notwithstanding any other provision of this by-law, no Development Charge is payable with respect to an enlargement of the Gross Floor Area of an existing industrial building where the Gross Floor Area is enlarged by 50 percent or less, of the original Gross Gloor Area.

(b) If the Gross Floor Area of an existing industrial building is enlarged by greater than 50 percent, the amount of the Development Charge payable 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 percent of the Gross Floor Area before the enlargement;
   ii. divide the amount determined under subsection a) by the amount of the enlargement

For the purpose of section 15 herein, "Existing Industrial Building" is used as defined in the Regulation made pursuant to the Act

RESIDENTIAL INTENSIFICATION EXEMPTIONS

17. The following shall be exempt from payment of the Development Charges:
   (a) Affordable Residential Unit;
   (b) Attainable Residential Unit;
   (c) Affordable inclusionary zoning Residential Units
   (d) Non-Profit Housing units;
   (e) an enlargement to an existing dwelling unit;
   (f) A second residential unit in an existing detached house, semi-detached house, or rowhouse on a parcel of land on which residential use, other than Ancillary Residential Use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
   (g) A third residential unit in an existing detached house, semi-detached house, or rowhouse on a parcel of land on which residential use, other than Ancillary Residential Use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
   (h) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
   (i) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than Ancillary Residential Use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;

(j) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than Ancillary Residential Use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units;

(k) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or

(l) In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.

DISCOUNTS

18. The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:
    (a) Three or more bedrooms - 25% reduction;
    (b) Two bedrooms - 20% reduction; and
    (c) All other bedroom quantities - 15% reduction.

REDUCTION OF DEVELOPMENT CHARGES FOR REDEVELOPMENT/CONVERSION

19. 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 three (3) 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 section 13(a) 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 section 13(b), 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.

PART 4
ADMINISTRATION

TIMING OF CALCULATION OF PAYMENT

20. A Development Charge shall be calculated and payable in full in money or by provision of services as may be agreed upon by credit granted by the Act, on the date that the first Building Permit is issued in relation to a building or structure on land to which a Development Charge applies.

21. Where a Development Charge applies to land in relation to which a completed building permit has been submitted, the building permit shall not be issued until the Development Charge has been paid in full.

22. Notwithstanding sections 20 and 21, development charges for rental housing and institutional developments are due and payable in 6 instalments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest, payable on the anniversary date each year thereafter.

23. Where the development of land results from the approval of a Site Plan or Zoning By-Law Amendment received and approved between January 1, 2020, and June 5, 2024, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under section 13 shall be calculated on the Development Charges set out in Schedule "B" on the date of the planning application, including interest, based on the Maximum Interest Rate. Where both planning applications apply Development Charges under section 13 shall be calculated on the Development Charges set out in Schedule "B" on the date of the later planning application, including interest, based on the Maximum Interest Rate.

24. 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, where the approval of the application occurred on or after June 6, 2024, and the approval of the application occurred within 18 months of building permit issuance, the Development Charges under section 13 shall be calculated based on the Development Charges set out in Schedule "B" on the date of the planning application, including interest, based on the Maximum Interest Rate. Where both planning applications apply, development charges under section 13 shall be calculated on the Development Charges set out in Schedule "B", on the date of the latter planning application, including interest, based on the Maximum Interest Rate.

25. Notwithstanding sections 20 to 24, 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.

26. Interest for the purposes of sections 22 to 24 shall be determined as prescribed in the *Development Charges Act*, as amended from time to time.

RESERVE FUNDS

27. Monies received from payment of Development Charges shall be maintained in separate reserve funds for each of the services/class of services and shall be used only to meet the growth-related net capital costs for which the Development Charges provided for under this By-law are levied.

28. Income received from investment of the Development Charge reserve funds shall be credited to the Development Charge reserve funds for the designated Township service or class of service (per Section 3) of this By-Law) in relation to which the investment income applies.

UNPAID DEVELOPMENT CHARGES

29. Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

30. Where any unpaid Development Charges are collected as taxes under Section 29, the monies so collected shall be credited to the Development Charge reserve funds referred to in Section 27.

REPORTING

31. The Treasurer of the Corporation of the Township of Drummond/North Elmsley shall, on or before March 1st each year, prepare an annual financial statement for the development charges reserve funds as prescribed under Section 12 of Ontario Regulation 82/98 and shall submit the statement for Council's consideration.

OVERPAYMENT

32. Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of the Council of the Corporation of the Township of Drummond/North Elmsley, the Clerk of the Township of Drummond/North Elmsley shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

THE CORPORATION OF THE
TOWNSHIP OF DRUMMOND/NORTH ELMSLEY
BY-LAW NO. 2024-036

EFFECTIVE DATE

This By-law shall come into force and effect December 1st, 2024, for a term of ten (10) years.

READ a first, second and third time and finally passed this 26th day of November, 2024.

Steve Fournier, Reeve

Cathy Ryder, Clerk

33. Refunds that are required to be paid under Section 25 shall be paid with interest to be calculated as follows:
    (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
    (b) Interest shall be paid at the Bank of Canada rate in effect on the later of,
        (i) the date of enactment of this By-law, or
        (ii) the date of the last quarterly adjustment thereof, in accordance with the provisions of subsection (4) of the Act.

INDEXING OF DEVELOPMENT CHARGES

34. The Development Charges referred to in this By-law may be adjusted annually without amendment to this By-law, as of the First day of January in accordance with the Statistics Canada Quarterly, Construction Price Statistics, unless the Council determines to waive any part or all of such adjustment.

35. This By-law shall be administered by the Treasurer of the Corporation of the Township of Drummond/North Elmsley.

36. Notwithstanding any other provision of this By-law, where a completed building permit application has been lodged with the Township of Drummond/North Elmsley prior to the date of enactment of this By-law, the Development Charge in effect prior to the date of enactment of this By-law shall apply.

SCHEDULES

The following schedules to this By-law form an integral part of this By-law:

Schedule "A"	Designated Township Services and Class of Services Under This By-Law
Schedule "B"	Schedule of Residential and Non-Residential Development Charges

ULTRA VIRES

It is the declared intention of the Council of the Township of Drummond/North Elmsley that any section or part thereof or any Schedule or part thereof which may be held to be void or ineffective shall not be deemed to affect the validity of any other section or Schedule to this By-law.

THE CORPORATION OF THE
TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2024-036

SCHEDULE "A"

DESIGNATED TOWNSHIP SERVICES AND CLASS OF SERVICES UNDER THIS BY-LAW

Township-wide Services

1. Services Related to a Highway
2. Fire Protection Services
3. Policing Services
4. Parks and Recreation Services
5. Library Services
6. Waste Diversion

Township-wide Class of Services

1. Growth-Related Studies

THE CORPORATION OF THE
TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2024-036

SCHEDULE "B"
SCHEDULE OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES

Services/Class of Services	Residential					Green Energy (per 500kW generating Capacity)	Non-Residential (per sq.ft. of Gross Floor Area)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units		
Township-Wide Services:							
Services Related to a Highway	3,935	2,964	2,245	1,608	1,516	3,935	1.86
Fire Protection Services	102	77	58	42	39	102	0.05
Policing Services	4	3	2	2	2	4	0.00
Parks and Recreation Services	828	624	472	338	319	-	0.14
Library Services	703	529	401	287	271	-	0.12
Waste Diversion	168	127	96	69	65	-	0.08
Township-Wide Class of Services:							
Growth-Related Studies	395	297	225	161	152	395	0.15
Total Township-Wide Services/Class of Services	**$6,135**	**$4,621**	**$3,499**	**$2,507**	**$2,364**	**$4,436**	**$2.40**