

## THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### By-law No. 2009 -

Being a By-law to establish area-specific development charges for the Town of The Blue Mountains, Service Area 6 Lora Bay

**WHEREAS** Subsection 2(1) of the *Development Charges Act, 1997* provides 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 the development of the area to which the By-law applies;

**AND WHEREAS** Council has before it a report entitled "Lora Bay Service Area Development Charges Background Study, Town of The Blue Mountains", dated June 2009, prepared by Hemson Consulting Ltd. (the "Study").

**AND WHEREAS** Council gave notice to the public and held a public meeting pursuant to Section 12 of the Act on July 13, 2009, prior to which the Study and the proposed area-specific development charges By-law were made available to the public and Council heard comments and representations from all persons who applied to be heard (the "Public Meeting");

**AND WHEREAS** following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

**AND WHEREAS** Council has further considered the Study and the By-law in light of the further written representations received;

**AND WHEREAS** Council has provided notice of intent to enact the proposed area-specific development charges By-law;

**AND WHEREAS** by Resolution has adopted by Council on August 10, 2009, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met and further that Council has approved the Capital Programs contained in the Study;

**AND WHEREAS** by Resolution adopted by Council on August 10, 2009, Council has expressed its intention that excess capacity identified in the Study shall be paid for by development charges or other similar charges;

**AND WHEREAS** by Resolution adopted by Council on August 10, 2009, Council approved the Study and determined that no further public meetings were required under Section 12 of the Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:**

#### Definitions

1. In this By-law,

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c.27;

"agricultural use" means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, designed or intended to be used for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, bee keeping, dairying, fallow, field crops, fish farming, forestry, fruit farming, horticulture, livestock, market gardening, pasturage, poultry keeping, the growing, raising, packing, treating, storing, and sale of produce produced on the

premises, and other activities customarily carried on in the field of agriculture;

“air-supported structure” means an air supported structure as defined in the *Building Code Act*;

“board” means a board of education, public school board, secondary school board, Catholic school board, Protestant school board, or a board as defined in Subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2, as amended;

“building or structure” means a structure occupying an area greater than ten square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof including an air-supported structure, excluding a farm building;

“Building Code Act” means the *Building Code Act*, S.O. 1992, c.23, as amended, and all Regulations thereto including the Ontario Building Code, 1997, as amended;

“commercial conference centre meeting space use” means land, buildings or structures used, designed or intended to be used for commercial meetings such as civic, educational, political, religious and social functions including convention centre and facility meeting space;

“commercial maintenance facility use” means ski lift facilities, service and maintenance facility related to a ski resort or service and maintenance facility related to a golf course;

“commercial recreational facility use” means land, buildings or structures used, designed or intended to be used for commercial indoor recreational use excluding institutional public hall use;

“commercial restaurant use” means land, buildings or structures used, designed or intended to be used for the purpose of offering food or beverages for sale to the public for consumption and includes such uses as a restaurant, drive-in restaurant, drive-thru restaurant, take-out restaurant, dining room, lunch room, bake shop, cafeteria, coffee shop, ice cream parlour, snack bar, or tavern including related storage;

“commercial other use” means land, buildings or structures used, designed, or intended to be used for the purpose of an office, buying, selling, leasing and renting articles, commodities, goods, merchandise, substances or wares, including related storage or the supplying of services as distinguished from such uses as manufacturing or assembling of goods including all non-residential uses not otherwise defined and excluding commercial conference centre meeting space use, commercial maintenance facility use, and commercial restaurant use;

“commercial resort unit” means one room or a group of rooms in a building used or designed or intended to be used by one or more persons, as a single commercial accommodation unit within a commercial resort unit complex (i) in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; (ii) which has a private entrance from a common hallway or entrance either inside or outside the building; (iii) which is part of a rental or lease management program which consists of a minimum of ten such units in one building or group of buildings; (iv) which is not used or designated as a principal residence; and (v) which has been established to provide accommodation for gain or profit; but does not mean or include a residential dwelling unit, a hotel unit, a motel unit, an inn unit, a lodge unit, a dormitory unit, or a hostel unit;

“commercial resort unit with separate designated lock off unit” means a commercial resort unit having a single adjacent room or suite with a shared door in the common

wall between the main part of the unit and the adjacent room or suite, with a private entrance from the common hallway or entrance either inside or outside the building for each of the main part of the unit and the adjacent room or suite, with each of the main part of the unit and the adjacent room or suite designated as separate condominium units in accordance with a declaration and description, and where the gross floor area of the adjacent room or suite does not exceed 46.5 square metres;

“Council” means the Council of the Corporation of the Town of The Blue Mountains;

“development” means any use or proposed use in respect of land that requires one or more of the actions referred to in Section 7 of this By-law, including 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 or usability thereof, and includes redevelopment;

“development charge” means a charge imposed pursuant to this By-law;

“dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons, containing its own culinary facilities, or facilities for the installation of cooking equipment, and sanitary facilities;

“farm building” means a farm building as defined in the *Building Code Act*;

“Fire Services” includes, but is not limited to, rescue services and emergency services;

“floor” includes a paved, concrete, wooden, gravel, or dirt floor;

“grade” means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

“gross floor area” means the sum total of the total areas of all floors in a building or structure, whether at, above, or below-grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions;
- (b) excludes any parts of the building or structure used for the parking and loading of vehicles;
- (c) excludes the floor area of a hallway directly adjacent to a Commercial Resort Unit, a hotel unit or a motel unit; and
- (d) where a building or structure does not have any walls, the gross floor area of the building or structure shall be the total of the area of all floors, including the ground floor, that are directly beneath the roof of the building or structure;

“hotel unit” means one or more habitable rooms used, designed or intended to be used as a sleeping accommodation unit by one or more persons, and may be used by the travelling or vacationing public or for recreational purposes, but not containing its own culinary facilities;

“industrial other use” shall have the same meaning as the term “existing industrial building” in *Ont. Reg. 82/98* made under the Act excluding intensive industrial use;

“institutional church use” means land, buildings or structures used, designed, or intended to be used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;

“institutional public hall use” means land, buildings or structures used, designed or intended to be used for a non-commercial meetings and recreation including arena or community centre;

“institutional other use” means land, buildings or structures used, designed or intended to be used for a non-commercial purpose by any organization, group, or association for religious, charitable, education, health or welfare purposes excluding institutional public hall use and institutional church use;

“intensive industrial use” shall have the same meaning as the term “existing industrial building” in *Ont. Reg. 82/98* made under the Act where the use, due to the nature of its operation or materials used therein, would be considered obnoxious by reason of or emissions such as smoke, noise, dust, fumes, odours, or vibrations;

“local board” means municipal service board, municipal business corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any general or special act with respect to the affairs or purposes of the Town, but excluding a board, a conservation authority, any municipal business corporation not deemed to be a local board under *O. Reg. 168/03* made under the *Municipal Act, 2001*, S. O. 2001, c.25, and any corporation created under the *Electricity Act, 1998*, S. O. 1998, c. 15, Sch. “A”;

“mezzanine” means a mezzanine as defined in the *Building Code Act*;

“motel unit” means one or more habitable rooms used, designed or intended to be used as a sleeping accommodation unit by one or more persons, and may be used by the travelling or vacationing public or for recreational purposes, but not containing its own culinary facilities;

“non-residential use” means land, buildings or structures or portions thereof used, designed or intended to be used for a purpose other than for residential use;

“owner” means the owner of land or any person authorized by such owner to make one or more applications described in Section 7 of this By-law for the development of such land;

“other residential buildings” mean residential buildings not including single detached dwellings, semi-detached dwellings or row dwellings;

“private ski club lodge use” means base lodge associated with a private ski club resort that does not provide night skiing;

“protracted” means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months;

“Public Works” includes, but is not limited to, lands, buildings, structures, equipment and fleet;

“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, changing the use of a building or structure from residential to non-residential or from non-residential to residential or changing a building or structure from one type of residential development to another or from one type of non-residential development to another;

“residential use” means land, buildings or structures or portions thereof used, designed or intended to be used for human habitation as a home, residence or living accommodation for one or more individuals;

“Roads & Related Services” include, but are not limited to, land, bridges, culverts, structures, drainage ditches, highways, roadways, sidewalks, signal lights, storm sewers and street lights;

“Sanitary Sewage System Lora Bay” means all land, buildings, structures, works, facilities and things related to sanitary sewer services including, but not limited to, all works for the collection, transmission, treatment, and disposal of sewage in Service Area 6 Lora Bay;

“semi-detached dwellings or row dwellings” mean residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings;

“services” means services designated in this By-law including Schedule B to this By-law or in agreement under Section 44 of the Act, or both;

“Service Area” means lands in one of Service Areas 1 to 10 as shown on Schedule “A” to this By-law being service area 1 Craigleith, 2 Camperdown, 3 Castle Glen, 4 Swiss Meadows, 5 Reserved, 6 Lora Bay, 7 Clarksburg, 8 Osler, 9 Thornbury East, 10 Thornbury West and Service Area 11;

“Service Area 11” means all lands in the geographic area of the Town of The Blue Mountains that are not located in Service Area 1 to 10 inclusive as shown on Schedule “A” to this By-law;

“single detached dwellings” mean residential buildings, each of which contain a single dwelling unit, that are not attached to other buildings;

“temporary building or structure” means 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;

“Town” means the Corporation of the Town of The Blue Mountains, including the former Town of Thornbury and the former Township of Collingwood; and,

“Waterworks System Lora Bay” means all land, buildings, structures, works, facilities and things related to water services including, but not limited to, all works for the collection, production, treatment, storage, supply, transmission and distribution of water in Service Area 6 Lora Bay.

## Rules

2. For the purpose of complying with Section 6 of the Act:
  - (a) the area to which this By-law applies shall be the area described in Section 3 of this By-law;
  - (b) the rules developed under paragraph 9 of Subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 18, inclusive, and Section 28 of this By-law;
  - (c) the exemptions, partial exemptions and credits provided for by such rules shall be the exemptions, partial exemptions and credits set forth in Sections 19

through 26, inclusive, of this By-law, the indexing of charges shall be in accordance with Section 15 of this By-law, and there shall be no phasing in of development charges as provided in Subsection 17(1) of this By-law; and

- (d) the redevelopment of land shall be in accordance with the rules set forth in Section 23 of this By-law.

#### Lands Affected

- 3. (1) Subject to Subsection (2), this By-law applies to all lands in the geographic area of Service Area 6 Lora Bay of the Town, whether or not the land is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended. In addition to this By-law, lands in the Town may also be subject to Town-wide development charges By-laws.

(2) Buildings or structures located on lands as described in Schedule D are exempt only from the Water Distribution System Lora Bay sub-component and Sanitary Sewage System Lora Bay component of the development charges of this By-law.

#### Designation of Services

- 4. It is hereby declared by Council that all development within the area to which this By-law applies will increase the need for services.
- 5. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
- 6. Development charges shall be imposed for the following categories of services (refer to Schedule B) to pay for the increased capital costs required because of increased needs for services arising from development:
  - (a) Waterworks System Lora Bay and
  - (b) Sanitary Sewage System Lora Bay.

#### Approvals for Development

- 7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
  - (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*, R.S.O. 1990, c. C.26, as amended, or Section 9 of the *Condominium Act*, 1998, S. O. 1998, C. 19, as amended, or its predecessor 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*; or
  - (g) the issuing of a permit under the *Building Code Act*, 1992 in relation to a building or

structure.

8. No more than one development charge for each service designated in Section 6 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 Section 7 are required before the lands, buildings or structures can be developed.
9. Notwithstanding Section 8 and Section 13, if two or more of the actions described in Section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
10. Where a development requires an approval described in Section 7 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Section 7.
11. If a development does not require a building permit but does require one or more of the approvals described in Section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.
12. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or Section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require in accordance with the local service policies of the Town in effect at the time, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing , or inspection fees.

#### Basis for Calculation of Development Charges

13. The development charge with respect to the development of any land, buildings or structures shall be calculated as follows:
  - (1) in the case of residential development, or the residential portion of a mixed-use development, based upon the number of dwelling units and the Service Area in which the development occurs;
  - (2) in the case of commercial resort development, or the commercial resort portion of a mixed-use development, based upon the number of commercial resort units, the number of commercial resort units with separate designated lock off units, plus the gross floor area of the non-unit portion of the development, and the Service Area in which the development occurs;
  - (3) in the case of hotel or motel development, or the hotel or motel portion of a mixed-use development, based upon the number of hotel units or motel units, plus the gross floor area of the non-unit portion of the development, and the Service Area in which the development occurs;
  - (4) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development, the Service Area in which the development occurs, and the type of development; and,
  - (5) in the case of a type of development not described above, based upon the number of units and/or gross floor area portions of such development and the Service Area in which the development occurs.

### Amount of Development Charges

14. The amount of the development charge shall be imposed as follows:
- (1) the development charges described in Schedule C to this By-law shall be imposed on residential development 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 component of the mixed-use building or structure, calculated for each dwelling unit;
  - (2) the development charges described in Schedule C to this By-law shall be imposed on each commercial resort unit of any commercial resort development of land, buildings or structures, calculated for each commercial resort unit, except for each commercial resort unit with separate designated lock off unit;
  - (3) the development charges described in Schedule C to this By-law multiplied by one and one half times shall be imposed on each commercial resort unit with separate designated lock off unit of any commercial resort development of land, buildings or structures, calculated for each commercial resort unit with separate designated lock off unit;
  - (4) the development charges described in Schedule C to this By-law shall be imposed on each hotel or motel unit of any hotel or motel development of land, buildings, or structures, calculated for each hotel unit or motel unit;
  - (5) the development charges described in Schedule C to this By-law shall be imposed on the non-residential development of land, buildings, or structures and, in the case of a mixed-use building or structure, on the non-residential portion of the mixed-use building or structure, and calculated on the gross floor area of the non-residential and non-unit use based on the type of development; and,
  - (6) in the case of a type of development not described above, the development charges described in Schedule C, as the case may be, shall be imposed on the portions of the development.

### Indexing of Development Charges

15. The development charges set out in Schedule C hereto shall be adjusted without amendment to this By-law annually on January 1<sup>st</sup> in each year, commencing on January 1<sup>st</sup>, 2010, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".

### Special Provisions

16. Removed.

### Phasing, Timing of Calculation and Payment

17. (1) The development charges set out in this By-law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein, from the date this By-law comes into force.
- (2) Subject to Subsection (3), Subsection (4), Section 22, and Section 23, the development charge shall be calculated as of and shall be payable on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.
  - (3) Notwithstanding Subsection (2) the Waterworks System Lora Bay and Sanitary Sewage System Lora Bay services components of the development charges for

residential development and commercial resort development that require approval of a plan of subdivision under Section 51 of the *Planning Act* or a consent under Section 53 of the *Planning Act* and for which a subdivision agreement or consent agreement is executed by the owner shall be calculated and shall be payable immediately upon the owner executing the agreement, pursuant to Section 26 of the Act. The terms of such agreement shall then prevail over the other provisions of this section.

- (4) Notwithstanding Subsection (2) and Subsection (3), the Town may enter into an agreement, including the provision of security for the owner's obligations under the agreement, with an owner who is required to pay a development charge providing for all or any part of a development charge to be paid before or after it would otherwise be payable, pursuant to Section 27 of the Act. The terms of such agreement shall then prevail over the other provisions of this section.

#### Payment by Money or the Provision of Services

18. (1) Payment of development charges shall be by cash or by cheque.
- (2) In the alternative to payment by the means provided in Subsection (1), the Town may, by an agreement entered into with the owner under Section 38 of the Act, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
  - (a) if the Town and the owner cannot agree as to the reasonable cost of the work performed, the reasonable cost of the work shall be determined by the Town's Treasurer; and
  - (b) if the credit exceeds the amount of the charge for the service to which the work relates,
    - (i) the excess amount shall not be credited against the charge for any other service, unless the Town has so agreed in an agreement under Section 38 of the Act; and
    - (ii) in no event shall the Town be required to make a cash payment to the credit holder.
- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the local service policies of the Town in effect at the time.

#### Rules for Exemption Relating to the Creation of Additional Dwelling Units

19. This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only,
  - (1) of permitting the enlargement of an existing dwelling unit;
  - (2) of creating a maximum of two additional dwelling units in an existing single detached dwelling where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the dwelling unit already in the building;
  - (3) of creating a maximum of one additional dwelling unit in an existing semi-detached dwelling or row dwelling where 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;  
or

- (4) of creating a maximum of one additional dwelling unit in any existing other residential building where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.

#### Rules for Exemption Relating to Industrial Enlargement

20. (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable is the following:
  - (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and
  - (b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
- (2) For the purpose of this Section only the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in *Ont. Reg 82/98* made under the Act.
- (3) In this Section, for greater certainty in applying the exemption herein:
  - (a) the gross floor area of an existing industrial building shall be determined as of the date this By-law comes into force; and
  - (b) the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing building and the enlarged area is attached to existing industrial building and is used for or in connection with an industrial purpose as set out in Subsection 1(1) of *O. Reg. 82/98*. Without limiting the generality of the foregoing, the exemption in this Section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below grade connection such as a service tunnel, foundation, footing or a parking facility.
- (4) For the purpose of interpreting the definition of “existing industrial building” contained in *O. Reg. 82/98*, regard shall be had for the classification of the lands in question pursuant to the Assessment Act, R. S. O. 1990, c. A.31, as amended, and in particular: whether the lands fall within a tax class such that taxes on the land are payable at an industrial rate; and, whether more than 50% of the gross floor area of the building or structure on the land has an industrial property code for assessment purposes.

#### Categories of Exempt Uses

21. The following categories of uses are hereby designated as being exempt from the payment of development charges:
  - (1) land, buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
  - (2) lands, buildings or structures owned by and used for the purposes of a board and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31;
  - (3) buildings or structures used as public hospitals governed by the *Public Hospitals*

*Act*, R.S.O. 1990, c.P.40, as amended;

- (4) land, buildings or structures used for institutional church use and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
- (5) land, buildings or structures for agricultural use which do not receive municipal sanitary sewer or water supply services; and,
- (6) buildings or structures used for and devoted solely to accommodation of temporary or seasonal agricultural labourers which may contain their own culinary facilities and sanitary facilities and which do not receive municipal sanitary sewer or water supply services.

#### Temporary Buildings or Structures

- 22. (1) Subject to Subsections (2) and (3), temporary buildings or structure shall be exempt from the payment of development charges.
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- (3) Prior to the Town issuing a building permit for a temporary building or structure, the Town may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge required by Subsection (2) to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

#### Rules for the Redevelopment of Land

- 23. (1) Subject to Subsections (2), (3) and (4), where there is a redevelopment of land on which development charges or similar fees (lot levy, impost fee, or connection fee) have been paid in respect of municipal services provided to the land, and there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be, in the amount of the development charges pursuant to this By-law for those services for which previous charges or fees were paid.
- (2) A credit in respect of any demolition under this Section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the Town for the development within five years from the date the demolition permit was issued.
- (3) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the development.
- (4) For greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the building or structure or part thereof prior to the demolition or conversion would have been exempt pursuant to this By-law.

#### Rules for Partial Exemptions for Residential Development on Existing Lots

- 24. Where there is a residential development of land on which development charges or similar fees (lot levy, impost fee, or connection fee) have been paid in respect of

municipal services provided to the land, a credit in the amount of the development charges pursuant to this By-law for those services for which the previous charges or fees were paid shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law on a service by service basis.

#### Rules for Partial Exemptions for Non-Residential Development on Existing Lots

25. Where there is a non-residential development on land on which development charges or similar fees (lot levy, impost fee, or connection fee) have been paid for services, a credit in the amount of the previous charges or fees paid for those services shall be allowed against the development charges otherwise payable by the owner pursuant to this By-law.

#### Rules with Respect to Existing Agreements

26. If there is a conflict between this By-law and an agreement made between the Town and the owner or former owner of land before the coming into force of this By-law and the owner or former owner of the land agreed to pay all or a portion of a charge related to development under the agreement with respect to the land or provided services in lieu of payment, then the provisions of the agreement prevail over the By-law to the extent of the conflict. The extent of the conflict shall be determined on a service by service basis. Notwithstanding the allocation of total development charges within an existing agreement, the development charges may be reallocated by the Town to services set out in this By-law.

#### Reserve Funds

27. (1) Development charge payments received by the Town pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of Subsection 5(1) of the Act.
- (2) Notwithstanding anything herein to the contrary, the Town may borrow money from a reserve fund and repay the amount used plus interest at a rate not less than the Bank of Canada rate updated on the first business day of every January, April, July, and October.

#### Interest

28. The Town shall pay interest on a refund under Subsection 18(3) and Subsection 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

#### Front Ending Agreements

29. The Town may enter into agreements under Section 44 of the Act.

#### Schedules

30. The following Schedules to this By-law form an integral part of this By-law.

Schedule A	Service Area Boundaries
Schedule B	Designated Services
Schedule C	Development Charges
Schedule D	Exempt Lands

By-law Registration

31. A certified copy of this By-law may be registered in the By-law register in the Land Registry Office against all land in the Town and may be registered against title to any land to which this By-law applies.

Date By-law Effective

32. This By-law comes into force on the date of passage.

Date By-law Expires

33. This By-law expires five years after the date on which it comes into force.

Repeal

34. By-law No. 2009-23 and any amendments made thereto is hereby repealed.

Headings for Reference Only

35. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

Severability

36. If, for any reason, any provision, Section, Subsection or paragraph of this By-law is held 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 or amended, in whole or in part or dealt with in any other way.

Enacted and passed this 10<sup>th</sup> day of August, 2009.

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Ellen Anderson, Mayor

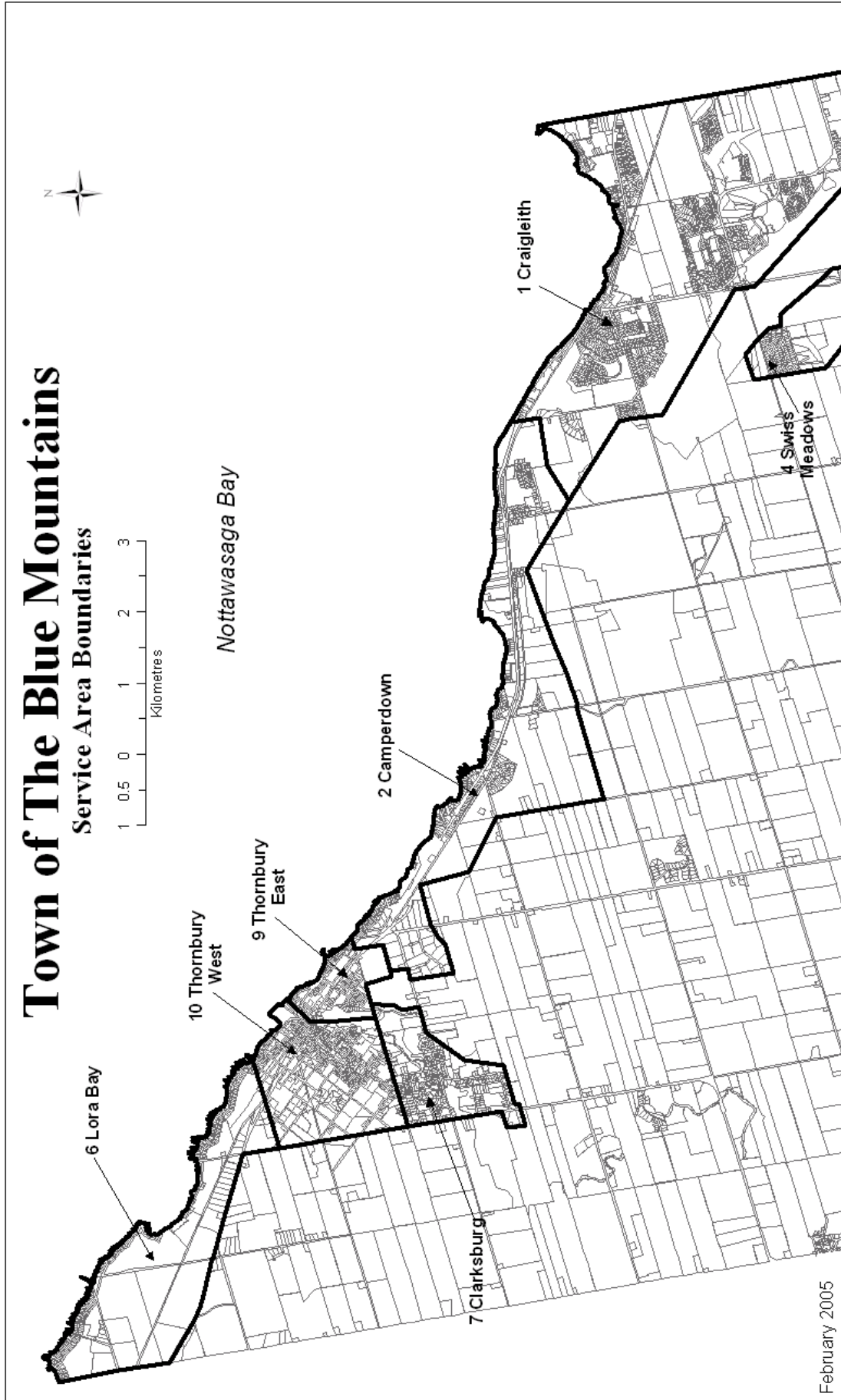
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Corrina Giles, Deputy Clerk

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 -

Schedule A - Map 1



February 2005

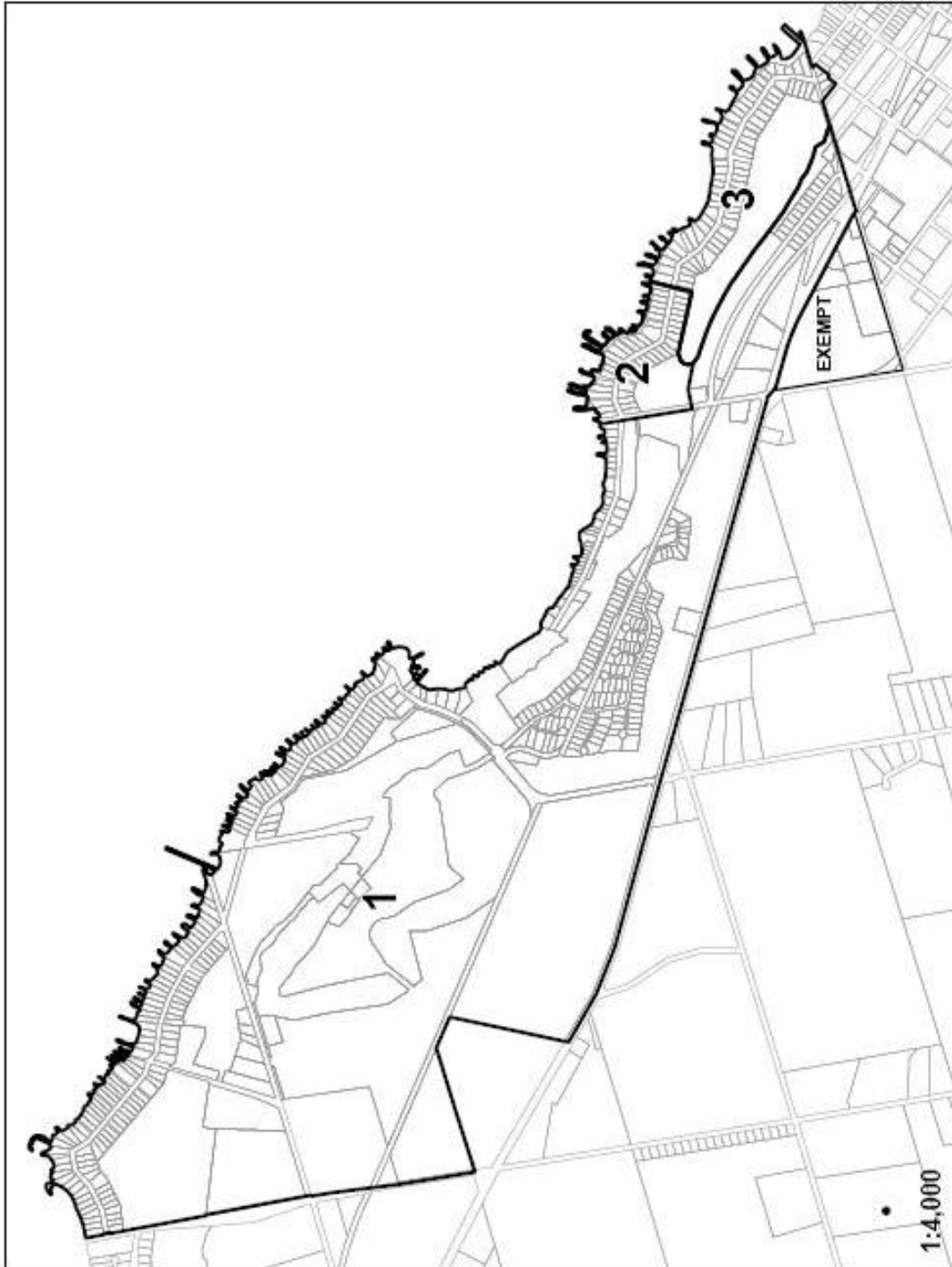
<b>Institutional</b>			
Institutional Public Hall or Church Use	\$9.35	\$8.27	\$17.62
Institutional Other Use	\$18.71	\$16.54	\$35.25

Notes:  
 (a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 -

Schedule A - Map 2



**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**By-law No. 2009 -**

**Schedule B**

Designated Services

Categories of Services

1. Waterworks System Lora Bay
2. Sanitary Sewage System Lora Bay

# THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

## By-law No. 2009 -

### Schedule C-1

<b>SERVICE AREA 1</b>			
<b>Development Charge Per:</b>	Sanitary Sewage Collection System	Waterworks System (a)	Total Charge
Residential Dwelling Unit - Charge Per Unit	\$5,552	\$5,334	\$10,886
Commercial Resort Unit - Charge Per Unit	\$5,552	\$5,334	\$10,886
Hotel and Motel Unit - Charge Per Unit	\$2,776	\$2,667	\$5,443
<b>Non-Residential Charge Per Square Metre of Gross Floor Area</b>			
<b>Commercial</b>			
Commercial Restaurant Use	\$34.70	\$33.34	\$68.04
Commercial Use	\$17.35	\$16.67	\$34.02
Commercial Recreational Facility Use	\$17.35	\$16.67	\$34.02
Commercial Maintenance Building Use	\$8.68	\$8.33	\$17.01
Commercial Conference Centre Meeting Space Use	\$8.68	\$8.33	\$17.01
Commercial Other	\$17.35	\$16.67	\$34.02
Private Ski Club Lodge Use	\$23.13	\$22.23	\$45.36
<b>Industrial</b>			
Intensive Industrial Use	\$34.70	\$33.34	\$68.04
Industrial Other Use	\$17.35	\$16.67	\$34.02
<b>Institutional</b>			
Institutional Public Hall or Church Use	\$8.68	\$8.33	\$17.01
Institutional Other Use	\$17.35	\$16.67	\$34.02

Notes:

(a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

# THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

## By-law No. 2009 -

### Schedule C-2

#### SERVICE AREA 2

<b>Development Charge Per:</b>	Sanitary Sewage Collection System	Waterworks System (a)	Total Charge
Residential Dwelling Unit - Charge Per Unit	\$7,336	\$1,467	\$8,803
Commercial Resort Unit - Charge Per Unit	\$7,336	\$1,467	\$8,803
Hotel and Motel Unit - Charge Per Unit	\$3,668	\$734	\$4,402
<b>Non-Residential Charge Per Square Metre of Gross Floor Area</b>			
<b>Commercial</b>			
Commercial Restaurant Use	\$34.70	\$33.34	\$68.04
Commercial Use	\$17.35	\$16.67	\$34.02
Commercial Recreational Facility Use	\$17.35	\$16.67	\$34.02
Commercial Maintenance Building Use	\$8.68	\$8.33	\$17.01
Commercial Conference Centre Meeting Space Use	\$8.68	\$8.33	\$17.01
Commercial Other	\$17.35	\$16.67	\$34.02
Private Ski Club Lodge Use	\$23.13	\$22.23	\$45.36
<b>Industrial</b>			
Intensive Industrial Use	\$34.70	\$33.34	\$68.04
Industrial Other Use	\$17.35	\$16.67	\$34.02
<b>Institutional</b>			
Institutional Public Hall or Church Use	\$8.68	\$8.33	\$17.01
Institutional Other Use	\$17.35	\$16.67	\$34.02

Notes:

(a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

# THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

## By-law No. 2009 -

### Schedule C-3

**SERVICE AREA 3**

<b>Development Charge Per:</b>	Sanitary Sewage Collection System	Waterworks System (a)	Total Charge
Residential Dwelling Unit - Charge Per Unit	\$7,399	\$1,460	\$8,859
Commercial Resort Unit - Charge Per Unit	\$7,399	\$1,460	\$8,859
Hotel and Motel Unit - Charge Per Unit	\$3,700	\$730	\$4,430
<b>Non-Residential Charge Per Square Metre of Gross Floor Area</b>			
<b>Commercial</b>			
Commercial Restaurant Use	\$34.70	\$33.34	\$68.04
Commercial Use	\$17.35	\$16.67	\$34.02
Commercial Recreational Facility Use	\$17.35	\$16.67	\$34.02
Commercial Maintenance Building Use	\$8.68	\$8.33	\$17.01
Commercial Conference Centre Meeting Space Use	\$8.68	\$8.33	\$17.01
Commercial Other	\$17.35	\$16.67	\$34.02
Private Ski Club Lodge Use	\$23.13	\$22.23	\$45.36
<b>Industrial</b>			
Intensive Industrial Use	\$34.70	\$33.34	\$68.04
Industrial Other Use	\$17.35	\$16.67	\$34.02
<b>Institutional</b>			
Institutional Public Hall or Church Use	\$8.68	\$8.33	\$17.01
Institutional Other Use	\$17.35	\$16.67	\$34.02

Notes:

(a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**By-law No. 2009 -**

**Schedule D**

Exempt Lands

Pursuant to Subsection 3(2), buildings or structures located on the following lands are exempt only from the Water Distribution System Lora Bay sub-component and Sanitary Sewage System Lora Bay component of the development charge of this By-law as they will require local service extensions to connect directly into the Thornbury Waterworks System and the Thornbury Sanitary Sewage System:

Roll No.	Property Description
42 42 000 015 00100	Conc X Pt Lot 35 RP 16R681 Part 2
42 42 000 015 00101	Conc X Pt Lot 35 RP 16R681 Parts 1 & 3
42 42 000 015 00200	Conc X Pt Lot 35 RP 16R4481 Parts 1 & 3
42 42 000 015 00201	Conc X Pt Lot 35 RP 16R2688 Part 2
42 42 000 015 00202	Conc X Pt Lot 35 RP 16R2688 Part 3
42 42 000 015 00203	Conc X Pt Lot 35 RP 16R4481 Parts 2 & 4
42 42 000 015 00210	Conc X Pt Lot 35 RP 16R1349 Part 1
42 42 000 015 00400	part of lands comprising parts of Lots 35 and 36,
42 42 000 015 00700	Concession X, in the Township of Collingwood
42 42 000 015 03100	(now the Town of The Blue Mountains) being Lots 72 to 125 of Minister's File No. 42T-80006 draft plan of subdivision as amended by the Ontario Municipal Board at a hearing on the 16 <sup>th</sup> day of April, 2004.