

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

BY-LAW NO. 2003-31

Being a by-law to require the conveyance of land for park or other public recreational purposes to the municipality as a condition of development or redevelopment

WHEREAS subsection 42 (1) of the Planning Act, Chapter P.13, R.S.O. 1990, as amended, enables the Council of a local municipality by by-law to require the conveyance of land for park or other public recreational purposes to the municipality as a condition of development or redevelopment of lands;

AND WHEREAS subsection 42 (6) of the Planning enables the Council of a local municipality by by-law to require the payment of money equal to the value of the land otherwise required to the municipality as a condition of development or redevelopment of lands;

AND WHEREAS it has been deemed expedient to pass a by-law to require a conveyance to the municipality in the amount not exceeding two (2) per cent of lands proposed for development or redevelopment for commercial or industrial purposes and in all other cases not exceeding five (5) per cent;

NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. In this by-law

"owner" means the owner of land or a person who has made authorized application for an approval for the development of land.

"Town" means the Corporation of the Town of The Blue Mountains.

2. As a condition of development or redevelopment of lands in the Town, the owner is required to convey to the Town, for park or other recreational purposes as follows:

- (a) up to two (2) per cent of lands proposed for development or redevelopment for commercial or industrial purposes
- (b) up to five (5) per cent of lands proposed for development or redevelopment for all other purposes not included in clause (a).


3. Notwithstanding paragraph 2. of this By-law, Council may require the payment of money to the Town by the Owner equal to the value of the lands required to be conveyed. The monetary value shall be determined as of the day before the date of issuance of a building permit in respect of the development or redevelopment, or where more than one building permit is required for the development or redevelopment, as of the day before the date of the issuance of the first building permit. The payment required to be made under this by-law shall be made prior to the issuance of a building permit for the land to be developed.


4. The following categories of uses are hereby designated as being exempt from the requirements of this by-law
- (1) lands, buildings or structures owned by and used for the purposes of the municipality and exempt from taxation under section 3 of the Assessment Act, RSO 1990. c.A.31 as amended
 - (2) lands, buildings or structures owned by and used for the purposes of a board as defined in subsection 1(1) of the Education Act, RSO 1990, c.E.2, as amended, and as exempt from taxation under section 3 of the Assessment Act RSO 1990. c.A.31 as amended
 - (3) buildings or structures used as public hospitals governed by the Public Hospitals Act, RSO 1990, c.P.40, as amended.
 - (4) land, buildings or structures used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the Assessment Act RSO 1990. c.A.31 as amended.
 - (5) Lands which have been made subject of parkland dedication under Section 51(25) or 53(15) of the Planning Act.
 - (6) Buildings or structures being replaced at the same size and bulk as a result of demolition or accidental loss.
6. All monies received shall be paid into the Parkland Reserve Fund.

Read a first and second time this 7th day of April, 2003.

Read a third time and passed this 7th day of April, 2003.

TOWN OF THE BLUE MOUNTAINS


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Ross Arthur, Mayor


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Stephen Keast, Clerk