

# REGIONAL DISTRICT OF NANAIMO

## BYLAW NO. 1557

### A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES WITHIN THE BARCLAY CRESCENT SEWER SERVICE AREA

WHEREAS the Board may, pursuant to Section 933 of the *Local Government Act*, impose development cost charges under the terms and conditions of that section;

AND WHEREAS development cost charges may be imposed for the sole purpose of providing funds to assist the Regional District to pay the capital cost of providing, constructing, altering or expanding sewage facilities and other associated works in order to serve, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS in establishing the development cost charges under this bylaw, the Board has considered the future land use patterns and development, and the phasing of works and services within the boundaries of the Barclay Crescent Sewer Service area;

AND WHEREAS the Board is of the opinion that the development cost charges imposed under this bylaw:

- (a) are not excessive in relation to the capital costs of prevailing standards of service;
- (b) will not deter development; and
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land,

within the Regional District of Nanaimo.

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

#### 1. INTERPRETATION

In this bylaw:

**"Building"** means any structure and portion thereof, including mechanical rooms, that is used or intended to be used for the purpose of supporting or sheltering any use or occupancy.

**"Commercial"** means the use of land or buildings for any retail, tourist accommodation, restaurant, personal or professional services, entertainment or recreational use, and any other business use than industrial or institutional use.

**"DCC"** means a development cost charge.

**“Dwelling Unit”** means a self-contained room or suite of rooms capable of use for year round residential occupancy, but does not include a secondary suite as defined in the British Columbia Building Code.

**“Gross Floor Area”** means the total of the horizontal areas of all floors in a building, including the basement measured to the outside of the exterior walls of the building, but not including any floor area used exclusively for vehicle parking or vehicle access, any basement area where the ceiling is less than 1.8 metres above the floor, exits, vertical service spaces, and their enclosing assemblies.

**“Industrial Use”** means the use of land or buildings for any manufacturing, processing, repair, storage, wholesaling or distribution of goods.

**“Institutional Use”** means use of land or buildings for a school, hospital, correctional facility or care facility, including seniors' residence where a minimum of 20 percent of the floor area of all buildings located on the parcel is operated under a license issued pursuant to the *Community Care Facility Act (British Columbia)*.

**“Lot”** means a parcel created by registration of subdivision under the *Land Title Act (British Columbia)* or the Bare Land Strata regulation under the *Strata Property Act (British Columbia)*.

**“Mobile Home”** means a dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture and includes mobile homes and modular homes which are either completely self contained or are incomplete, fastened together and completed on site.

**“Mobile Home Park”** means an unsubdivided parcel of land, not subdivided pursuant to the *Strata Property Act* and amendments thereto, to be used for the purpose of providing pads for the accommodation of 2 or more mobile homes, but specifically excludes a hotel.

**“Multi Residential”** means the residential use of land or a building for two or more dwelling units but does not include an institutional use.

**“Service Connection”** means an improvement which allows for the attachment of a building or a unit in a mobile home park to one or more public utilities.

**“Single Family”** means any building consisting of one dwelling unit, but excludes a mobile home.

**“Vertical Service Space”** means a shaft oriented essentially vertically that is provided in a building to facilitate the installation of building services including mechanical, electrical and plumbing installations and facilities such as elevators, refuse chutes and linen chutes.

## 2. CHARGES

- a) Except where prohibited by statute every person who obtains:
- i) approval of a subdivision for any purpose of a parcel of land under the *Land Title Act* or the *Strata Property Act* which creates fee simple or bare land strata lots which are zoned to permit no more than two dwelling units; or
  - ii) a building permit authorizing the construction, alteration or extension of a building or structure, including a building containing less than four self-contained dwelling units;
  - iii) for the purposes of Section 2(a)(ii), a building permit shall be considered to have a construction value in excess of \$50,000.00 where the value of construction proposed in respect of the parcel in the permit application under consideration, combined with building permits issued for the same parcel of land within the preceding two years, exceeds \$50,000.00;

shall pay, at the time of the approval of the subdivision or the issuance of the building permit, the applicable development cost charges as set out in Schedule 'A' attached to and forming part of this bylaw.

- b) The charges outlined on Schedule 'A' will apply to properties outlined on Schedule 'B', attached to and forming a part of this bylaw.
- c) The charges outlined on Schedule 'A' will be based on the actual use of the building not the zoning category of the property; and,
- i) where there is more than one use, each use is subject to the charge based on the actual use and there may be more than one category applied per building.
  - ii) mezzanines, storage or similar areas within a building are subject to development cost charges based on the same use that the majority area of the building contains.
  - iii) where a building is vacant and its future use cannot be determined, development cost charges are payable in accordance with the zoning category for the land upon which the building is situated.

## 3. EXCEPTIONS

- a) Section 2 does not apply to a subdivision or building in respect of which the imposition of a development cost charge is prohibited by statute.

- b) If by statute or by operation of law, this bylaw does not apply to an application to subdivide or an application for a building permit made prior to the adoption of this bylaw, any bylaw repealed by this bylaw shall remain unrepealed and in force and effect in relation to such applications, so far as is necessary to impose development cost charges under that bylaw at the time of subdivision approval or issuance of the building permit.
- c) Section 2 does not apply to the first dwelling unit constructed on a lot but applies to all subsequent residential units constructed.

4. **GRACE PERIOD**

The effective date of the rates contained within this bylaw will be 30 calendar days after the date of adoption.

5. **REMAINDER OF BYLAW TO BE MAINTAINED INTACT**

In the event that any portion of this bylaw is declared ultra vires, such portion shall be severed from this bylaw with the intent that the remainder of this bylaw shall continue in full force and effect.

6. **TITLE**

This bylaw may be cited for all purposes as "Barclay Crescent Sewer Service Area Development Cost Charges Bylaw No. 1557, 2009".

Introduced and given first and second readings this 24th day of February, 2009.

Read a third time this 26th day of May, 2009.

Approved by the Inspector of Municipalities this 6th day of July, 2009.

Adopted this 28th day of July, 2009.

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

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Chairperson

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Sr. Mgr., Corporate Administration

### SCHEDULE 'A'

#### Development Cost Charges for Sanitary Sewer Works and Services

1. Pursuant to Section 2 of this bylaw, development cost charges shall be levied in those areas outlined on the map attached hereto as Schedule 'B'.
2. The assist factor for sewerage collection works and services shall be 1%.
3. All charges shall be paid in full prior to the approval of a subdivision or building permit unless paid by way of installments in accordance with BC Reg 166/84.
4. The Development Cost Charge Schedule is as follows:

<b>Category</b>	<b>Subdivision</b>	<b>Building Permit</b>
Single family	\$1,059.16 per lot being created	\$1,059.16 per dwelling unit constructed
Multi residential		\$1,059.16 per dwelling unit constructed
Mobile Home Park	\$1,059.16 per service connection being created	\$1,059.16 per service connection being created
Institutional		\$4.77 per square meter of building gross floor area
Commercial		\$ 4.77 per square meter of building gross floor area

Chairperson

Sr. Mgr., Corporate Administration

### SCHEDULE 'B'

