

**DISTRICT OF LANTZVILLE
BYLAW NO. 154, 2018**

A Bylaw to Impose Development Cost Charges

WHEREAS the *Local Government Act*, section 559 authorizes Council to enact a bylaw to impose development cost charges for the purpose of providing funds to assist the District in paying the capital costs of providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities, and providing and improving parkland to service, directly or indirectly, developments for which the charges are imposed;

AND WHEREAS in establishing the development cost charges under this Bylaw, Council has considered future land use patterns and development; the phasing of works and services; the provision of park land described in the District's Official Community Plan; and how development designed to result in a low environmental impact may affect the capital costs of the infrastructure services for which the charges are imposed;

AND WHEREAS Council considers that the development cost charges imposed under this Bylaw are not excessive in relation to the capital cost of prevailing standards of service in the District; and will not deter development, discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or discourage development designed to result in a low environmental impact;

NOW THEREFORE the Council of the District of Lantzville in open meeting assembled enacts the following:

Interpretation

1.1 In this Bylaw,

“building permit” means a permit issued by a building official for the District authorizing the construction, alteration, or extension of a building or other structure;

“Commercial Use” means any use of land or buildings for retail, hotel, tourist and resort accommodation, office, personal or professional services, restaurant, recreation or entertainment and other uses engaged for commercial purposes, but does not include home-based business as accessory to residential use or a Congregate Care, Industrial or Institutional use as defined in this Bylaw;

“Congregate Care Use” means a building or other structure that is used or intended for use as

- (a) an assisted living residence, as defined by the *Community Care and Assisted Living Act*;
- (b) a community care facility with four or more sleeping units that provide residential accommodations to adults in addition to other services prescribed by the *Community Care and Assisted Living Regulation*;

and includes, but is not limited to, assisted living facilities, long-term care and nursing homes;

“dwelling unit” means a habitable self-contained unit with cooking, sleeping and sanitary facilities and a separate entrance that is used or intended to be used for a private residence, but does not include a Mobile Home, recreational vehicle or tent;

“District” means the District of Lantzville;

“gross floor area” means the gross floor area of a building or other structure calculated to the outside of the exterior walls, including floor areas over 1.8 metres in height, canopies with an occupancy or use, and parking structures as the principal use, but does not include stairwell and elevators exceeding one floor only, gas canopies, or the parking portions of a structure;

“Industrial” means any industrial use of land or buildings, including but not limited to uses of and related to co-generation, manufacturing, processing, assembling, fabricating, servicing, testing, repair, storing, transporting, warehousing; the distribution of goods, materials or things, wholesaling by distributing merchandise from the lot where it is sold, and accessory offices.

“Institutional” means the use of land or a building or other structure for a school, college, child care, hospital, library, museum, cemetery, crematorium, mausoleum, civic assembly, marina, jail or correctional facility, and similar purposes but does not include a Congregate Care Use;

“Mixed Use Building” means a building that contains one or more *dwelling units* in conjunction with any one or combination of Commercial, Institutional or Industrial use;

“Mobile Home” means a *dwelling unit* designed to be moved from time to time, which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connection of utilities, and some incidental assembly, and meets or exceeds Canadian Standards Association, Z-240 Standards, but excludes a recreational vehicle;

“Mobile Home Park” means an unsubdivided parcel of land, and not subdivided pursuant to the *Strata Property Act*, on which are situated three or more Mobile Homes for the purpose of providing residential accommodation, but excludes a hotel;

“Multiple Family Residential” means the use of land for a building consisting of two or more *dwelling units*, including for a Mobile Home Park, but does not include a Single Family Residential building with a secondary suite or a Congregate Care or Institutional use;

“residential subdivision” means a subdivision of land under the *Land Title Act* or under the *Strata Property Act* that creates parcels to be used for residential purposes, and includes a Mobile Home Park subdivision, but does not include a Multiple Family Residential building;

“Single Family Residential” means the residential use of a lot that contains one building for a single *dwelling unit*, but which may include a secondary suite;

- 1.2 Except as otherwise provided herein, this Bylaw is to be interpreted consistently with the *Local Government Act* and with the District’s *Zoning Bylaw*. A reference to a statute, regulation, bylaw or other enactment refers to that enactment as amended or replaced from time to time.
- 1.3 If any section, subsection, paragraph or phrase of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue to be valid and effective.

Development Cost Charges

- 2.1 Subject to sections 3 and 5, every person who obtains
- (a) approval of a *residential subdivision*, or
 - (b) a *building permit*,
- must pay to the District the applicable development cost charges in the amounts set out in Schedule A.
- 2.2 Without limiting the generality of section 2, a *building permit* includes a permit authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than four self-contained *dwelling units* that are only for a residential use and put to no other use than a residential use in those *dwelling units*.

Exceptions

- 3.1 A development cost charge is not payable:
- (a) for work authorized under a *building permit* that is valued at less than \$100,000; or
 - (b) where the imposition of such charge is prohibited by statute.

Time of Payment

- 4.1 Subject to the *Local Government Act* sections 511 and 568, as applicable, development cost charges under this Bylaw are assessed and payable at the following times:
- (a) in the case of a *residential subdivision*, at the time the application for subdivision is complete on its face and submitted, along with applicable fees, in a form acceptable to the approving officer for the District for processing approval;
 - (b) in other circumstances, at the time a building permit is issued,
- but may be paid by way of instalments in accordance with the *Development Cost Charge (Instalments) Regulation*, B.C. Reg. 166/84.

Calculation of Charges

- 5.1 Development cost charges under this Bylaw are calculated in accordance with Schedule A and are based on the actual use or combination of uses of the building, and not the zoning category of the property, subject to the following:
- (a) where there is more than one use, each use is subject to the development cost charge based on the actual use, and more than one development cost charge category may be applied per building;
 - (b) mezzanines, storage or similar areas within a building are subject to development cost charges based on the same use as that of the majority area of the building;
 - (c) where a building is vacant and its future use cannot be determined, development cost charges are determined by the zoning category for the land upon which the building is situated.

Schedules

6. The following Schedules are attached to and form part of this Bylaw:
Schedule A – Development Cost Charge Rates

Citation

7. This Bylaw may be cited as the “District of Lantzville Development Cost Charges Bylaw No. 154, 2018.”

Repeal

8. The “District of Lantzville Development Cost Charges for Water, Sewage, Drainage, Highway Facilities and Park Land Bylaw No. 52, 2006”, and all amendments thereto, are hereby repealed.

READ A FIRST TIME this 17th day of September, 2018.

READ A SECOND TIME this 17th day of September, 2018.

READ A THIRD TIME this 26th day of November, 2018.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES on the 23rd day of January, 2019.

ADOPTED this 28th day of January, 2019.

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

Director of Corporate Administration

SCHEDULE “A” DEVELOPMENT COST CHARGE RATES

Pursuant to this Bylaw, development cost charges apply at the following rates:

CATEGORY OF LAND USE	WATER \$	SEWAGE \$	DRAINAGE \$	HIGHWAY FACILITIES \$	PARK LAND \$	TOTAL \$
1. SINGLE FAMILY RESIDENTIAL Per lot created at subdivision or Per dwelling unit constructed	7,934.00	5030.00	1,374.00	1,868.00	1,494.00	17,700.00
2. MULTIPLE FAMILY RESIDENTIAL Per dwelling unit	6,281.00	3,982.00	975.00	1,140.00	1,183.00	13,561.00
4. CONGREGATE CARE Per sleeping unit	3,637.00	2,305.00	149.00	396.00	685.00	7,172.00
6. COMMERCIAL Per square metre of gross floor area authorized by building permit	20.00	13.00	3.00	70.00	N/A	106.00
8. INSTITUTIONAL Per square metre of gross floor area authorized by building permit	33.00	21.00	3.00	33.00	N/A	90.00
9. INDUSTRIAL Per hectare of gross site area authorized by building permit	33,060.00	20,957.00	22,906.00	24,869.00	N/A	101,792.00

10. MIXED USE BUILDING

The development cost charges applicable to issuing a building permit for the construction, alteration or extension of a mixed use building are as follows:

- (a) For the residential portion of the building, as set out in Sections 2 or 3 of this Schedule, as applicable [*Multiple Family*];

- (b) For the Congregate Care portion of the building, as set out in Section 4 or 5 of this Schedule, as applicable [*Congregate Care*];
- (c) For the Commercial portion of the building, as set out in Section 6 or 7 of this Schedule, as applicable [*Commercial*];
- (d) For the Institutional portion of the building, as set out in Section 8 of this Schedule [*Institutional*];
- (e) For the Industrial portion of the Building, as set out in Section 9 of this Schedule [*Industrial*].