

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1715

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES WITHIN THE NANOOSE BAY PENINSULA WATER 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 water facilities, including treatment plants, trunk lines, pump stations 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 Nanoose Bay Peninsula Water 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. CITATION

This bylaw may be cited as “Nanoose Bay Peninsula Water Service Area Development Cost Charge Bylaw No. 1715, 2014”.

2. INTERPRETATION

In this bylaw:

“Assisted Living Units” means a building or buildings used for multiple family residential use, where there may be common facilities and a cafeteria or eating area, but where residents are ambulatory and live in private rooms or units which can be locked and which are not automatically accessible to care staff.

"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 Use" means the use of land or buildings for any retail, tourist accommodation, restaurant, personal or professional services, commercial entertainment or commercial recreational use, and any other business use which is not an industrial or institutional use.

"DCC" means a development cost charge.

"Dwelling Unit" means one self-contained unit with a separate entrance intended for year-round occupancy, and the principal use of such dwelling unit is residential, with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

"Duplex" means a building containing two dwelling units on a lot.

"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.

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

"Institutional Use" means the use of land or buildings for any school, hospital, correctional facility, care facility, or for the purposes of a public body or publicly regulated utility, but does not include "assisted living" "senior living" uses.

"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)

"Low Density Multiple Family Residential" means a building or buildings containing three or more dwelling units on a lot where the total amount of units is between 3 and 25 units per hectare, which includes row housing, cluster housing, townhouses, apartment and "assisted living" uses.

"Medium Density Multiple Family Residential" means a building or buildings containing three or more dwelling units on a lot where the total amount of units is between 26 and 50 units per hectare, which includes row housing, cluster housing, townhouses, apartment and "assisted living" uses.

"High Density Multiple Family Residential" means a building or buildings containing three or more dwelling units on a lot where the total amount of units is greater than 50 units per hectare, which includes row housing, cluster housing, townhouses, apartment and "assisted living" uses.

"Single Family Residential" means a building containing one dwelling unit on a lot.

“Senior Living Units” means a building or buildings used for multiple family residential use, where there may be common facilities and a cafeteria or eating area, where meals are provided, housekeeping, and a common area where health care, skilled nursing, cultural, social and other services may be provided.

3. CHARGES

Every person who obtains:

- a) approval of the 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
- b) a building permit authorizing the construction, alteration or extension of a building, including a building containing less than four self-contained dwelling units and that will, after the construction, alteration or extension, be put to no other use other than the residential use in those dwelling units, or
- c) a building permit for any new floor area which has a construction value in excess of \$100,000.00 or where the total of the building permits issued for the same parcel of land within the preceding 2 years exceeds \$100,000.;

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.

4. The charges outlined on Schedule ‘A’ will apply to properties outlined on Schedule ‘B’, attached to and forming a part of this bylaw.
5. The charges outlined on Schedule ‘A’ will be based on the actual use of the building not the zoning category of the property; and,
 - a) 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.
 - b) 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.
 - c) 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.

6. EXCEPTIONS

- a) Section 3 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.

7. **EFFECTIVE DATE**

This bylaw will come into full force and effect 60 days from the adoption of the bylaw.

8. **SEVERABILITY**

In the event that any portion of this bylaw is declared invalid it shall be severed and the remainder of the bylaw shall continue in full force and effect.

9. **REPEAL**

On the effective date of this bylaw "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Bylaw No. 1088, 1997", and all amendments thereto are hereby repealed.

Introduced and read a first time this 30th day of September, 2014.

Read a second time, as amended, this 24th day of March, 2015.

Read a third time this 24th day of March, 2015.

Approved by the Inspector of Municipalities this 20th day of May, 2015.

Adopted this 26th day of May, 2015.

CHAIRPERSON

CORPORATE OFFICER

Schedule 'A' to accompany Nanoose Bay Peninsula Water Service Area Development Cost Charge Bylaw No. 1715, 2014

Chairperson

Corporate Officer

SCHEDULE 'A'

Development Cost Charges for Water Works and Services

1. Pursuant to Section of this bylaw, development cost charges shall be levied in those areas that will be serviced by water works and services as outlined on the map attached hereto as Schedule 'B'.
2. The assist factor for those 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:

Category	Subdivision	Building Permit
Single Family & Duplex	\$7,917.24 per lot being created; or	\$7,917.24 per residential unit constructed
Low Density Multi-Family	\$7,557.37 per residential unit permitted to be constructed under zoning; or	\$7,557.37 per residential unit constructed
Medium Density Multi-Family	\$6,837.62 per residential unit permitted to be constructed under zoning; or	\$6,837.62 per residential unit constructed
High Density Multi-Family	\$5,038.24 per residential unit permitted to be constructed under zoning; or	\$5,038.24 per residential unit constructed
Commercial		\$35.89 per square meter of building gross floor area
Industrial (all uses except Airport)		\$0.00 per square meter of building gross floor area
Institutional		\$17.99 per square meter of building gross floor area
Senior Living Units		\$3,977.56 per residential unit constructed

Schedule 'B' to accompany Nanoose Bay Peninsula Water Service Area Development Cost Charge Bylaw No. 1715, 2014

Chairperson

Corporate Officer

