

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1547

*(Consolidated for convenience only up to and including .01)*

#### **A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES WITHIN THE SOUTHERN COMMUNITY 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 purpose of providing funds to assist the Regional District to pay the capital cost of providing, constructing, altering or expanding wastewater treatment 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 Southern Community 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 a structure that is used or intended for supporting or sheltering persons, animals, or property.

**"Campground"** means a site intended to be occupied for the accommodation of persons in their own recreational vehicles or tents; but excludes mobile home parks, hotels, or camps licensed under the *Community Care Facility Act*.

**"City"** means those parts of the City of Nanaimo outlined on Schedule 'B' attached to and forming a part of this bylaw.

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

**"Dwelling Unit"** means a self-contained room or suite of rooms capable of use for year round residential occupancy.

**"District"** means those portions of the District of Lantzville outlined on Schedule 'C' attached to and forming a part of this bylaw.

**"Gross Floor Area"** means the gross floor area of a building or structure calculated to the outside of the exterior walls, including floor areas over 1.8 meters in height, canopies with an occupancy or use, and parking structures as the principle use, with the following exemptions: stairwells and elevators exceeding one floor only, gas canopies and parking portion of a structure.

**"Industrial"** means use of land or buildings for the co-generation, manufacturing, processing, assembling, testing, servicing, repair, warehousing or distributing of goods, materials or things but specifically excludes commercial schools, financial institutions, furniture and appliance sales, recreational facilities, restaurants, retail of auto accessories and parts, veterinary clinics, gas stations, sales, service and rental of automobiles, boats, motorcycles, mobile homes, modular homes and recreational vehicles, lumber and building supply yards and car washes.

**"Institutional"** means use of land or buildings for a school, hospital, correctional facility or care facility, including seniors' residences 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)*.

**"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.

**"Park Model Trailer"** means a recreational unit that conforms to CAN/CSA Z-241 series of standards for park model trailers at the time of manufacture, with a width greater than 2.6 meters (8.53 feet) in transit mode and a maximum gross floor area of 50 square meters (538.2 square feet) when in setup mode.

**"Mobile Home Park"** means a site used or intended to be used for the purpose of providing pads for the accommodation of 2 or more mobile homes or park model trailers.

**"Multi-Family"** means the residential use of land or a building for two or more dwelling units but does not include an institutional use.

**"Public Utilities"** means utilities which are operated by the City of Nanaimo, District of Lantzville or Regional District of Nanaimo or are regulated under the *Utilities Commission Act*. Such utilities include a system, works, plant, equipment or services owned and operated by or for the City of Nanaimo, the District of Lantzville or the Regional District of Nanaimo, or by a corporation under an agreement with or under a franchise from the City of Nanaimo, District of Lantzville or Regional District of Nanaimo, or under a Federal or Provincial statute which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City of Nanaimo, District of Lantzville or the Regional District of Nanaimo, including but not limited to:

- (1) public transportation by bus or trolley coach or other vehicles;
- (2) production, transmission, delivery or furnishing of water, gas, electricity or communication to the public at large;
- (3) collection and disposal of sewage, garbage and other waste.

**"Recreational Vehicle"** means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6 meters (8.53 feet) in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the *Motor Vehicle Act*.

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

**"Single Family"** means any building consisting of one dwelling unit, but excludes a mobile home, recreational vehicle and/or tent.

## 2. **Charges**

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; or
- ii) a building permit authorizing the construction, alteration or extension of a building or structure (including a building containing two or three self-contained dwelling units);
- iii) for the purposes of Section 2(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 the appropriate Development Cost Charge in the amount and at the time as set out in Schedule 'A', which is attached to and forms a part of this bylaw.

3. **Mixed Use Buildings**

Where a proposed building is to be used for more than one class of use under this bylaw, the charge for each portion of the building used for a separate class of use shall be calculated separately, based upon the relevant charge in the schedule, and the total amount of those charges shall be payable upon issuance of a building permit for the construction, alteration or extension of the building.

4. **Exceptions**

- i) Where a building permit is issued for the construction, alteration or extension of a multi-family building the rates in Schedule 'A' will apply as set out in this bylaw provided that the total amount payable shall not be greater than the amount that would be obtained by multiplying the number of dwelling units created times the single family rate in Schedule 'A'.
- ii) 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.

5. **Areas Subject to Development Cost Charges**

The charges under this bylaw shall apply within the areas outlined on Schedules 'B' and 'C' to this bylaw.

6. **Collection of Charges**

- a) Where development cost charges under this bylaw are collected within the City of Nanaimo and/or the District of Lantzville, whether paid in full or by installments, the funds so collected shall be remitted to the Regional District by the 15<sup>th</sup> of the month following the month in which the charges were paid.
- b) Where charges have been paid by installments, the municipality shall provide to the Regional District a copy of the security at the same time it transfers funds under 6(a).

7. **Effective Date**

The effective date for the application of the rates contained within this bylaw will be the later of February 24, 2009 or the date upon which this bylaw is adopted by the Board of the Regional District of Nanaimo.

8. **Remainder of Bylaw to Remain 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.

9. **Repeal of Previous Bylaw**

"Regional District of Nanaimo Southern Community Sewer Local Service Area Development Cost Charge Bylaw No. 1020, 1996" and all amendments are hereby repealed, effective on the date that this bylaw is adopted.

10. **Title**

This bylaw may be cited for all purposes as "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2009".

Introduced and given first and second readings this 22nd day of April, 2008.

Read a third time this 8th day of July, 2008.

Rescinded at third reading this 13th day of January, 2009.

Introduced as amended and read three times this 13th day of January, 2009.

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

Adopted this 10th day of March, 2009.

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

Schedule 'A' to accompany "Southern Community Sewer Service Area Development Cost Charges Amendment Bylaw No. 1547, 2009".

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CHAIRPERSON

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CORPORATE OFFICER

### SCHEDULE 'A'



#### Development Cost Charges for Wastewater Treatment/Sanitary Sewer Works and Services

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

The Development Cost Charge Schedule is as follows:

Category	Subdivision	Building Permit
Single Family	\$2,951.37 per lot being created	\$2,951.37 per dwelling unit constructed
Multi-Family		\$17.40 per square meter of building gross floor area provided that no development cost charge for multi-family development shall exceed an amount calculated by multiplying the number of dwelling units created by \$2,951.37
Mobile Home Park	\$1,748.81 per service connection being created	\$1,748.81 per service connection being created
Commercial		\$17.66 per square meter of building gross floor area
Industrial		\$4.50 per square meter of building gross floor area
Campground		\$482.21 per service connection being created
Institutional		\$17.66 per square meter of building gross floor area



- Legend**
-  CITY OF NANAIMO DCC LSA
  -  MUNICIPAL / ELECTORAL AREA BOUNDARY

Chairperson \_\_\_\_\_ Corporate Officer \_\_\_\_\_

(Consolidated up to and including .01)

