

## TOWN OF VIEW ROYAL

### DEVELOPMENT COST CHARGES BYLAW NO. 1011, 2019

#### A Bylaw to Impose Development Cost Charges

---

##### WHEREAS:

- (a) Council may impose development cost charges under Section 559 of the *Local Government Act, as amended*;
- (b) Development cost charges may be imposed for the purpose of providing funds to assist the Town in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities, and providing and improving parkland, to service, directly or indirectly, the developments for which the charges are imposed;
- (c) Council, in establishing the development cost charges imposed by this bylaw, has considered:
  - i. future land use patterns and development,
  - ii. the phasing of works and services,
  - iii. the provision of park land described in the Town's official community plan; and,
  - iv. how development designed to result in a low environmental impact may affect the capital costs of infrastructure in the Town of View Royal;
- (d) Council is of the opinion that the development cost charges imposed by this bylaw:
  - i. are not excessive in relation to the capital cost of prevailing standards of service,
  - ii. will not deter development,
  - iii. will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land; and
  - iv. will not discourage development designed to result in a low environmental impact in the Town of View Royal;

**NOW THEREFORE** the Council of the Town of View Royal in open meeting assembled, enacts as follows:

##### TITLE

1. This bylaw may be cited as "Development Cost Charges Bylaw No. 1011, 2019".

## DEFINITIONS

2. In this bylaw:

***'Building Permit'*** means a permit authorizing the construction, alteration or extension of a building or structure, issued pursuant to the *Building Bylaw No. 786, as amended*.

***'Commercial'*** includes a building or structure that is not detached residential, multi-family residential or institutional, such as buildings or structures used or intended to be used to carry on one or more businesses, excluding a home occupation.

***'Detached Residential'*** means a residential lot or residential building that is used or intended to be used for no more than 2 dwelling units in accordance with the *Zoning Bylaw No. 900, as amended*.

***'Dwelling Unit'*** means one or more rooms which constitute a self-contained residential unit that is used or intended to be used by one household for living and sleeping purposes, and includes only one room equipped for the preparation of food and at least one bathroom, and specifically excludes transient accommodation.

***'Gross Floor Area'*** means the sum of the area of each floor of a building measured to the interior of the outside wall, excluding any rooms where the floor to ceiling height is not more than 1.5 m throughout, elevator shafts, rooftop enclosures for mechanical systems, and underground or concealed parking.

***'Institutional Use'*** includes a building or structure that is used or intended to be used for a civic use, public, school, or educational purpose, such as a hospital, indoor recreational facility, assembly hall, hospital, hostel, public utility use, or correctional or community care facility.

***'In-stream'*** means in reference to an application,

(a) not determined, rejected or withdrawn, and

(b) for which a person has:

- i. completed the application form;
- ii. paid the application fees; and
- iii. provided all the required supporting documentations

***'Manufactured Home Park'*** means the use of land for the purpose of providing sites or lots for the accommodation of three or more manufactured homes for a fee, rental or sales charge for the use of such space or individual manufactured home lot.

***'Mixed Use'*** means the use of land for more than one type of use in respect of which different development cost charges are payable under this Bylaw.

**'Multi-Family Residential'** includes a building or portion of building containing 3 or more dwelling units, such as apartments, rowhouses, townhouses, but does not include institutional uses.

**'Residential Subdivision'** includes a subdivision under the *Land Title Act, R.S.B.C. 1996, c. 250, as amended* or the *Strata Property Act, S.B.C. 1998, c. 43, as amended* that creates parcels that may be used for residential development, or a **manufactured home park** subdivision;

**'Town'** means the Town of View Royal.

## DEVELOPMENT COST CHARGES

3. A person who obtains:
  - (a) approval of a **residential subdivision**; or
  - (b) a **building permit** authorizing the construction, alteration, or extension of a building or structure;

shall pay to the Town the applicable development cost charge in the amount set out in Schedule A.

## EXCEPTIONS

4. A person shall not pay a development cost charge under Section 3 if the person is not required to pay development cost charge under another enactment, including the following situations:
  - (a) if the development does not impose new capital cost burdens on the Town;
  - (b) if a development cost charge has been previously paid for the same development, unless, as a result of further development, new capital cost burdens will be imposed on the Town;
  - (c) a **building permit** authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter, S.B.C. 2003, c. 26 as amended*;
  - (d) a **building permit** authorizes the construction, alteration or extension of a building where the value of the work authorized by the permit does not exceed \$50,000 or any other amount the Minister may prescribe; or,
  - (e) a **building permit** authorizes the construction, alteration or extension of self-contained **dwelling units** in which each unit is no larger in area than 29 square metres, and each **dwelling unit** is to be put to no other use other than residential use.

## TIMING OF PAYMENT

5. A person shall pay **development cost charges** in the following situations:

- (a) After application for a **residential subdivision** has been made, but no later than at the time of the final approval of the subdivision;
- (b) For all other cases, after a **building permit** application has been made, but no later than at the time of the approval the **building permit** has been issued;

unless the charges are equal to or greater than \$50,000 and paid by way of instalments in accordance with BC Regulation 166/84 as amended or replaced.

### **CALCULATION OF CHARGES**

6. The Town shall calculate the amount of development cost charges payable based on the following factors:
  - a. the applicable charges set out in Schedule A;
  - b. actual or probable use of the building; and
  - c. the applicable number of development units or development area.
7. If a building or structure is used or may be used for a **mixed use**,
  - a. the Town shall calculate the amount of development cost charges separately for each portion of the development based on the separate development class or use types; and
  - b. a person shall pay the sum of the charges payable for each development class or use.
8. For purposes of calculating the development cost charges for a **manufactured home park**, the Town shall consider each site or lot within a **manufactured home park** to be a **multi-family residential** unit.
9. If a type of development is not identified on Schedule A, or in the event of a vacant building where the actual or probable use is uncertain, a person shall pay the amount of development cost charges that shall be equal to the development cost charges that would have been payable for the most comparable type of development.
10. This Bylaw comes into effect on the date of adoption.

### **SCHEDULE**

11. The following schedule is attached to and forms part of this Bylaw:

Schedule A – Development Cost Charges Rates

**REPEAL**

12. Development Cost Charges Bylaw, 2001, No. 427 and all of its amendments shall be repealed, except in the case of applications which are **in-stream** as of the date of adoption of Development Cost Charges Bylaw No. 1011, 2019 and the projects are completed within one year of the date of adoption, which will be subject to Development Cost Charges Bylaw, 2001, No. 427 and its amendments until that time.
13. Development Cost Charges Bylaw, 2001, No. 427 and all of its amendments shall be repealed in its entirety one year from the date set out in section 10.

**READ A FIRST TIME** on the 19<sup>th</sup> day of March, 2019

**READ A SECOND TIME** on the 19<sup>th</sup> day of March, 2019

**READ A THIRD TIME** on the 19<sup>th</sup> day of March, 2019

**RECEIVED THE APPROVAL of the INSPECTOR OF MUNICIPALITIES** on the 3<sup>rd</sup> day of June, 2019

**ADOPTED** on the 18<sup>th</sup> day of June, 2019

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE A – DEVELOPMENT COST CHARGES RATES**

Development Class (Land Use)	Unit	Roads	Storm	Sanitary	Park Improvement	Park Acquisition	Total
Detached Residential	per dwelling unit	\$3,306	\$293	\$2,350	\$1,208	\$2,011	<b>\$9,167</b>
Multi-Family Residential	per dwelling unit	\$1,816	\$146	\$1,744	\$896	\$1,492	<b>\$6,095</b>
Commercial	per m <sup>2</sup> of Gross Floor Area	\$31.31	\$0.50	\$3.64	\$0.94	\$1.56	<b>\$37.94</b>
Institutional	per m <sup>2</sup> of Gross Floor Area	\$33.43	\$0.91	\$6.32	\$1.62	\$2.70	<b>\$44.99</b>