

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1839

**A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES
IN ELECTORAL AREA A FOR IMPROVING COMMUNITY PARK LAND**

WHEREAS pursuant to the *Local Government Act*, the Board of the Regional District may, by Bylaw, impose development cost charges;

AND WHEREAS in accordance with the *Local Government Act*, development cost charges may be imposed for the purpose of providing funds to assist in the Regional District in paying the capital cost of improving park land to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS the Regional District is authorized to construct the facilities for which development cost charges are imposed under this bylaw;

AND WHEREAS the Board of the Regional District has taken into consideration future land use patterns and development;

AND WHEREAS the Board of the Regional District considers that the development cost charges imposed by this bylaw:

- (a) are not excessive in relation to the capital cost of prevailing standards of service in the Regional District;
- (b) will not deter development in the Regional District;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Regional District; and
- (d) will not discourage development designed to result in a low environmental impact in the Regional District;

AND WHEREAS the Board has considered the charges imposed by this bylaw in relation to future land use patterns and development, the phasing of works and services described in the Official Community Plan for Electoral Area A, and how development designed to result in a low environmental impact may affect the capital costs of improving park land;

AND WHEREAS in the opinion of the Board, the charges imposed by this Bylaw are related to capital costs attributable to projects included in the Regional District's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan for Electoral Area A.

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 – GENERAL PROVISIONS

1.1 This Bylaw may be cited as the "Electoral Area A Community Parks Development Cost Charge Bylaw No. 1839, 2021".

1.2 This Bylaw is applicable to Electoral Area A of the Regional District and applies to all applications for subdivision and for issuance of a building permit for parcels located in Electoral Area A.

PART 2 - DEFINITIONS

2.1 For the purposes of this bylaw, words or phrases that are not included in this section shall have the meaning assigned to them in the Zoning Bylaw.

2.2 In this bylaw:

Board means the elected board of the Regional District.

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

Building Permit means any permit required by the Regional District that authorizes the construction, alteration or extension of a building or structure.

Duplex means two self-contained dwelling units-oriented side-by-side with separate ground level entrances and adjoined by a common wall.

Dwelling Unit means one self-contained unit contained within common walls 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.

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 or the requirements of the Chief Building Inspector, but specifically excludes recreational vehicles.

Multiple Dwelling Unit means a building containing three or more dwelling units for residential use which has its principal access from an entrance common to the dwelling units.

Regional District means the Regional District of Nanaimo.

Single Detached Dwelling means a building that contains one dwelling unit or, where permitted by the Zoning Bylaw, one dwelling unit and a secondary suite.

Structure means any construction fixed to, supported by, or sunk into land or water, excluding asphalt or concrete paving or similar surfacing of a parcel.

Zoning Bylaw means the Regional District of Nanaimo Zoning Bylaw for Electoral Area A.

PART 3 - DEVELOPMENT COST CHARGES

3.1 The Development Cost Charges set out in Schedule 'A', attached hereto and forming part of this bylaw, are hereby imposed on every person who obtains:

- a. approval of a subdivision of land under the *Land Title Act* or the *Strata Property Act* that creates two or more parcels on which the Zoning Bylaw permits the construction of a single detached dwelling or the placing of a mobile home;
- b. a building permit authorizing the construction of a single detached dwelling unit or the placing of a mobile home in a mobile home park; or
- c. a building permit authorizing the construction, alteration or extension of a duplex or multiple dwelling unit
- d. shall pay to the Regional District the development cost charge specified in Schedule 'A', attached to and forming part of this Bylaw.

3.2 For certainty, this bylaw imposes charges in respect of building permits authorizing the construction, alteration or extension of buildings that will, after the construction, alteration or extension, contain fewer than four self-contained dwelling units and be put to no other use than the residential use in those dwelling units.

PART 4 - CALCULATION OF APPLICABLE CHARGES

4.1 The amount of development cost charges payable in relation to a particular development shall be calculated using the applicable charges set out in Schedule 'A' of this bylaw.

4.2 Where a type of development is not specifically identified in Schedule 'A' the amount of development cost charges to be paid to the Regional District shall be equal to the development cost charges that are payable for the type of development that in the opinion of the Regional District's General Manager of Recreation and Parks Services imposes the most similar capital cost burden on the Regional District in respect of park land improvements.

4.3 In the case of a mixed-use development, development cost charges shall be calculated for the residential uses that are part of that development, in accordance with Schedule 'A' and the developer shall pay the sum of the development cost charges calculated for each residential development type.

PART 5 - EXEMPTIONS

5.1 Despite any other provision of this bylaw, a development cost charge is not payable if any of the following applies in relation to a development authorized by a building permit:

- a. the 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*;
- b. the permit authorizes the construction, alteration, or extension of self-contained dwelling units in a building, the area of each self-contained dwelling unit is no larger than 29m², and each dwelling unit will be put to no other use than residential use;
- c. the value of the work authorized by the building permit does not exceed \$50,000; or
- d. a development cost charge has previously been paid for the development unless, as result of further development, new capital cost burdens will be imposed on the Regional District.

PART 6 - EFFECTIVE DATE

6.1 This Bylaw shall come into force and effect on the date of adoption.


PART 7 - SEVERABILITY

7.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw remains valid.

Introduced and read three times time this 26th day of October, 2021.

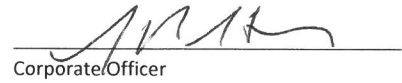
Approved by the Inspector of Municipalities this 3rd day of March, 2022.

Adopted this 12th day of April, 2022.


CHAIR


CORPORATE OFFICER

Schedule 'A' to accompany "Electoral Area A
Community Parks Development Cost Charge
Bylaw No. 1839, 2021"


Chair
Corporate Officer

SCHEDULE 'A'

Electoral Area A: Parks Development Cost Charge Rates

Land Use Category	Development Cost Charge Amount
Single Detached Dwellings including Mobile Homes	\$ 87 per Parcel
Duplexes, Mobile Homes in Mobile Home Parks and Multiple Dwelling Units	\$ 58 per Dwelling Unit