

CITY OF NANAIMO

BYLAW NO. 7069

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES FOR PARKLAND

WHEREAS the Council may, pursuant to Part 26, Division 10 of the *Local Government Act*, impose Development Cost Charges under the terms and conditions of that Division;

AND WHEREAS Development Cost Charges may be imposed for the sole purpose of providing funds to assist the municipality in paying the capital cost of providing, constructing, altering or expanding parkland, which serve directly or indirectly to the development in respect of which the charges are imposed;

AND WHEREAS Council has taken into consideration the matters set out in Section 934(4) of the *Local Government Act*,

AND WHEREAS in the opinion of Council the charges imposed by this Bylaw are:

- (1) related to capital costs attributable to projects involved in the capital budget of the municipality;
- (2) related to capital projects consistent with the Official Community Plan of the municipality;

THEREFORE BE IT RESOLVED the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "PARKLAND ACQUISITION DEVELOPMENT COST CHARGE BYLAW 2008 NO. 7069".

2. 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 <i>Community Care Facility Act</i> . |
| "City" | means the City of Nanaimo. |

| | |
|------------------------|---|
| "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. |
| "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 metres 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 as set out in the list of permitted uses in the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" for the I-1, I-2, I-3, I-4 zones, with the following exceptions; offices, commercial schools, financial institutions, furniture and appliance sales, injury management centres, recreational facilities, restaurants, retail auto accessory and parts, veterinary clinics, and the independent office uses set out in section 11.2.1 of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000". |
| "Institutional" | means use of land or buildings for a school, hospital, correctional facility or care facility, including seniors' residence 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 <i>Community Care Facility Act (British Columbia)</i> . |
| "Lot" | means a lot as defined in Section 4.1 of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000". |
| "Mobile Home Park" | means a mobile home park as defined in Section 4.1 of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000". |
| "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 public utilities as defined in Section 4.1 of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000". |
| "Recreational Vehicle" | means a recreational vehicle as defined in Section 4.1 of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000". |
| "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. |

3. Charges

Except where prohibited by statute, every person who obtains:

- (1) approval of a subdivision; or
- (2) a building permit authorizing the construction, alteration, or extension of a building or structure (including a building containing only two or three self-contained dwelling units);

shall pay to the City 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.

4. 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.

5. Parkland Acquisition Development Cost Charge Area - City of Nanaimo

The development cost charge imposed under this bylaw applies to all properties within the areas labeled "Nanaimo City Area" and "Cable Bay Nanaimo Area" on the map entitled "Schedule B to Development Cost Charge Bylaws" (2008), dated February 2008, a reduced copy of which is attached to and forms a part of this bylaw.

6. Remainder of Bylaw to be Maintained Intact

In the event that any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw with the intent that the remainder of the Bylaw shall continue in full force and effect.

7. Repeal

"PARKLAND ACQUISITION DEVELOPMENT COST CHARGE BYLAW 2001 NO. 5474" is hereby repealed as of the effective date noted below.

8. Effective Date

This bylaw shall come into full force and effect on June 27, 2008, or upon the date of final adoption of Council, whichever is later.

PASSED FIRST READING 2008-MAR-31.
PASSED SECOND READING 2008-MAR-31.
PASSED THIRD READING 2008-MAR-31.
APPROVED BY INSPECTOR OF MUNICIPALITIES 2008-MAY-17.
ADOPTED 2008-JUN-09.

G. R. KORPAN
MAYOR

I. HOWAT
DIRECTOR,
LEGISLATIVE SERVICES

SCHEDULE 'A'

PARKLAND

A. PARKLAND ACQUISITION DEVELOPMENT COST CHARGES - CITY OF NANAIMO

The charges to be levied and paid within the City of Nanaimo are as follows:

PARKLAND

| | SUBDIVISION | BUILDING PERMIT |
|-----------------------------|--|--|
| (a) Single Family | \$1,734.54 per lot being created, with such charge to be paid to the City in full prior to the approval of the subdivision. | -- |
| (b) Multi-Family | -- | \$10.40 per square metre 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 in the multi-family development by \$1,734.54, with such charge to be paid to the City in full prior to the issuance of a building permit. |
| (c) Mobile Home Park | \$1,062.15 per service connection being created, with such charge to be paid to the City in full prior to the approval of the subdivision. | \$1,062.15 per service connection being created, with such charge to be paid to the City in full prior to the issuance of a building permit. |
| (d) Campground | -- | \$300.61 per service connection being created, with such charge to be paid to the City in full prior to the issuance of a building permit. |

CITY OF NANAIMO



SCHEDULE B TO DEVELOPMENT COST CHARGE BYLAWS (2008)

Road DCC Areas

Schedule B to Roads Development
Cost Charge Bylaw 2008 No. 7065

Sanitary Sewerage DCC Areas

Schedule B to Sanitary Sewer Development
Cost Charge Bylaw 2008 No. 7066

Drainage DCC Areas

Schedule B to Storm Sewer Development
Cost Charge Bylaw 2008 No. 7067

Water DCC Areas

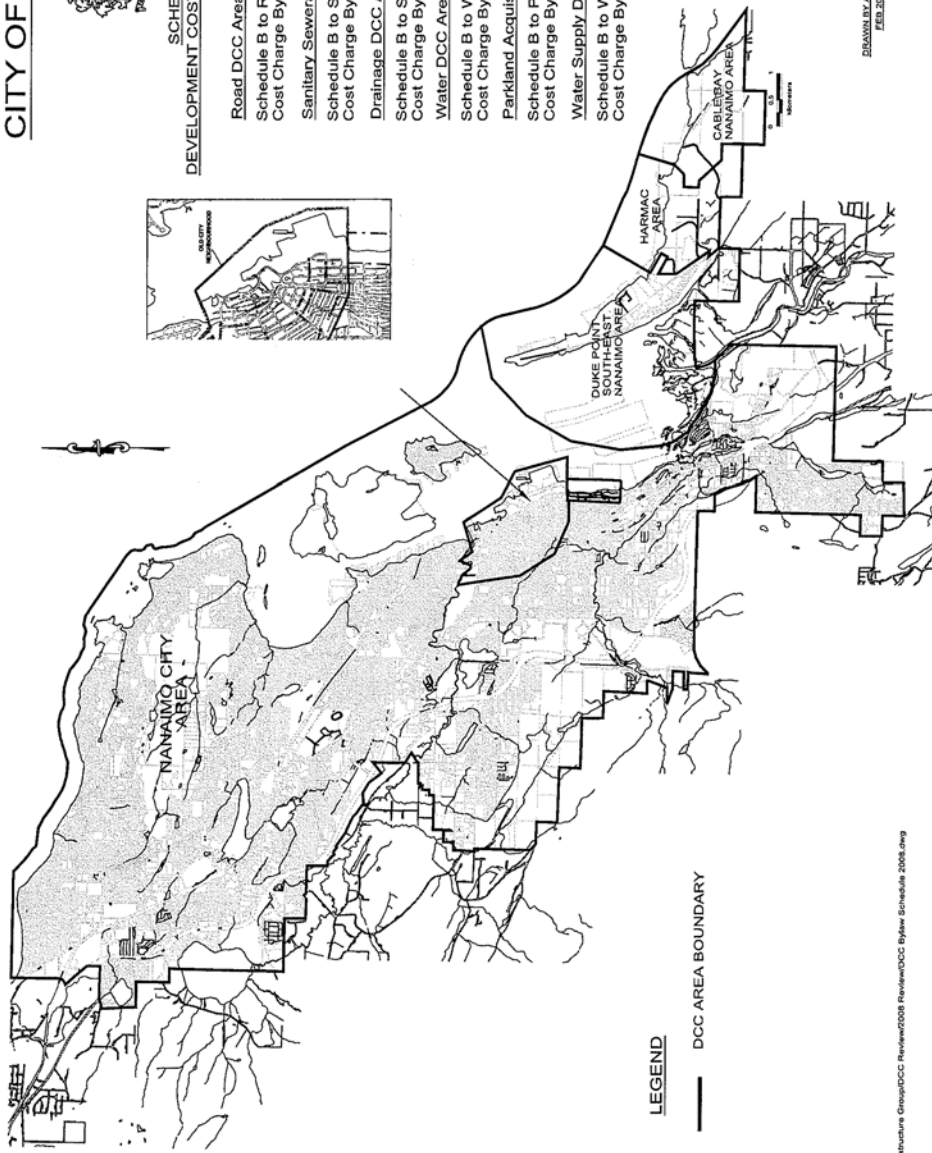
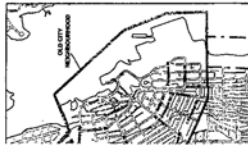
Schedule B to Water Distribution Development
Cost Charge Bylaw 2008 No. 7068

Parkland Acquisition DCC Areas

Schedule B to Parkland Acquisition
Cost Charge Bylaw 2008 No. 7069

Water Supply DCC Areas

Schedule B to Water Supply Development
Cost Charge Bylaw 2008 No. 7070



LEGEND

— DCC AREA BOUNDARY

DRINKING WATER & GAS
FEB. 2008



Statutory Approval

Under the provisions of section _____ 937


of the _____ Local Government Act

I hereby approve Bylaw No. _____ 7069

of the _____ City of Nanaimo,

a copy of which is attached hereto.

Dated this 17 day
of May, 2008



Deputy Inspector of Municipalities