

TOWN OF LADYSMITH

BYLAW NO. 2008

A Bylaw to Levy Development Cost Charges in the Town of Ladysmith.

WHEREAS Council may, under Section 559 of the *Local Government Act*, impose development cost charges for the purpose of providing funds to assist in paying the capital costs of providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off street parking facilities, and providing and improving parkland, to service, directly or indirectly, the developments for which the charges are imposed;

AND WHEREAS Council, in establishing the development cost charges imposed by this bylaw, has considered future land use patterns and development, the phasing of works and services, the provision of park land described in the Town's official community plan and how development designed to result in a low environmental impact may affect the capital costs of infrastructure in the Town of Ladysmith;

AND WHEREAS Council has also considered and is of the opinion that the development cost charges imposed by this bylaw are not excessive in relation to the capital cost of prevailing standards of service, will not deter development, will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land and will not discourage development designed to result in a low environmental impact in the Town of Ladysmith;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

TITLE

1. This bylaw may be cited as "Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008".

DEFINITIONS

2. In this bylaw:

'Building Permit' means a permit authorizing the construction, alteration or extension of a building or structure.

'Coach House Dwelling' means a self-contained accessory dwelling unit located within a detached accessory building.

'Commercial Use' means a building or structure that is or may be used for a retail, tourist accommodation, restaurant, personal or professional services, business office, financial institution, commercial entertainment or commercial recreational use, veterinary clinic or animal hospital and any other business which is not an **industrial use, institutional use, multi-family, or single family residential use**. Commercial use does not include home based business.

'Council' means the Council of the Town.

'Downtown Commercial Use' means a **commercial use** located within the lands shown within heavy outline on Schedule B, attached to and forming part of this Bylaw.

'Downtown Multi-Family Residential Use' means a **multi-family residential use** located within the lands shown within heavy outline on schedule B, attached to and forming part of this Bylaw.

'Dwelling Unit' means one or more habitable rooms constituting a self-contained unit with its own entrance, used or intended to be used as a residence for not more than one household

and containing a kitchen with a sink and kitchen facilities and a bathroom with a toilet, sink and a bath or shower, but does not include a **coach house dwelling**.

'Gross Floor Area' means the total floor area of all storeys in a building or structure measured between exterior walls and required firewalls including space occupied by interior walls and partitions, but not including exits.

'Home Based Business' means a commercial professional practice, service, occupation, craft or hobby permitted within a residential dwelling unit or accessory building.

'Industrial Use' means a building or structure that is used or may be used for the processing, fabrication, assembling, storage, warehousing, distribution, wholesaling, testing, servicing, repairing or maintenance of goods, property, material or articles and includes retail sale accessory to that use.

'Institutional Use 'A' means a building or structure that is used or may be used as an Assisted Living Residence, as defined by the *Community Care and Assisted Living Act*; or a community care facility with three or more sleeping units that provides residential accommodation to adults, in addition to other services prescribed by the *Community Care and Assisted Living Regulation*; and includes, but is not limited to, assisted living facilities, long term care and nursing homes.

'Institutional Use 'B' means a building or structure that is used or may be used for a civic use, school, hospital, public assembly use, or correctional or care facility, but excludes buildings or structures that are otherwise defined as **Institutional Use 'A'**.

'Mobile Home' means a factory manufactured **dwelling unit** that carries a Canadian Standards Association Certificate (CSA Z240) and is transported on its own foundation, and does not include a recreation vehicle.

'Manufactured Home Park' means the use of land for the accommodation of two or more **mobile homes**.

'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 Use' means a parcel that is used for or may be used for more than one **dwelling unit**, or a building containing more than one **dwelling unit**, or one or more **dwelling units** contained within a mixed-use building. Multi-family residential use includes apartments, row houses, townhouses, cluster housing, two-family dwellings or duplexes, and **mobile home** or **manufactured home park**, but does not include secondary suites, coach use dwelling,s or an institutional use.

'Residential Subdivision' means a subdivision under the *Land Title Act* or the *Strata Property Act* that creates parcels that may be used for residential development, and includes a **manufactured home park** subdivision but does not include multi-family residential;

'Single Family Residential Use' means a parcel that is used or may be used for a single family, or a residential building containing no more than one **dwelling unit** on a single parcel.

'Town' means the Town of Ladysmith.

DEVELOPMENT COST CHARGES

3. Every 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, including a building permit that authorizes the construction, alteration or extension of a building or part of a building that will, after construction, alteration or extension, contain one or more self-contained dwelling units

shall pay to the Town the applicable development cost charge in the amount set out in Schedule A, which is attached to and forms a part of this Bylaw.

EXCEPTIONS

4. A development cost charge is not payable under Section 3 where the imposition of a development cost charge is not payable under another enactment, including:
 - (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*;
 - (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. **Development cost charges** shall be payable:
 - (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 paid by way of instalments in accordance with BC Regulation 166/84 as amended or replaced.

CALCULATION OF CHARGES

6. The amount of development cost charges payable shall be calculated using the applicable charges set out in Schedule A, the actual or probable use of the building, and the applicable number of development units or development area.
7. Where a building or structure is used or may be used for a Mixed Use, the amount of development cost charges shall be calculated separately for each portion of the development based on the separate development class or use types and the amount payable shall be the sum of the charges payable for each development class or use.
8. Where 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, the amount of development cost charges to be paid to the Town shall be equal to the development cost charges that would have been payable for the most comparable type of development.

EFFECTIVE DATE

9. This Bylaw shall come into full force and effect and be binding on all persons as and from the date of final adoption.

SCHEDULES

10. The following schedules attached to this Bylaw form part of this Bylaw:

Schedule A – Development Cost Charge Rates
Schedule B – Downtown Area

SEVERABILITY

11. If any part, paragraph or phrase in this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.

REPEAL

12. “Town of Ladysmith Development Cost Charges Bylaw, 2011, No. 1762” is hereby repealed.

READ A FIRST TIME on the 1st day of April, 2019

READ A SECOND TIME on the 1st day of April, 2019

READ A THIRD TIME on the 1st day of April, 2019

APPROVED BY INSPECTOR OF MUNICIPALITIES on the 16th day of July, 2019

ADOPTED on the 12th day of August, 2019



[Redacted signature area]

Mayor (A. Stone)

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Corporate Officer (J. Winter)

SCHEDULE A – DEVELOPMENT COST CHARGE RATES

1. Single Family Residential (DCC charge per single-family lot)

Roads	\$2,319.15
Storm Drainage	\$647.43
Sanitary Sewer	\$3,897.80
Water	\$9,347.12
Parkland	\$1,357.95
Total	\$17,569.45

2. Multi-Family Residential (DCC charge per multi-family residential unit)

Roads	\$1,420.08
Storm Drainage	\$175.35
Sanitary Sewer	\$2,490.26
Water	\$5,971.77
Parkland	\$1,086.36
Total	\$11,143.82

3. Downtown Multi-Family Residential (DCC charge per multi-family residential unit)

Roads	\$916.03
Storm Drainage	\$140.28
Sanitary Sewer	\$2,490.26
Water	\$5,971.77
Parkland	\$1,086.36
Total	\$10,604.70

4. Commercial (DCC charge per m² of gross floor area)

Roads	\$54.53
Storm Drainage	\$2.43
Sanitary Sewer	\$6.50
Water	\$15.58
Parkland	\$0.00
Total	\$79.04

5. Downtown Commercial (DCC charge per m² of gross floor area)

Roads	\$36.35
Storm Drainage	\$1.46
Sanitary Sewer	\$3.90
Water	\$9.35
Parkland	\$0.00
Total	\$51.06

6. Industrial (DCC charge per m² of gross floor area)

Roads	\$16.48
Storm Drainage	\$2.08
Sanitary Sewer	\$5.52
Water	\$13.24
Parkland	\$0.00
Total	\$37.32

7. Institutional 'A' (DCC charge per bed)

Roads	\$644.61
Storm Drainage	\$86.32
Sanitary Sewer	\$1,353.40
Water	\$3,245.53
Parkland	\$678.97
Total	\$6,008.83

8. Institutional 'B' (DCC charge per m² of building gross floor area)

Roads	\$36.11
Storm Drainage	\$5.10
Sanitary Sewer	\$14.73
Water	\$35.31
Parkland	\$0.00
Total	\$91.25

SCHEDULE B – DOWNTOWN AREA

