

## DISTRICT OF 100 MILE HOUSE

### Bylaw No. 1306

#### A bylaw to impose Development Cost Charges

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This bylaw may be cited for all purposes as ***"Development Cost Charges Bylaw No. 1306, 2016"***.

#### WHEREAS:

- A. Pursuant to Section 559 of the Local Government Act, RSBC 2015, Council may by bylaw impose development cost charges under the terms and conditions of that section and all other sections of Division 19 – Development Cost Recovery;
- B. Development cost charges shall be imposed for the purpose of providing funds to assist the District in paying the capital cost of providing, constructing, altering or expanding water and highway facilities to service, directly or indirectly, the development for which the charges are imposed;
- C. In setting development cost charges under this bylaw the District has considered future land use patterns and development and the phasing of works and services consistent with the Official Community Plan;

NOW THEREFORE the Council of the District of 100 Mile House, in open meeting assembled, enacts as follows:

#### **1. INTERPRETATION**

##### 1.1 In this bylaw;

**"Building"** means any structure used or intended for supporting or sheltering any use or occupancy.

**"Coach House"** means a second dwelling unit on a parcel that is separate from and accessory to the principal dwelling unit.

**"Commercial"** means any commercial use as permitted under the District's Zoning Bylaw.

**"District"** means the District of 100 Mile House or the geographic area within the boundaries of the District of 100 Mile House, as the context requires.

**"Dwelling Unit"** means one or more habitable rooms designed, occupied or intended for residential use where such a room or rooms together contain or provide for the installation of only one set of cooking facilities and one or more bathrooms.

**“Gross Floor Area”** means the total floor area of a building on a parcel measured to the outer limits of the building; excluding uncovered parking, unenclosed swimming pools, uncovered balconies, sundecks and parking within a building.

**“High Density Residential”** means a residential building or structure zoned R-5 as permitted under the District’s Zoning Bylaw No. 1290, 2016 as amended from time to time.

**“Industrial”** means a use of land or building in an industrial zone as permitted by the District’s Zoning Bylaw.

**“Institutional”** means a building or structure used or intended to be used for charitable, cultural, educational, philanthropic, recreational, religious or social purposes as permitted by the District’s Zoning Bylaw.

**“Lot”** means a parcel of land legally described and registered on the records of the Land Title Office and includes Land Act Surveys as registered crown land.

**“Low Density Residential”** means a residential building or structure zoned R-1, R-1/SR, R-2, R-3, ER-1 or ER-2 as permitted under the District’s Zoning Bylaw No. 1290, 2016 as amended from time to time.

**“Medium Density Residential”** means a residential building or structure zoned R-4 or R-6 as permitted under the District’s Zoning Bylaw No. 1290, 2016 as amended from time to time.

**“Non-profit Rental Housing”** means rental housing subsidized by the Province of British Columbia or by a non-profit agency which enables rents to be provided at below-market rates on a percentage of income basis and is owned and operated by either a public or a non-profit agency.

**“Zone”** means a zone as established by the District of 100 Mile House Zoning Bylaw No. 1290, 2016 as amended from time to time.

**“Zoning Bylaw”** means the District of 100 Mile House Zoning Bylaw No. 1290, 2016 as amended from time to time.

## **2. CHARGES**

2.1 Development cost charges are hereby imposed on every person who obtains:

- a. Approval by the Approving Officer of a subdivision pursuant to the *Land Title Act* or the *Strata Property Act*; or
- b. a building permit authorizing the construction, alteration, or extension of a building or structure

who shall pay to the District the development cost charge in the amount set out in the Schedules which are attached to and form part of this bylaw as:

- i) Schedule A – Development Cost Charge for Water Supply
- ii) Schedule B – Development Cost Charge for Municipal Roads

2.2 The development cost charge shall be paid in full prior to:

- a. issuance of a Building Permit;
- b. subdivision approval for properties zoned Low Density Residential Zone (R-1); Residential Small Lot Zone (R-3); Country Residential Zone (ER-1); and Horse Lake Road Residential Zone (ER-2);
- c. issuance of a Building Permit for coach houses.

2.3 All charges imposed by this bylaw may be paid by instalments in accordance with BC Reg. 166/84 to the Local Government Act, being the Development Cost Charges (Instalments) regulation.

2.4 Charges collected under this bylaw may be refunded only under the following circumstances:

- a. The charge is incorrectly assessed or calculated;
- b. Construction authorized under a Building Permit is not commenced within twelve (12) months of the issuance of a permit and the original Building Permit is returned to the District.

2.5 Pursuant to section 561(6) of the Local Government Act, charges are payable under this bylaw in relation to a development comprising fewer than four dwelling units.

### **3. EXEMPTIONS**

No charge is payable under Section 2 of this bylaw where:

- 3.1 A development cost charge has previously been paid for the same development, unless, as a result of further or different development, new capital cost burdens will be imposed on the District;
- 3.2 The development does not impose new capital cost burdens on the District;
- 3.3 The 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) and 224(2)(f) of the Community Charter;
- 3.4 The value of the work authorized by the permit does not exceed \$50,000 or any other amount prescribed by regulation under the Local Government Act;
- 3.5 The Building Permit authorizes the construction of non-profit rental housing; and

- 3.6 A building is destroyed by fire or demolished for the purpose of redevelopment and the land, in which case development cost charges will only be payable for that portion of the building which exceeds the Gross Floor Area of the original building.

#### 4. MULTIPLE USES

- 4.1 When a building or structure is used or intended to be used for more than one class of development, charges under this bylaw shall be calculated separately for the areas used for each class as though the area was a separate building, and the amount payable shall be the combined total for all classes.

#### 5. SEVERABILITY

- 5.1 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 is deemed valid.

#### 6. REPEAL

- 6.1 The District of 100 Mile House Development Cost Charge Bylaw No. 947, 2004, and all amendments thereto are hereby repealed.

READ A FIRST AND SECOND TIME this 8 day of November, 2016.

READ A THIRD TIME this 24 day of January, 2017.

THIRD READING RESCINDED this 10 day of October, 2017.

READ A THIRD TIME as amended this 10 day of October, 2017.

APPROVED by the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor

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

**SCHEDULE A**  
**DEVELOPMENT COST CHARGES FOR WATER SUPPLY**

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1. Development Cost Charges are payable for Water Supply as follows:

<u>Class of Development</u>		<u>Development Cost Charge</u>	
a)	Low Density Residential	\$197.06	per dwelling unit
b)	Medium Density Residential	\$154.84	per dwelling unit
c)	High Density Residential	\$126.68	per dwelling unit
d)	Commercial	\$0.63	per m <sup>2</sup> gross floor area
e)	Industrial	\$0.77	per m <sup>2</sup> gross floor area
f)	Institutional	\$0.63	per m <sup>2</sup> gross floor area

2. Development cost charges for water supply is payable on a District-wide basis.
3. The assist factor for water supply is 70%.

SCHEDULE B  
DEVELOPMENT COST CHARGES FOR ROADS

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1. Development Cost Charges are payable for Roads as follows:

<u>Class of Development</u>		<u>Development Cost Charge</u>	
a)	Low Density Residential	\$1,020.70	per dwelling unit
b)	Medium Density Residential	\$660.45	per dwelling unit
c)	High Density Residential	\$620.42	per dwelling unit
d)	Commercial	\$14.01	per m <sup>2</sup> gross floor area
e)	Industrial	\$5.55	per m <sup>2</sup> gross floor area
f)	Institutional	\$18.01	per m <sup>2</sup> gross floor area

2. Development cost charges for roads is payable on a District-wide basis.
3. The assist factor for roads is 60%.