

# CITY OF PARKSVILLE

## BYLAW NO. 1437

*Consolidated for convenience only to include Bylaw No. 1437.1*

### DEVELOPMENT COST CHARGES FOR WATER, SANITARY SEWER, STORM DRAINAGE, HIGHWAY FACILITIES AND PARKLAND

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**WHEREAS** the Council may, under Section 933 of the *Local Government Act*, impose development cost charges under the terms and conditions of that section;

**AND WHEREAS** development cost charges may be imposed to provide funds to assist the City to pay the capital costs of providing, constructing, altering or expanding sewage, water, drainage and highway facilities and of providing and improving parkland, in order to service, directly or indirectly, the development for which the charges are imposed;

**AND WHEREAS** in establishing the development cost charges under this bylaw, Council has considered the future land use patterns and development, the phasing of works and services, the provision of park land described in the official community plan and how development designed to result in a low environmental impact may affect the capital costs of infrastructure within the City of Parksville;

**AND WHEREAS** the Council has also considered, and determined, that the charges imposed under this bylaw are not excessive in relation to the capital costs 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, within the City of Parksville;

**AND WHEREAS** the Inspector of Municipalities has approved this bylaw;

**NOW THEREFORE** the Municipal Council of the City of Parksville in open meeting assembled enacts as follows:

1. **TITLE**

1.1 This bylaw may be cited for all purposes as "Development Cost Charges Bylaw, 2008, No. 1437".

2. **DEVELOPMENT COST CHARGE AREA**

2.1 The development cost charges imposed by this bylaw shall apply throughout the City of Parksville except as follows:

- a) Development cost charges for water and sanitary sewer do not apply to any development within the lands described in Schedule "B";

3. EXCEPTIONS

- 3.1 This bylaw does not apply to a subdivision or **building** in respect of which the imposition of a development cost charge is prohibited by statute.

4. INTERPRETATION

- 4.1 Enactments - Any Act referred to in this bylaw is a reference to an Act of British Columbia or Canada, as the case may be, and the applicable regulations, as amended, revised, consolidated or replaced from time to time. Any bylaw referred to in this bylaw is a reference to a bylaw of the City of Parksville, as amended, revised, consolidated or replaced from time to time.
- 4.2 Headings - The headings given to the parts, sections and paragraphs in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.
- 4.3 Severability - 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.
- 4.4 Schedules - The following schedules attached to this bylaw form part of this bylaw:

Schedule A - Development Cost Charges Rates  
Schedule B - DCC Exemption Area

5. DEFINITIONS

In this bylaw:

"**Assisted Living**" means a **building** or **buildings** considered and used for a **multiple family residential** use, where there may be common facilities and a cafeteria or eating area, but where residents are ambulatory and live in private rooms or units which can be locked and which are not automatically accessible to care staff.

"**Building**" means any structure and portion thereof, including mechanical rooms, which is used or intended to be used for the purpose of supporting or sheltering any use or occupancy.

"**Carriage House**" means a **dwelling unit** which is contained in a **building** separate from a **single family residential** dwelling on the same parcel of land.

"**Commercial Use**" means the use of land or **buildings** for any retail, tourist accommodation, restaurant, personal or professional services, commercial entertainment or commercial recreational use, and any other business use which is not an **industrial use**, **institutional use**, **multiple** or **single family residential use**.

*Bylaw 1437.1 adopted June 16, 2014, amended Section 5 by replacing "Dwelling Unit" with the following:*  
"**Dwelling Unit**" means one self-contained unit 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, but does not include *secondary suites or carriage houses*

"**Gross Floor Area**" means the total of the horizontal areas of all floors in a **building**, including the basement, measured to the outside of the exterior walls of the **building**, but not including any floor area used exclusively for vehicle parking or vehicle access, any basement area where the ceiling is less than 1.8 metres above the floor.

"**Industrial Use**" means the use of land or **buildings** for any manufacturing, processing, repair, storage, wholesaling or distribution of goods.

"**Institutional Use**" means the use of land or **buildings** for any school, hospital, congregate or other care facility, or for the purposes of a public body or publicly regulated utility, but does not include assisted living uses.

*Bylaw 1437.1 adopted June 16, 2014, amended Section 5 by replacing "Multiple Family Residential" with "Low Density Multiple Family Residential", "Medium Density Multiple Family Residential" and "High Density Multiple Family Residential" as follows:*

"**Low Density Multiple Family Residential**" means a **building** or **buildings** containing two or more **dwelling units** on a parcel where the total amount of units is between 2 and 18 units per hectare, which includes row housing, cluster housing, townhouses, apartment and **assisted living** uses.

"**Medium Density Multiple Family Residential**" means a **building** or **buildings** containing two or more **dwelling units** on a parcel where the total amount of units is between 19 and 50 units per hectare, which includes row housing, cluster housing, townhouses, apartment and **assisted living** uses.

"**High Density Multiple Family Residential**" means a **building** or **buildings** containing two or more **dwelling units** on a parcel where the total amount of units is greater than 50 units per hectare which includes row housing, cluster housing, townhouses, apartment and **assisted living** uses.

"**Secondary Suite**" means a separate designated area within a **single family residential** dwelling containing toilet, bathroom, sleeping and living areas and cooking facilities in accordance with the provisions of the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

"**Single Family Residential**" means a **building** containing one **dwelling unit** on a parcel.

"**Zone or zoning**" means the **zone** identified in the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" as amended or replaced.

## 6. CHARGES

a) Every person who obtains:

- i) approval of the subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act* for any purpose for subdivision which are creating fee simple or bare land strata residential lots which are **zoned** to permit no more than two **dwelling units**, or

- ii) a building permit authorizing the construction, alteration or extension of a **building** (including a **building** containing less than four self-contained **dwelling units** and that will, after the construction, alteration or extension, be put to no other use other than the residential use in those **dwelling units**).
  - a) Despite this, secondary suites within **single family residential** dwellings or **carriage houses** that are accessory to a **single family residential** dwelling located in RS1 (Residential Single Family) **zones** are not subject to payment of development cost charges.

*Bylaw 1437.1 adopted June 16, 2014, replaced Section 6(a)(iii) with the following:*

- iii) a building permit for any new floor area which has a construction value in excess of One Hundred Thousand Dollars (\$100,000.00);

shall pay to the City of Parksville the applicable development cost charges as set out in Schedule "A" attached to and forming part of this bylaw.

- b) The charges will be based on the actual use of the **building** not the **zoning** category of the property; and
  - i) where there is more than one use, each use is subject to the charge based on the actual use and there may be more than one category applied per **building**.
  - ii) mezzanines, storage or similar areas within a **building** are subject to development cost charges based on the same use that the majority area of the **building** contains.
  - iii) where a **building** is vacant and its future use cannot be determined, development cost charges are payable in accordance with the zoning category for the land upon which the **building** is situated.
  - iv) where a building permit is issued for the construction, alteration or extension of a **multiple family residential building** the rates in Schedule "A" will apply as required in this bylaw, provided that the total amount payable shall not be greater than the amount obtained by multiplying the number of **dwelling units** subject to the development cost charges by the single family unit rate in Schedule "A".
- c) All charges must be paid in full prior to the approval of the subdivision or building permit unless paid by way of installments in accordance with *BC Regulation 166/84* as amended or replaced.

## 7. GRACE PERIOD

The effective date of the rates contained within this bylaw will be 60 calendar days after the date of adoption.

8. REPEAL OF PREVIOUS BYLAWS

- 8.1 "Development Cost Charges for Water, Sanitary Sewer, Storm Drainage and Road Facilities Bylaw, 2004, No. 1402", "City of Parksville Development Cost Charge Installments Bylaw, 1993, No. 1157" and "Town of Parksville Development Cost Charges Bylaw, 1984, No 830" and all amendments to those bylaws are hereby repealed, effective on the date that the development cost charge rates established under this bylaw come into force under section 6.

READ A FIRST TIME this 21<sup>st</sup> day of July, 2008

READ A SECOND TIME this 21<sup>st</sup> day of July, 2008

READ A THIRD TIME this 21<sup>st</sup> day of July, 2008

APPROVED BY INSPECTOR OF MUNICIPALITIES this 9<sup>th</sup> day of September, 2008

ADOPTED this 15<sup>th</sup> day of September, 2008

Original Signed by Sandy Herle  
Mayor

Original Signed by Laurie Taylor  
Director of Administrative Services

*Consolidated under the provisions of the Community Charter to include Bylaw 1437.1. Printed under the authority of the Deputy Corporate Officer of the City of Parksville this 18<sup>th</sup> day of June 2014.*

Original signed by Amanda Weeks  
Deputy Corporate Officer

**SCHEDULE "A"**  
**DEVELOPMENT COST CHARGES RATES**

*Bylaw 1437.1 adopted June 16, 2014, deleted Schedule 'A' in its entirety and substituted the following:*

Upon approval of a subdivision or the issuance of a building permit for any land within the City of Parksville, the following development cost charges shall be paid:

1. Upon the subdivision of land **zoned** to permit **single family residential** use the following amounts shall be paid in respect of each parcel of land in the plan of subdivision:

Parkland	\$332.91
Water	9,655.33
Sanitary Sewer	101.79
Storm Drainage	503.96
Roads	3,896.00
<b>Total</b>	<b>\$14,489.99</b>

2. Upon issuance of a building permit for the construction, of a **low density multiple family residential building** the following charge shall be paid for each square meter of **gross floor area** authorized to be constructed by the building permit:

Parkland	\$2.54
Water	73.45
Sanitary Sewer	0.77
Storm Drainage	2.62
Roads	24.01
<b>Total</b>	<b>\$103.39</b>

3. Upon issuance of a building permit for the construction, of a **medium density multiple family residential building** and of a **high density multiple family residential building**, the following charge shall be paid for each square meter of **gross floor area** authorized to be constructed by the building permit:

Parkland	\$1.53
Water	44.15
Sanitary Sewer	0.47
Storm Drainage	1.36
Roads	18.95
<b>Total</b>	<b>\$66.46</b>

4. Upon issuance of a building permit for the construction, alteration or extension of a **building** or part of a **building** for any **commercial use**, the following charge shall be paid for each square meter of **gross floor area** authorized to be constructed, altered or extended by the building permit:

Parkland	\$1.28
Water	37.14
Sanitary Sewer	0.57
Storm Drainage	1.61
Roads	53.47
<b>Total</b>	<b>\$94.07</b>

5. Upon issuance of a building permit for the construction, alteration or extension of a **building** or part of a **building** for any **industrial use**, the following charge shall be paid for each square meter of **gross floor area** authorized to be constructed, altered or extended by the building permit:

Water	\$37.14
Sanitary Sewer	0.57
Storm Drainage	2.27
Roads	21.20
<b>Total</b>	<b>\$61.18</b>

6. Upon issuance of a building permit for the construction, alteration or extension of a **building** or part of a **building** for any **institutional use**, the following charge shall be paid for each square meter of **gross floor area** authorized to be constructed, altered or extended by the building permit:

Water	\$45.39
Sanitary Sewer	0.48
Storm Drainage	0.91
Roads	53.47
<b>Total</b>	<b>\$100.25</b>

7. 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 under Sections 2, 3, 4, 5 or 6 of this 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**.

### SCHEDULE "B" DCC EXEMPTION AREA

