

**DISTRICT OF LANTZVILLE
BYLAW NO. 52**

**A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES FOR WATER,
SEWAGE, DRAINAGE, HIGHWAY FACILITIES AND PARK LAND**

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

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the local government in paying the capital costs of providing, constructing, altering or expanding water, sewage, drainage, highway facilities and providing and improving park land in order to serve, directly or indirectly, the development for which the charge is being 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 and the provision of park land described in the District of Lantzville Official Community Plan;

AND WHEREAS Council is of the opinion that the development cost charges imposed under this bylaw:

- (a) are not excessive in relation to the capital costs of prevailing standards of service,
- (b) will not deter development, and
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land,

within the District of Lantzville.

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

NOW THEREFORE the Council of the District of Lantzville in open meeting assembled enacts as follows:

1. Interpretation:

“Commercial Use” means all uses except residential use, congregate care facility use, institutional use and industrial use.

"Gross Floor Area" means the space on any story of a building, including the basement, between exterior walls and required firewalls, including the space occupied by interior walls and partitions, 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, exits, vertical service spaces, and their enclosing assemblies.

"Mixed Use Building" means a building that contains one or more self-contained dwelling units in conjunction with commercial use, institutional use and/or industrial use.

"Multiple Family Residential Building" means a building used for residential use only and containing more than one self-contained dwelling unit.

"Vertical Service Space" means a shaft oriented essentially vertically that is provided in a building to facilitate the installation of building services including mechanical, electrical and plumbing installations and facilities such as elevators, refuse chutes and linen chutes.

2. Subject to the provisions of Section 3, every person who obtains:
 - (a) approval of a subdivision of a parcel of land under the *Land Title Act*, or a subdivision by bare land strata plan, pursuant to the *Strata Property Act* for residential purposes other than for a multiple family residential building; or
 - (b) a building permit authorizing the construction, alteration or extension of a building or structure, for any purpose
 - (c) a building permit for any new floor area which has a construction value in excess of \$50,000 or the total of the building permits issued for the same parcel of land within the preceding 2 years exceeds \$50,000
 - (d) the charges will be based on the actual use of the building not the zoning category of the property
 - i) despite the above, 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

shall pay to the District of Lantzville the applicable development cost charges as provided in Schedule "A", at the time provided in Schedule "A".

3. Section 2 does not apply to where the imposition of a development cost charge is prohibited by statute.
4. This bylaw does, to the extent provided, apply to a person who obtains a building permit that authorizes the construction, alteration or extension of a building that will, after construction, alteration or extension, contain fewer than 4 self-contained dwelling units, and that will be put to no other use other than residential use in those dwelling units.
5. Schedule "A" is attached hereto and forms part of this Bylaw.
6. This Bylaw may be cited for all purposes as "District of Lantzville Development Cost Charges for Water, Sewage, Drainage, Highway Facilities and Park Land Bylaw No. 52, 2006".

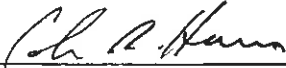
READ A FIRST TIME this 27th day of November, 2006.

READ A SECOND TIME this 22nd day of January, 2007.


READ A THIRD TIME this 12th day of February, 2007.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 12th day of April, 2007.

RECONSIDERED AND FINALLY ADOPTED this 16th day of April, 2007.



Mayor



Director of Corporate Administration

I hereby certify that the above is a true and correct copy of "District of Lantzville Development Cost Charges for Water, Sewage, Drainage, Highway Facilities and Park Land Bylaw No. 52, 2006", as adopted by Council of the District of Lantzville on the 16th day of April, 2007.

Director of Corporate Administration

SCHEDULE "A"

TO

**District of Lantzville Development Cost Charges for Water, Sewage,
Drainage, Highway Facilities and Park Land
Bylaw No. 2006 (the "Bylaw")**

Pursuant to S. 2 of this Bylaw, development cost charges shall be paid as follows:

1. In respect of a residential use, other than a multiple family residential building upon the earlier of:
 - (a) subdivision of land to permit such residential use; and
 - (b) upon issuance of a building permit for the construction, alteration or extension of a residential building

| | |
|--------------------|------------------|
| Water | 3,893.51 |
| Sewage | 6,182.36 |
| Drainage | 2,361.66 |
| Highway Facilities | 1,935.40 |
| Park Land | <u>1,540.49</u> |
| Total | <u>15,913.42</u> |

Per lot being created or per residential unit constructed

2. Upon issuance of a building permit for the construction, alteration or extension of a multiple family residential building, the following charge shall be paid for each unit authorized by the building permit.

| | |
|--------------------|------------------|
| Water | 2,884.08 |
| Sewage | 4,579.53 |
| Drainage | 1,417.00 |
| Highway Facilities | 1,185.11 |
| Park Land | <u>1,141.10</u> |
| Total | <u>11,206.82</u> |

3. Upon issuance of a building permit for the construction, alteration or extension of a congregate care facility building, the following charge shall be paid for each unit authorized by the building permit.

| | |
|--------------------|-----------------|
| Water | 1,442.04 |
| Sewage | 2,289.76 |
| Drainage | 330.63 |
| Highway Facilities | 408.52 |
| Park Land | <u>570.55</u> |
| Total | <u>5,041.50</u> |

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 metre of gross floor area authorized by the building permit:

| | |
|--------------------|---------------|
| Water | 10.38 |
| Sewage | 16.49 |
| Drainage | 2.55 |
| Highway Facilities | <u>72.60</u> |
| Total | <u>102.02</u> |

5. 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 metre of gross floor area authorized by the building permit:

| | |
|--------------------|---------------|
| Water | 86.52 |
| Sewage | 137.39 |
| Drainage | .43 |
| Highway Facilities | <u>31.55</u> |
| Total | <u>255.89</u> |

6. 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 per hectare of gross site area authorized by the building permit:

| | |
|--------------------|-------------------|
| Water | 34,609.00 |
| Sewage | 54,954.35 |
| Drainage | 42,509.91 |
| Highway Facilities | <u>26,521.31</u> |
| Total | <u>158,594.57</u> |

7. Upon issuance of a building permit for the construction, alteration or extension of a mixed use building the development cost charges as follows:
- for the residential portion of the building shall be as set out in Section 2 of this schedule as applicable;
 - for the commercial portion of the building shall be as set out in Section 4 of this schedule as applicable;
 - for the institutional portion of the building shall be as set out in Section 5 of this schedule as applicable;
 - for the industrial portion of the building shall be as set out in Section 6 of this schedule as applicable.



Statutory Approval

Under the provisions of section _____ **937** _____

of the _____ ***Local Government Act*** _____

I hereby approve Bylaw No. _____ **52** _____

of the _____ **District of Lantzville** _____ ,

a copy of which is attached hereto.

Dated this **12** **day**

of **April** **, 2007**

Deputy Inspector of Municipalities