

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1443**

(Consolidated for convenience only up to and including .01)

**FAIRWINDS (NANOOSE) WASTEWATER TREATMENT
DEVELOPMENT COST CHARGES**

WHEREAS the Board may, pursuant to 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 for the sole purpose of providing funds to assist the Regional District to pay the capital cost of providing, constructing, altering or expanding wastewater treatment facilities, including treatment plants, trunk lines, pump stations and other associated works in order to serve directly or indirectly, the development for which the charges are imposed;

AND WHEREAS in establishing the development cost charges under this bylaw, the Board has considered the future land use patterns and development, and the phasing of works and services within the boundaries of the Northern Community Sewer Service area;

AND WHEREAS the Board 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 Regional District of Nanaimo.

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. INTERPRETATION

In this bylaw:

"Assisted living" means a building or buildings used for 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, that is used or intended to be used for the purpose of supporting or sheltering any use or occupancy.

"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 or institutional use.

"DCC" means a development cost charge.

" 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.

"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.

"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, correctional facility, care facility, or for the purposes of a public body or publicly regulated utility, but does not include "assisted living" uses.

"Lot" means a parcel created by registration of subdivision under the *Land Title Act* (British Columbia) or the Bare Land Strata regulation under the *Strata Property Act* (British Columbia).

"Mobile Home Park" means an unsubdivided parcel of land, not subdivided pursuant to the *Strata Property Act* and amendments thereto, on which are situated three or more mobile homes for the purpose of providing residential accommodation, but specifically excludes a hotel.

"Multiple Family Residential" means a building or buildings containing two or more dwelling units on a parcel and includes row housing, cluster housing, townhouses, apartment and "assisted living" uses and includes Tourist Accommodation units in excess of 69.675 sq m (750 sq ft).

"Tourist/Resort Accommodation" means a building or group of buildings with more than 2 units where the majority of units are less than 69.675 sq m (750 sq ft).

2. CHARGES

Every person who obtains:

- a) approval of the subdivision for any purpose of a parcel of land under the *Land Title Act* or the *Strata Property Act* which creates fee simple or bare land strata lots; or
- b) 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; or,

- c) a building permit for any new floor area which has a construction value in excess of \$50,000.00,

shall pay, at the time of the approval of the subdivision or the issuance of the building permit, the applicable development cost charges as set out in Schedule 'A' attached to and forming part of this bylaw.

The charges outlined on Schedule 'A' will be applied to the areas outlined on Schedule 'B' attached to and forming a part of this bylaw.

The charges outlined on Schedule 'A' will be based on the actual use of the building, not the zoning category of the property; and,

- a) 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.
- b) 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.
- c) 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.

3. **EXCEPTIONS**

- a) Section 2 does not apply to a subdivision or building in respect of which the imposition of a development cost charge is prohibited by statute.
- b) If by statute or by operation of law, this bylaw does not apply to an application to subdivide or an application for a building permit made prior to the adoption of this bylaw, any bylaw repealed by this bylaw shall remain unrepealed and in force and effect in relation to such applications, so far as is necessary to impose development cost charges under that bylaw at the time of subdivision approval or issuance of the building permit.

4. **REMAINDER OF BYLAW TO BE MAINTAINED INTACT**

In the event that any portion of this bylaw is declared ultra vires, such portion shall be severed from this bylaw with the intent that the remainder of this bylaw shall continue in full force and effect.

5. **REPEAL OF PREVIOUS BYLAW**

"Regional District of Nanaimo Northern Community Sewer Local Service Area Development Cost Charge Bylaw No. 934, 1994" and all amendments are hereby repealed, effective on the date that this bylaw is adopted.

6. **TITLE**

This bylaw may be cited for all purposes as "Fairwinds (Nanoose) Wastewater Treatment Development Cost Charges Bylaw No. 1443, 2005".

Introduced for three readings this 28th day of June, 2005.

Approved by the Inspector of Municipalities this 13th day of July, 2005.

Adopted this 23rd day of August, 2005.

CHAIRPERSON

DEPUTY ADMINISTRATOR

Chairperson

Deputy Administrator

SCHEDULE 'A'

Development Cost Charges for Wastewater Treatment/Sanitary Sewerage Works and Services

Pursuant to Section 2 of this bylaw, development cost charges shall be levied in those areas that will be serviced by wastewater treatment/sanitary sewerage works and services as outlined on the map attached hereto as Schedule 'B'.

1. The assist factor for wastewater treatment/sanitary sewerage works and services shall be 1%.
2. All charges shall be paid in full prior to the approval of a subdivision or building permit unless paid by way of installments in accordance with BC Reg 166/84.
3. The Development Cost Charge Schedule is as follows:

Nanoose

Residential (per lot or unit)	\$ 3,064.00
Commercial (per square metre)	7.25
Industrial (per square metre)	6.13

Fairwinds

Residential (per lot or unit)	\$ 2,125.00
Commercial (per square metre)	5.02
Industrial (per square metre)	4.24

