



CITY OF PORT ALBERNI

Development Cost Charges, 2009 Bylaw No. 4713

(with amendments to April 11, 2011)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

Bylaw No. 4766 – April 11, 2011

CITY OF PORT ALBERNI

BYLAW NO. 4713

**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, 1996 R.S.B.C. Chapter 323, Council may, by bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the City of Port Alberni 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, the provision of park land described in the City of Port Alberni Official Community Plan and how development designed to result in a low environmental impact may affect the capital costs of infrastructure;

AND WHEREAS the Council for the City of Port Alberni has considered and determined 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;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land; and
- (d) will not discourage development designed to result in a low environmental impact.

within the City of Port Alberni;

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

NOW THEREFORE the Council of the City of Port Alberni in open meeting assembled enacts as follows:

1.0 TITLE

This Bylaw may be cited for all purposes as the "Development Cost Charges, 2009 Bylaw No. 4713."

2.0 **INTERPRETATION:**

“Additional” means:

- (a) all parcels in excess of the number of parcels existing at the time of a subdivision application is made; or
- (b) all dwelling units in excess of the number of dwelling units existing at the time a building permit application is made; or
- (c) the total square metres of gross floor area or gross developed area in excess of the square metres of gross floor area or gross developed area existing at the time a building permit application is made;

whichever of (a), (b) or (c) above apply in accordance with Schedule “A”.

“Applicant” means an owner of land who submits an application to the City.

“Application” means, whether in relation to a subdivision or building permit, a written request by an applicant for approval of a subdivision or the issuance of a building permit that contains sufficient information to comply with the City’s Bylaws regulating development.

“Building” means a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property. When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building.

“Commercial Use” means all uses except multiple family or single or two family residential use, congregate care facility use, institutional use and industrial use.

“Congregate Care Facility” means a building where permanent residential accommodation is provided containing sleeping units and a common kitchen and dining area where meals are provided and may include a common living area where health care, cultural and social programs are provided.

“Dwelling Unit” means one or more habitable rooms, constituting a self-contained unit with a separate entrance, containing not more than one kitchen room and used or intended to be used as an individual self-contained private residence.

“Family” means an individual or two or more persons related by blood, marriage, adoption or foster parent, or a group of not more than five unrelated non-transient persons, living together as a single non-profit group in a dwelling unit.

“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 or any basement area where the ceiling is less than 1.8 metres above the floor.

“Gross Developed Area” means the total area of the lands measured in square meters containing improvements for the accommodation of the industrial use, including building areas, areas required for structures and access, parking and loading areas.

“Industrial Use” means a use of land for the processing, fabricating, manufacturing, assembling, storing, transporting, distributing, testing, servicing or repairing of goods, materials or things.

“Institutional Use” means the use of land by a public authority for the benefit of the public in general and includes, without limiting the generality of the foregoing, arenas, cemeteries, fire halls, libraries, museums, public hospitals, schools and churches, but does not include a congregate care facility.

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

“Multiple Family Residential Building” means any building consisting of three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family.

“Single Family Residential” means a detached building used exclusively for residential purposes containing one dwelling unit.

“Two Family Residential” means any semi-detached building divided into two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family and in which the units have a party wall.

“Zoning Bylaw” means the “City of Port Alberni Zoning Bylaw, 1998” Bylaw No. 4395 as may be amended from time to time.

3.0 CHARGES

3.1 Subject to the provisions of Section 4, 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;

shall pay to the City of Port Alberni the applicable development cost charges as provided in Schedule “A” attached hereto and forms part of this Bylaw.

3.2 Subject to the provisions in Section 4, development cost charges imposed under this Bylaw must be paid in full to the City as follows:

- (a) at the time of approval of a subdivision where the parcels to be created by the subdivision are zoned for Single Family Residential Use or Two Family Residential Use or the parcels to be created by the subdivision are created by bare land strata plan under the *Strata Property Act*; and

- (b) for all other types of development to which this Bylaw applies, at the time of issuance of the building permit authorizing the development pursuant to Schedule "A".

3.3 Subject to the provisions in section 4:

- (a) the amount of a development cost charge payable in respect of a building permit application is established as of the date a complete building permit application is submitted to the City;
- (b) development cost charges payable pursuant to Section 3.1(b) will be determined in accordance with Schedule "A" based on the uses of the buildings or structures proposed in the building permit application;
- (c) where development to which development cost charges apply contains two or more uses, the charge to be paid will be calculated separately for each use within the development and the total charge to be paid will be the sum of the development cost charges for all uses in the development;
- (d) where a building permit application is for a Mixed Use Building, the development cost charge will be calculated pursuant to Section 7 of Schedule "A"; and
- (e) when a building permit application involves an addition to an existing building or the expansion of the gross development area, the development cost charges will be assessed on that portion of the gross floor area that exceeds the gross floor area of the existing building or that portion of the gross development area that exceeds the gross development area of the existing development, whichever is applicable.

4.0 EXCEPTIONS

Notwithstanding Section 3.1 development cost charges are not payable in respect of:

- (a) a building permit that authorizes the construction, alteration or extension of a building or part of a building that is, will be or will be, after construction, alteration or extension, exempt from taxation under section 220(i)(h) or 224(2)(f) of the *Community Charter*;
- (b) a building permit that authorizes the construction, alteration or extension of a building that will after construction, alteration or extension,
 - (i) contain fewer than three dwelling units, and
- (c) a building permit for which the value of the work authorized by the building permit does not exceed \$100,000.00 or such other amount prescribed by regulation pursuant to section 933(4) of the *Local Government Act*.

5.0 EFFECTIVE DATE

This Bylaw comes into force and is effective upon the date it is adopted.

6.0 TRANSITIONAL PROVISIONS

Bylaw No. 4766 replaces Sections 6.1 and 6.2 with the following:

- 6.1 All subdivision applications received by the City on or after the date upon which this bylaw is adopted shall not be affected by this Bylaw in accordance with section 943 of the Local Government Act, RSBC 1996, c. 323, provided that within 16 months from the date this Bylaw is adopted the Approving Officer has given final approval to the subdivision and the applicant has paid all subdivision application fees.
- 6.2 All applications for a building permit received by the City on or after the date upon which this Bylaw is adopted shall not be affected by this Bylaw provided that within 16 months of this Bylaw being adopted, the building permit has been issued and the applicant has paid all building permit fees.

7.0 SEVERABILITY

If any section of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

8.0 SCHEDULE

- 8.1 Schedule "A" is attached hereto and forms part of this Bylaw.

READ A FIRST TIME 9TH DAY OF NOVEMBER, 2009.

READ A SECOND TIME 9TH DAY OF NOVEMBER, 2009.

READ A THIRD TIME 9TH DAY OF NOVEMBER, 2009.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS 12TH DAY OF MARCH, 2010.

FINALLY ADOPTED THIS 22ND DAY OF MARCH, 2010.

Mayor

City Clerk

SCHEDULE "A"

TO

**(City of Port Alberni)
Development Cost Charges, 2009,
Bylaw No. 4713**

Pursuant to Section 3 of this Bylaw, development cost charges shall be paid as follows:

1. Upon the subdivision of land **zoned** to permit **single family residential and/or one and two family residential** use the following charges shall be paid in respect of each additional parcel created in the plan of subdivision:

Charge	Cost (\$)/parcel
Water	2,159.43/parcel
Sanitary Sewer	1,572.88/parcel
Storm Drainage	774.55/parcel
Roads	996.32/parcel
Parkland	710.23/parcel
Total	6,213.41/parcel

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

Charge	Cost (\$)/unit
Water	1,799.53/unit
Sanitary Sewer	1,310.74/unit
Storm Drainage	464.73/unit
Roads	610.08/unit
Parkland	591.86/unit
Total	4,776.94/unit

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 additional sleeping unit authorized by the building permit:

Charge	Cost (\$)/unit
Water	899.76/unit
Sanitary Sewer	655.37/unit
Storm Drainage	108.44/unit
Roads	210.30/unit
Parkland	295.93/unit
Total	2,169.80/unit

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 charges shall be paid for each additional square metre of **gross floor area** authorized by the building permit:

Charge	Cost (\$)/m ²
Water	6.48/m ²
Sanitary Sewer	4.72/m ²
Storm Drainage	0.84/m ²
Roads	37.37/m ²
Total	49.41/m²

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 charges shall be paid for each additional square metre of **gross floor area** authorized by the building permit:

Charge	Cost (\$)/m ²
Water	53.99/m ²
Sanitary Sewer	39.32/m ²
Storm Drainage	0.14/m ²
Roads	16.24/m ²
Total	109.69/m²

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 charges shall be paid for each additional square metre of **gross developed area** authorized by the building permit:

Charge	Cost (\$)/m ²
Water	2.16/m ²
Sanitary Sewer	1.57/m ²
Storm Drainage	1.29/m ²
Roads	1.11/m ²
Total	6.13/m²

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 **Sections 1 and 2** of this schedule as applicable;
 - for the **congregate care facility portion** of the building shall be as set out in Section 3 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.