Village of Lumby

DEVELOPMENT COST CHARGES IMPOSITION BYLAW

Bylaw No. 740, 2012

Certified true copy of the Original, unaltered in any way.
TKadla
TOM KADLA
CORPORATE OFFICER
VILLAGE OF LUMBY

WHEREAS pursuant to Part 26: Division 10 of the Local Government Act, R.S.B.C. 1996, c.323 and the Regulations passed pursuant thereto, the Council of the Village of Lumby may, by by-law, Impose development cost charges under and by virtue of the terms and conditions as provided for and set out in the Section and Regulations aforesaid;

AND WHEREAS the development cost charges may be imposed for the sole purpose of providing funds to assist the Village in paying the capital cost of providing, altering, or expanding sewage, water, stormwater management and highway facilities and public open space or any of them, in order to serve, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS in the consideration of the Council of the Village of Lumby, the charges Imposed by this Bylaw:

(a) are not excessive in relation to the capital cost of prevailing standards of service in the Village;

(b) will not deter development in the Village;

(c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;

AND WHEREAS in the opinion of Council the charges imposed by this by-law have taken into consideration future land use patterns, and development, the phasing of works and services and the provision and development of park described in the Official Community Plan.

NOW THEREFORE, the Council of the Village of Lumby, in open meeting assembled, ENACTS AS FOLLOWS:

1. **TITLE**
   This bylaw may be cited for all purposes as "Village of Lumby Development Cost Charge Imposition Bylaw, No. 740, 2012".

2. **IMPOSITION OF CHARGES**

Every person who obtains:

(a) approval of a subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act*; or

(b) a building permit to authorize the construction, alteration, or extension of a building or structure, including without limitation, a building permit to authorize the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than four self-contained dwelling units;

for a property located within the Village, shall pay to the Village, at the time of the approval of the subdivision, or the issue of the building permit, as the case may be, the applicable development cost charges, in the amounts as set out in Schedule B, forming part of this Bylaw.

Despite Section 2, if an application for approval of subdivision or for issue of a building permit is received by the Village prior to adoption of this Bylaw and;

(a) all applicable fees are paid;

(b) the application meets the requirements of the Village's Zoning Bylaw and Development Bylaw or Building Bylaw, as the case may be; and

(c) subdivision approval is granted within 12 months of the date of adoption of this Bylaw or the building permit is issued within six months of the date of application;

then, the development cost charge rates applicable at the time of application shall be payable under Section 3 unless the developer requests in writing the application of the new bylaw, upon which the rates applicable under this Bylaw will apply.

3. EXEMPTION FROM CHARGES

3.1 Charges are not payable if:

(a) 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) or Section 224(2)(f) of the Community Charter;

(b) the value of the work authorized by a Building Permit does not exceed $50,000 or such other amount as the Minister may, by regulation, prescribe;

(c) the Development does not impose new capital cost burdens on the Village; or

(d) a development cost charge has previously been paid with respect to the same development, unless, as a result of a further subdivision or development, new capital cost burdens will be imposed on the Village.

4. PAYMENT OF CHARGES

4.1 Subject to Section 4.2 development cost charges imposed under this Bylaw must be paid in full to the Village as follows:

(a) Immediately before the approval of the final plan of Subdivision by the Approving Officer where the Subdivision creates Single Family Residential Use or Two Family Residential Use parcels or bare land strata lots under the Strata Property Act or

(b) For all other types of Development to which this Bylaw applies, immediately before the issuance of a Building Permit for the development by the Village.

4.2 Development cost charges that would otherwise be payable in full at the time indicated in Section 4.1 may be payable in instalments provided that the Minister has, by Regulation made pursuant to Section 933(6) of the Local Government Act, authorized the payment of the development cost charges in instalments and prescribed the conditions under which such instalments may be paid.

5. The Development Cost Charges imposed pursuant to this Bylaw on residential developments, shall be credited one dwelling unit for each existing fully serviced dwelling unit that existed prior to the subdivision approval or issuance of building permit, where applicable.

6. Where a developer is required to provide, or pay to provide, a specific service or part of a service, outside the boundaries of land being subdivided or developed; and the cost of the service is included in the calculations used to determine the amount of Development Cost Charges imposed pursuant to this Bylaw, then the cost of providing the service shall be deducted from the class of Development Cost Charges applicable to the subdivision or development for the particular service, as set out in the Schedule B, the amount of which shall not exceed the lower of the two following amounts:

a) the amount of Development Cost Charges as indicated in the column entitled "DCC Oversize Amount" in the "Village of Lumby Development Cost Charge Report" dated September 12, 2012 which forms part of the Supplementary Information Document for the 2012 Development Cost Charge Program as amended from time to time; or

b) the amount of Development Cost Charges calculated for the subdivision or building project pursuant to the provisions of this Bylaw for the particular class of service.

7. Development Cost Charge Bylaw No. 311, 1981 and all amending bylaws thereto are hereby repealed.

THIS BYLAW may be cited as Development Cost Charges Imposition Bylaw No. 740, 2012

READ A FIRST TIME this 17th day of September 2012

READ A SECOND TIME this 19th day of November 2012

READ A THIRD TIME this 19th day of November 2012

APPROVED BY THE MINISTRY OF COMMUNITY SPORT AND CULTURAL DEVELOPMENT this 28TH day of JANUARY 2013

ADOPTED this 18TH day of FEBRUARY 2013

Mayor

Corporate Officer

SCHEDULE "A"

DEFINITIONS

In this Bylaw:

"APPROVING OFFICER" means the approving officer as appointed by the Village from time to time;

"VILLAGE" means the Village of Lumby;

"COMMERCIAL" means an area designated as a commercial zone or commercial component in the Village's current Zoning Bylaw;

"CONGREGATE CARE" means an apartment residential use for elderly citizens in conjunction with a common resident dining room and appropriately-sized kitchen facilities, social and recreational areas; includes a dwelling unit for a Resident Manager, a hairdressing salon and gift shop for the use of residents;

"DWELLING UNIT" or" DU" means one or more habitable rooms designed, occupied or intended for use as residential accommodation where such room or rooms together contain or provide for the installation of only one set of cooking facilities.

"GROSS DENSITY AREA" means the gross area of the parcel or parcels to be improved excluding park areas dedicated to the Village, and covenanted areas that are deemed by the Approving Officer to be un-developable due to geotechnical and environmental concerns;

"GROSS FLOOR AREA" or "GFA" means the total area of all storeys in all buildings on a lot measured to the outside of the exterior walls of the building, excluding area used for vehicle parking;

"GROSS SITE AREA" or "GSA" means the total area of land within the boundary of the parcel or parcels to be improved as part of the development;

"ha" means hectares;

"INDUSTRIAL" means an area designated as an industrial zone in the Village's current Zoning Bylaw;

"INSTITUTIONAL" means an area designated as an institutional zone or institutional component in the Village's current Zoning Bylaw;

"MULTI-FAMILY" means Multiple Family Dwelling of more than three dwelling units

"sq. m" means square meters;

"SINGLE FAMILY" means a single detached building which is used for one dwelling unit and is occupied or intended to be occupied as the permanent home or residence of one family.

"TWO FAMILY " means a single detached building which is used for two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family.

"THREE FAMILY " means a single detached building which is used for three dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family.

SCHEDULE "B"

Development Cost Charges

	Residential		
	Single Family	Two Family	Three Family
	(per Dwelling Unit)		
Water	$3,159	$6,317	$9,476
Sanitary	$1,448	$2,896	$4,344
Drainage	$838	$1,676	$2,514
Total	$5,444	$10,889	$16,333

	Multi-family	Commercial	Industrial
	(per sq. m. gross floor area)	(per sq. m. gross floor area)	(per sq. m. gross floor area)
Water	$22.56	$22.62	$12.63
Sanitary	$10.34	$10.37	$5.79
Drainage	$5.99	$3.23	$2.15
Total	$38.89	$36.21	$20.58