

ATTACHMENT B

CITY OF NANAIMO

BYLAW NO.7439

A BYLAW TO IMPOSE TRANSPORTATION DEVELOPMENT COST CHARGES IN THE SOUTH NANAIMO AREA

WHEREAS pursuant to the *Local Government Act*, the Council of the City of Nanaimo may, by Bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the municipality in paying the capital costs of providing, constructing, altering, or expanding transportation facilities to service directly or indirectly, the development for which the charges are imposed;

AND WHEREAS the Council of the City of Nanaimo is of the opinion that the charges imposed by this bylaw:

- (a) are not excessive in relation to the capital cost of prevailing standards of service in the municipality;
- (b) will not deter development in the municipality;
- (c) will not discourage the Construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality; and
- (d) will not discourage development designed to result in a low environmental impact in the municipality;

AND WHEREAS Council has considered the charges imposed by this bylaw in relation to future land use patterns and development, the phasing of works and services described in the Official Community Plan (City Plan), and how development designed to result in a low environmental impact may affect the capital costs of transportation facilities.

AND WHEREAS in the opinion of the Council, the charges imposed by this bylaw are related to capital costs attributable to projects included in the municipality's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan (City Plan).

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as "South Nanaimo Area-specific Transportation Development Cost Charge Bylaw 2026, No. 7439".

2. Definitions and Interpretation

- 2.1 In the event of a conflict with any term of this bylaw with the provisions of the *Local Government Act* authorizing the imposition of development cost charges, this bylaw is to be interpreted so that it is consistent with the authority set out in the *Local Government Act*.

2.2 For the purposes of this bylaw, the words or phrases that are not defined in this section shall have the meaning assigned to them in the “City of Nanaimo Zoning Bylaw 2011 No. 4500”.

2.3 In this bylaw:

“BUILDING”	means a Structure which is used or intended to be used for the support, enclosure, and/or shelter of persons, animals, or property.
“BUILDING PERMIT”	means a permit authorizing the Construction, alteration, or extension of a Building or Structure.
“CAMPGROUND”	means the use of land for providing the temporary accommodation of persons for vacation or recreational purposes in recreational vehicles or tents; but excludes Mobile Home Parks.
“CITY”	means the City of Nanaimo.
“COMMERCIAL”	means any use of land or Buildings for any Commercial use including, but not limited to: retail, tourist accommodation, restaurant, office, personal or professional service, or recreation or entertainment.
“CONSTRUCTION”	includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
“DUPLEX”	means a Structure containing two (2) Dwelling Units within one (1) Building located on a single Lot and which is used or intended to be used as the residences for two (2) households.
“DWELLING UNIT”	means one or more habitable rooms, consisting of a self-contained unit used for residential purposes by a household, with a separate entrance and containing a cooking facility.
“GROSS FLOOR AREA” OR “GFA”	means the Gross Floor Area of a Building or Structure calculated to the outside of the exterior walls, including floor areas over 1.8 metres in height, canopies with an occupancy or use, and parking Structures as the principal use, with the following exemptions: stairwells and elevators exceeding one floor only, gas canopies and parking portions of a Structure.
“HIGH DENSITY RESIDENTIAL”	means a residential Building that is used or designed where three (3) or more self-contained Dwelling Units are accessible via a common hallway or corridor and shared entrance facilities (e.g., apartments).
“INDUSTRIAL”	means any Industrial use of land or Buildings, including, but not limited to uses related to the co-generation, manufacturing, processing, assembling, fabricating,

	servicing, testing, repair, storing, transporting, warehousing, distributing of goods, materials, or things, or wholesaling provided that the merchandise being sold is distributed from the Lot.
"INSTITUTIONAL"	means the Institutional use of land or Buildings including, but not limited to, use for a school, hospital, correctional facility, or for a care facility including a senior's care residence where a minimum of 20 percent of the floor area of all Buildings located on the Lot are operated under a license issued pursuant to the <i>Community Care and Assisted Living Act</i> or any enactments that replace it.
"LOT"	means any Parcel, block, or other area in which land is held or into which it is Subdivided whether under the <i>Land Title Act</i> or the Bare Land Strata Regulations under the <i>Strata Property Act</i> and includes a water Lot, but does not include a phased Subdivision boundary nor an air space Parcel.
"LOW DENSITY RESIDENTIAL"	means two (2) or fewer Dwelling Units on a Lot, where each may contain a Secondary Suite consistent with the provisions of the British Columbia Building Code.
"MEDIUM DENSITY RESIDENTIAL"	means a residential Building used or designed where there are three (3) or more self-contained Dwelling Units on a Lot, each having direct access to the outside whether via exterior staircase or at grade level (e.g., townhouse). Also includes Row Houses, Secondary Suites, Secondary Suites within Accessory Buildings, Campgrounds, Recreational Vehicle Parks, or Mobile Home Parks.
"MOBILE HOME"	means a Dwelling Unit built in an enclosed factory environment in one (1) or more sections, intended to be occupied in a place other than that of its manufacture, and includes Mobile Homes and modular homes that are either completely self-contained, or Mobile Homes that are incomplete and are assembled outside of the place their manufacture.
"MOBILE HOME PARK"	means a use of land, carried out in accordance with the Zoning Bylaw, for the purpose of providing pads for the accommodation of two (2) or more Mobile Homes.
"PARCEL"	means any Lot, block or other area in which land is held or into which it is Subdivided but does not include a highway.
"RECREATIONAL VEHICLE PARK"	means a site intended for the temporary or permanent accommodation of persons in recreational vehicles or park model trailers, and excludes a Mobile Home Park or Campground, but may include an accessory laundry facility, washroom and shower facility, convenience store, office, storage area, and recreational facilities provided such uses are limited to the occupants of the Recreational Vehicle Park.

"ROW HOUSE"	means two (2) or more Dwelling Units which share a common party wall or are otherwise connected at the side yard lot line.
"SECONDARY SUITE"	means one (1) or more habitable rooms, but not more than three (3) bedrooms and one (1) cooking facility, constituting a self-contained unit with a separate entrance, but which is clearly subordinate to the principal dwelling for residential accommodation.
"SECONDARY SUITE WITHIN AN ACCESSORY BUILDING"	means a Secondary Suite within an Accessory Building attached to a foundation, used or designed as a self-contained, detached Dwelling Unit located on a Lot with a Single Residential Dwelling and does not include a strata Lot.
"SINGLE RESIDENTIAL DWELLING"	means a Building, consisting of one (1) Dwelling Unit, used or intended to be used as the residence of one household, and which Building may include one attached Secondary Suite.
"STRUCTURE"	means anything constructed, placed, or erected on land.
"SUBDIVISION"	means a division of land as defined in the <i>Land Title Act</i> and a bare land Subdivision as defined in the <i>Strata Property Act</i> or any subsequent Act or Acts which may be enacted in substitution therefore.
"ZONING BYLAW"	means the "City of Nanaimo Zoning Bylaw 2011 No. 4500", as amended, or repealed and replaced from time to time.

3. Application

- 3.1 This bylaw applies to all lands in the "South Nanaimo Area-Specific Transportation Development Cost Charges" shown outlined on the map attached to this bylaw as Schedule "A".

4. Development Cost Charges

- 4.1 The development cost charges set out in Schedule "B", attached hereto and forming part of this bylaw, are hereby imposed on every person who obtains:
- (a) approval of a Subdivision that results in two or more Parcels on which the Zoning Bylaw permits the Construction of a Low Density Residential Dwelling Unit;
 - (b) approval of a Building Permit authorizing the Construction of a Low Density Residential Dwelling Unit on an existing Parcel; or

- (c) approval of a Building Permit authorizing the Construction of Medium Density Residential, High Density Residential, Commercial, Industrial, or Institutional Building;

and the development cost charge shall be paid upon approval of a Subdivision or issuance of a Building Permit, as the case may be.

- 4.2 For certainty, this bylaw imposes charges in respect of Building Permits authorizing the Construction, alteration or extension of Buildings that will, after the Construction, alteration or extension, contain fewer than four self-contained Dwelling Units and be put to no other use than residential use in those Dwelling Units.
- 4.3 For clarity, any person who obtains approval of a Subdivision or Building Permit within the defined area as outlined in Schedule "A" will pay the charges imposed in both Schedule "B" of this bylaw and Schedule "B" of the "City of Nanaimo Development Cost Charges Bylaw 2026, No. 7438", as applicable.

5. Calculation of Applicable Charges

- 5.1 The amount of development cost charges payable in relation to a particular development shall be calculated using the applicable charges set out in Schedule "B" of this bylaw.
- 5.2 Where a type of development is not specifically identified in Schedule "B" the amount of development cost charges to be paid to the City shall be equal to the development cost charges that are payable for the type of development that in the opinion of the Director of Planning and Development imposes the most similar cost burden on the City's transportation services.
- 5.3 The amount of development cost charges payable in relation to mixed-use type of development shall be calculated separately for each portion of the development, in accordance with Schedule "B", based on the mix of uses included in the Building Permit application and the total development cost charges payable shall be the sum of the charges payable for each type.
- 5.4 In the case of a Building Permit for a Mobile Home Park, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Medium Density Residential use, as prescribed in Schedule "B", by the number of Mobile Home pads to be constructed.
- 5.5 In the case of a Building Permit for a Campground, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Medium Density Residential use, as prescribed in Schedule "B", by the number of Campground sites to be constructed.
- 5.6 In the case of a Building Permit for a Recreational Vehicle Park, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Medium Density Residential use, as prescribed in Schedule "B", by the number of Recreational Vehicle Park sites to be constructed.

6. Exemptions

6.1 Despite any other provision of this bylaw, a development cost charge is not payable if any of the following applies in relation to a development authorized by a Building Permit:

- (a) the permit authorizes the Construction of a Building or part of a Building that is, or will be, after the Construction, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter*;
- (b) the permit authorizes the Construction of Dwelling Units in a Building where the area of each Dwelling Unit is no larger than 29m², and each Dwelling Unit will be put to no other use than residential use;
- (c) the value of the work authorized by the permit does not exceed \$50,000;
- (d) a development cost charge has previously been paid for the development unless, as a result of further development, new capital cost burdens will be imposed on the municipality; or
- (e) The *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

7. Effective Date

7.1 This Bylaw shall come into force and effect on the date of adoption.

8. Severability

8.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw remains valid.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

APPROVED BY THE INSPECTOR OF MUNICIPALITIES: _____

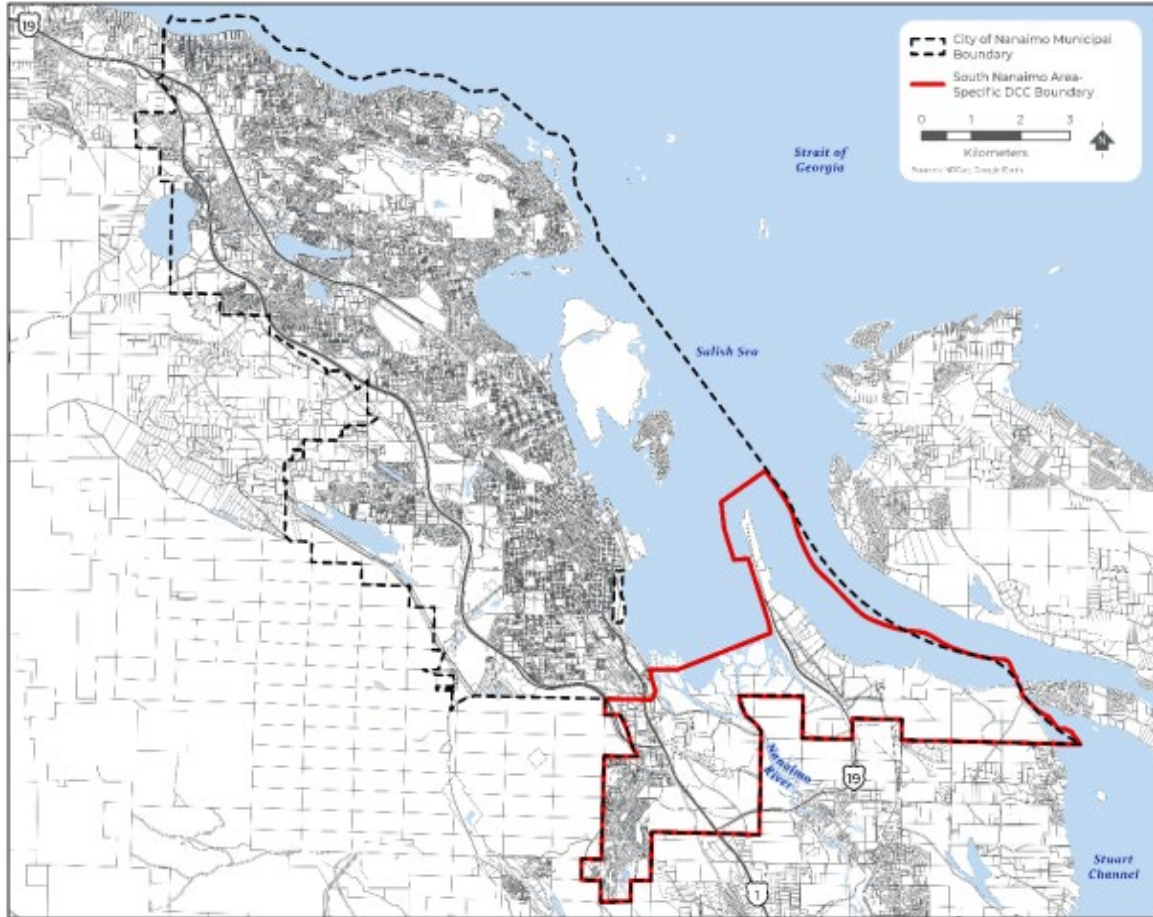
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

SOUTH NANAIMO AREA-SPECIFIC TRANSPORTATION DEVELOPMENT COST CHARGE APPLICATION AREAS



SCHEDULE "B"

SOUTH NANAIMO AREA-SPECIFIC TRANSPORTATION DEVELOPMENT COST CHARGES

	Unit	Transportation
Low Density Residential	Per lot / dwelling unit	\$5,520.21
Medium Density Residential	Per dwelling unit	\$2,512.65
High Density Residential	Per dwelling unit	\$2,360.37
Commercial	Per square metre of gross floor area (GFA)	\$38.07
Industrial	Per square metre of GFA	\$11.42
Institutional	Per square metre of GFA	\$38.07