

DISTRICT OF LANGFORD

BYLAW NO. 26

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES.

WHEREAS:

- (a) Council may impose development cost charges under Section 983 of the Municipal Act.
- (b) Development cost charges may be imposed for the sole purpose of providing funds to assist the District in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities and providing park land, or any of them, in order to serve, directly or indirectly, the development for which the charges are imposed.
- (c) No development cost charge shall be required to be paid:
 - (i) If a development cost charge has been paid previously for the same development, unless, as a result of further development, new capital cost burdens will be imposed on the District; or,
 - (ii) Where the development does not impose new capital cost burdens on the District.
- (d) In the consideration of Council, the charges imposed under this bylaw:
 - (i) are not excessive in relation to the capital cost of prevailing standards of service in the District;
 - (ii) will not deter development in the District;
 - (iii) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;
- (e) In the opinion of Council, the charges imposed under this bylaw are:
 - (i) related to capital costs attributable to projects included in the District's capital expenditure bylaw;
 - (ii) related to capital projects consistent with the District's Official Community Plan.

NOW THEREFORE, the Council of the District of Langford, in open meeting assembled, hereby enacts as follows:

Interpretation:

1. In this Bylaw:

"District" means the District of Langford or the geographical area within the boundaries of the District of Langford, as the context requires.

"Commercial" means any commercial or institutional use as permitted under the District's zoning bylaw.

"Dwelling unit" means two or more habitable rooms constituting a self-contained unit with a separate entrance, and used or intended to be used together for living and sleeping purposes for not more than one family and containing a separate and properly ventilated kitchen with a sink and not more than one set of cooking facilities and a bathroom with a water closet, washbasin and a bath or shower, and includes all seniors housing.

"Floor area" means the total area of all floors of a building measured to the outside surface of the exterior walls, excluding below ground parking, garages, carports and sun decks.

"Industrial" means a use permitted in an industrial zone under the District's zoning bylaw.

"Multi-family" means a use containing four or more dwelling units.

"Residential" means a use containing up to and including three dwelling units.

"Public Utility" means a private business organization that is subject to governmental regulation because it provides an essential service or commodity such as water, electricity, transportation or communication to the consuming public.

"Building" means any structure used or intended for supporting or sheltering any use or persons, animals or property.

"Structure" means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, includes a satellite dish antenna; excludes concrete or asphalt or similar surfacing of a lot, fences, signs and underground sewage disposal facilities.

Charges:

2. a) Every person who obtains approval of a subdivision, including a subdivision for the purpose of leasing land for a term exceeding 3 years, in a zoning district which permits the use of land for residential purposes shall pay to the District the development cost charges set out in Schedule "A" attached to and forming part of this bylaw, and the approving officer shall not approve such a subdivision until such development cost charges have been paid.
- b) Every person who obtains a building permit for a building or structure for a multi-family, commercial, industrial or public utility use shall pay to the District the development cost charges set out in Schedule "A" and the building inspector shall not issue such a building permit until such development cost charges have been paid.
3. a) The charges imposed under Section 2(a) shall be paid only in respect of the number of parcels created in addition to the number of parcels existing at the time of subdivision.
- b) The charges imposed under Section 2(b) shall be paid on building permit issuance based on the information contained in the building permit application, and may, in the sole discretion of the District, be adjusted as necessary with reference to the building actually constructed, and any additional amount shall be paid prior to the issuance of an occupancy permit.
4. A charge is payable in respect of every event under Tables 1(A), 1(B) and 1(C), provided that:
 - (a) a charge is not payable under this Section where a charge under this bylaw has been paid previously for the same event in respect of the same development;
 - (b) a credit shall be deducted from the amount that would otherwise have been imposed under this Section in respect of a parcel for the amount of development cost charges previously paid to the District for the same development on the same parcel under this bylaw.

5. Under no circumstances shall any charges collected under this bylaw be refunded. When an approved subdivision plan is not deposited or no construction is commenced pursuant to an approved building permit, charges collected shall be credited toward charges payable in respect of a future charging event under Table 1.

Exemptions:

6. No charge is payable under this bylaw where the:
 - (a) 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 398(1)(h) of the Municipal Act;
 - (b) building permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension:
 - (i) contain less than four (4) self-contained dwelling units; and,
 - (ii) be put to no other use than the residential use in those dwelling units; or,
 - (c) value of the work authorized by the permit does not exceed \$50,000 or any other amount prescribed by regulation under Section 983(3)(c) of the Municipal Act.

Severance:

7. In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the portion is deemed to be severed from the bylaw such that the remaining portions of the bylaw continue in force and effect.

Rate Reductions:

8. Pursuant to section 933.1 of the Local Government Act, a charge payable under Tables 1(A), 1(B), 1(C) and 1(D) shall be reduced for that portion of a development consisting of dwelling units in apartment buildings (as defined in Zoning Bylaw No. 300) which provides either for-profit or not-for-profit rental housing, provided that the developer registers a covenant on title, which restricts the use of that portion of the development to the applicable development class only, for a period of at least 10 years from the date of payment of the charge, or in the case of a 100% reduction of the charge, the date that the charge would otherwise have been payable, as follows:

Development Class	Area*	Charge Reduction
Non-Profit Rental Housing	City Centre	100%
Non-Profit Rental Housing	Except City Centre	100%
For-Profit Rental Housing	City Centre	30%
For-profit Rental Housing	Except City Centre	25%

* City Centre – as defined by the Official Community Plan

Citation:

9. This bylaw may be cited for all purposes as the "District of Langford Development Cost Charge Bylaw No. 26, 1993."

READ a first time this 5th day of October, 1993.

READ a second time this 5th day of October, 1993.

READ a third time this 5th day of October, 1993.

APPROVED BY The Inspector of Municipalities, pursuant to Section 987 of the Municipal Act on this 2nd day of November, 1993.

RECONSIDERED AND FINALLY ADOPTED this 16th day of November, 1993.

MAYOR

CLERK

SCHEDULE "A"

DEVELOPMENT COST CHARGES

1. The charges to be levied and paid are the amounts specified in Columns B and C of Tables 1(A), 1(B) and 1(C) in respect of the class of development specified in Column 'A'.

TABLE 1 (A) – ROADS – North Development Area

Column "A" Class of Development	Column "B" Subdivision	Column "C" Building Permit
Residential	Small Lot \$3,576 Single Family \$5,364 Duplex \$7,152	
Multi-family		\$3,291 for each dwelling unit being built.
Commercial		\$6,437 per 1000 square feet of floor area.
Industrial or Public Utility		\$1,000 per 1000 square feet of floor area, or; \$21,838 per acre

TABLE 1 (B) – ROADS – South Development Area

Column "A" Class of Development	Column "B" Subdivision	Column "C" Building Permit
Residential	Small Lot \$2,373 Single Family \$3,560 Duplex \$4,746	
Multi-family		\$2,184 for each dwelling unit being built.
Commercial		\$4,272 per 1000 square feet of floor area.
Industrial or Public Utility		\$663 per 1000 square feet of floor area or; \$14,492 per acre

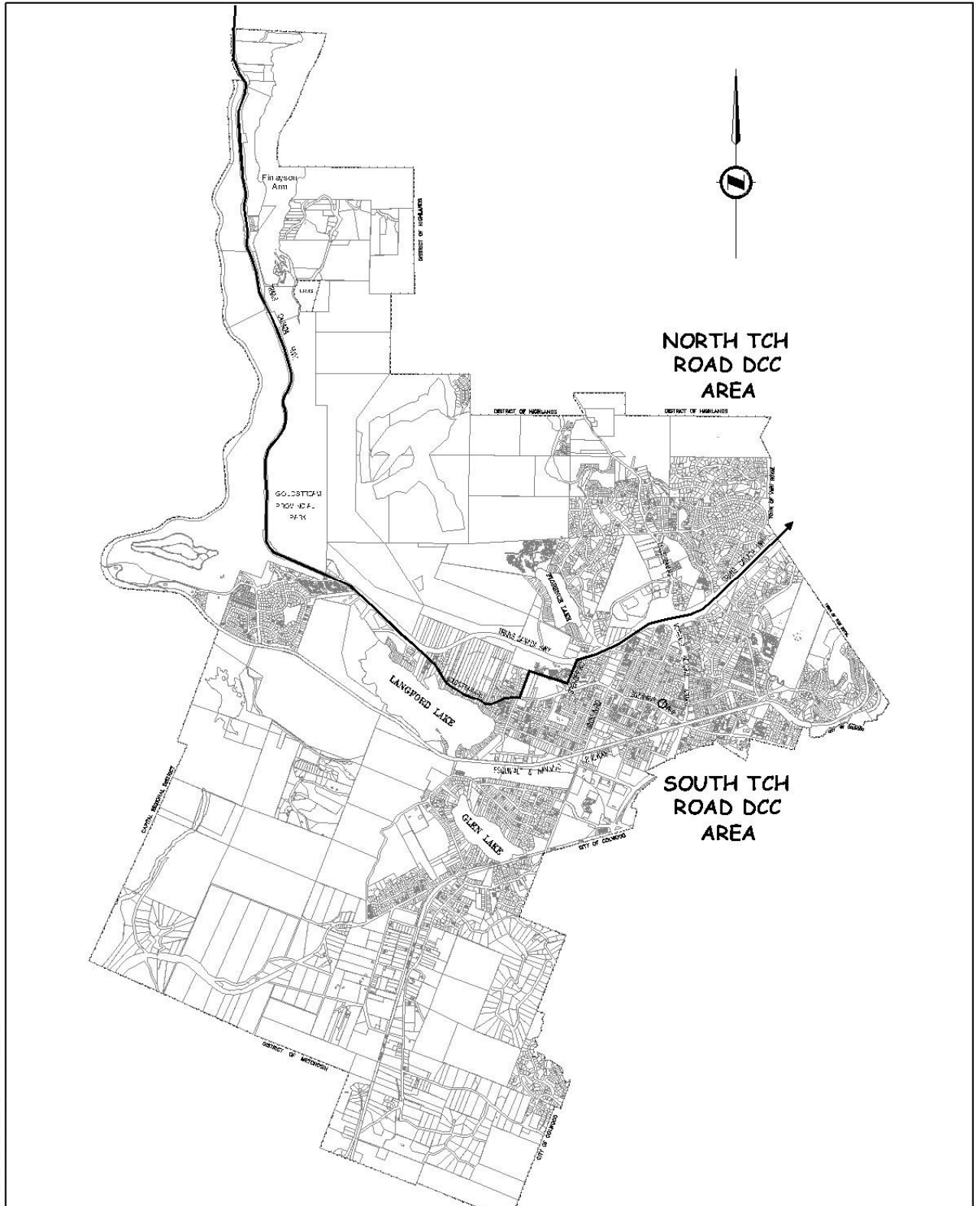
TABLE 1 (C) - STORM DRAINAGE

Column "A" Class of Development	Column "B" Subdivision	Column "C" Building Permit
Residential	\$0.67 Per m ² Site Area	
Multi-family Residential-Duplex		\$1.09 per m ² Site Area.
Multi-family Residential-Townhouse		\$1.09 per m ² Site Area.
Multi-family Residential-Apartment		\$1.34 per m ² Site Area.
Commercial		\$1.51 Per m ² Site Area
Industrial or Public Utility		\$1.51 Per m ² Site Area
Commercial Recreation or Public Utility with less than 5% impervious surface		\$0.08 Per m ² Site area

TABLE 1 (D) - PARK & OPEN SPACE

Column "A" Class of Development	Column "B" Subdivision	Column "C" Building Permit
Residential	Single Family \$1,890	
Multi-family		\$1,890.00 for each dwelling unit being built.

SCHEDULE B



Dwg Name: Schedule B - Road DCC.dwg