

TOWN OF SIDNEY

BYLAW NO. 1440

A BYLAW OF THE MUNICIPALITY TO IMPOSE DEVELOPMENT COST CHARGES.

WHEREAS pursuant to Section 932 through 937 of the *Municipal Act*, the Council may, by bylaw, impose development cost charges under terms and conditions of the Section;

AND WHEREAS the development cost charges may be imposed for the sole purpose of providing funds to assist the Municipality to pay the capital costs of providing, constructing, altering or expanding sewage, water, drainage and highway facilities, to provide park land, to service, directly or indirectly, the development for which the charge is being imposed:

AND WHEREAS **no** development cost charges shall be required to be paid:

- (a) if a development cost charge has previously been paid with respect to the same development, unless, as a result of a further development, new capital cost burdens will be imposed on the Municipality; or
- (b) where the development does not impose new capital cost burdens on the Municipality.

AND WHEREAS Council has taken in consideration future land use patterns and development, the phasing of works and services, and the provision of park land described in an Official Community Plan;

AND WHEREAS in the consideration of Council the charges imposed by this bylaw:

- (a) are not excessive in relation to the capital cost of prevailing standards of service;
- (b) will not deter development;
- (c) nor will discourage the construction of reasonably priced housing or the provision of reasonably price serviced land in the Municipality.

AND WHEREAS in the opinion of Council the charges imposed by this bylaw are:

- (a) related to capital costs attributable to projects involved in the capital budget of the Municipality;
- (b) related to capital projects consistent with the Official Community Plan of the Municipality.

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NOW THEREFORE the Municipal Council of the Town of Sidney in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as "**Development Cost Charge Bylaw 1440, 1998**".
2. For the purpose of calculating units in this bylaw:
 - (a) a unit shall mean a self-contained dwelling unit in a Multiple Family Residence, each 230 square meters of Commercial space and each 1850 square metres of Industrial land for Building Permit Applications; and,
 - (b) a unit shall mean each new lot created during a subdivision or strata development under the *Strata Title Act*.
3.
 - (a) Every person who obtains a building permit authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension that:
 - i. contains 4 or more self-contained dwelling units; and,
 - ii. be put to other uses other than the residential use in the dwelling unit; or,
 - iii. the value of the work authorized by the permit exceeds \$50,000.
 - (b) Every person who obtains approval of the subdivision of a parcel of land under the *Land Registry Act* or the *Strata Titles Act* for any purpose other than the creation of four (4) or more lots to provide sites for a total of four (4) or more self-contained dwelling units shall pay, prior to the approval of the subdivision or the issue of the building permit, as the case may be, to the Town, the applicable development cost charges as indicated in Schedule "A" attached hereto is subject to the charges payable in this bylaw if the real property is within the area shown on Schedule "B" of this bylaw.
4. A charge is payable in respect of every event under Tables 1(A), 1(B), 1(C), 1(D) and 1(E) 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 Town 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 not construction is commenced pursuant to an approved building permit, charges collected shall be credit toward charges payable in respect of a future charging under Table 1.

6. Exemptions:

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 339 (1)(g) 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 dwellings; and
- c) value of the work authorized by the permit does not exceed \$50,000 or any other amount prescribed by regulation under section 933 (4)(c) of the Municipal Act.

7. This bylaw hereby repeals Development Cost Charge Bylaw No. 1259, 1995.

Read a first time this 22nd day of June, 1998.

Read a second time this 22nd day of June, 1998.

Read a third time this 29th day of June, 1998.

Approved by the Inspector of Municipalities on the under the provisions of Section 937 of the Municipal Act on the 8th day of September, 1998.

Reconsidered and finally adopted on this 28th day of September, 1998.

MAYOR

CLERK

**SCHEDULE "A"
 DEVELOPMENT COST CHARGES**

* Charges to be levied and paid are specified in Column "C".

TABLE 1 (A) - SEWER (See Schedule "B" for breakdown)

Column A AREA	Column B NO. OF UNITS	Column C TOTAL UNIT COST
Areas No. 1 & 2	655	\$119.00 per unit

TABLE 1 (B) - WATER (See Schedule "C" for breakdown)

Column A AREA	Column B NO. OF UNITS	Column C TOTAL UNIT COST
Area No. 1	619	\$362.20 per unit
Area No. 2	439	\$310.07 per unit
Area No. 3	195	\$347.08 per unit
Area No. 4	164	\$452.68 per unit

TABLE 1 (C) - STORM DRAIN (See Schedule "D" for breakdown)

Column A AREA	Column B NO. OF UNITS	Column C TOTAL UNIT COST
Area No. 1	315	\$243.81 per unit
Area No. 2	23	\$521.74 per unit
Area No. 3	14	\$985.71 per unit
Area No. 4	85	\$169.41 per unit
Area No. 5	12	\$2,500.00 per unit
Area No. 6	63	\$203.18 per unit
Area No. 7	128	\$90.63 per unit
Area No. 8	238	\$105.88 per unit
Area No. 9	44	\$427.27 per unit
Area No. 10	48	\$125.00 per unit

TABLE NO. 1 (D) - PARKS AND PUBLIC OPEN SPACE (See Schedule "E" for breakdown)

Column A AREA	Column B NO. OF UNITS	Column C TOTAL UNIT COST
Area No. 1	611	\$245.00 per unit