

DEVELOPMENT COST CHARGES BYLAW 2024

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is:

- (a) to provide funds to assist the City in paying the capital costs of providing, constructing, altering, or expanding sanitary sewer, water, drainage and roads facilities, and providing and improving park land to service directly or indirectly, the development for which the charges are imposed; and
- (b) to repeal and replace the Development Cost Charges Bylaw No. 17-020.

In setting the development cost charges in this bylaw, Council has taken into consideration:

- (a) whether the charges:
 - (i) are excessive in relation to the capital cost of prevailing standards of service,
 - (ii) will deter development,
 - (iii) will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, and
 - (iv) will discourage development designed to result in a low environmental impact;
- (b) future land use patterns and development, the phasing of works and services and the provision of park land described in the Official Community Plan, and how development designed to result in a low environmental impact may affect the capital costs of sanitary sewer, drainage, and roads, and providing and improving park land; and
- (c) capital costs attributable to projects included in the City's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan.

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Schedule A – Development Cost Charges

Pursuant to its statutory powers, including sections 558-570 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This bylaw may be cited as the “Development Cost Charges Bylaw 2024”.

Definitions and Interpretation

- 2 (1) This bylaw applies to all applications for subdivisions and for issuance of a building permit for parcels located in the City of Victoria.
- (2) 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*.
- (3) 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 zoning bylaw.
- (4) In this bylaw:
- “**building**” means anything constructed or placed on a lot used or intended for supporting or sheltering any use, excluding landscaping, docks, wharfs and piers;
- “**building permit**” means any permit required under the Building and Plumbing Regulation Bylaw, 2017;
- “**City**” means the City of Victoria;
- “**commercial**” means a commercial development in a commercial zone listed in the Zoning Bylaw or a similar development in another zone permitted in accordance with the zoning bylaw, in which the predominant use of the zone, as determined by its purpose and list of permitted uses, is of a commercial nature;
- “**construction**” includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a building permit;
- “**dwelling unit**” means a self-contained set of rooms, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen, with a direct entrance to the open air or to a common hallway or corridor, without passing through any other dwelling unit; includes secondary suites or accommodation units and mobile homes, and modular homes or prefabricated dwellings;

"garden suite" means a building attached to a foundation, used or designed as a self-contained dwelling unit located on a lot with a single family dwelling and does not include a strata lot;

"high density residential" means a building or portion of building containing 3 or more self-contained dwelling units, one or more of which are wholly or partly above another self-contained dwelling unit;

"industrial" means an industrial development in a zone listed in the zoning bylaw, or similar development in another zone permitted in accordance with the zoning bylaw, in which the predominant use, as determined by its general purpose and list of permitted uses, is of an industrial nature;

"institutional" means an institutional development in a public or institutional zone listed in the zoning bylaw or a similar development in another zone permitted in accordance with the zoning bylaw, in which the predominant use of the zone, as determined by its purpose and list of permitted uses, is of an institutional nature;

"lot" means any lot, parcel, block or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata lot under the *Strata Property Act*;

"low density residential" means a single-family dwelling unit, which may contain one additional dwelling unit in the form of an attached secondary suite, or a two-family dwelling comprising two self-contained dwelling units;

"medium density residential" means a garden suite (detached secondary suite) or a ground-oriented building that is used or designed as 3 or more self-contained dwelling units, each having direct access to the outside at grade level and does not contain a self-contained dwelling unit wholly or partly above another self-contained dwelling unit;

"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;

"secondary suite" has the same meaning as under the *British Columbia Building Code*, and does not include a strata lot;

"single family dwelling" means a detached building having independent exterior walls and containing only one self-contained dwelling unit. Where specially permitted in the zoning bylaw, this use may contain one additional dwelling unit in the form of a secondary suite or accommodation unit;

"subdivision" means a subdivision as defined in the *Land Title Act* or *Strata Property Act*;

"total floor area" shall have the same meaning as that contained in the zoning bylaw;

“two family dwelling” means a building consisting of two self-contained dwelling units which share a common wall or an area that forms the floor of one unit and the ceiling of the other and are not linked by a trellis, deck, breezeway or similar connection;

“zone” means the zones identified and defined in the zoning bylaw;

“zoning bylaw” means the Zoning Regulation Bylaw (No. 80-159) or the Zoning Bylaw 2018 (No. 18-072), as applicable.

Development Cost Charges

- 3** The Development Cost Charges set out in Schedule A are hereby imposed on every person who obtains:
- (a) approval of a subdivision of land under the *Land Title Act* or the *Strata Property Act*, 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;

and the development cost charge shall be paid upon approval of a subdivision or issuance of a building permit, as the case may be.

Exemptions

- 4** 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, 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 permit authorizes a residential development with fewer than four (4) self-contained dwelling units;
 - (d) the value of the work authorized by the permit does not exceed \$50,000;
 - (e) 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

- (f) The *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

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 A of this bylaw.
- (2) Where a type of development is not specifically identified in Schedule A, the amount of development cost charges to be paid to the City shall be equal to the development cost charges that are payable for type of development that in the opinion of the Director of Sustainable Planning and Community Development imposes the most similar cost burden on the City's transportation, sewer, water, drainage and park services.
- (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 A, 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.

Severability

- 6** 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.

Repeal

- 7** The Development Cost Charges Bylaw No. 17-020 is repealed.

Effective Date

- 8** This bylaw comes into force on adoption.

| | | | | |
|--|------------------------|--------|---------------|------|
| READ A FIRST TIME the | 18th | day of | July | 2024 |
| READ A SECOND TIME the | 18th | day of | July | 2024 |
| READ A THIRD TIME the | 18th | day of | July | 2024 |
| APPROVED BY THE INSPECTOR OF MUNICIPALITIES | 16th | day of | August | 2024 |
| ADOPTED on the | | day of | | 2024 |

CITY CLERK

MAYOR

SCHEDULE A

DEVELOPMENT COST CHARGES BYLAW NO. 24-053

| | Unit | Transportation | Water | Drainage | Sewer | Parks | Total |
|----------------------------|--------------------------------------|----------------|------------|----------|------------|------------|-------------|
| Low density residential | Per lot / Per dwelling unit | \$9,254.76 | \$4,071.05 | \$571.55 | \$2,104.61 | \$8,580.10 | \$24,582.06 |
| Medium density residential | Per dwelling unit | \$4,212.51 | \$2,770.24 | \$276.25 | \$1,432.13 | \$5,838.53 | \$14,529.66 |
| High density residential | Per dwelling unit | \$3,957.21 | \$1,686.23 | \$138.12 | \$871.73 | \$3,553.89 | \$10,207.18 |
| Commercial | Per square metre of total floor area | \$63.83 | \$13.25 | \$1.52 | \$6.85 | \$5.58 | \$91.03 |
| Industrial | Per square metre of total floor area | \$19.15 | \$5.42 | \$1.05 | \$2.80 | \$2.28 | \$30.70 |
| Institutional | Per square metre of total floor area | \$63.83 | \$13.25 | \$1.52 | \$6.85 | \$5.58 | \$91.03 |