

# THE CORPORATION OF THE VILLAGE OF PEMBERTON

## BYLAW NO. 521, 2004

### Being a bylaw to Impose Development Cost Charges

A bylaw for the Village of Pemberton Wastewater System, Water System, Roads, Park Land and Industrial Park Development Cost Charge follows:

**WHEREAS** the Council may, pursuant to Section 933 of the Local Government Act, impose development cost charges under the terms and conditions of that section;

**AND WHEREAS** development cost charges may be imposed for the sole purpose of providing funds to assist the Municipality 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 service, directly or indirectly, the development for which the charges are imposed;

**AND WHEREAS** a development cost charge is not payable where:

1. a development cost charge has previously been paid for the same development, unless, as a result of further development, new capital cost burdens will be imposed on the Municipality; or
2. a development does not impose new capital cost burdens on the Municipality;

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

1. are not excessive in relation to the capital cost of prevailing standards of service in the Municipality;
2. will not deter development in the Municipality;
3. will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;

**NOW THEREFORE** the Council of the Corporation of the Village of Pemberton, in open meeting assembled, enacts as follows:

#### **1.00 ADMINISTRATION**

##### **1.01 Title**

This bylaw may be cited for all purposes as "Village of Pemberton Development Cost Charges Bylaw Number 521, 2004."

#### **2.00 DEFINITIONS**

For the purpose of this bylaw and Schedule "A" attached hereto, all words describing a use shall have the meaning as set out in the current Zoning Bylaw of the Village, except as otherwise herein provided.

- 2.01 "Village" shall mean The Corporation of the Village of Pemberton.
- 2.02 "Dwelling Unit" shall mean one or more habitable rooms constituting a self-contained unit with separate entrance, and is used or is intended to be used for living and sleeping purposes for no more than one family, and containing a separate kitchen with a sink and cooking facilities, and a bathroom with a water closet, wash basin and a bath and/ or shower.

- 2.03 "Floor Space" shall mean the area of all the floors of the building on a site, except non-habitable floors below grade.
- 2.04 "Multi-Family Dwelling" shall mean any building consisting of three or more dwelling units; each of which is occupied or intended to be occupied as the residence of one family. It shall also mean the development of a parcel of land at a density greater than 5 units per acre.
- 2.05 "Lot" shall mean the total parcel. Defined by the legal property lines.
- 2.06 "Equivalent Development Unit or EDU" shall mean a unit equivalent to a dwelling unit to which the base development cost charge is applicable.
- 2.07 "Use" shall mean the use for which the proposed building, structure or parcel of land is intended.
- 2.08 "Rate" shall mean and include the uses listed in Schedule B, and each use shall be deemed to contain a number of units calculated in accordance with the portion of the column opposite the use in question.

### **3.00 APPLICATION**

Every person who obtains:

- (a) approval of a subdivision of a parcel of land:
- (b) a Building Permit authorizing the construction or alteration of buildings or structures for any purpose other than the construction of three (3) or less self-contained dwelling units; or
- (c) a Building Permit authorizing the construction, alteration or extension of a building or structure, other than a building or portion of it used for residential purposes, where the value of the work exceeds Fifty Thousand Dollars (\$50,000.00); or

shall pay, prior to the approval of the subdivision or the issue of the Building Permit, as the case may be, to the Municipality, the applicable Development Cost Charges as set out in Schedule "A" hereto, for the uses shown in Schedule B.

Subsections 3.00(b) and 3.00(c) RECITED ABOVE DO NOT APPLY WHERE A Building Permit authorizes the construction, alteration or extension of a building or part of a building that is, or will after the construction, alteration or extension, be exempt from taxes pursuant to applicable Acts.

### **4.00 PAYMENT**

For the purpose of this bylaw, when calculating the applicable Development Cost Charge or Charges for water and wastewater facilities, the following applies:

- (a) Development Cost Charges are based on use or combination of uses for which the proposed building, structure or parcel of land is intended.
- (b) Development Cost Charges imposed shall be:
  - (i) paid prior to the approval of a plan of subdivision, based on the maximum number of dwelling units permitted in accordance with the current Village Zoning Bylaws, less the number of existing sewer service connections to the parcel, or based on the total parcel area before subdivision for non-residential development; or

- (ii) paid upon application for a Building Permit, based on the actual number of dwelling units, or floor space area for non-residential buildings, proposed or deemed to be constructed under the provisions of this bylaw at the time of application for such Building Permit, subject to Sections 3.00(b) and 3.00(c) hereof.

**READ A FIRST TIME** this 3<sup>rd</sup> day of February, 2004

**READ A SECOND TIME** this 3<sup>rd</sup> day of February, 2004

**READ A THIRD TIME** this 6<sup>th</sup> day of April, 2004

**APPROVED** by the Inspector of Municipalities this 10<sup>th</sup> day of May, 2004

**RECONSIDERED, FINALLY PASSED AND ADOPTED** this 10<sup>th</sup> day of May, 2004.

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Mayor

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Clerk-Treasurer

**SCHEDULE "A"**

**THE CORPORATION OF THE VILLAGE OF PEMBERTON**

**BYLAW NUMBER 521, 2004**

<b>VILLAGE CORE</b>	
<b>IMPROVEMENT</b>	<b>DEVELOPMENT COST CHARGE</b>
WASTEWATER SYSTEM UPGRADE	\$1,798 Equivalent Development Unit (EDU)
WATER SYSTEM UPGRADE	\$2,314 Equivalent Development Unit (EDU)
PARK LAND ACQUISITION	\$1,425 per Equivalent Development Unit (EDU)
ROADWORKS CONSTRUCTION	\$523 per Equivalent Development Unit (EDU), and \$295 per Equivalent Development Unit (EDU) - Benchlands Development only
<b>INDUSTRIAL PARK</b>	
<b>IMPROVEMENT</b>	<b>DEVELOPMENT COST CHARGE</b>
INDUSTRIAL PARK: WATER SYSTEM	\$3,762 per Equivalent Development Unit (EDU)
INDUSTRIAL PARK: WASTEWATER SYSTEM	\$6,206 per Equivalent Development Unit (EDU)

**SCHEDULE "B"**

**THE CORPORATION OF THE VILLAGE OF PEMBERTON**

**BYLAW NUMBER 521, 2004**

**Uses and Equivalent Units**

<b>USE</b>	<b>UNIT</b>
(a) Residential, including mobile homes	One EDU for each dwelling unit.
(b) Multi-Family	One EDU for each dwelling unit.
(c) Rest Home, Care Facility, Hospital	1.2 EDU for each bed
(d) Retail, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(e) Office, all classes, including banks	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(f) Restaurant, all classes; Coffee Shop; Cocktail Lounge; Public House; Cabaret; and all other entertainment uses	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(g) Transportation Depot, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(h) Garden Shop, Outdoor	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(i) Repair Shop, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(j) Club or Lounge	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(k) Auction House	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(l) Health Spa	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(m) Hotel, Motel & Motor Hotel	0.87 EDU's for each 100 square metres of floor space or 0.44 EDU's for each 100 square metres lot.

(n)	Truck or Car Wash	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(o)	Personal Services, all including clinics	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(p)	Studio, including Display, Music, Dance, Radio, Recording and Television	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(q)	Laundromat and/or Dry Cleaning	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(r)	Gasoline Outlet, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(s)	Automobile Dealership, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(t)	Rental Outlet, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(u)	Commercial Recreation, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(v)	Funeral Home or Parlour	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(w)	Laboratory	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(x)	Printing and Publishing Establishment	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(y)	Theatre, all classes	1.2 EDU's for each 100 square metres of floor space or 0.6 EDU's for each 100 square metres lot.
(a1)	Processing, all classes	One EDU for each 100 square metres or 0.4 EDU's for each 100 square metres of lot.
(a2)	Fabricating, all classes	One EDU for each 100 square metres or 0.4 EDU's for each 100 square metres of lot.
(a3)	Manufacturing, all classes	One EDU for each 100 square metres or 0.4 EDU's for each 100 square metres of lot.
(a4)	Warehouse and/ or	0.2 EDU's for each 100 square metre

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|      | storage, all classes             | or 0.1 EDU's for each 100 square metres of lot.  |
| (a5) | Wholesale, all classes           | 0.2 EDU's for each 100 square metre or floor space or 0.1 EDU's for each 100 square metres of lot. |
| (a6) | Auto Wrecking and/ or Junk Yards | 0.2 EDU's for each 100 square metres or 0.1 EDU's for each 100 square metres of lot.               |