

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 8327, 2022

A Bylaw to Impose Development Cost Charges

WHEREAS the City Council of the corporation of the City of New Westminster (“Council”) under authority provided by the *Local Government Act* R.S.B.C. 2015, c. 1, as amended (the “*Local Government Act*”), in particular section 559 thereof and regulations passed pursuant thereto and the general provisions of the *Community Charter* S.B.C 2003, c. 26 (the “*Community Charter*”), may by bylaw impose development cost charges; and

WHEREAS the development cost charges may be imposed for the purpose of providing funds to assist the City of New Westminster (the “City”) to pay the capital costs of providing, constructing, altering or expanding transportation, water, drainage, sanitary, and providing and improving park land to service directly and indirectly the development for which the charge is being imposed; and

WHEREAS the development cost charges established by this Bylaw will be used for the recited purposes; and

WHEREAS Council has taken into consideration the provisions of section 560 of the *Local Government Act*; and

WHEREAS the charges imposed by this bylaw are related to capital costs attributable to projects included in the City’s capital expenditure program and are consistent with the City of New Westminster Official Community Plan Bylaw No. 7925, 2017, as amended from time to time;

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

1. General Provisions

1.1 This Bylaw may be cited as the "New Westminster Development Cost Charges Bylaw No. 8327, 2022".

1.2 The following schedules attached to this Bylaw form part of this Bylaw:

- (a) Schedule A – The City of New Westminster Queensborough Transportation, Drainage, Water, Sanitary and Parkland DCC Boundary
- (b) Schedule B – Queensborough Development Cost Charges
- (c) Schedule C – The City of New Westminster Mainland Transportation, Drainage, Water, Sanitary and Parkland DCC Boundary

- (d) Schedule D – Mainland Development Cost Charges

2. Effective Date and Transitional Provisions

2.1 This Bylaw will come into force on the *Effective Date*.

2.2 New Westminster Development Cost Charges Bylaw No. 7311, 2009 and all amendments thereto shall be repealed on the *Effective Date* except to the extent that sections 511 and/or 568 of the Local Government Act apply to:

- (a) a *Precursor Application* which is *in-stream* on the *Adoption Date* and the associated Building Permit for the Precursor Application is issued within one-year after the *Adoption Date*; or
- (b) a *Subdivision Application* that is *in-stream* on the *Adoption Date* and is approved by the Approving Officer within one year after the *Adoption Date*; or
- (c) a Building Permit Application that is *in-stream* on the *Adoption Date* and is issued within one year after the *Adoption Date*.

3. Definitions

3.1 In this Bylaw italicized words will have the meanings attributed to them as follows:

ADOPTION DATE means the date of adoption of this bylaw by Council for the *City*.

APARTMENT RESIDENTIAL means a building or portion of a building divided into three or more *dwelling units* with common or shared entrances or interior passageways, which provide access to the outside and which does not include a townhouse.

BUILDING PERMIT means any permit authorizing the construction, alteration or extension of a building or structure in the *City*.

CITY means the City of New Westminster.

COMMERCIAL - OFFICE means a building or portion of building designed and intended for *office* use, excluding offices for trade contractors.

COMMERCIAL - RETAIL means a building or portion of a building providing for the sale or rental of goods or services to the end user or for the servicing and repair of goods.

DEVELOPMENT means:

- (a) a *Subdivision* and a proposed *Subdivision*; or
- (b) the proposed construction, alteration, or extension of a building or structure for which a *Building Permit* is required.

DEVELOPMENT COST CHARGES or **DCC** means the applicable rates prescribed in Schedules “B” and “D”.

DWELLING UNIT means one or more habitable rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and a bathroom are provided for the exclusive use of such person or persons.

EFFECTIVE DATE means the date of adoption of this bylaw by Council for the *City*.

FLOAT HOME means a structure incorporating a flotation system, intended for use or being used or occupied for residential purposes, not primarily intended for, or usable in, navigation and does not include a water craft designed or intended for navigation.

GROSS FLOOR AREA means:

- (a) the floor area of the building or structure (measured from the outside edge of all exterior walls of the building or structure), less the floor area of the building or structure that is used or is intended to be used for vehicular and bicycle parking, bicycle end-of-trip facilities, vehicular access, maneuvering aisles, elevators and stairs; or
- (b) in the case of an alteration or extension of less than the entire building or structure, the portion of the building or structure to which the *Building Permit* applies (measured from the outside edge of any exterior walls in such portion of the building or structure), less the floor area of the building or structure that is used or is intended to be used for vehicular and bicycle parking, bicycle end-of-trip facilities, vehicular access, maneuvering aisles, elevators and stairs;

IMPROVED SITE AREA means the whole or a portion of the parcel to be improved for *industrial* purposes as part of the *development* authorized by a *building permit*, including all buildings, vehicular and pedestrian circulation areas,

loading, parking, storage, works, decorative areas and landscaped areas belonging to the *development*.

INDUSTRIAL means a lot used or intended to be used for *industrial* uses, including manufacturing, processing, treatment, assembly, disassembly, storage, utility, testing, wholesale, distribution, or servicing of goods and materials.

INSTITUTIONAL means:

- (a) a use providing for the gathering of persons for charitable, cultural, governance, philanthropic, religious, community recreation facilities, hospitals, mental health facilities, or educational purposes, or
- (b) Housing units for the accommodation of caretakers, staff, students and/or patients, provided that such housing units are part of the institutional complex and a restrictive covenant is registered against the title of the land in favour of the City to ensure that the housing units remain in the designated use.

IN-STREAM means an application submitted and accepted by the City as a legitimate application and all application fees have been paid, and where the application has not been declined or rejected by the City or withdrawn by the applicant.

LAND TITLE ACT means the Land Title Act, R.S.B.C 1996, c. 250, as amended.

MIXED-USE means a *development* in which the building or buildings are intended to be used for two or more uses.

PRECURSOR APPLICATION means:

- (a) an application for the issuance of a *Building Permit*, if
 - (i) the application has been submitted to the City as a complete and legitimate application, that includes completed application forms, submission of all required items, and payment of all applicable fees, or
- (b) an application for the issuance of a Development Permit if:
 - (i) the application has been submitted to the City as a complete and legitimate application, that includes a completed application form, submission of all required items, and payment of all applicable fees; and
 - (ii) the *development* authorized by the *Building Permit* is entirely within the area of land that is the subject of the application, or
- (c) an application for an amendment to the *Zoning Bylaw*, if

- (i) the application has been submitted by the City as a complete and legitimate application that includes a completed application form, submission of all required items, and payment of applicable fee, and
- (ii) the *development* authorized by the *building permit* is entirely within the area of land to which the application relates.

SINGLE DETACHED – RESIDENTIAL includes any dwelling unit which is or will be situated in a single building or structure containing one dwelling unit and no other principal uses, and which may include a secondary suite, carriage house, or laneway house that is constructed, altered or extended on a single parcel.

STRATA PROPERTY ACT means the Strata Property Act, S.B.C 1998, c. 43 as amended.

SUBDIVISION means the division of land into two or more parcels under the *Land Title Act* or the *Strata Property Act*.

SUBDIVISION APPLICATION means an application for *subdivision*, submitted and accepted by the *City* as a legitimate application, which includes a completed *subdivision application* form, submission of all required items, and payment of all applicable application fees.

TOWNHOUSE RESIDENTIAL means a building or portion of a building divided into two or more *dwelling units* where each *dwelling unit* has direct ground level access, or indirect ground level access by way of a staircase shared by not more than two *dwelling units* on the same storey, and each *dwelling unit* is attached to another *dwelling unit*.

ZONING BYLAW means Zoning Bylaw 6680, 2001 as amended or replaced from time to time.

4. Imposition of Development Cost Charges

4.1 Subject to Section 5, a person who obtains:

- (a) approval of *subdivision*; or
- (b) a *building permit* authorizing the construction, alteration or extension of a building or structure;

must pay to the *City* the applicable *development cost charges* set out in this Bylaw, at the time of the approval of the *subdivision* or the issuance of the *building permit*, as set out in Schedules “B” and “D”.

4.2 Where on Schedules “B” and “D” a *development cost charge* is described as being payable at either *subdivision approval* or *building permit* issuance, it shall be paid upon the earlier event.

5. Exemption from DCC

Development cost charges are not payable where:

- (a) exempted by statute and where the *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 220(1)(h) [statutory exemption for places of worship] or Section 224(2)(f) [permissive exemptions in relation to places of public worship] of the *Community Charter*;
- (b) the *development* does not impose new capital cost burdens on the *City*;
- (c) *development cost charges* have been previously paid for the *development* unless, as a result of further development, new capital cost burdens will be imposed on the *City*;
- (d) a *dwelling unit* size is less than or equal to 29 square metres and each unit is used only for a residential use; or
- (e) the *development* authorized by a *building permit* if the value of the work authorized by the permit does not exceed \$50,000 or such other amount as may be prescribed by provincial regulation.

6. Calculation of DCC

- (a) *Development cost charges* imposed under this Bylaw shall be calculated in accordance with the rates prescribed in Schedules “B” and “D”.
- (b) Where a *development* for which a *development cost charge* applies contains two or more uses such as in *mixed-use developments*, the *development cost charge* to be paid will be calculated separately for each use within the *development* and the total *development cost charge* to be paid will be the sum of the *development cost charges* for all uses within the *development*.

7. Payment of DCC

Development cost charges imposed under this Bylaw must be paid in full to the *City* as follows:

- (a) as a condition of the approval of the final plan of *subdivision* by the Approving Officer where the *subdivision* creates *Single-detached Residential* use parcels or bare land strata lots under the *Strata Property Act*; or
- (b) for all other types of *development* to which this Bylaw applies prior to the issuance of a *Building Permit* for the *Development*.

8. Severability

If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw shall remain valid and enforceable in accordance with its terms.

GIVEN THREE READINGS this 9th day of May, 2022.

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES this 20th day of June, 2022.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed
this _____ day of _____, 2022.

MAYOR

JACQUE KILLAWEE, CITY CLERK

SCHEDULE "B"

CITY OF NEW WESTMINSTER

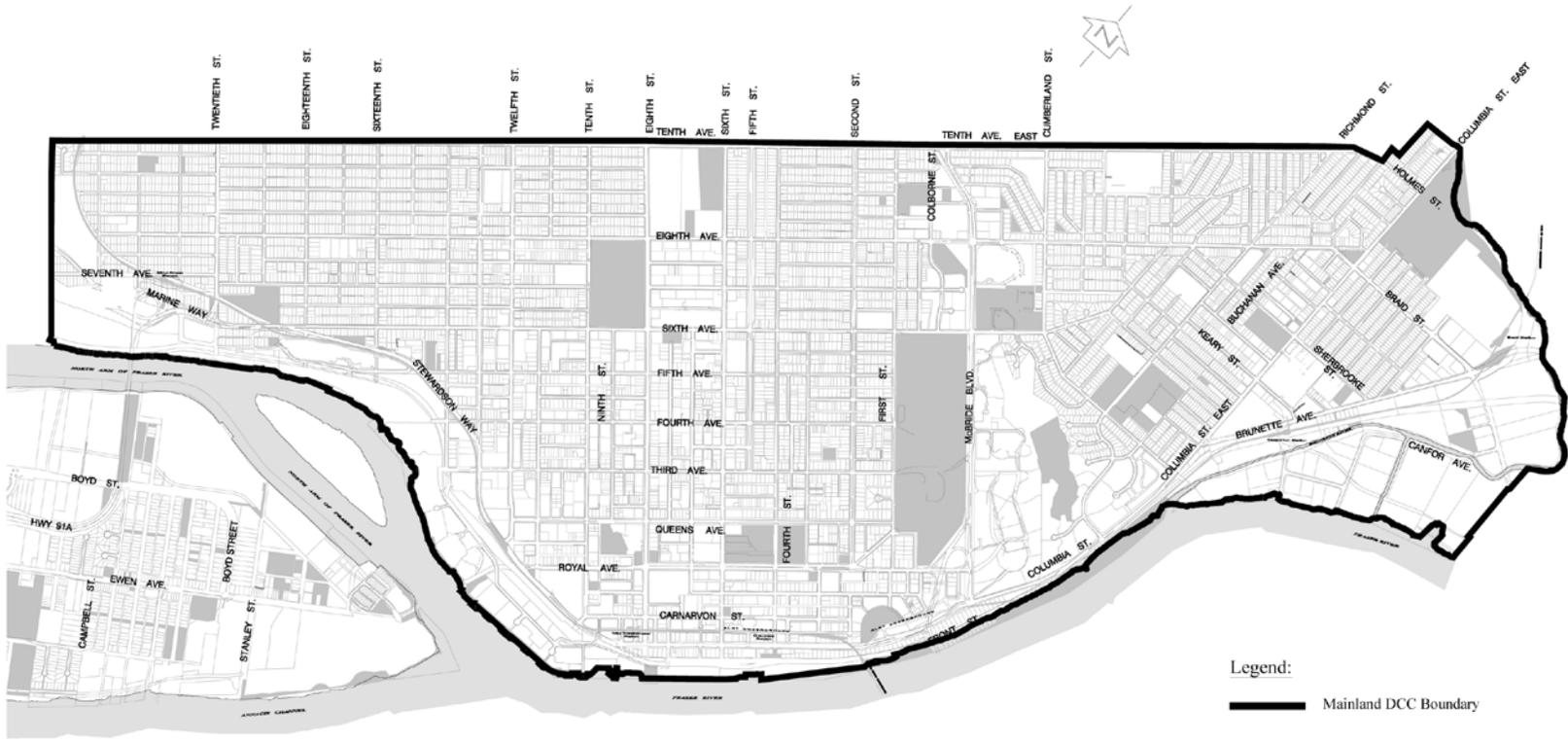
QUEENSBOROUGH DEVELOPMENT COST CHARGES

The following development cost charges apply to development within the DCC boundary shown on Schedule “A” of this Bylaw:

Area of Land Use	How Charge is Calculated	When Payable	Transportation by sq. m.	Drainage by sq. m.	Water by sq. m.	Sanitary Sewer by sq. m.	Parkland Acquisition and Development by sq. m.	Total DCC by sq. m.
Queensborough								
Single Detached – Residential	Parcel Area	Subdivision Approval/ Building Permit Approval	\$21.96	\$11.13	\$0.00	\$2.87	\$25.07	\$61.03
Townhouse Residential	Gross Floor Area	Building Permit Approval	\$39.98	\$18.45	\$0.00	\$5.83	\$50.46	\$114.72
Apartment Residential	Gross Floor Area	Building Permit Approval	\$38.75	\$12.91	\$0.00	\$5.44	\$47.02	\$104.12
Float Home	Gross Floor Area	Building Permit Approval	\$39.98	\$0.00	\$0.00	\$5.83	\$50.46	\$96.27
Commercial – Retail	Gross Floor Area	Building Permit Approval	\$133.38	\$13.24	\$0.00	\$3.65	\$0.00	\$150.27
Commercial – Office	Gross Floor Area	Building Permit Approval	\$133.38	\$13.24	\$0.00	\$3.09	\$0.00	\$149.71
Industrial	Improved Site Area	Building Permit Approval	\$6.94	\$9.31	\$0.00	\$1.26	\$0.00	\$17.51
Institutional	Gross Floor Area	Building Permit Approval	\$13.34	\$12.41	\$0.00	\$3.09	\$0.00	\$28.84

SCHEDULE "C"

Schedule "C" The City of New Westminster Mainland DCC Boundary



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April 07, 2009

SCHEDULE "D"

CITY OF NEW WESTMINSTER

MAINLAND DEVELOPMENT COST CHARGES

The following development cost charges apply to development within the DCC boundary shown on Schedule "C" of this Bylaw:

Area of Land Use	How Charge is Calculated	When Payable	Transportation by sq. m.	Drainage by sq. m.	Water by sq. m.	Sanitary Sewer by sq. m.	Parkland Acquisition and Development by sq. m.	Total DCC by sq. m.
Mainland								
Single Detached – Residential	Parcel Area	Subdivision Approval/ Building Permit Approval	\$8.73	\$4.16	\$2.49	\$3.58	\$18.61	\$37.57
Townhouse Residential	Gross Floor Area	Building Permit Approval	\$15.00	\$6.51	\$4.77	\$6.86	\$40.78	\$73.92
Apartment Residential	Gross Floor Area	Building Permit Approval	\$21.39	\$6.70	\$6.55	\$9.42	\$35.40	\$79.46
Commercial – Retail	Gross Floor Area	Building Permit Approval	\$31.80	\$4.95	\$3.16	\$4.55	\$0.00	\$44.46
Commercial – Office	Gross Floor Area	Building Permit Approval	\$31.80	\$4.95	\$2.68	\$3.85	\$0.00	\$43.28
Industrial	Improved Site Area	Building Permit Approval	\$3.31	\$3.48	\$1.09	\$1.57	\$0.00	\$9.45
Institutional	Gross Floor Area	Building Permit Approval	\$6.36	\$4.64	\$2.68	\$3.85	\$0.00	\$17.53