

DISTRICT OF OAK BAY

BYLAW NO. 4891

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

WHEREAS pursuant to the *Local Government Act*, the Council of the District of Oak Bay may, by Bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the municipality 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 WHEREAS the Council of the District of Oak Bay is of the opinion that the charges imposed by this bylaw:

- (a) are not excessive in relation to the capital cost of prevailing standards of service in the municipality;
- (b) will not deter development in the municipality;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality; and
- (d) will not discourage development designed to result in a low environmental impact in the municipality;

AND WHEREAS Council has considered the charges imposed by this bylaw in relation to 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 WHEREAS in the opinion of the Council, the charges imposed by this Bylaw are related to capital costs attributable to projects included in the municipality's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan.

NOW THEREFORE, the Council of the District of Oak Bay, in open meeting assembled, enacts as follows:

PART 1 - GENERAL ADMINISTRATION

1.1 This bylaw may be cited as "Development Cost Charge Bylaw No. 4891, 2024".

PART 2 - 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 District of Oak Bay.
- 2.2 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*.
- 2.3 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.
- 2.4 In this bylaw:
- (a) **“Accessory Dwelling Unit”** means a self-contained dwelling unit within a building of secondary use which contains sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite, and is located in a building smaller than a principal building located on the same lot, and may be situated above a detached garage.
 - (b) **“Building Permit”** means any permit required under the District of Oak Bay Building and Plumbing Bylaw, No. 4247, 2005 as amended, or repealed and replaced from time to time.
 - (c) **“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.
 - (d) **“Construction”** includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
 - (e) **“Development Cost Charges” (DCC)** means the applicable rates prescribed in Schedule A to this bylaw.
 - (f) **“District”** means The Corporation of the District of Oak Bay.
 - (g) **“Dwelling, Multiple-Unit”** means a principal building consisting of three (3) or more dwelling units.
 - (h) **“Dwelling, One-Unit”** means a principal building used exclusively for residential purposes and consisting of one (1) dwelling unit and may include a fully enclosed Secondary Suite as an independent Dwelling Unit located within the principal building.
 - (i) **“Dwelling, Two-Unit”** means a principal building used exclusively for residential purposes and consisting of two (2) primary dwelling units, and each primary dwelling unit in a Two-Unit Dwelling may include one fully enclosed Secondary Suite as an independent dwelling unit located within the principal building.
 - (j) **“Dwelling Unit”** means one (1) or more habitable rooms used for residential purposes

where such room or rooms contain or provide for the installation of only one (1) set of cooking facilities and one (1) or more sets of sanitary facilities.

- (k) **“Gross Floor Area”** or **“GFA”** shall have the same meaning as that contained in the Zoning Bylaw.
- (l) **“High Density Residential”** means a Multiple-Unit Dwelling building(s) containing 3 or more self-contained units accessed through a common hallway, one or more of which are wholly or partly above another self-contained dwelling unit.
- (m) **“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.
- (n) **“Institutional”** means an institutional development in an institutional use 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.
- (o) **“Lot”** means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office.
- (p) **“Low Density Residential”** means a One-Unit Dwelling, which may contain one additional dwelling unit in the form of a secondary suite or an Accessory Dwelling Unit, OR a Two-Unit Dwelling, wherein each unit may also contain one fully enclosed secondary suite.
- (q) **“Medium Density Residential”** means a Multiple-Unit Dwelling building(s) containing 3 or more self-contained units accessible through separate, ground-oriented entrances (i.e., not accessed through a common hallway). Forms of development include Accessory Dwelling Units, secondary suites, townhouses, triplexes, fourplexes, mobile homes, and modular homes.
- (r) **“Parcel”** means a lot, block or other area in which land is held or into which land is subdivided.
- (s) **“Secondary Suite”** means a self-contained dwelling unit containing sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite and is smaller than, secondary to, and connected to a primary dwelling unit located within a principal building on the same lot.
- (t) **“Structure”** means any construction, except a building, fixed to, supported by, or sunk into land or water, and includes but is not limited to fences, walls, and below grade stairs and patios; and excludes paved parking surfaces and on grade patios.
- (u) **“Subdivision”** means any change in the existing size, shape, number of arrangement of a lot or lots, whether by plan or metes and bounds description.
- (v) **“Zone”** means the zones, areas, or districts identified, established, and defined in the Zoning Bylaw.

- (w) “**Zoning Bylaw**” means the District of Oak Bay Zoning Bylaw, No. 3531, 1986, as amended, or repealed and replaced from time to time.

PART 3 - DEVELOPMENT COST CHARGES

- 3.1 The Development Cost Charges set out in Schedule “A”, attached hereto and forming part of this bylaw, 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 unit(s);
 - (b) approval of a Building Permit authorizing the construction of Low Density Residential units(s) 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.
- 3.2 For certainty, this bylaw imposes charges in respect of Building Permits authorizing the construction, of buildings or structures that will, after the construction, contain fewer than four Dwelling Units and for which the Dwelling Units in the building or structure will be put to no use other than residential use.

PART 4 - EXEMPTIONS

- 4.1 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, alteration or extension 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 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 value of the work authorized by the permit does not exceed \$50,000;
 - (d) 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
 - (e) The *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

PART 5 - 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.
- 5.2 Where a type of development is not specifically identified in Schedule “A” the amount of development cost charges to be paid to the District shall be equal to the development cost charges that are payable for type of development that in the opinion of the Director of Community Building and Planning imposes the most similar cost burden on the District’s transportation, sewer, water, drainage, park, fire, and police services.
- 5.3 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.
- 5.4 For certainty, a Two-Unit Dwelling will be charged two Low Density Residential development cost charges.

PART 6 - EFFECTIVE DATE

- 6.1 This Bylaw shall come into force and effect on the date of adoption.

PART 7 - SEVERABILITY

- 7.1 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.

READ A FIRST TIME the 9th day of December 2024

READ A SECOND TIME the 9th day of December 2024

READ A THIRD TIME the 9th day of December 2024

APPROVED BY THE INSPECTOR OF MUNICIPALITIES the
21st day of January 2025

ADOPTED the 10th day of February 2025

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

Attached to Development Cost Charge Bylaw No. 4891, 2024

Land Use	Unit	Transportation	Sewer	Water	Drainage	Parks	Fire	Police	Total
Low Density Residential	Per lot or unit	\$4,571	\$3,943	\$5,101	\$217.29	\$4,910	\$3,722	\$3,722	\$26,187
Medium Density Residential	Per unit	\$2,080	\$2,683	\$3,471	\$105.02	\$3,341	\$2,533	\$2,533	\$16,747
High Density Residential	Per unit	\$1,954	\$1,633	\$2,113	\$52.51	\$2,034	\$1,542	\$1,542	\$10,871
Commercial	Per m ² of GFA*	\$31.52	\$11.67	\$15.09	\$0.58	\$3.20	\$11.01	\$11.01	\$84.08
Industrial	Per m ² of GFA	\$9.46	\$5.25	\$6.79	\$0.40	\$1.31	\$11.01	\$11.01	\$45.23
Institutional	Per m ² of GFA	\$31.52	\$11.67	\$15.09	\$0.58	\$3.20	\$11.01	\$11.01	\$84.08

*GFA = Gross Floor Area