

CITY OF WHITEHORSE

BYLAW 2012-12

A bylaw to impose and collect Residential Development Cost Charges
.....

WHEREAS section 327 of the *Municipal Act* (R. S. Y. 2002) provides that council may by bylaw, as a condition of consent to an application, impose development cost charges on every person who applies to the approving authority for approval of the subdivision of a parcel of land for any purpose, or who applies for a building permit authorising the construction or alteration of buildings or structures for any purpose; and

WHEREAS development cost charges are used to acquire sufficient funds to assist in the expansion of municipal infrastructure, facilities and other growth related infrastructure; and,

WHEREAS section 220 of the *Municipal Act* provides that council may by bylaw amend, repeal or revoke bylaws; and,

WHEREAS it is deemed necessary and expedient to update the existing development cost charges bylaw;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Residential Development Cost Charges Bylaw**".

DEFINITIONS

2. For the purposes of this bylaw the following definitions shall apply; and unless specifically listed below, definitions contained in the City of Whitehorse Building and Plumbing Bylaw, the Subdivision Control Bylaw, and the Zoning Bylaw, shall apply to those terms contained in this bylaw:

"APARTMENT" means a building consisting of three or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use in common, halls, and/or stairs, and/or elevators and yards.

"BUILDING PERMIT" means the document authorizing the carrying out of any development, alteration or other work in accordance with the City Zoning Bylaw, the City Building and Plumbing Bylaw, and the *Yukon Building Standards Act* or other applicable statute or regulation which requires confirmation of compliance.

Residential Development Cost Charges Bylaw 2012-12

"COUNTRY RESIDENTIAL" means any lot zoned to allow single detached housing for a rural lifestyle of a permanent nature on larger parcels, often without the provision of the full range of municipal utilities.

"DEVELOPMENT COST CHARGE" means a charge levied by a municipality against a new development to acquire sufficient funds to assist with the expansion of municipal services or facilities and other growth related infrastructure.

"DUPLEX HOUSING" means a building designed exclusively to accommodate two households living independently in separate dwelling units side by side or above and below each other.

"DWELLING" means one or more rooms intended to be used as a residence by one household, each dwelling having independent living, sleeping, and toilet facilities, and not more than one kitchen.

"MUNICIPAL UTILITIES" means a system or facility that is used to provide any of the following to the public: water, sewage treatment and disposal, public transportation, heat, waste heat, and waste management; and a service or product that is provided for public consumption, benefit, convenience, or use.

"MANUFACTURED HOME" means,

- (1) a factory built single or multiple section single family dwelling unit constructed to the *National Building Code of Canada CAN/CSA-A227* standard that is designed to be transported to the site for installation on a permanent foundation; or,
- (2) a factory built single or multiple section single family Dwelling unit designed to be transportable on its own chassis that conforms to the *CSA Z240 Manufactured Home Series of Standards*.

"MULTIPLE DETACHED DWELLING" means a detached building within a multiple housing development containing only one dwelling unit, designed exclusively for occupancy by one household."

"MULTIPLE HOUSING" means any physical arrangement of three or more dwelling units intended to be occupied by separate households.

"MUNICIPAL UTILITIES" means a system or facility that is used to provide any of the following things for the public: water, sewage treatment and disposal, public transportation, heat, waste heat and waste management; and a service or product that is provided for public consumption, benefit, convenience, or use.

"RESIDENTIAL" means any lot zoned to allow residential uses in the City of Whitehorse Zoning Bylaw.

"SECONDARY SUITE" means a self-contained, accessory dwelling unit located within a single detached house or detached structure intended to be used for living and sleeping purposes.

Residential Development Cost Charges Bylaw 2012-12

“SINGLE DETACHED HOUSING” means a detached building containing only one Dwelling unit, designed exclusively for occupancy by one household, and excludes Manufactured Homes.

“SUPPORTIVE HOUSING” means the use of a building for residential dwelling units that is owned and operated by a public authority or non-profit agency and designed to accommodate tenants who require assistance.

“TOWNHOUSE” means three or more side-by-side dwellings sharing a common interior wall, each unit being self-contained, having a private ground oriented entrance.

GENERAL PROVISIONS

3. A development cost charge is hereby imposed in an amount identified in the Fees and Charges Bylaw on every person who applies to the City of Whitehorse for:
 - (1) Approval of a plan of subdivision of a parcel of land for residential development purposes; or
 - (2) A residential building permit authorizing the construction or alteration of one or more buildings or structures of the following type: Single detached housing, secondary suites, duplex housing, row housing, apartments, and multiple detached dwellings.
4. Development cost charges required to be paid under this bylaw shall be paid at the time of approval of the plan of subdivision or the issuance of a Building Permit, whichever comes first.
5. Notwithstanding section 4 of this bylaw, for a plan of subdivision the City may agree in a Development Agreement that development cost charges may be paid for each lot thereof at the time of issuance of a Building Permit for each such lot or group of lots if the plan of subdivision is to be developed in phases. The amount of the development cost charge for each such lot shall be determined by those charges in effect at the time of application for the Building Permit.
6. Notwithstanding section 4 of this bylaw, for a plan of subdivision by the Government of Yukon, the City may agree that development cost charges be paid for each lot at the time of sale by the Government of Yukon. The development cost charge rates shall be paid as per the Fees and Charges Bylaw at the time of lot sale.
7. A development cost charge imposed under this bylaw may be collected once only in respect of land that is the subject of a plan of subdivision or Building Permit.
8. The development cost charges imposed by this bylaw, along with any interest collected thereon, shall be deposited in a development cost charge reserve account which is hereby established

Residential Development Cost Charges Bylaw 2012-12

9. The development cost charge reserve account shall be used for capital payments for providing, altering or expanding municipal utilities and other facilities of benefit to the municipality, including planning, engineering and legal costs, and the payment of any debt incurred as a result of an expenditure made for the aforementioned purposes.
10. Forty percent (40%) of levied country residential development cost charges, and twenty percent (20%) of levied urban and multi-unit residential development cost charges shall be identified for expenditure on recreation facilities.
11. Council may by bylaw, in special circumstances, levy residential development cost charges other than those identified in the Fees and Charges Bylaw as it deems fair and equitable.
12. The Government of Yukon shall not be subject to the payment of a development cost charge where it has made a contribution related to the infrastructure cost, except as otherwise provided for in a development agreement.
13. Applications for non-profit supportive housing projects may include an application to Council for a waiver of the development cost charges.

ANNUAL INCREASE IN RATES

14. Development cost charges shall have an annual increase of 2% in 2013, 2014, and 2015. After this period, Council shall examine the rates.

REPEAL OF EXISTING LEGISLATION

15. Bylaw 2001-27, including all amendment thereto, is hereby repealed.

COMING INTO FORCE

16. This bylaw shall come into full force and effect on July 1, 2012.

FIRST and SECOND READING: February 27, 2012

THIRD READING and ADOPTION: March 12, 2012

ORIGINAL BYLAW SIGNED BY:

"Ranj Pillai"

Ranj Pillai, Deputy Mayor

"Robert I. Fendrick"

Robert I. Fendrick, FCGA, City Clerk