

VANCOUVER CHARTER AMENDMENT ACT (No. 1), 1990**CHAPTER 76**

Assented to July 27, 1990.

Preamble

WHEREAS the City of Vancouver has presented a petition praying that the *Vancouver Charter* be amended;

AND WHEREAS it is expedient to grant the prayer of the said petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. Section 160 of the *Vancouver Charter*, S.B.C. 1953, c. 55, is repealed and the following substituted:

160. All committees of Council shall stand discharged at noon on the first Monday after the first day of December of each election year.

2. Section 166 is repealed and the following substituted:

166. The votes of not less than 2/3 of the members present shall be necessary to supersede a ruling of the presiding officer at a meeting of the Council, or to rescind a resolution passed by the Council in its current term.

3. Section 292 is amended by adding the following subsections:

(5) Where, as a result of an expropriation that occurs after this section comes into force, a parcel of land that could have been subdivided into 2 or more parcels under a by-law in effect when the land expropriated was vested in the expropriating authority can no longer be subdivided into the same number of parcels, the parcel shall be deemed to conform to the applicable by-law for the purposes of the subdivision as though the expropriation had not occurred, but only to the extent that none of the parcels that would be created by the subdivision would be less than 90% of the area that would otherwise be permitted by the applicable by-law.

(6) Subsection (5) does not apply where the owner of the parcel being subdivided has received compensation that is directly attributable to the reduction in the market value of the land that results from the inability to subdivide the parcel in the manner that would have been permitted under the applicable by-law.

4. Section 306 is amended

(a) by repealing paragraph (q) and substituting the following:

(q) for providing for the demolition or removal, in whole or in part, or the amendment at the expense of the owner thereof, of any building certified by the City Building Inspector to be a fire hazard or structurally unsafe or a menace to health, and for that purpose to authorize any workers or others to enter upon the premises and carry out such demolition, removal or amendment, and for providing that the cost of such demolition or removal may be recovered from the owner in any court of competent jurisdiction or by entering the amount of such cost in the real property roll with respect to such parcel, and

the provisions of this paragraph respecting cost recovery shall apply where the City Building Inspector orders the boarding up or securing of any unsafe building; , and

(b) by adding the following paragraph:

(bb) for providing that, where

(i) there has been a successful prosecution pursuant to a by-law regarding building standards or fixing standards of fitness for human habitation, or

(ii) Council has suspended or revoked a license on the grounds that the owner or occupier of the premises is in violation of a by-law regarding building standards or fixing standards for human habitation,

Council may order that the owner be assessed all reasonable costs of all inspections and investigations, and all other city costs involved in the preparation of any such prosecution or proceeding, and any amount so determined by Council may be recovered in any court of competent jurisdiction.

5. Section 310 (e) is repealed and the following substituted:

(e) make agreements with other municipalities or the Provincial or Federal governments for the provision of the city's fire fighting services or use of the city's fire fighting equipment or communication or dispatch systems, upon such terms and conditions as may be agreed upon; .

6. Section 319 is amended by adding the following paragraph:

(f) for regulating the use of any street for the making of motion pictures, television productions, festivals, races or other events, including the power to temporarily close streets to vehicular traffic, pedestrian traffic or both and to levy fees therefor.

7. Section 323 (d) is repealed and the following substituted:

(d) for regulating the sale or disposal to minors and others of rockets, firecrackers, Roman candles or other fireworks, and for regulating their possession, and providing that, where rockets, firecrackers, Roman candles or other fireworks are being held in violation of the by-law, they may be seized and disposed of without compensation;

8. Section 507 (1) is repealed and the following substituted:

(1) Where a project undertaken on the initiative of the Council involves the construction of a pavement in front of any property situate in a residential district and the pavement exceeds 27 feet in width, the cost of the excess shall be included in the city's share of the cost. "Residential district" for the purposes of this subsection mean a district where no outright uses other than single family or 2 family dwellings and ancillary buildings are permitted.

9. The following Part is added:

PART XXIV - A

DEVELOPMENT COST LEVIES

523D. (1) For the purpose of this section,
"capital project" means

- (a) constructing, altering, expanding or replacing sewage, water, drainage and highway facilities, and
- (b) providing park land.

(2) Where, in approving a subdivision, the city requires that the mains of the systems referred to in section 292 (1) (e) be of a diameter in excess of that required to service the subdivision, the cost of providing such excess capacity shall be deemed to be a capital project in respect of which a development cost levy may be imposed subject to the provisions of this section.

(3) The Council may, by by-law, impose a development cost levy in accordance with this section where the Council determines that development anticipated to take place in an area designated by it will contribute to the need to provide one or more capital projects in all or part of the area.

(4) Subject to subsections (10) and (11), the development cost levy shall be imposed on every person entitled to the delivery of a building permit authorizing the construction, alteration or extension of a building or structure or part thereof situate within the area designated by Council.

(5) The cost of a capital project may include

- (a) all planning, architectural, engineering and legal costs related to the project, and
- (b) the principal and interest on debt incurred to finance the capital project.

(6) The Council may undertake any of the capital projects referred to in subsections (1) and (2).

(7) The Council may, from time to time, by by-law, amend the amount of a development cost levy to reflect the changed costs of a proposed capital project or to provide for the effects of inflation.

(8) Subject to subsection (9), a development cost levy imposed by this section shall be a condition of the issuance of a building permit and shall be paid at the time or times a building permit or permits are issued for the development or redevelopment of property in an area to which a by-law applies. For the purposes of this subsection, the Council may define what constitutes development or redevelopment of property, and may provide that, where a development takes place in stages, each stage shall be deemed to be part of the development.

(9) The Council may, in respect of all or different classes of developments, authorize the payment of development cost levies in installments, prescribe conditions under which the installments may be paid and provide that, where not paid, the installment shall be inserted in the real property tax roll as a charge imposed with respect to the parcel or parcels in relation to which the building permit was issued.

(10) No levy is payable under a by-law made under this section

- (a) where a parcel of land is, or will be after construction, alteration or extension, exempt from taxation under section 396 (c) (iv),
- (b) where a building permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension,
 - (i) contain less than 4 self contained dwelling units, and
 - (ii) be put to no other use other than the residential use in those dwelling units,
- (c) where a by-law imposing a development cost levy on the cost of development exempts repair or renovation work as defined, to such repair or renovation work, or
- (d) where a parcel of land, owned by the Federal or Provincial government, the City of Vancouver or a non-profit organization, is or will be, after construction, alteration or extension, used for social

housing and, for the purposes of this paragraph, Council may define what constitutes social housing.

(11) No development cost levy shall be imposed to pay for any capital project, or portion thereof, provided to the city pursuant to a by-law passed pursuant to section 292 or in respect of which an assessment has been imposed pursuant to Part XXIV.

(12) The by-law that imposes the development cost levy shall set out the basis of the levy and the levy may vary with respect to

- (a) different zones or different defined or specified areas, and
- (b) different uses or occupancies and, for the purpose of this subsection, Council may define what constitutes a use, occupancy or unit on such basis as it determines to be appropriate.

(13) The development cost levy may be based on a rate per foot on the length of the longest boundary of the parcel with respect to which the levy is imposed, the number of units, or the number of square feet permitted by the building permit in the development with respect to which the levy is imposed, or on such other basis as Council deems appropriate having regard to anticipated development rights and their contribution to the need for capital projects. The basis of development cost levies may vary for different capital projects. A development cost levy under this Part shall not be based on a percentage of the cost of a development. A development cost levy for any development as shown on an application for a development permit shall not exceed 10% of the value of the development as determined pursuant to the building by-law from time to time in force.

(14) The development cost levy shall be calculated with reference to the information contained on the application for a development permit or to records contained in the Land Title Office. Where development takes place in stages, the total development cost levy shall be apportioned and paid as each building permit is issued. Subject to the limitation contained in subsection (13), the portion of the levy to be paid on the issuance of each building permit shall, until the total levy is paid, be 10% of the value of the work authorized by the permit as determined pursuant to the building by-law.

(15) The Council shall, on written request, make available to any person subject to the levy the considerations, information and calculations used to determine the basis of a development cost levy, but any information respecting the contemplated acquisition costs of specific properties need not be provided.

(16) A development cost levy shall be deposited in a separate development cost levy reserve fund established for the purposes for which it was levied.

(17) Money in development cost levy reserve funds, together with interest, shall be used only to pay the costs of capital projects that relate directly or indirectly to the development or parcel in respect of which the levy was collected. Payments out of a development cost levy reserve fund shall be authorized by a resolution of Council, and one resolution may authorize a series of payments in respect of any capital project.

(18) Notwithstanding subsection (17), if money raised pursuant to a development cost levy exceeds what is necessary to provide the capital projects for which it was raised, the excess shall be set aside and spent on projects to benefit, directly or indirectly, the areas or zones in which the properties with respect to which the levy is imposed are located.

(19) Nothing in this section restricts or affects any other power contained in this Act, provided however that the cost of any capital project shall be recovered only once.

(20) All by-laws passed pursuant to this Part shall be filed with the Ministry of Municipal Affairs, Recreation and Culture.

10. Section 565 is amended

- (a) by renumbering the present section as subsection (1),
- (b) by repealing subsection (1) (f) and substituting the following:
 - (f) designating districts or zones in which there shall be no uniform regulations and in which any person wishing to carry out development must submit such plans and specifications as may be required by the Director of Planning and obtain the approval of Council to the form of development, or in which any person wishing to carry out development must comply with regulations and guidelines set out in a development plan or official development plan;
 - (f.i) requiring, where it creates a zone pursuant to this section, that as a condition of approving a form of development a person provide public amenities, facilities or utilities or provide land for such purposes or require that the person retain and enhance natural physical features of a parcel being developed; , and
- (c) by adding the following subsection:
 - (2) A by-law regulating the use or occupancy of land, land covered by water or buildings may permit, as outright uses, uses or occupancies existing at a date designated in the by-law and prohibit such uses or make such uses conditional approval uses as of the date of the by-law.

11. Section 569 is amended by added the following subsection:

- (4) Where the use of land or the siting of existing buildings and structures on the land ceases, as a result of expropriation of land, to conform to a zoning by-law under this Part, the remainder of the property is deemed to conform, unless compensation was paid to the owner or occupant of the land in an amount that is directly attributable to the loss, if any, suffered by that owner or occupant as a result of the non-conformity.