

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2426

**A bylaw to impose Development Cost Charges
under the provisions of Section 933 of the Local
Government Act**

WHEREAS Section 933 of the Local Government Act provides that the Council may by bylaw, impose development cost charges on every person who obtains

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

AND WHEREAS development cost charges may be imposed for the sole purpose of providing funds to assist the City to pay the capital costs of

- (a) providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities; and
- (b) providing and improving park land

to service, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS a development cost charge is not payable if

- (a) the development does not impose new capital cost burdens on the City; or
- (b) a development cost charge has been previously paid for the same development unless, as a result of further development new capital cost burdens will be imposed on the City;

AND WHEREAS in fixing development cost charges imposed by this bylaw, Council has taken into consideration future land use patterns and development, the phasing of the works and services, the provision and improvement of parkland, and considers the charges will

- (a) not be excessive in relation to the capital cost of prevailing standards of service in the City,
- (b) not deter development;
- (c) not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the City; or
- (d) not discourage the development or redevelopment of commercial or industrial properties, which would otherwise provide employment and economic diversity and stability in the community;

AND WHEREAS the City may provide charges payable for such purposes that shall be paid at the time of the approval of a subdivision or the issuance of a building permit;

THEREFORE BE IT RESOLVED that the Council in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Development Cost Charges Bylaw No. 2426, 2005”**.
2. This bylaw shall be applicable to all land, buildings and structures situated within the boundaries of the City of Courtenay.
3. For the purposes of this bylaw, the following definitions shall apply:

“Commercial” means any commercial or institutional use as permitted under the authority of the City’s Zoning Bylaw.

“Congregate Care Development” means a building with four or more sleeping units where permanent residential accommodation is provided and has a common living area, common kitchen and dining area where meals are provided, and common area where health care, cultural and social services may be provided.

“Dwelling Unit” means a self-contained residential unit including a cooking facility and consisting of one or more habitable rooms designed and used for the accommodation of only one person or family.

“Gross Building Area” means the sum of the gross horizontal areas of all of the floor of a building or structure, measured from the exterior face of exterior walls, but excluding any space where the floor to ceiling height is less than 1.8 metres.”

“Industrial Development” means a use permitted in an industrial zone under the authority of the City’s Zoning Bylaw.

“Institutional Development” means a building or structure used or intended to be used only on a non-profit basis for cultural, recreational, social, religious, governmental, public hospital or educational purposes.

“Multi-Family Residential Development” means a development that results in two or more dwelling units on a single property.

“Per acre of lot area under development” means the area specified for development as stated in a Development Permit Application.

4. Every person who obtains
 - (1) an approval of the subdivision of a parcel of land under the Land Title Act or the Condominium Act, or;

- (2) a building permit authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension
 - (a) contain two or more self contained dwelling units; and
 - (b) be put to no other use than the residential use in those dwelling units; and
- (3) the value of the work authorized by the permit exceeds Fifty Thousand Dollars (\$50,000.00)

shall pay the applicable development cost charges as set out in Schedule "A".

5. Schedule "A" attached hereto forms a part of this bylaw.
6. For purposes of determining charges imposed under Schedule "A" the following shall apply:
 - (1) Charges shall be paid at the time of approval of the subdivision or the issuance of the building permit, or
 - (2) Charges shall be payable on the issuance of a building permit in respect of a lot only to the extent the charge under this bylaw for that lot has not been previously collected, or
 - (3) Notwithstanding (1) or (2), charges in respect of any development shall be the greater of the amounts specified in Columns A and B of Parts I to V, and
 - (4) Charges related to any Congregated Care Development shall be calculated at 50 percent of the amount specified in Columns A and B of Parts I to V.
7. This bylaw comes into effect on the 1st day of October, 2005.
8. "Development Cost Charges Bylaw No. 2017, 1997" is hereby repealed.

Read a first time this 8th day of August, 2005

Read a second time this 8th day of August, 2005

Read a third time this 8th day of August, 2005

Approved by the Inspector of Municipalities this 9th day of September, 2005

Reconsidered, finally passed and adopted this 19th day of September, 2005

Mayor

Manager of Corporate Administration

BYLAW NO. 2426

SCHEDULE "A"

DEVELOPMENT COST CHARGES

PART I HIGHWAY FACILITIES

	Column A	Column B
Charges Applicable	Upon Issue of Building Permit	Upon Subdivision
1. Residential		
(1) Single Family	N/A	\$3,769 per building parcel being created
(2) Multi-Family	\$2,313 per dwelling unit being built	\$2,313 for each dwelling unit permitted to be constructed pursuant to zoning
2. Commercial	\$5,036 per 1000 sq. ft. of gross building area	
3. Industrial/Public Utility	\$17,893 per acre of lot area under development	

PART II STORM DRAINAGE FACILITIES

	Column A	Column B
Charges Applicable	Upon Issue of Building Permit	Upon Subdivision
1. Residential		
(1) Single Family	N/A	\$1,071 per building parcel being created
(2) Multi-Family	\$321 per dwelling unit being built	\$321 for each dwelling unit permitted to be constructed pursuant to zoning
2. Commercial	\$448 per 1000 sq. ft. of gross building area	
3. Industrial/Public Utility	\$7,370 per acre of lot area under development	

PART III SANITARY SEWER FACILITIES

	Column A	Column B
Charges Applicable	Upon Issue of Building Permit	Upon Subdivision
1. Residential		
(1) Single Family	N/A	\$764 per building parcel being created.
(2) Multi-Family	\$605 per dwelling unit being built	\$605 for each dwelling unit permitted to be constructed pursuant to zoning
2. Commercial	\$207 per 1000 sq. ft. of gross building area.	
3. Industrial/Public Utility	\$5,793 per acre of lot area under development	

PART IV WATER FACILITIES

Charges Applicable	Column A	Column B
	Upon Issue of Building Permit	Upon Subdivision
1. Residential		
(1) Single Family	N/A	\$433 per building parcel being created
(2) Multi-Family	\$343 per dwelling unit being built	\$343 for each dwelling unit permitted to be constructed pursuant to zoning
2. Commercial	\$117 per 1000 sq. ft. of gross building area	
3. Industrial/Public Utility	\$3,285 per acre of lot area under development	

PART V PARK LAND ACQUISITION

Charges Applicable	Column A	Column B
	Upon Issue of Building Permit	Upon Subdivision
1. Residential		
(1) Single Family	N/A	\$698 per building parcel being created
(2) Multi-Family	\$553 per dwelling unit being built	\$553 for each dwelling unit permitted to be constructed pursuant to zoning