

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2840

A bylaw to impose Development Cost Charges

WHEREAS pursuant to the *Local Government Act*, the Council of The Corporation of City of Courtenay may, by Bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the sole purpose of providing funds to assist the City of Courtenay 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 the Council has deemed 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; and,
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality.

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;

THEREFORE BE IT RESOLVED, that the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as “Development Cost Charges Bylaw No. 2840, 2016”.
2. In this Bylaw:

“**Building permit**” means any permit required by the City that authorizes the construction, alteration or extension of a building or structure.

“**City**” means the Corporation of the City of Courtenay.

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

“**Congregate Care**” means an institutional use of 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.

“**Council**” means the Council of the Corporation of the City of Courtenay.

“**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.

“**Total Floor Area**” means the sum of the floor areas, as defined in the City’s Zoning Bylaw, of a building or structure.

“**Industrial**” means any industrial use as permitted under the authority of the City’s Zoning Bylaw.

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

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

“**Per hectare**” means the area specified for development as stated in a Development Permit application pursuant to the City of Courtenay Official Community Plan Bylaw No. 2387, 2005 as amended.

“**Single Family Residential**” means any detached building with the principal use of a dwelling unit, or a detached building consisting of a combination of one principal dwelling unit and one secondary suite.

“**Subdivision**” means a subdivision of land into two or more parcels, whether by plan, apt descriptive words or otherwise, under the *Land Title Act* or the *Strata Property Act*.

“**Zoning Bylaw**” means the City of Courtenay Zoning Bylaw No. 2500, 2007 as amended.

3. Every person who obtains:

- (a) approval of a subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act*;
or
- (b) a building permit authorizing the construction or alteration of a building or structure; including a building permit that authorizes the construction or alteration of a building or part of a building that will, after the construction or alteration, contain one or more self-contained dwelling units;

shall pay to the City, prior to the approval of the subdivision or the issuance of the building permit, as the case may be, the applicable development cost charges as set out in Schedule “A” hereto attached.

4. The amount of development cost charges payable in relation to a mixed use type of development shall be calculated separately for each portion of the development, according to the separate use types, which are included in the building permit application and shall be the sum of the

charges payable for each type.

5. Where Development Cost Charges are payable in accordance with paragraph 3 above and are in excess of \$50,000.00, the developer may elect to pay them by installments, subject to the terms and conditions set out below:

- (a) one third (1/3) of the total Development Cost Charges owing in accordance with this Bylaw shall be paid at the time of subdivision or building permit issuance;
- (b) one half (1/2) of the remaining balance shall be paid within one year after the date of approval of subdivision or the granting of the building permit;
- (c) the remaining balance shall be paid in full within 2 years after the time of approval of subdivision or building permit issuance;
- (d) where a developer elects to pay the charge by installments and fails to pay an installment within any time required for payment herein, the total balance of the charge becomes due and payable immediately;
- (e) no interest is payable on the unpaid balance of a charge until it becomes due and payable, but when it does, it is a condition of election under this section that interest is payable from that date until payment at the rate or rates prescribed under section 11(3) of the *Taxation (Rural Area) Act*, for the period of non-payment;
- (f) a developer electing to pay a charge by installments must deposit with the City at the same time as the payment of the first installment:
 - I. an irrevocable letter of credit or undertaking from a bank, credit union or trust company registered under the *Financial Institutions Act*;
 - II. a bond or surety licensed under the *Insurance Act*; or
 - III. a security duly assigned

which ensures to the satisfaction of the City that upon default the balance of the unpaid charge will be recoverable from the person, the bank, the surety or from the proceeds of the realization of the security, as the case may be.

6. No development cost charge is payable where:

- (a) 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) or 224 (2) (f) of the *Community Charter*;
- (b) The building permit authorizes the construction or alteration of a building where the value of the work authorized by permit does not exceed \$50,000;
- (c) The size of the dwelling unit is 29 square metres or less; or
- (d) a development cost charge has previously been paid for the same development unless, as a result of further development, new capital cost burdens will be imposed on the City.

7. Notwithstanding S.933(4)(b) of the *Local Government Act*, a Development Cost Charge is payable for construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained dwelling units.
8. This bylaw shall come into full force and effect and be binding on persons upon final adoption hereof.
9. “Development Cost Charges Bylaw No. 2426, 2005” and any and all amendments thereto is hereby repealed.
10. This Bylaw may be cited for all purposes as “Development Cost Charges Bylaw No. 2840, 2016.

Read a first time this 1st day of February, 2016.

Read a second time this 21st day of March, 2016.

Read a third time this 21st day of March, 2016.

Approved by the Inspector of Municipalities on the 15th day of April, 2016.

Reconsidered, finally passed and adopted this 2nd day of May, 2016.

Mayor

Director of Legislative Services

Schedule "A"

City of Courtenay Development Cost Charge Bylaw 2840, 2016

Development Cost Charge Schedule

	Collection basis	Transportation	Water	Sanitary Sewer	Drainage	Park Acquisition and Development	Total
Single Family Residential	Per lot or per dwelling unit	\$2,744.20	\$456.08	\$1,427.30	\$1,439.01	\$875.48	\$6,942.07
Multi-Family Residential	Per m ² of total floor area	\$15.42	\$3.22	\$10.08	\$4.32	\$6.18	\$39.22
Commercial	Per m ² of total floor area	\$36.14	\$1.19	\$3.71	\$6.47	n/a	\$47.51
Institutional	Per m ² of total floor area	\$36.14	\$1.19	\$3.71	\$6.47	n/a	\$47.51
Congregate Care	Per m ² of total floor area	\$7.71	\$1.61	\$5.04	\$2.16	n/a	\$16.52
Industrial	Per hectare	\$29,480.62	\$7,625.05	\$23,862.45	\$24,464.43	n/a	\$85,432.56