



CITY OF CASTLEGAR

DEVELOPMENT COST CHARGE BYLAW No. 1197

A bylaw to provide for the imposition of development cost charges.

WHEREAS the Council may, pursuant to the *Local Government Act*, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the City in paying the capital cost of providing, constructing, altering, or expanding sewage, water, drainage, and road system facilities, other than off-street parking facilities, and for providing and improving parkland, or any of them, in order to service, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS in the consideration of Council the charges imposed by this bylaw:

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

AND WHEREAS in the opinion of Council, the charges imposed under this bylaw are:

- (1) related to capital costs attributable to projects included in the capital budget of the City;
- (2) related to capital projects consistent with the Official Community Plan of the City.

NOW THEREFORE the Council of the City of Castlegar, in open meeting assembled, enacts as follows:

PART I – INTERPRETATION AND DEFINITIONS

1. TITLE

1.1 This bylaw shall be cited as "*City of Castlegar Development Cost Charge Bylaw, No. 1197*".

HEADINGS

2.1 The headings given to parts, sections and paragraphs in this bylaw are for convenience of reference only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this bylaw.

SEVERABILITY

2.2 If any portion of this bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

SCHEDULE

2.3 Schedule "A" is attached to and forms part of this bylaw.

3. DEFINITIONS

3.1 In this bylaw, unless the context otherwise requires:

Building Area	means the maximum projected horizontal area of a building including: <ol style="list-style-type: none"> a) eaves; b) garages and car-ports on the ground level; c) balconies, sun-decks, porches and gazebos; d) storage and warehouses; and e) other ancillary buildings and structures.
Building Permit	means any permit required by the City that authorizes the construction, alteration or extension of a building or structure.
City	means the the City of Castlegar.
Commercial	means a commercial use permitted in a Commercial Zone (C-1, C-2, C-2B, C-3, C-4, Zones) designated in the Zoning Bylaw or the commercial component of a development that allows a mixture of Commercial and residential uses, such as the RR-1 and RR-2 zone.
Council	means the Council of the City of Castlegar.
Developed Area	Means the Building Area plus the Outdoor Area plus the Setback Area.
Development	means <ol style="list-style-type: none"> (a) a Subdivision; or (b) the construction, alteration or extension of a building or structure for which a Building Permit is required.
Duplex	means a building which:

- (a) contains two dwelling units of approximately equal floor areas with each dwelling unit having its own connections to the community water and sewer systems; and
 (b) excludes one-family dwellings with secondary suites.

Dwelling Unit	means a building or portion thereof containing one or more habitable rooms used or intended to be used for living and sleeping purposes and containing sleeping, sanitary facilities, and not more than one (1) set of cooking facilities.
Gross Floor Area	means the sum of the horizontal areas of each storey in each building on a parcel measured between the exterior walls of such buildings.
Industrial	means an industrial use permitted in an Industrial land use Zone (M-1, M-1B, M-1C, M-2, M-3 Zones) as designated in the Zoning Bylaw.
Multiple Residential	means the development of a multiple residential building (a building containing three (3) or more dwelling units) in the R-3, R-4, R-4B and R-4C residential zones and dwelling units in the R-5 residential zone as designated in the Zoning Bylaw.
Official Community Plan	means the <i>City of Castlegar Official Community Plan Bylaw No. 1150, 2011</i> .
Outdoor Area	shall include: <ul style="list-style-type: none"> a) outdoor parking facilities and loading facilities; b) solid waste storage and snow storage; c) landscaped area required under <i>Zoning Bylaw 800</i> or a development permit; d) swimming pools and other ancillary facilities; and e) other outdoor amenity spaces. <p>but may not include outdoor sports or recreation facilities within public parks or public schools.</p>
One-family Dwelling	means a detached building containing one dwelling unit except a mobile home, but including a modular home;
Parcel	means any lot, block or other area in which land is held, or into which land is subdivided, including a bare land strata Parcel, but does not include a highway.
Public	means public and institutional development in the Public land use Zones (P1 and P2 Zones) as designated in the Zoning Bylaw.
Secondary Suite	means a self-contained dwelling unit, located within the structure of a one-family dwelling
Senior Citizens Home	Means a multiple residential building occupied exclusively by

people over the age of 55:

- (a) which is supported in whole or in part by financial assistance from the Municipal, Provincial, or Federal Governments or agencies; or
- (b) where the residents are regularly served with meals, housekeeping and alert services for emergent medical needs and the building contains adequate facilities to provide such services along with other amenities.

Setback Area

means an open space left vacant to meet the setback requirements under the *Zoning Bylaw 800* or *B.C. Building Code* and shall be determined by the area of a polygon formed by the lines that are parallel to the lot lines and located on the required minimum setback distance.

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*.

Zone(s)

means the land areas into which the City is divided pursuant to section 903 of the *Local Government Act*, to be referenced herein in accordance with the map or maps shown and attached to the Zoning Bylaw and for which specific regulations are outlined for each area in the Zoning Bylaw.

Zoning Bylaw

means the *City of Castlegar Zoning Bylaw No. 800, 1999*.

- 3.2 Unless otherwise provided in this bylaw, words and phrases used herein have the same meanings as in the *Local Government Act* and *Community Charter* as the context and circumstances may require. A reference to a statute in this bylaw refers to a statute of the Province of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

4. CHARGES

4.1 Every person who:

- (a) obtains approval of a subdivision;
- (b) obtains a building permit authorizing the construction, alteration or extension of a building or structure; or
- (c) obtains a building permit authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than four (4) self-contained dwelling units and be put to no other use than the residential use in those dwelling units;

must pay to the City development cost charges in accordance with Schedule "A".

5. EXEMPTIONS

- 5.1 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 set apart for public worship or part of such 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 value of the work authorized by the permit does not exceed \$50,000; or
 - (c) the square footage of the Dwelling Unit is no larger than 29m².
- 5.2 A development is not exempt from payment of the applicable development cost charges if the application for development which might otherwise qualify under section 5.1(b) above relates to a single site for which, if more fully developed, the total value of the work possible would exceed \$50,000.
- 5.3 Despite other provision of this bylaw, no development cost charge is payable for a subdivision approval or building permit which takes place on land located east of the Columbia River.

6. MANNER OF CALCULATION

- 6.1 The amount of development cost charges payable depends upon:
- (a) the number of additional Parcels being created by the application for a Subdivision of land within the RR-1, RR-2, RR-3, R-1S, R-1, R-1B, R-1C, and R-2 Zones;
 - (b) the number of new Dwelling Units proposed when applying for a Building Permit within the R-3, R-4, R-4B, R-4C and R5 zones; or
 - (c) the Developed Area, in square metres, when applying for a Building Permit for Industrial, Commercial or Public Development.
- 6.2 For mixed use Developments, the development cost charge payable shall be calculated separately for each portion of the Development contained in the Building Permit or Subdivision application in accordance with the Zones and land uses identified in Schedule "A". The total payable will be the sum of the development cost charges for each portion of the Development.
- 6.3 Where a type of development is not identified in Schedule A, the amount of development cost charges to be paid to the city shall be equal to the development cost charges that would have been payable for the most comparable type of development
- 6.4 The Developed Area of a non-residential building in a commercial, industrial or public zone shall be determined by summing the Building Area, Outdoor Area and Setback Area in square metres for which a building permit is issued for a new construction, alteration or extension. Where an area is overlapped by more than one building area, outdoor area or setback area,

only one type of area is counted for the Developed Area in square metres.

7. TIMING OF PAYMENT

- 7.1 Development cost charges imposed by this Bylaw must be paid in full to the City at the following times:
- (a) where an application is made for the subdivision of land within zones where a maximum of one dwelling unit per parcel is permitted, which includes the R1-C and RR-2 zone, at the time of approval of such subdivision;
 - (b) where an application is made for the subdivision of land within zones where up to two dwelling units are permitted including a Duplex or Single Family house with suite, which includes the RR-1, RR-3, R-1S, R-1, R-1B and R-2 Zone, at the time of approval of such subdivision; and
 - (c) for development within the R-3, R-4, R-4B, R-4C and R5 zones, including Multiple Residential Building, Senior Citizens Home, One Family Dwelling, Duplex, Secondary Suite, Mobile Home, Modular Home, and the issuance of a building permit in a phased strata development, at the time of approval of a building permit authorizing the development.
 - (d) for Commercial, Industrial and Public development, at the time of approval of a building permit authorizing the development.

8. REPEAL OF PRIOR BYLAWS

- 8.1 The City of Castlegar "Development Cost Charge Bylaw, No. 695, 1994" and all amendments thereto are repealed as of the date this bylaw comes into force and effect.
- 8.2 This bylaw comes into force and effect on the date of its final adoption.

Read a first time this 11th day of August, 2014.

Read a second time this 11th day of August, 2014.

Read a third time this 11th day of August, 2014.

Approved by the Inspector of Municipalities on the ____ day of _____, 2014

Adopted this _____ day of _____, 2014.

Mayor

Director of Corporate Services

Schedule "A"

City of Castlegar Development Cost Charge Bylaw 1197

Table of Development Cost Charges

Type of Development	Collection basis	Road System	Water System	Drainage System	Sewage System	Parks	Total
Subdivision of land zoned RR-2 and R-1C. (zones that allow up to one dwelling unit)	per Parcel	\$2,180	\$560	\$7	\$1,074	\$84	\$3,905
Subdivision of land zoned RR-1, RR-3, R-1S, R-1, R-1B, and R2 (zones that allow up to two dwelling units)	per Parcel	\$2,906	\$746	\$10	\$1,432	\$112	\$5,206
Building permit for Multiple Residential, One Family Dwelling, Duplex Secondary Suite, Mobile Home or Modular Home on land zoned R-3, R-4, R-4B, R-4C and R-5	per Dwelling Unit	\$2,180	\$560	\$4	\$1,074	\$84	\$3,902
Building permit for Senior Citizens Home	per Dwelling Unit	\$1,453	\$373	\$5	\$716	\$56	\$2,603
Building Permit for Commercial	per square metre of Developed Area	\$8.25	\$1.52	\$0.02	\$2.45	\$0.00	\$12.24
Building permit for Industrial	per square metre of Developed Area	\$2.35	\$0.81	\$0.02	\$2.45	\$0.00	\$5.63
Building Permit for Public	per square metre of Developed Area	\$1.92	\$1.40	\$0.02	\$2.64	\$0.00	\$5.98



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AND WHEREAS in the consideration of Council the charges imposed by this bylaw:

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

AND WHEREAS in the opinion of Council, the charges imposed under this bylaw are:

- (1) related to capital costs attributable to projects included in the capital budget of the City;
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must pay to the City development cost charges in accordance with Schedule "A".

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- 6.2 For mixed use Developments, the development cost charge payable shall be calculated separately for each portion of the Development contained in the Building Permit or Subdivision application in accordance with the Zones and land uses identified in Schedule "A". The total payable will be the sum of the development cost charges for each portion of the Development.
- 6.3 Where a type of development is not identified in Schedule A, the amount of development cost charges to be paid to the city shall be equal to the development cost charges that would have been payable for the most comparable type of development
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 - (b) where an application is made for the subdivision of land within zones where up to two dwelling units are permitted including a Duplex or Single Family house with suite, which includes the RR-1, RR-3, R-1S, R-1, R-1B and R-2 Zone, at the time of approval of such subdivision; and
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Approved by the Inspector of Municipalities on the ____ day of _____, 2014

Adopted this _____ day of _____, 2014.

Mayor

Director of Corporate Services

I hereby certify that this is a true and correct
copy of City of Castlegar Development
Cost Charge Bylaw No. 1197
given 3 readings
as adopted by the Castlegar City Council
on the 11th day of August 2014
Signed this 13th day of August 2014
CRumpel
Director of
Corporate Services

Schedule "A"

City of Castlegar Development Cost Charge Bylaw 1197

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