

CITY OF CASTLEGAR

BYLAW 695

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

WHEREAS pursuant to Section 983(2) of the Municipal Act, Council may, by bylaw, impose development cost charges under the terms and conditions of Sections 983, 984 and 987;

AND WHEREAS the development cost charges may be imposed for the sole purpose of providing funds to assist the City in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities and providing park land, in order to serve, directly or indirectly, the development for which the charges are imposed;

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 works and services and the provision of park land and whether the charges:

- (a) are excessive in relation to the capital cost of prevailing standards of service;
- (b) will deter development;
- (c) will discourage the construction of reasonably priced housing or the provision of reasonably priced land in the City; or
- (d) will 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 in the opinion of Council the charges imposed by this Bylaw are:

- (a) related to capital costs attributable to projects included in the capital budget of the City; and
- (b) related to capital projects consistent with the Official Community Plan of the City;

AND WHEREAS in the opinion of Council no additional land is necessary to develop public parks,

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

1. This Bylaw may be cited as "Development Cost Charge Bylaw 695, 1994".
  2. In this bylaw "development" means:
    - (a) a subdivision of a land, or
    - (b) the construction, alteration, or extension of a building or a structure.
  3. Every person who obtains:
    - (a) approval of a subdivision;
    - (b) a building permit authorizing the construction, alteration or extension of a building or structure shall, prior to the approval of the subdivision or issuance of the building permit, pay to the City of Castlegar the applicable development cost charges as set out in Schedule "A" which is attached to and forms a part of this Bylaw.
  4. Notwithstanding Section 3, 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 will, after the construction, alteration or extension:
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- (i) contain less than 4 self contained dwelling units, and
    - (ii) be put to no use other than residential use in those dwelling units, or
  - (b) the value of the work authorized by the building permit does not exceed \$50,000.
5. Notwithstanding Section 3, no development cost charge is payable where:
- (a) the development does not impose new capital cost burdens on the City, or
  - (b) a development cost charge has previously been paid for same development unless, as a result of further development, new capital cost burdens will be imposed on the City of Castlegar.
- 5.A Notwithstanding Section 3, no development cost charge is payable for a subdivision or building construction which takes place on a land located east of the Columbia River. (*Bylaw 848*)
6. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder.
7. Development Cost Charge Bylaw 281, 1980 and all amendments thereto, are hereby repealed.
8. This Bylaw shall take effect upon adoption by the Council of the City of Castlegar.

READ A FIRST TIME on the 4th day of October, 1994.

READ A SECOND TIME on the 4th day of October, 1994.

READ A THIRD TIME AND PASSED on the 22nd day of December, 1994.

RECEIVED THE APPROVAL OF THE INSPECTOR OF MUNICIPALITIES of the Province of British Columbia, pursuant to the provision of Section 987 of the Municipal Act on the 20th day of January, 1995.

ADOPTED on the 24th day of January, 1995.

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Mayor

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Clerk

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CITY OF CASTLEGAR

SCHEDULE "A" (Bylaw 848)

To Development Cost Charges Bylaw 695

Definition

1. In this Schedule, unless the context regulates otherwise, a term which is not defined in this bylaw shall have the same meaning as defined in Zoning Bylaw 800. (printed in italic)

2. In this schedule:

"M.H. Pad" means "Mobile Home Pad" under the Mobile Home Park Bylaw 201 and future amendments thereto.

"Building Area" means the maximum projected horizontal area of a building including:

- (a) garages and car-ports on the ground level;
- (b) balconies, sun-decks, porches and gazebos;
- (c) storage and warehouses; and
- (d) other ancillary buildings and structures.

"Out-door Area" shall include:

- (a) out-door *parking facilities* and *loading facilities*;
- (b) solid waste storage and snow storage;
- (c) landscaped area required under the Zoning Bylaw 800 or a development permit;
- (d) swimming pools and other ancillary facilities; and
- (e) other out-door amenity spaces,

but may not include out-door sports or recreation facilities within public parks or public schools.

"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.

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DCC Rates for Subdivision

3. Pursuant to Section 3(a) of this bylaw, a development cost charge shall be paid before obtaining an approval of a subdivision in accordance with Table A -1.

Table A -1 Development Cost Charge Rate for Subdivision

Zoning Designation under Zoning Bylaw 800 and Amendments thereto	Development Cost Charge					Per Unit
	Highway	Storm Drainage	Sanitary Sewer	Water	Total	
Zones where up to Two <i>Dwelling Units</i> per <i>Lot</i> are Allowed (such as R-1, R-1B, R-2)	\$3,055	\$517	\$862	\$369	\$4,803	each <i>lot</i> created
Zones where only One <i>Dwelling Unit</i> per <i>Lot</i> is Allowed (such as R-1C)	\$2,444	\$212	\$674	\$288	\$3,618	each <i>lot</i> created

4. The number of lots created shall be calculated by subtracting the number of existing lots from the nu
5. A "remainder of a *lot*" on a subdivision plan is considered as a new *lot*.
6. A negative number of *lots* created is considered to be zero.

DCC Rates for Building Permit

7. Pursuant to Section 3 (b) of this bylaw, a development cost charge shall be paid before obtaining a building permit in accordance with Table A -2.

Table A - 2 Development Cost Charge Rate for Building Permit

Type of Construction	Development Cost Charge					Per Unit
	Highway	Storm Drainage	Sanitary Sewer	Water	Total	
<i>Multiple Residential Building</i>	\$2,444	\$212	\$674	\$288	\$3,618	<i>dwelling unit</i>
<i>Manufactured Home Park</i>	\$2,444	\$212	\$674	\$288	\$3,618	AM.H. pad@
<i>Senior Citizens Home</i>	\$1,621	\$141	\$447	\$191	\$2,400	suite
Non-Residential Building in <i>Commercial Zones</i>	\$8.67	\$1.32	\$1.47	\$0.75	\$12.21	Aarea in m5@
Building in <i>Industrial Zones</i>	\$2.47	\$1.32	\$1.47	\$0.40	\$5.66	Aarea in m5@
Building in <i>Public Zones</i>	\$2.02	\$1.24	\$1.59	\$0.69	\$5.54	Aarea in m5@

8. "Area in m<sup>2</sup>" of a non-residential building in a *commercial, industrial or public zone* shall be determined by summing the Abuilding area@, Aout-door area@and Asetback area@for which a building permit is issued for a new construction, alteration or extension.
9. Where an area is overlapped by more than one Abuilding area@, Aout-door area@or Asetback area@, only one type of area is counted for Aarea in m5@.
10. Where a certain segment of a *lot line* is a curve, and where the curved portion of a *lot line* maintaining a constant radius is shorter than 9 m, the *setback* line for that portion shall be determined with a line parallel to a straight line passing the points where the curve changes the radius.
11. Where a curved portion of a *lot line* is longer than 9 m maintaining a constant radius, it shall be divided to a number of 9 m or shorter sections for the purpose of determining *setback* line prescribed in Section 10.
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