



## **City of Duncan**

### **Development Cost Charges No. 3147, 2015**

**(With Amendments to May 15, 2017)**

### **Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

Bylaw No. 3147.01, 2017 – Adopted May 15, 2017

**CITY OF DUNCAN**

**BYLAW NO. 3147, 2015**

**A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES**

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**WHEREAS** pursuant to the *Local Government Act*, the Council of the City of Duncan 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 Municipality in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage, highway facilities and parkland or any of them, in order to serve directly or indirectly, the development in respect of which the charges are imposed;

**AND WHEREAS** the Council of the City of Duncan 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 the opinion of Council the charges imposed by this Bylaw are:

- (a) Related to capital costs attributable to projects involved in the capital budget of the Municipality;
- (b) Related to capital projects consistent with the Official Community Plan of the Municipality;

**NOW THEREFORE** the Council of the City of Duncan in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the “Development Cost Charges Bylaw No. 3147, 2015.”

2. Definitions

“**Apartment** “ means a residential building of three or more dwelling units, other than a Townhouse.

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

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| <b>“Commercial”</b>                         | means a commercial use permitted in a Commercial Zone designated in the Zoning Bylaw or the commercial component of a development that allows a mixture of Commercial and residential uses.   |
| <b>“Development”</b>                        | means <ul style="list-style-type: none"> <li>(a) a Subdivision; or</li> <li>(b) the construction, alteration or extension of a building or structure for which a Building Permit is required.</li> </ul>                                |
| <b>“Duplex”</b>                             | means a residential building which: <ul style="list-style-type: none"> <li>(a) contains two dwelling units placed one above the other or side by side; and</li> <li>(b) excludes one-family dwellings with secondary suites.</li> </ul> |
| <b>“Dwelling”</b>                           | means dwelling as defined in the Zoning Bylaw.  |
| <b>“Gross floor area”</b>                   | means gross floor area as defined in the Zoning Bylaw.  |
| <b>“Industrial”</b>                         | means industrial as defined in the Zoning Bylaw.  |
| <b>“Institutional”</b>                      | means institutional as defined in the Zoning Bylaw.   |
| <b>“Municipality”</b>                       | means the City of Duncan.   |
| <b>“Official Community Plan”</b>            | means the City of Duncan Official Community Plan Bylaw No. 2030, as amended.  |
| <b>“Single Family Residential Dwelling”</b> | means Dwelling, Single Family Residential as defined in the Zoning Bylaw.   |
| <b>“Subdivision”</b>                        | means a subdivision of land into two or more parcels, whether by plan, apt descriptive words or otherwise, under the <i>Land Title Act</i> or the <i>Strata Property Act</i> .  |
| <b>“Townhouse”</b>                          | means a residential building other than an apartment containing three or more dwellings wherein each dwelling has a separate entrance and yard area.  |
| <b>“Zoning Bylaw”</b>                       | means the City of Duncan Zoning Bylaw 1540, 1988, 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 Municipality, 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. 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 balance within one year after the date of approval of subdivision or the granting of the building permit;
- (c) the 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 Municipality 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, or
  - II. a bond or surety licensed under the Insurance Act, or
  - III. a security duly assigned

which ensures to the satisfaction of the Municipality 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.

5. 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 or any other amount the minister may, by regulation, prescribe;
  - (c) the gross floor area of the dwelling unit is no larger than 29 square metres;
  - (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 Municipality.
6. 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.
7. Development Cost Charge Bylaw, 1988, No. 1558 and any and all amendments thereto is hereby repealed.
8. This Bylaw may be cited as "Development Cost Charge Bylaw No. 3147, 2015".
9. This bylaw shall come into full force and effect and be binding on persons as and from the first day of June, 2016.

PASSED FIRST READING 2015-OCTOBER-20  
PASSED SECOND READING 2015-OCTOBER-20  
PASSED THIRD READING 2015-OCTOBER-20  
RESCIND THIRD READING 2015-MARCH-21  
REREAD THIRD READING, AS AMENDED 2015-MARCH-21  
RECEIVED THE APPROVAL OF THE INSPECTOR OF MUNICIPALITIES 2016-APRIL-15

ADOPTED 2016-MAY-16

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Phil Kent, Mayor

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Karen Robertson,  
Director of Corporate Services

**Schedule "A"****City of Duncan Development Cost Charge Bylaw No. 3147.01, 2017****Development Cost Charge Schedule**

|                                     | <b>Collection basis</b>                | <b>Transportation</b> | <b>Water</b> | <b>Drainage</b> | <b>Sanitary Sewer</b> | <b>Park Acquisition and Development</b> | <b>Total</b>      |
|-------------------------------------|--|-----------------------|--------------|-----------------|-----------------------|---|-------------------|
| Single Family Residential or Duplex | Per lot or per dwelling unit           | \$1,470.28            | \$2,033.31   | \$2,001.05      | \$494.42              | \$421.21                                | <b>\$6,420.27</b> |
| Townhouse                           | Per dwelling unit                      | \$862.57              | \$1,586.69   | \$1,160.61      | \$385.82              | \$328.69                                | <b>\$4,324.38</b> |
| Apartment                           | Per dwelling unit                      | \$810.29              | \$1,234.09   | \$540.28        | \$300.08              | \$255.65                                | <b>\$3,140.39</b> |
| Commercial                          | Per m <sup>2</sup> of gross floor area | \$16.99               | \$5.29       | \$8.00          | \$1.71                | \$1.10                                  | <b>\$33.09</b>    |
| Industrial                          | Per m <sup>2</sup> of gross floor area | \$13.07               | \$4.70       | \$7.00          | \$2.14                | \$0.97                                  | <b>\$27.88</b>    |
| Institutional                       | Per m <sup>2</sup> of gross floor area | \$15.68               | \$2.94       | \$6.00          | \$2.86                | \$0.61                                  | <b>\$28.09</b>    |