



THE CORPORATION OF THE
CITY OF CRANBROOK

BYLAW NO. **4085**

DEVELOPMENT COST CHARGE BYLAW

A bylaw to impose development cost charges.

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

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the municipality in paying the capital costs of providing, constructing, altering, or expanding sewage, water, drainage and roads facilities, and providing and improving park land to service directly or indirectly, the development for which the charges are imposed;

AND WHEREAS when considering the imposition of development cost charges the Council of the City of Cranbrook has taken the following into consideration:

- (a) future land use patterns and development;
- (b) the phasing of works and services;
- (c) the provision of park land described in the Official Community Plan
- (d) how development designed to result in a low environmental impact may affect the capital costs of infrastructure;
- (e) whether the charges are excessive in relation to the capital cost of prevailing standards of service in the City of Cranbrook;
- (f) whether the charges will, in the City of Cranbrook:
 - (i) deter development,
 - (ii) discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or
 - (iii) discourage development designed to result in a low environmental impact.

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

PART 1 – TITLE

- 1.1 This Bylaw may be cited as “Development Cost Charge Bylaw No. 4085, 2022”.

PART 2 – DEFINITIONS AND INTERPRETATION

- 2.1 For the purposes of this bylaw, the definitions of words or phrases that are not included in this section shall have the meaning assigned to them in the *Local Government Act* or the *Community Charter*, as the case may be.
- 2.2 The headings given to the parts and sections in this Bylaw are for convenience and reference only, and do not form a part of this Bylaw and are not to be used for the interpretation of such.
- 2.3 The Schedules attached to this Bylaw are part of this Bylaw.
- 2.4 Any reference to a statute or regulation refers to an enactment of British Columbia as amended, revised consolidated or replaced from time to time, and any reference to a bylaw refers to a bylaw of the City of Cranbrook, as amended, revised consolidated or replaced from time to time.

2.5 In this bylaw:

"Building"	means a structure used or intended to be used for supporting or sheltering any use or occupancy.
"Building Permit"	means Building Permit as defined in the City of Cranbrook Building Bylaw.
"City"	means the City of Cranbrook.
"Commercial"	means a use permitted in a commercial zone designated in the City of Cranbrook Zoning Bylaw, including the C-1, C-2, C-3, C-3A, C-4, C-5, and C-6 zones and any additional zones the City adds to the Commercial Zone list set out in the Zoning bylaw, as well as the X zone.
"Comprehensive Development Zone"	means a Comprehensive Development Zone as set out in the City of Cranbrook Zoning Bylaw, which are identified with the CD prefix.
"Construction"	includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring.
"Development"	means Construction that requires the issuance of a Building Permit and Subdivision.
"Dwelling Unit"	means a Dwelling Unit as defined in the City of Cranbrook Zoning Bylaw.
"Four Family Dwelling"	means a Four Family Dwelling as defined in the City of Cranbrook Zoning Bylaw.
"Gross Floor Area"	means the sum of the total horizontal area of all floors of a Building, except for the horizontal floor area used for concealed off street parking spaces.
"High Density Residential"	means a use permitted in the following Residential Zones designated in the City of Cranbrook Zoning Bylaw: R-6 zone, or a residential use permitted in the C-1 and C-4 zone, and any additional zones the City adds to the High Density Residential Zone list set out in the Zoning bylaw.
"Industrial"	means a use permitted in an industrial zone designated in the City of Cranbrook Zoning Bylaw, including the M-1, M-2, and M-3 zones and any additional zones the City adds to the Industrial Zone list set out in the Zoning bylaw.
"Institutional"	means a use permitted in a Public Zone designated in the City of Cranbrook Zoning Bylaw, including the P-1, P-2, P-3, P-4, and ID-1 zones and any additional zones the City adds to the Public Zone list set out in the Zoning bylaw.

“Low Density Residential”	means a use permitted in the following Residential Zones designated in the City of Cranbrook Zoning Bylaw: RT, RS, R-1, RD, R-2, R-3, R-3A, R-7, and R-8 and any additional zones the City adds to the Low Density Residential Zone list set out in the Zoning bylaw.
“Medium Density Residential”	means a use permitted in the following Residential Zones designated in the City of Cranbrook Zoning Bylaw: R-4 and R-5 zones and any additional zones the City adds to the Medium Density Residential Zone list set out in the Zoning bylaw.
“Mobile Home”	means a Mobile Home or Manufactured Home as defined in the City of Cranbrook Zoning Bylaw.
“Secondary Suite”	means a Secondary Suite as defined in the City of Cranbrook Zoning Bylaw.
“Security Suite”	means a Security Suite as defined in the City of Cranbrook Zoning Bylaw.
“Structure”	means any construction fixed to, supported by, or sunk into land or water, excluding paving or surfacing materials such as asphalt or concrete.
“Subdivision”	means a subdivision as defined in the <i>Land Title Act</i> or creation of bare land strata parcels under the <i>Strata Property Act</i> .
“Three Family Dwelling”	means a Three Family Dwelling as defined in the City of Cranbrook Zoning Bylaw.
“Two Family Dwelling”	means a Two Family Dwelling as defined in the City of Cranbrook Zoning Bylaw.
“Zone”	means the zones identified and defined in the City of Cranbrook Zoning Bylaw.
“Zoning Bylaw”	means the City of Cranbrook Zoning Bylaw.

PART 3 – DEVELOPMENT COST CHARGES

3.1 Every person who obtains:

- a. approval of a Subdivision; or
- b. a Building Permit authorizing the Construction, alteration or extension of a Building or Structure, including a Building Permit that authorizes the Construction alteration, or extension of a Building or part of a Building that will, after the Construction, alteration, or extension, contain one or more Dwelling Units;

shall pay to the City the development cost charges set out herein.

3.2 The amount to be paid:

- a. within the period from the date of adoption of this Bylaw until one year less a day after adoption of this Bylaw, in accordance with Schedule A.
- b. within the period from one year after the date of adoption of this Bylaw until two years less a day after adoption of this Bylaw, in accordance with Schedule B.
- c. for the period following two years after the date of adoption of this Bylaw forward, in accordance with Schedule C.

3.3 All charges imposed by this bylaw may be paid by instalments in accordance with BC Reg. 166/84 to the *Local Government Act*, being the Development Cost Charges (Instalments) Regulation.

PART 4 – EXEMPTION OF CHARGES

4.1 Despite any other provision of this Bylaw, 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 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*; or,
- b. the value of the work authorized by the permit does not exceed \$50,000 or any other amount prescribed by regulation under the *Local Government Act*; or,
- c. the permit authorizes the Construction, alteration, or extension of self-contained Dwelling Unit the area of which is no larger than 29 m², and each Dwelling Unit will be put to no other use than residential use.

PART 5 – CALCULATION OF APPLICABLE CHARGES

5.1 The amount of development cost charges payable in relation to a particular Development shall be calculated using the applicable charges set out in Schedules A, B, and C:

- a. for Subdivision in a Low Density Residential area, at the rate set for Low Density Residential;
- b. for Development in an area zoned R-3, and R-3A at the rate set for Low Density Residential;
- c. for a Two Family Dwelling, Three Family Dwelling, or Four Family Dwelling for each Dwelling Unit authorized by Building Permit at the rate set for Low Density Residential;
- d. for Secondary Suites at the rate set for Medium Density Residential for each Secondary Suite;
- e. for Security Suites, at the rate set for High Density Residential for each Security Suite;

- f. for Building Permits for Dwelling Units in Medium Density Residential or High Density Residential areas, at Medium Density Residential or High Density Residential rate, as the case may be, at the time of approval of a Building Permit;
- g. for Mobile Home Dwelling Units, where the units are not located on their own individual lots or bare land strata lots, at the rate set for Low Density Residential;
- h. for Commercial, Industrial, or Institutional Development, the Gross Floor Area of the Building, except for the area of Dwelling Units, Secondary Suites and Security Suites, at the Commercial, Industrial, or Institutional rate, as the case may be, at the time of approval of a Building Permit;
- i. for Dwelling Units within Commercial, Industrial, Institutional, A, or UH areas authorized to be constructed, altered, or extended by the Building Permit at the rate for:
 - (i) Low Density Residential per Dwelling Unit if within an area zoned Commercial, Industrial or Institutional, A or UH; except for,
 - (ii) High Density Residential per Dwelling Unit if within an area zoned C-1 or C-4.

- 5.2 The amount of development cost charges payable in relation to a Comprehensive Development Zone, AIR zone or other 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.

PART 6 – TIMING OF PAYMENT

- 6.1 Development cost charges imposed by this Bylaw must be paid to the City at the time of approval of a Building Permit authorizing the Construction except for where an application is made for the Subdivision of Low Density Residential land, prior to approval of such Subdivision;

PART 7 – SEVERABILITY

- 7.1 If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed, and the remainder of the Bylaw continues to be valid.

PART 8 – REPEAL

- 8.1 The City of Cranbrook Development Cost Charge Bylaw No. 3483, 2004 is repealed.
- 8.2 The City of Cranbrook Development Cost Charge Amendment Bylaw No. 3693, 2010 is repealed.

PART 9 – EFFECTIVE DATE

9.1 This Bylaw comes into effect upon adoption.

Read a first time this 25th day of April 2022.

Read a second time this this 25th day of April 2022.

Read a third time this this 25th day of April 2022.

Approved by the Inspector of Municipalities this 16th day of May 2022.

Statutory Approval Attached

Inspector of Municipalities

Adopted this this 30th day of May 2022.



Mayor



City Clerk

SCHEDULE A

From the date of Bylaw adoption of this Bylaw until
one year less a day after adoption of this Bylaw

Development Cost Charges

Land Use	Unit of Charge	Roads	Water	Sewer	Storm Drainage	Parks	Total Development Cost Charges
Low Density Residential	Per Lot or Dwelling unit	\$2,281	\$3,010	\$886 ^o	\$0	\$329	\$6,506
Medium Density Residential	Per Dwelling unit	\$1,734	\$2,408	\$709	\$0	\$250	\$5,101
High Density Residential	Per Dwelling unit	\$1,369	\$1,595	\$470	\$0	\$197	\$3,631
Commercial	m ² gross floor area	\$41.06	\$30.10	\$7.09	\$0.00	\$5.92	\$84.17
Industrial	m ² gross floor area	\$22.81	\$24.08	\$7.09	\$0.00	\$3.29	\$57.27
Institutional	m ² gross floor area	\$27.37	\$36.12	\$7.98	\$0.00	\$3.95	\$75.42

SCHEDULE B

From one year after the date of adoption of this Bylaw until
two years less a day after adoption of this Bylaw

Development Cost Charges

Land Use	Unit of Charge	Roads	Water	Sewer	Storm Drainage	Parks	Total Development Cost Charges
Low Density Residential	Per Lot or Dwelling unit	\$3,092	\$4,189	\$1,300	\$81	\$439	\$9,101
Medium Density Residential	Per Dwelling unit	\$2,350	\$3,351	\$1,040	\$65	\$334	\$7,140
High Density Residential	Per Dwelling unit	\$1,855	\$2,220	\$689	\$53	\$263	\$5,080
Commercial	m ² gross floor area	\$55.65	\$41.89	\$10.40	\$0.24	\$7.90	\$116.08
Industrial	m ² gross floor area	\$30.92	\$33.51	\$10.40	\$0.24	\$4.39	\$79.46
Institutional	m ² gross floor area	\$37.10	\$50.27	\$11.70	\$0.20	\$5.27	\$104.54

SCHEDULE C

From two years after the date of adoption of this Bylaw forward

Development Cost Charges

Land Use	Unit of Charge	Roads	Water	Sewer	Storm Drainage	Parks	Total Development Cost Charges
Low Density Residential	Per Lot or Dwelling unit	\$3,862	\$5,309	\$1,694	\$177	\$543	\$11,585
Medium Density Residential	Per Dwelling unit	\$2,935	\$4,247	\$1,355	\$142	\$413	\$9,092
High Density Residential	Per Dwelling unit	\$2,317	\$2,814	\$898	\$115	\$326	\$6,470
Commercial	m ² gross floor area	\$69.52	\$53.09	\$13.55	\$0.53	\$9.78	\$146.47
Industrial	m ² gross floor area	\$38.62	\$42.47	\$13.55	\$0.53	\$5.43	\$100.60
Institutional	m ² gross floor area	\$46.35	\$63.71	\$15.24	\$0.44	\$6.52	\$132.26



Statutory Approval

Under the provisions of sections _____ **560** _____

of the _____ **Local Government Act** _____

I hereby approve Bylaw No. _____ **4085** _____

of the _____ **City of Cranbrook** _____

a copy of which is attached hereto.

Dated this **16th** ***day***

of **May** ***, 2022***

Deputy Inspector of Municipalities