

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1173, 2022

A bylaw to establish development cost charges.

WHEREAS pursuant to the *Local Government Act*, the Council of the Village of Cumberland 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 highway facilities, other than off-street parking facilities, and providing and improving park land to service directly or indirectly, the development for which the charges are imposed;

AND WHEREAS the Council of the Village of Cumberland is satisfied that the charges imposed by this Bylaw are related to capital costs attributable to projects included in the municipality's capital expenditure plans;

AND WHEREAS the Council of the Village of Cumberland has considered the charges imposed by this bylaw in relation to:

- (i) future land use patterns and development;
- (ii) the phasing of works and services;
- (iii) the provision of park land described in the Official Community Plan;
- (iv) how development designed to result in a low environmental impact may affect the capital costs of infrastructure; and
- (v) whether the charges are excessive in relation to the capital costs of prevailing standards of service in the municipality.

AND WHEREAS Council of the Village of Cumberland has deemed charges imposed by this bylaw:

- (i) are not excessive in relation to the capital costs of prevailing standards of services in the municipality;
- (ii) will not deter development in the municipality;
- (iii) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality; and
- (iv) will not discourage development designed to result in a low environmental impact in the municipality.

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as the “Development Cost Charges Bylaw No. 1173, 2022”.

Definitions

2. The definitions of words and 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.

3. In this bylaw:

BUILDING PERMIT means any permit required by the Village of Cumberland that authorizes the construction, alteration or extension of a building or structure.

COMMERCIAL means any commercial use or development as defined by the Village of Cumberland’s zoning bylaw.

DWELLING UNIT means one or more habitable rooms that together function as a set of living quarters for one person or household. A dwelling unit contains one set of cooking facilities and has a private entrance either from outside or from a common hall inside a building. Dwelling units include vacation rentals, but do not include other commercial sleeping accommodations for the travelling public or recreational vehicles as defined by Village of Cumberland’s zoning bylaw.

GROSS FLOOR AREA means the total area of all the floors measured to the extreme outer limits of the building, or to the centre of common walls as calculated in accordance with the Village of Cumberland’s zoning bylaw.

INDUSTRIAL means any industrial use or development as defined by the Village of Cumberland’s zoning bylaw.

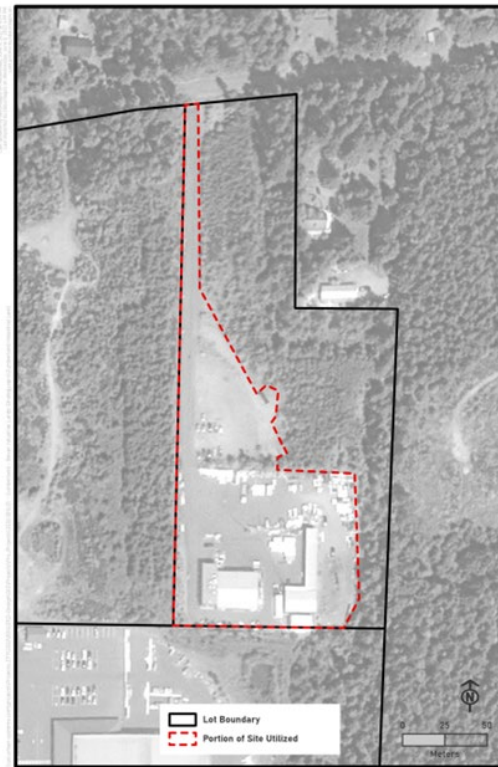
INSTITUTIONAL means any institutional use or development as defined by the Village of Cumberland’s zoning bylaw.

LOT	means land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the records of the Land Title Office.
MUNICIPALITY	means the municipal corporation of the Village of Cumberland.
RESIDENTIAL	means any building or portion of a building containing dwelling units.
RESIDENTIAL, LOW DENSITY	means a residential use or development that consists of the following types of dwellings as defined by the Village of Cumberland's zoning bylaw: <ul style="list-style-type: none">(a) single-family(b) duplex
RESIDENTIAL, MEDIUM DENSITY	means a residential use or development that consists of the following types of dwellings as defined by the Village of Cumberland's zoning bylaw: <ul style="list-style-type: none">(c) townhouse(d) manufacture home
RESIDENTIAL, HIGH DENSITY	means a residential use or development that consists of the following types of dwellings as defined by the Village of Cumberland's zoning bylaw: <ul style="list-style-type: none">(a) multi-family(b) apartment
SECONDARY SUITE	means a self-contained, accessory dwelling unit located within a principal single-family dwelling or in an accessory building on the same parcel as a single-family dwelling. A secondary suite does not include a duplex. A secondary suite shares common utility connections with a principal single-family dwelling. A secondary suite must follow all regulations outlined in the Village of Cumberland's zoning Bylaw.

SITE UTILIZED

means the part of a lot is being used, developed or that is affected by a Development Permit and/or Building Permit as illustrated in Figure A.

Figure A: Example of Showing Portion of Site Utilized



ZONING BYLAW

means “Zoning Bylaw No. 1027, 2016” as amended or superseded from time to time.

Development Cost Charges

4. The development cost charges set out in Schedule A to this bylaw are imposed on 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 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
5. Every person subject to the development cost charges imposed by this bylaw must pay the development cost charges to the Village of Cumberland in accordance with this bylaw.

Exemptions

6. 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 by a bylaw authorized by 224(2)(f) of the *Community Charter*;
 - (b) a development cost charge has previously been paid for the development unless, as a result of further development, new capital cost burdens will be imposed on the Village of Cumberland;
 - (c) the development does not impose new capital cost burdens on the Village of Cumberland;
 - (d) the permit authorizes the construction, alteration or extension of self-contained dwelling units in a building, and the area of each self-contained dwelling unit is no larger than 29m², and each dwelling unit will be put to no other use than residential use; or
 - (e) the value of the work authorized by the permit does not exceed \$50,000.
7. Despite any other provision of this bylaw, development cost charges are not required or payable for secondary suites.

Calculation of Applicable Charges

8. The amount of development cost charges payable in relation to a particular development shall be calculated using the rates set out in Schedule A to this bylaw based on the applicable number of development units.
9. Transportation, water, drainage, parks development cost charges imposed by this bylaw are applicable to all development throughout the Village of Cumberland.
10. Different sanitary sewer development cost charges are imposed by this bylaw and are applicable in the following areas:
 - (a) Village-wide sanitary sewer development cost charges are applicable to all development within the municipal boundary of the Village of Cumberland as shown on Schedule B to this bylaw.
 - (b) Additional area specific development cost charges are applicable to development within the Area Specific Sanitary Sewer DCC Area boundaries shown on Schedule B to this bylaw.

11. 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, that are included in the building permit application and shall be the sum of the charges payable for each type.
12. Where a type of development is not identified in Schedule A to this bylaw, the amount of development cost charges to be paid to the Village of Cumberland shall be equal to the development cost charges that are payable for the most comparable type of development.

Timing of Payment

13. Development cost charges imposed by this Bylaw must be paid in full to the Village of Cumberland at the following times:
 - (a) where an application is made for the subdivision of land for single-family residential development, at the time of approval of such subdivision;
 - (b) for duplex developments, at the time of subdivision approval for one of the dwelling units, and for the second dwelling unit, at the time of approval of a building permit authorizing the development; and
 - (c) for all other types of development to which this bylaw applies, including multi-family residential, commercial, industrial, and institutional development, after the application for a building permit has been made but before the building permit has been issued.

Severability

14. If any section, subsection, clause or phrase of this bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it shall be deemed to be severed and the remainder of this bylaw shall remain valid and enforceable in accordance with its terms.

Repeal and Transition

15. Subject to section 16 of this bylaw, the “Corporation of the Village of Cumberland Development Cost Charges Bylaw No.934, 2010”, and all amendments thereto are hereby repealed.
16. Despite section 15 of this bylaw, the “Corporation of the Village of Cumberland Development Cost Charges Bylaw No. 934, 2010”, and all amendments thereto shall apply for the purpose of imposing and collecting development cost charges in relation to “in-stream” development applications referred to in sections 511 and 568 of the *Local Government Act*, and for no other purpose.

Effective Date

17. This bylaw shall come into force on the day of adoption.

READ A FIRST TIME THIS	8TH	DAY OF	AUGUST	2022
READ A SECOND TIME THIS	8TH	DAY OF	AUGUST	2022
READ A THIRD TIME THIS	8TH	DAY OF	AUGUST	2022
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THE	24TH	DAY OF	NOVEMBER	2022
ADOPTED THIS	9TH	DAY OF	JANUARY	2023

Mayor

Corporate Officer

SCHEDULE A

Table 1: Development Cost Charges in force at the date of bylaw adoption

Land Use (Development Units)	Transportation	Water	Sanitary Sewer Village Wide	Sanitary Sewer Area Specific	Storm Drainage	Parks
Low Density Residential (per dwelling unit or lot)	\$8,007.00	\$3,725.07	\$1,075.88	\$4,263.13	\$2,178.74	\$1,032.51
Medium Density Residential (per dwelling unit)	\$3,524.29	\$3,004.09	\$867.64	\$3,438.01	\$1,176.52	\$832.67
High Density Residential (per dwelling unit)	\$3,524.29	\$2,403.27	\$694.11	\$2,750.41	\$718.98	\$666.13
Commercial (per m ² of gross floor area)	\$83.28	\$15.62	\$4.51	\$17.88	\$6.97	--
Industrial (per ha of site utilized)	\$72,178.22	\$21,629.46	\$6,247.03	\$24,753.66	\$49,021.60	--
Institutional (per m ² of gross floor area)	\$95.23	\$13.22	\$3.82	\$15.13	\$6.54	--

Notes to Schedule:

- Area Specific Sanitary Sewer development cost charges only apply to development within the Area Specific Sanitary Sewer Servicing Area shown on Schedule B to this Bylaw. When this this is the case, Sanitary Sewer Village-Wide development cost charges are also imposed.

SCHEDULE B

Map 1: Village Wide (Municipal Boundaries) and Area Specific Sanitary Sewer Servicing Area

