



**CITY OF COLWOOD
BYLAW NO 1990**

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES FOR PARKLAND IMPROVEMENT

Pursuant to the *Local Government Act*, the Council may, by Bylaw, impose development cost charges for parkland improvements.

Development cost charges may be imposed for the purpose of providing funds to assist the municipality in paying the capital costs of providing and improving parkland to service directly or indirectly, the development for which the charges are imposed.

Council 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;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality; and
- (d) will not discourage development designed to result in a low environmental impact in the municipality.

Council has considered the charges imposed by this bylaw in relation to future land use patterns and development, and the provision of park land described in the Official Community Plan, and how development designed to result in a low environmental impact may affect the capital costs of improving parkland.

In the opinion of the Council, the charges imposed by this Bylaw are related to capital costs attributable to projects included in the municipality's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan.

The Council in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as "Park Improvement Development Cost Charge Bylaw No. 1990, 2023".

2. DEFINITIONS

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 Land Use Bylaw.

In this Bylaw:

BUILDING means any structure that is greater than ten (10) square metres used or intended for supporting or sheltering any use of persons, animals or property.

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

CITY means City of Colwood.

COMMERCIAL means a commercial development in a commercial zone listed in the Land Use Bylaw or a similar development in another zone permitted in accordance with the Land Use Bylaw, in which the predominant use, as determined by its purpose and list of permitted uses, is of a commercial nature.

CONSTRUCTION includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.

DEVELOPMENT means the construction, alteration, or extension of buildings and/or structures for any use authorized by the Land Use Bylaw that requires the issuance of a building permit but does not include internal alterations of a building and/or structure where the principal use of the building and/or structure, or part thereof, is not changing.

DWELLING UNIT means one or a self-contained set of interconnected rooms for the use of one or more persons living together as a single domestic unit sharing cooking, eating, living, sleeping and sanitary facilities and having only one (1) room equipped for the preparation and cooking of food; one (1) electrical service and meter; one (1) water service, meter and distribution system; and one (1) principal entrance.

GROSS FLOOR AREA (GFA) means the sum of the floor areas of every storey in every building on a lot measured to the outside face of the exterior walls, excluding: a. accessory buildings and structures, b. canopies, sun decks, and exterior stairs, and c. the first 50 m² of an attached carport or garage.

HIGH DENSITY RESIDENTIAL means development of a residential building which contains multiple Dwelling Units accessible via a common hallway or corridor and shared entrance facilities, includes apartment dwellings.

INDUSTRIAL means an industrial development in a zone listed in the Land Use Bylaw, or similar development in another zone permitted in accordance with the Land Use Bylaw, in which the predominant use, as determined by its general purpose and list of permitted uses, is of an industrial nature.

INSTITUTION means an institutional development in an Institutional Zone listed in the Land Use Bylaw or similar development in another zone including public recreation facilities, colleges, community halls, cemetery, court of law, municipal offices, community services, provincial or federal offices including a post office, school district offices, fire and ambulance stations, hospitals, library, childcare centre, police station, parks, playgrounds, public art gallery, public museum, school.

LOW DENSITY RESIDENTIAL means a detached building containing one dwelling unit occupied as a single residence by a household and where zoning permits in the "Land Use Bylaw", an additional dwelling unit contained within and/or a detached accessory dwelling unit located on the same Parcel as the primary one dwelling unit.

MEDIUM DENSITY RESIDENTIAL means residential development which includes townhouse, two-unit dwellings, triplex, fourplex, mobile homes, and modular homes.

PARCEL means any lot, block or other area in which land is held or into which it is subdivided but does not include a highway.

STRUCTURE means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, includes a satellite dish antenna; excludes concrete or asphalt or similar surfacing of a lot, fences, signs and underground sewage disposal facilities.

SUBDIVISION means a subdivision as defined in the Land Title Act or Strata Property Act.

ZONE means the zones identified and defined in the City of Colwood Land Use Bylaw.

LAND USE BYLAW means the City of Colwood Land Use Bylaw in effect at the time of application of this bylaw.

3. PURPOSE

3.1. The Development Cost Charges set out in Schedule "A", attached hereto and forming part of this bylaw, are hereby imposed on every person who obtains:

- (a) approval of a Subdivision of land under the *Land Title Act* or the *Strata Property Act*, that results in two or more Parcels on which the Land Use Bylaw permits the construction of a Low Density Residential;
- (b) approval of a Building Permit authorizing the Construction of Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Industrial, or Institutional;

and the development cost charge shall be paid prior to approval of a subdivision or issuance of a building permit, as the case may be.

- 3.2. For certainty, this bylaw imposes charges in respect of Building Permits authorizing the Construction, of buildings or structures that will, after the Construction, contain fewer than four Dwelling Units and for which the Dwelling Units in the building or structure will be put to no use other than residential use.

4. EXEMPTIONS

- 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 of a building or part of a building that is, or will be, after the Construction, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter*;
 - (b) the permit authorizes the Construction of Dwelling Units in a building, the area of each Dwelling Unit is no larger than 29m², and each Dwelling Unit will be put to no other use than residential use;
 - (c) the value of the work authorized by the permit does not exceed \$50,000;
 - (d) 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 municipality; or
 - (e) The *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

5. CALCULATION OF 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 Schedule "A" of this bylaw.
- 5.2. Where a type of development is not specifically 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 are payable for type of development that in the opinion of the Chief Administrative Officer imposes the most similar cost burden on the City's park services.
- 5.3. The amount of development cost charges payable in relation to 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.

6. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw remains valid.

READ A FIRST TIME on the 26th day of June, 2023

READ A SECOND TIME on the 26th day of June, 2023

READ A THIRD TIME on the 26th day of June, 2023

THIRD READING AS AMENDED on the 11th day of September, 2023

**RECEIVED APPROVAL OF THE
INSPECTOR OF MUNICIPALITIES** on the 26th day of September, 2023

ADOPTED on the day of 2023

Mayor

Corporate Officer

SCHEDULE A

(attached to and forming part of the Bylaw)

	Unit	Parkland Improvement DCC Rates
Low Density Residential	per parcel or per unit	\$2,806.48
Medium Density Residential	per dwelling unit	\$2,455.67
High Density Residential	per dwelling unit	\$1,578.64
Commercial	per m ² GFA	\$10.52
Industrial	per m ² GFA	\$5.26
Institutional	per m ² GFA	N/A