

VILLAGE OF CANAL FLATS

BYLAW NO. 262, 2022

A Bylaw to Establish Development Cost Charges

WHEREAS Council for the Village of Canal Flats deems it desirable to impose development cost charges pursuant to the Local Government Act.

AND WHEREAS when considering the imposition of development cost charges the Council of the Village of Canal Flats 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 Village of Canal Flats;
 - f) whether the charges will, in the Village of Canal Flats:
 - (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.
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NOW THEREFORE the Council of the Village of Canal Flats, in open meeting assembled, **ENACTS AS FOLLOWS:**

PART 1 – TITLE

- 1.1 This Bylaw shall be cited for all purposes as “Village of Canal Flats Development Cost Charge Bylaw No. 262, 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 Village of Canal Flats, as amended, revised consolidated or replaced from time to time.
- 2.5 In this bylaw:

“Building”

means a roofed structure with solid exterior walls and which is used or intended to be used as shelter for persons, animals, equipment, or goods and services..

“Building Permit”	means Building Permit issued under the Village of Canal Flats Building Bylaw.
“Village”	means the Village of Canal Flats.
“Commercial”	means a use permitted in a commercial zone designated in the Village of Canal Flats Zoning Bylaw, including the C-1, C-2, and any additional zones the Village adds to the Commercial Zone list set out in the Zoning bylaw, but does not include any Dwelling units.
“Construction”	includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring.
“Detached Accessory Dwelling Unit”	means a Detached Accessory Dwelling Unit as defined in the Village of Canal Flats Zoning Bylaw.
“Development”	means Construction that requires the issuance of a Building Permit and Subdivision.
“Dwelling Unit”	means a Dwelling Unit as defined in the Village of Canal Flats Zoning Bylaw.
“Gross Floor Area”	means total floor area contained within the building measured to the external face of the external walls and excluding the roof.
“Multi Unit Residential”	means a Multi Unit Dwelling and Apartment Dwelling as defined in the Village of Canal Flats Zoning Bylaw.
“Industrial”	means a use permitted in an industrial zone designated in the Village of Canal Flats Zoning Bylaw, including the I-T Industrial-Technology zone and any additional zones the Village adds to the Industrial Zone list set out in the Zoning bylaw.
“Institutional”	means a use permitted in a Public Zone designated in the Village of Canal Flats Zoning Bylaw, including the P Public - Institutional zone and any additional zones the Village adds to the Public Zone list set out in the Zoning bylaw.
“Low Density Residential”	means a lot created or dwelling unit constructed in the following Zones designated in the Village of Canal Flats Zoning Bylaw: A-1, SH, R-1, R-1A, R-MH and any additional zones that accommodate single detached residential dwellings the Village adds to the Zoning bylaw.
“Mobile Home”	means a Mobile Home Dwelling or Modular Home Dwelling as defined in the Village of Canal Flats Zoning Bylaw.
“Secondary Suite”	means an Attached Accessory Dwelling Unit as defined in the Village of Canal Flats Zoning Bylaw.
Single Detached Dwelling	means a Single Detached Dwelling as defined in the Village of Canal Flats Zoning Bylaw.

- “Structure”** means any construction fixed to, supported by, or sunk into land or water, excluding a fence, retaining wall or paving or surfacing materials such as asphalt or concrete.
- “Subdivision”** means a subdivision as defined in the *Land Title Act* or creation of bare land strata parcels under the *Strata Property Act*.
- “Two Unit Dwelling”** means a Two Unit Dwelling as defined in the Village of Canal Flats Zoning Bylaw.
- “Zone”** means the zones identified and defined in the Village of Canal Flats Zoning Bylaw.
- “Zoning Bylaw”** means the Village of Canal Flats 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 Village the development cost charges set out in this bylaw.

3.2 The amount to be paid is:

- 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.

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) [building for public worship] or 224(2)(f) [building for public worship] 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 for each new lot, prior to subdivision approval;
 - b. for a Multi Unit Residential authorized by Building Permit at the rate set for Multi Unit Residential for each dwelling unit; at the time of approval of a Building Permit;
 - c. for a Two unit dwelling, one charge shall be imposed for the second dwelling unit at the time of approval of a building permit authorizing the development. The charge for the additional dwelling unit shall be equivalent to the charge for a Low Density Residential lot. *[Note cost recovery will have been already paid (or assumed to have been paid) for the first dwelling unit upon subdivision to create the original lot that accommodates the two unit dwelling];*
 - d. for Secondary Suites authorized by Building Permit at the rate set for Multi Unit Residential for each Secondary Suite, at the time of approval of a Building Permit;
 - e. for Detached Accessory Dwelling Unit authorized by Building Permit, at the rate set for Multi Unit Residential for each Detached Accessory Dwelling Unit, at the time of approval of a Building Permit;
 - f. 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 per unit, at the time of approval of a Building Permit;
 - g. for Commercial, Industrial, or Institutional Development, the Gross Floor Area of the Building, except for the area of Dwelling Units, at the Commercial, Industrial, or Institutional rate, as the case may be, at the time of approval of a Building Permit;
 - h. for Dwelling Units within Commercial, Industrial, Institutional, authorized to be constructed, altered, or extended by the Building Permit at the rate for:
 - (i) Multi Unit Residential for Multi unit residential Dwellings, Secondary Suites and Detached Accessory Dwelling Units; and
 - (ii) Low Density Residential for Single Detached Dwelling, or Mobile Home units..
 - i. for greenhouses in Industrial the charge shall be at the Industrial rates and calculated based on the Gross Floor Area of the greenhouse, even if some walls are made of plastic or glass and some areas do not have a roof for part of the year;
 - k. for campgrounds and recreational vehicle parks the charge shall be at the Commercial rate for any buildings constructed on the site, and at the rate of 33% of the Multi Unit Dwelling rate for each site that provides water hook-ups.
- 5.2 The amount of development cost charges payable in relation to a MU - Master Planned Mixed Use 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 Village 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 – EFFECTIVE DATE

8.1 This Bylaw comes into effect upon adoption.

READ a first time, second and third time this 26th day of September, 2022

Approved by the Inspector of Municipalities this 23rd day of October, 2022

RECONSIDERED AND FINALLY ADOPTED this 23rd day of January, 2023


Mayor Mark Doherty


Sylvie Hoobanoff, Corporate Officer

Certified a true and correct copy of
"Village of Canal Flats
Bylaw No. 262, 2022


Corporate Officer

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	Water	Storm Drainage	Total Development Cost Charges
Low Density Residential	Per Lot or Dwelling unit	\$41	\$60	\$101
Multi Unit Residential	Per Dwelling unit	\$32	\$48	\$80
Commercial	m ² gross floor area	\$0.41	\$0.18	\$0.59
Industrial	m ² gross floor area	\$0.41	\$0.18	\$0.59
Institutional	m ² gross floor area	\$0.41	\$0.15	\$0.56

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	Water	Storm Drainage	Total Development Cost Charges
Low Density Residential	Per Lot or Dwelling unit	\$61	\$90	\$151
Multi Unit Residential	Per Dwelling unit	\$49	\$72	\$121
Commercial	m ² gross floor area	\$0.61	\$0.27	\$0.88
Industrial	m ² gross floor area	\$0.61	\$0.27	\$0.88
Institutional	m ² gross floor area	\$0.61	\$0.22	\$0.83

SCHEDULE C

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

Development Cost Charges

Land Use	Unit of Charge	Water	Storm Drainage	Total Development Cost Charges
Low Density Residential	Per Lot or Dwelling unit	\$80	\$118	\$198
Multi Unit Residential	Per Dwelling unit	\$64	\$95	\$159
Commercial	m ² gross floor area	\$0.80	\$0.36	\$1.16
Industrial	m ² gross floor area	\$0.80	\$0.36	\$1.16
Institutional	m ² gross floor area	\$0.80	\$0.30	\$1.10