

TOWNSHIP OF SPALLUMCHEEN

BYLAW 1929, 2017

A Bylaw to Impose Roads Development Cost Charges

CONSOLIDATED WITH AMENDMENTS FOR CONVENIENCE ONLY

(Amendment Bylaw No. 2053, 2021)

WHEREAS pursuant to the Local Government Act, the Council of the Township of Spallumcheen may, by Bylaw, impose development cost charges to assist in providing, constructing, altering or expanding roads;

AND WHEREAS the Council of the Township of Spallumcheen 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 an 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 municipality;
- (f) whether the charges will, in the municipality:
 - (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.

AND WHEREAS in the opinion of Council, the charges imposed under this bylaw are:

- (a) related to capital costs attributable to projects included in the capital budget of the Township;
- (b) related to capital projects consistent with the Official Community Plan of the Township.

NOW THEREFORE the Council of the Township of Spallumcheen, in open meeting assembled, enacts as follows:

PART 1 – TITLE

1.1 This bylaw may be cited for all purposes as “Township of Spallumcheen Roads Development Cost Charge Bylaw 1929, 2017”.

PART 2 – DEFINITIONS

2.1 For the purpose of this bylaw, 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.

2.2 In this bylaw:

“Agricultural” means any building, except for single family dwellings, constructed in the A2, LH, SH, and LH zones, or similar zones that permit Agricultural uses, including but not limited to, buildings that accommodate Intensive Agriculture, Limited Agriculture, Restricted Agriculture , Accessory Buildings and Structures, Accessory Employee Bunkhouses, Resource Use, Accessory Farm Sales, Dog Kennels, Wineries and Cideries, and Medical Marihuana Production Facilities.

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

“Commercial” means a building in a commercial zone including C2, C4, C5, C6, and C7 zones or any other commercial zone set out in the zoning bylaw in which the predominant use, as determined by its list of permitted uses, is of a commercial nature.

“Construct” includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore.

“Construction” includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring.

“Development” means the construction, alteration, or extension of buildings and/or structures for any use authorized by the zoning 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.

“Duplex Unit” means a dwelling unit in a residential building containing two dwelling units, but does not include a secondary suite.

“Township” means the municipal corporation of the Township of Spallumcheen.

“Dwelling Unit” means accommodation providing sleeping rooms, washrooms, and a kitchen intended for domestic use, and used or intended to be used permanently for a household. This use does not include a room in a hotel or a motel, and does not include recreational vehicles.

"Floor Area, Gross" means the sum of the total horizontal area of all floors of a building or structure contained or partially contained within the exterior and basement walls including without limitation stairways, elevator shafts, storage rooms, mechanical rooms and basements, but excluding parking areas that are provided as an accessory use to the building or structure.

“Industrial” means a building in an Industrial zone including I1, I2, I4, I5 and I6 zones or any other Industrial zone set out in the zoning bylaw in which the predominant use, as determined by its list of permitted uses, is of an industrial nature.

“Institutional” means building with uses of a public or institutional nature.

“Lot” means the smallest unit into which land is subdivided as shown on the records of the Land Title Office.

“Manufactured Home” means a transportable single-family residential dwelling unit meeting minimum Canadian Standards Association CSA Z240-92MH Series Standard and which is designed to be transported on wheels or chassis to the manufactured home site.

“Mobile Home” means a transportable single-family residential dwelling unit meeting minimum Canadian Standards Association Z-240, suitable for long-term occupancy, and designed to be transported on wheels.

“Modular Home” means a factory built single-family residential dwelling unit meeting Canadian Standards Association A277, suitable for long-term occupancy, and designed to be placed on a permanent foundation.

“Multi-family Residential” means housing on a single lot that contains three or more dwelling units within a building.

“Municipality” means the municipality of the Township of Spallumcheen.

“Official Community Plan (OCP)” means the Township of Spallumcheen Official Community Plan Bylaw in effect at the time of application of this bylaw.

“Residential” means any residential development in all zones where residential development is permitted in accordance with the Zoning Bylaw.

“Single Family Residential” means creation of a single titled lot, or bare land strata lot, that permits single family dwellings including secondary suites as well as mobile, manufactured or modular homes, within the R1, R5, SH, CR, A2, and LH zones.

“Structure” means any construction fixed to, supported by or sunk into land or water, excluding asphalt or concrete paving or similar surfacing of a lot.

“Subdivision” means a subdivision as defined in the Land Title Act or Strata Property Act.

“Zone” means the zones identified and defined in the Township of Spallumcheen Zoning Bylaw.

“Zoning Bylaw” means the Township of Spallumcheen Zoning Bylaw in effect at the time of application of this bylaw.

PART 3 – DEVELOPMENT COST CHARGES

3.1 Those Development Cost Charges set out in Schedule “A” attached hereto and forming part of this bylaw, are hereby imposed on every person who:

- (a) obtains approval of a subdivision;
- (b) obtains a building permit authorizing the construction, alteration or extension of a building or structure; or
- (c) obtains a building permit authorizing the construction, alteration or extension of 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. *[note: this clause has been included in the bylaw to meet requirements of the Local Government Act in order to allow the Township to impose a development cost charge on building permits for buildings that contain 1, 2, or 3 residential dwelling units]*

PART 4 – EXEMPTIONS

4.1 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 set apart for public worship or part of such 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 value of the work authorized by the permit does not exceed \$50,000 ;or
- (c) the square footage of the Dwelling Unit is no larger than 29 m².

PART 5 – CALCULATION OF APPLICABLE CHARGES

5.1 The amount of development cost charges payable in relation to a particular application shall be calculated using the applicable charges set out in Schedule “A” and depends upon:

- (a) the number of additional Lots being created by the application for a Subdivision of land within Residential Zones and Rural Zones where single family residential use is permitted, which includes the R1, SH, CR, A2, and LH zone;
- (b) the number of additional Lots being created by the application for a Subdivision of land, including creation of a bare land strata, within the Residential Manufactured Home Community Zone (R.5) Zone, and any other residential bare land strata development;
- (c) for a duplex building, one charge shall be imposed for the second dwelling unit at the time of approval of a building permit authorizing the development. A charge will have been already paid (or assumed to have been paid) for the first dwelling unit upon subdivision to create the lot that accommodates the duplex.
- (d) the number of new Dwelling Units proposed when applying for a Building Permit for development of a Multi-family Residential Building, at the time of approval of a building permit authorizing the development;
- (e) the number of new Dwelling Units proposed when applying for a Building Permit for development of a Mobile Home, Modular Home, Manufactured Home, where the units are not located on their own individual lots or bare land strata lots;
- (f) The Gross Floor Area of the building when applying for a Building Permit for Commercial, Industrial, Agricultural and Institutional development;

- 5.2 Development cost charge rates are paid by all development within the boundaries of the Township for roads;
- 5.3 No additional development cost charge is applicable to the addition of a secondary suite to an existing single family residential dwelling, nor to the addition of a secondary suite to the construction of a new single family residential dwelling.
- 5.4 For campgrounds as permitted in the zoning bylaw, the development cost charge shall be the rate charged to Commercial development based on the Gross Floor Area of buildings, and not the number of spaces for tents, trailers, or recreational vehicles.
- 5.5 Where a type of development is not identified on Schedule "A" the amount of development cost charges to be paid to the Municipality shall be equal to the development cost charges that would have been payable for the most comparable type of development.
- 5.6 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, 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 in full to the Township at the following times:
- (a) where an application is made for the subdivision of land within Residential Zones and Rural Zones where single family residential use is permitted, which includes the R1, SH, CR, A2, and LH zone, at the time of approval of such subdivision;
 - (b) where an application is made for the subdivision of land, including creation of a bare land strata within the Residential Manufactured Home Community Zone (R.5) Zone, and any other residential bare land strata development, at the time of approval of such subdivision;
 - (c) for a duplex unit, at the time of approval of a building permit authorizing the development;
 - (d) for development of a Multi-family Residential Building, at the time of approval of a building permit authorizing the development;
 - (e) for development of a Mobile Home, Modular Home, or Manufactured Home, where the units are not located on their own individual lots or bare land strata lots, at the time of approval of a building permit authorizing the development;
 - (f) for Commercial, Industrial, Agricultural and Institutional development, at the time of approval of a building permit authorizing the development.

PART 7 – TIMING OF FORCE AND EFFECT

- 7.1 This bylaw shall come into force and effect upon the date of adoption.

READ A FIRST TIME this 1st day of May, 2017.

READ A SECOND TIME this 1st day of May, 2017.

READ A THIRD TIME this 1st, day of May, 2017.

APPROVED by the Inspector of Municipalities the 29th, day of December, 2017.

RECONSIDERED AND FINALLY ADOPTED this 7th, day of May, 2018.

Certified Correct:

Corporate Officer

Mayor

SCHEDULE 'A'
ATTACHED TO
TOWNSHIP OF SPALLUMCHEEN
DEVELOPMENT COST CHARGE BYLAW 1929, 2017

Land Use	Rate
Single Family Residential <i>and bare land strata</i> (per lot <i>at subdivision</i>) <i>(*Amendment Bylaw No. 2053, 2021)</i> Mobile Home, Modular Home, Manufactured Home - where the units are not located on their own individual lots or bare land strata lots (per dwelling unit) Duplex Unit (per second dwelling unit)	\$2,521
Multi-Family Residential (per dwelling unit)	\$1,639
Industrial (per m ² gross floor area)	\$10.59
Commercial (per m ² gross floor area)	\$7.56
Agricultural (per m ² gross floor area)	\$10.36
Institutional (per m ² gross floor area)	\$7.56
<i>*Exemptions from DCC's include permits for public worship, work not exceeding \$50,000 and dwelling units that are no larger than 29m²</i> <i>(*Amendment Bylaw No. 2053, 2021)</i>	N/A