



The Corporation of the City of Courtenay

# Bylaw No. 3191

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## A bylaw to impose Development Cost Charges

WHEREAS pursuant to the *Local Government Act*, the Council of the City of Courtenay 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 sanitary sewer, water, drainage, roads, fire protection 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 City of Courtenay is of the opinion that 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;

AND WHEREAS Council has considered the charges imposed by this Bylaw in relation to future land use patterns and Development, the phasing of works and services 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 sewage, water, drainage, fire protection, roads, providing and improving park land;

AND WHEREAS 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.

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

### Citation

1. This Bylaw shall be cited as "**Development Cost Charges Bylaw No. 3191, 2025**".

### Definitions

2. In this Bylaw:

"Building Permit"	means any permit required under the City of Courtenay Building Bylaw, as amended, or repealed and replaced from time to time.
"City"	means the City of Courtenay.

"Commercial"	means a Commercial Development in a Commercial Zone, or a similar Development in another Zone permitted in accordance with the Zoning Bylaw, in which the predominant use, as determined by its general purpose and list permitted uses, is of a Commercial nature. Commercial uses generally include buying, selling, or trading of goods or services direct to consumers, administrative, professional or other business operations.
"Community Care Facility"	means an establishment licensed as required under the <i>Community Care and Assisted Living Act</i> intended to provide care for three or more persons not related by blood or marriage to care provider.
"Construction"	includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
"Detached Accessory Dwelling Unit"	means a self-contained Dwelling Unit designed to the applicable regulations under the Zoning Bylaw, that is detached from and clearly accessory to a One-Unit Dwelling or Two-Unit Dwelling and includes coach houses, carriage houses, or laneway houses, and may be situated above a detached garage.
"Development"	means Construction that requires the issuance of a Building Permit or Subdivision.
"Dwelling, Multiple-Unit"	means a principal building consisting of three (3) or more Dwelling Units.
"Dwelling, One-Unit"	means a principal building used exclusively for residential purposes and consisting of one (1) Dwelling Unit and may include a fully enclosed Secondary Suite as an independent Dwelling Unit located within the principal building.
"Dwelling, Two-Unit"	means a principal building used exclusively for residential purposes and consisting of two (2) principal Dwelling Units, and each principal Dwelling Unit in a Two-Unit Dwelling may include one fully enclosed Secondary Suite as an independent Dwelling Unit located within the principal building.
"Dwelling Unit"	means a room, a suite of rooms or a building or structure that is used or intended to be used as a self-contained private residence for one (1) household that may contain eating, living, sleeping and sanitary facilities.
"Gross Floor Area" or "GFA"	means the sum of the total floor area on a Lot of each storey in each building measured to the outside face of the exterior walls; excludes the areas of canopies, sun decks, outside stairs, concealed parking, separate and attached carports and garages.
"High Density Residential"	means a Multiple-Unit Dwelling with self-contained Dwelling Units accessed through a common hallway, one or more of which are wholly or partly above another self-contained Dwelling Unit. For the purpose of calculating development cost charges, High Density Residential also

	includes a Detached Accessory Dwelling Unit except for one Detached Accessory Dwelling Unit associated with a One-Unit Dwelling.
“Industrial”	means an Industrial Development in an Industrial Zone, or similar Development in another Zone permitted in accordance with the Zoning Bylaw, in which the predominant use, as determined by its general purpose and list of permitted uses, is of an Industrial nature. Industrial uses generally include manufacturing, processing, fabricating, distilling, brewing, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, recycling or salvaging of goods, materials or things for direct use or resale to individual business customers, and not for the general public and includes cannabis grow operations.
“Institutional”	means an Institutional Development in an Institutional Zone or a similar Development in another Zone permitted in accordance with the Zoning Bylaw, in which the predominant use, as determined by its general purpose and list of permitted uses, is of an Institutional nature. Institutional use generally includes non-profit civic facilities, services dedicated to religious, charitable, educational, health, or welfare purposes, and Community Care Facilities.
“Lot”	means any Lot, parcel, block, or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata Lot under the <i>Strata Property Act</i> .
“Low Density Residential”	means a One-Unit Dwelling, or One-Unit Dwelling plus one Detached Accessory Dwelling Unit.
“Mobile Home”	means a building containing one (1) Dwelling Unit, built in a factory environment in one or more sections, intended to be occupied in a place other than its manufacture and is constructed to the CAN/CSA Z-240 (Mobile Home) standard, but excludes recreational vehicles.
“Mobile Home Park”	means a Lot used for the accommodation of two or more Mobile Homes placed on constructed pads.
“Medium Density Residential”	means a Two-Unit Dwelling or Multiple-Unit Dwelling with self-contained Dwelling Units accessible through separate, ground-oriented entrances. Forms include Mobile Home Parks, duplexes, triplexes, fourplexes and townhouses.
“Secondary Suite”	means a self-contained Dwelling Unit that is smaller than, secondary to, and connected to a principal Dwelling Unit located within a principal building on the same Lot. For the purposes of this Bylaw a Secondary Suite is deemed not to be a separate Dwelling Unit from the principal Dwelling Unit.
“Subdivision”	means a Subdivision as defined in the <i>Land Title Act</i> or <i>Strata Property Act</i> .
“Zone”	means the Zones identified and defined in the Zoning Bylaw.

"Zoning Bylaw"	means the City of Courtenay Zoning Bylaw, as amended, or repealed and replaced from time to time.
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## Interpretation

### 3. In this Bylaw

- a. words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- b. headings given to sections are for convenience of reference only and do not form part of this Bylaw;
- c. unless expressly stated otherwise, a reference to a "section" is a reference to a section in this Bylaw and a reference to a "part" is a reference to a part in this Bylaw;
- d. if any provision is found to be in conflict with the *Local Government Act* regarding the imposition of development cost charges, the interpretation of this Bylaw shall be guided so as to remain consistent with the authority established in the *Local Government Act*.
- e. unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and

## Application

4. This Bylaw applies to all applications for Subdivision and for issuance of a Building Permit for parcels located within the City of Courtenay.
5. The attached **Schedule "A"** forms part of this Bylaw.

## Development Cost Charges

6. 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 Lots on which the Zoning Bylaw permits the Construction of Low Density Residential;
  - b. approval of a Building Permit for all other types of Development to which this Bylaw applies.

and the development cost charge shall be paid upon approval of a Subdivision or issuance of a Building Permit, as the case may be.

All charges imposed by this Bylaw may be paid by instalments in accordance with the permissions provided in the *Local Government*

7. 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.

### Exemptions

8. 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, where the floor area of each Dwelling Unit is no larger than 29m<sup>2</sup>, and each Dwelling Unit will be put to no other use than residential use in those dwelling units;
  - c. the value of the work authorized by the permit does not exceed \$75,000;
  - d. the Development does not impose new capital cost burdens on the City;
  - e. 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
  - f. the *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.
9. 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.
10. Where a type of Development is not specifically identified in Schedule "A" the amount of development cost charges to be paid to the municipality shall be equal to the development cost charges that are payable for the most comparable type of Development.
11. 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, in accordance with Schedule "A", based on the mix of uses included in the Building Permit application and the total development cost charges payable shall be the sum of the charges payable for each type.
12. Where a Low Density Residential charge has been paid on a lot, the charge shall include the "Dwelling, One-Unit", and one or both of the following a "secondary suite", and/or "Detached Accessory Dwelling Unit".

### Effective Date

13. This Bylaw shall come into force and effect on the date of adoption.

### Severability

14. 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 is deemed valid.

**Repeal**

15. "Development Cost Charges Bylaw No. 2840, 2016" and any and all amendments thereto, is hereby repealed.

Read a first time this [day] day of [month], [year]

Read a second time this [day] day of [month], [year]

Read a third time this [day] day of [month], [year]

Approved by the Inspector of Municipalities on the [day] day of [month], [year]

Adopted this [day] day of [month], [year]

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Mayor Bob Wells

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Corporate Officer, Adriana Proton



The Corporation of the City of Courtenay

# Bylaw No. 3191

## Schedule A – “Development Cost Charge Schedule”

Land Use	Unit	Transportation	Water	Drainage	Sewer	Parks	Fire	TOTAL
Low Density Residential	Per Dwelling Unit/Lot	\$3,861.00	\$537.00	\$1,260.00	\$4,942.00	\$8,644.00	\$2,588.00	\$21,832.00
Medium Density Residential	Per Dwelling Unit	\$2,169.00	\$292.00	\$1,008.00	\$2,692.00	\$4,708.00	\$1,409.00	\$12,278.00
High Density Residential	Per square metre of GFA*	\$28.94	\$3.44	\$5.09	\$31.66	\$55.38	\$16.58	\$141.09
Commercial	Per square metre of GFA	\$50.83	\$1.12	\$5.67	\$10.30	\$18.01	\$5.39	\$91.32
Institutional	Per square metre of GFA	\$50.83	\$1.12	\$5.67	\$10.30	\$0.00	\$5.39	\$73.31
Industrial	Per square metre of GFA	\$4.15	\$0.72	\$2.14	\$6.62	\$0.00	\$3.47	\$17.10