



City of Duncan

Development Cost Charge Bylaw No. 1558, 1988

(With Amendments to July 9, 2007)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

**THE CORPORATION OF THE CITY OF DUNCAN
BYLAW NO. 1558
A BYLAW OF THE MUNICIPALITY TO IMPOSE
DEVELOPMENT COST CHARGES.**

WHEREAS, pursuant to Section 983(2) of the Municipal Act, the Council may, by bylaw, impose development cost charges under the terms and conditions of the Section;

AND WHEREAS, the development cost charges may be imposed for the sole purpose of providing funds to assist the Municipality in paying the capital cost of providing construction, altering or expanding sewage, water, drainage and highway facilities and public open space or any of them, in order to service, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS, no development cost charge shall be required to be paid;

- (a) if a development cost charge has previously been paid with respect to the same development, unless, as a result of a further subdivision or development, new capital cost burdens will be imposed on the Municipality, or
- (b) where the subdivision or development does not impose new capital cost burdens on the Municipality;

AND WHEREAS, in the consideration of Council 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;
- (d) are not a duplication of requirements imposed by the Municipality pursuant to land use contracts, development permits or the provisions of a subdivision control bylaw;

AND WHEREAS, in the opinion of Council the charges imposed by this Bylaw are:

- (a) related to capital costs attributable to projects involved in the capital budget of the Municipality;
- (b) related to capital projects consistent with the Community Plan of the Municipality;

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

1. Every person who obtains:
 - (a) approval of the subdivision of a parcel of land under the Land Registry Act or the Strata Titles Act;
 - (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 self-contained dwelling units;

**Amended
No. 2028**

shall pay to the Municipality, prior to the approval of the subdivision or the issuance of the building permit, as the case may be, the applicable development cost charges as set out in Schedule “A” hereto attached.

**Amended
No. 1733**

2. Subsection (b) and (c) of Section 1 shall not apply where a building permit authorized construction, alteration or extension of a building or part of a building that is, or will after the construction, alteration or extension be exempt from taxes under Section 398 (1) (h).
3. Notwithstanding the above, the Development Cost Charges may be paid by installments in accordance with the following regulations:
 - (a) The Developer shall pay the charge in full within two (2) years after the date that the subdivision is approved or the building permit is granted by paying not less than
 - (i) 1/3 of the total charge at the time of the approval of the subdivision or granting of the permit, and
 - (ii) 1/2 of the balance within one (1) year after date of the approval of the subdivision or granting of the permit.
 - (b) Where a developer elects to pay the charge by installments and fails to pay an installment within any time required for payment by this Section, the total balance of the charge becomes due and payable immediately.
 - (c) No interest is payable on the unpaid balance of a charge until it becomes due and payable, but when it does, it is a condition of election under Section 50 of the Taxation (Rural Area) Act that interest is payable from that date until payment at the rate or rates prescribed under Section 11 (3) of the Taxation (Rural Area) Act for the period of non-payment.

- (d) A developer electing to pay a charge by installments must deposit with the treasurer at the same time as he pays the first installment:
 - i) an irrevocable letter of credit or undertaking from a bank, or
 - ii) a bond of a surety licensed under the Insurance Act, or
 - iii) a security duly assigned which ensures to the satisfaction of the treasurer that upon default, the balance of the unpaid charge will be recoverable from the person, the bank, the surety or from the proceeds of the realization of the security, as the case may be.

4. The Development Cost Charge Bylaw, 1979, No. 1240, The Development Cost Charge (Installments) Regulation Bylaw, 1984, No. 1435, and all Amending Bylaws Numbers 1261, 1272, 1317 and 1511 are hereby repealed.

5. This Bylaw may be cited as “Development Cost Charge Bylaw, 1988, No. 1558”.

READ THE FIRST TIME on the 12th day of December, 1988.

READ THE SECOND TIME on the 12th day of December, 1988.

READ THE THIRD TIME on the 12th day of December, 1988.

RECEIVED the approval of the Inspector of Municipalities on the 16th day of June, 1989.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal council of The Corporation of the City of Duncan on the 26th day of June, 1989.

Clerk of the Municipal Council
of The Corporation of the City
of Duncan.

Mayor

This Bylaw has been consolidated for convenience only and includes amendments from:

- Bylaw No. 1575, 1989 – Adopted July 10, 1989
- Bylaw No. 1733, 1994 – Adopted July 11, 1994
- Bylaw No. 1758, 1995 – Adopted April 10, 1995
- Bylaw No. 1808, 1996 – Adopted August 23, 1996
- Bylaw No. 1904, 2000 – Adopted November 14, 2000
- Bylaw No. 2028, 2000 – Adopted July 9, 2007

Amended
No. 1575
No. 1733
No. 1758

SCHEDULE "A"
Effective From Adoption of Bylaw 1758 to July 31, 1995

DEVELOPMENT COST CHARGES

<u>TYPE OF DEVELOPMENT</u>	<u>WATER</u>	<u>SANITARY</u>	<u>ROAD</u>	<u>STORM</u>
Residential	\$390.00	\$600.00	\$200.00 per parking space x 2	\$560.00
Townhouse unit	\$374.00	\$576.00	\$200.00 per parking space	\$5,600.00 per hectare of land
Apartment unit	\$284.00	\$438.00	\$200.00 per parking space x 2	\$5,600.00 per hectare of land
Commercial Developments	\$1.17 per square meter of gross floor area	\$2.85 per square meter of gross floor area	\$200.00 per parking space x 1.5	\$5,600.00 per hectare of land
Other Development Types	Refer to details of DCC report	Refer to details of DCC report	\$200.00 per parking space	\$5,600.00 per hectare of land

(Apply 40% of outlined charges)

Parking Space means the required parking space stipulated in the "City of Duncan Off-Street Parking and Loading Bylaw No. 1556, 1988" and amendments thereto.

DCC Report means the "City of Duncan Development Cost Charges" Report prepared by Duncan & Associates Engineering Ltd. and dated July 1993 and revised April 7th, 1994.

Those lands identified in Schedule "A" of Bylaw 1556, 1988 are not excluded from the Parking Space Requirement Calculations for the purpose of this Bylaw.

Amended
No. 1733
No. 1758
No. 1808

SCHEDULE "B"
Effective August 1, 1995 to July 31, 1996

DEVELOPMENT COST CHARGES

<u>TYPE OF DEVELOPMENT</u>	<u>WATER</u>	<u>SANITARY</u>	<u>ROAD</u>	<u>STORM</u>
Residential	\$585.00	\$900.00	\$300.00 per parking space	\$840.00
Townhouse unit	\$561.00	\$864.00	\$300.00 per parking space	\$8,400.00 per hectare of land
Apartment unit	\$426.00	\$657.00	\$300.00 per parking space	\$8,400.00 per hectare of land
Commercial Developments	\$1.76 per square meter of gross floor area	\$4.28 per square meter of gross floor area	\$300.00 per parking space	\$8,400.00 per hectare of land
Other Development Types	Refer to details of DCC report	Refer to details of DCC report	\$300.00 per parking space	\$8,400.00 per hectare of land

(Apply 60% of outlined charges)

Parking Space means the required parking space stipulated in the "City of Duncan Off-Street Parking and Loading Bylaw No. 1556, 1988" and amendments thereto.

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Those lands identified in Schedule "A" of Bylaw 1556, 1988 are not excluded from the Parking Space Requirement Calculations for the purpose of this Bylaw.

Amended
No. 1733
No. 1758
No. 1808

SCHEDULE "C"
Effective August 1, 1996 to July 31, 1997

DEVELOPMENT COST CHARGES

<u>TYPE OF DEVELOPMENT</u>	<u>WATER</u>	<u>SANITARY</u>	<u>ROAD</u>	<u>STORM</u>
Residential	\$878.00	\$1,350.00	\$450.00 per parking space	\$1,260.00
Townhouse unit	\$842.00	\$1,296.00	\$450.00 per parking space	\$12,600.00 per hectare of land
Apartment unit	\$639.00	\$986.00	\$450.00 per parking space	\$12,600.00 per hectare of land
Commercial Developments	\$2.64 per square meter of gross floor area	\$6.42 per square meter of gross floor area	\$450.00 per parking space	\$12,600.00 per hectare of land
Other Development Types	Refer to details of DCC report	Refer to details of DCC report	\$450.00 per parking space	\$12,600.00 per hectare of land

(Apply 90% of outlined charges)

Parking Space means the required parking space stipulated in the "City of Duncan Off-Street Parking and Loading Bylaw No. 1556, 1988" and amendments thereto.

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Those lands identified in Schedule "A" of Bylaw 1556, 1988 are not excluded from the Parking Space Requirement Calculations for the purpose of this Bylaw.

Amended
 No. 1733
 No. 1758
 No. 1808
 No. 1904

SCHEDULE "D"
 Effective August 1, 1997 to Nov 14, 2000

DEVELOPMENT COST CHARGES

<u>TYPE OF DEVELOPMENT</u>	<u>WATER</u>	<u>SANITARY</u>	<u>ROAD</u>	<u>STORM</u>
Residential	\$975.00	\$1,500.00	\$500.00 per parking space	\$1,400.00
Townhouse unit	\$935.00	\$1,440.00	\$500.00 per parking space	\$14,000.00 per hectare of land
Apartment unit	\$710.00	\$1,095.00	\$500.00 per parking space	\$14,000.00 per hectare of land
Commercial Developments	\$2.93 per square meter of gross floor area	\$7.13 per square meter of gross floor area	\$500.00 per parking space	\$14,000.00 per hectare of land
Other Development Types	Refer to details of DCC report	Refer to details of DCC report	\$500.00 per parking space	\$14,000.00 per hectare of land

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Those lands identified in Schedule "A" of Bylaw 1556, 1988 are not excluded from the Parking Space Requirement Calculations for the purpose of this Bylaw.

Amended
No. 1904

SCHEDULE "E"
Effective Nov 14, 2000

DEVELOPMENT COST CHARGES

<u>TYPE OF DEVELOPMENT</u>	<u>WATER</u>	<u>SANITARY</u>	<u>ROAD</u>	<u>STORM</u>
Residential	\$975.00	\$1,500.00	\$185.00 per parking space	\$1,400.00
Townhouse unit	\$935.00	\$1,440.00	\$185.00 per parking space	\$14,000.00 per hectare of land
Apartment unit	\$710.00	\$1,095.00	\$185.00 per parking space	\$14,000.00 per hectare of land
Commercial Developments	\$2.93 per square meter of gross floor area	\$7.13 per square meter of gross floor area	\$185.00 per parking space	\$14,000.00 per hectare of land
Other Development Types	Refer to details of DCC report	Refer to details of DCC report	\$185.00 per parking space	\$14,000.00 per hectare of land

Parking Space means the required parking space stipulated in the “City of Duncan Off-Street Parking and Loading Bylaw No. 1556, 1988” and amendments thereto.

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Those lands identified in Schedule "A" of Bylaw 1556, 1988 are not excluded from the Parking Space Requirement Calculations for the purpose of this Bylaw.