

TOWN OF COMOX

BYLAW NO. 1830

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES FOR THE CAPITAL COST OF PROVIDING, ALTERING OR EXPANDING HIGHWAY, DRAINAGE, SEWAGE AND WATER FACILITIES AND INFRASTRUCTURE, AND FOR THE ACQUISITION AND IMPROVEMENT OF LAND FOR PUBLIC PARKS

WHEREAS:

- A. Development cost charges may be imposed for the purpose of providing funds to pay for the capital costs of land, facilities and infrastructure works stated above to service directly or indirectly, the development for which the charges are being imposed;
- B. In the opinion of Council, the charges imposed by this Bylaw are related to the capital costs attributable to projects considered in the financial plan in conjunction with the Town of Comox Official Community Plan;
- C. In imposing the development cost charges herein, Council has taken into consideration future land use patterns and development, the phasing of public works and services, and the provision and improvement of parkland all as described in the Official Community Plan and has considered how development designed to result in low environmental impact may affect the capital costs of infrastructure referred to in Section 564 (4) (a) through (f) of the *Local Government Act RSBC 2015 C.1*;
- D. Council considers that the charges imposed by this Bylaw are not excessive in relation to the prevailing standards of service in the Town of Comox, and will not
 - (i) deter development;
 - (ii) discourage the construction of reasonably priced housing, or the provision of reasonably priced serviced land;
 - (iii) discourage the development or redevelopment of commercial or industrial properties that would otherwise provide employment and economic diversity and stability in the Town; or
 - (iv) discourage development designed to result in low environmental impact.

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled enact as follows:

1. Title

This Bylaw may be cited for all purposes as “Comox Development Cost Charges Bylaw No. 1830”

2. Definitions

The meaning of words in this bylaw that are not defined below shall have the meaning assigned to them in the *Local Government Act RSBC 2015 C.1* and in this Bylaw:

Building: A structure having a roof supported by columns or walls, and used for the shelter or accommodation of persons or property.

Cellars: That portion of a building situated between the top of any floor and the top of the floor next above it having no more than 0.6 metres of its height above the ground level, and a height from floor to ceiling of less than 2.1 metres.

Coach House: A building consisting of one dwelling unit. Coach houses shall:

- (1) only be permitted on a parcel on which a single family dwelling exists;
- (2) only be permitted on a parcel where either the single family dwelling or the coach house is owner occupied;
- (3) be limited to one (1) per parcel;
- (4) have a gross floor area not exceeding 90m²; and
- (5) not be located on a parcel containing more than 2 dwelling units.

Commercial: (1) a use located in a commercial or marine zone classified as such in section 4.1 of the Town’s zoning bylaw, other than a residential use, or (2) a non-residential use located in a residential or multi-family residential zone classified as such in section 4.1 of the Town’s zoning bylaw.

Commercial Accommodation: A commercial use where rooms are offered for use as temporary accommodation.

Community Care Facility: An establishment licensed as a community care facility under the *Community Care Facility Act* of British Columbia.

Congregate Care Facility: A building or part thereof providing dwelling units in conjunction with central kitchen and dining services and with or without common shared areas.

Development: Includes the subdivision of land and the construction, alteration, and extension of a building or structure requiring the issuance of a building permit.

Downtown: All parcels of land located within Downtown Comox as shown in Schedule “B1”.

Dwelling Unit: One or more rooms (1) constituting a self-contained unit with only one cooking facility and (2) occupied as the permanent residence of one household.

Gross Floor Area: The total floor area of all buildings on a parcel measured between the exterior faces of the exterior walls of each building including stairwells and elevator shafts; does not include parking or loading areas, driveways, bicycle parking spaces or cellars.

Household: One or more persons living together as a single domestic unit.

Industrial: (a) utility buildings and facilities such as telephone exchanges, transformer stations and public works yards or (b) a use located in an industrial zone classified as such in section 4.1 of the Town's zoning bylaw, other than a residential use.

Institutional: A use located in a park zone or an institutional zone classified as such in section 4.1 of the Town's zoning bylaw, other than a residential use, or utility buildings and facilities such as telephone exchanges, transformer stations and public works yards.

Intermediate Care Facility: A community care facility where food, accommodation and nursing care is provided.

Multi-Family High Density: A building or part thereof consisting of more than forty (40) dwelling units.

Multi-Family Low Density: (a) A part of a building consisting of one (1) dwelling unit; does not include a single family dwelling or (b) a building or part thereof consisting of two (2) to thirty (30) dwellings units, excluding secondary suites.

Multi-Family Medium Density: a building or part thereof consisting of thirty one (31) to forty (40) dwellings units.

Parcel: Any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

Parcel Area: The area of land within the boundaries of a parcel.

Residential Use: A single family dwelling; congregate care facility; intermediate care facility; multi-family low density; multi-family medium density; multi-family high density and the use of a portion of a dwelling unit for business purposes. For the purpose of sections 5(e) and 6(b) intermediate care facility is not a residential use.

Secondary Suite: A dwelling unit that is secondary to another dwelling unit. Single family dwellings containing a secondary suite shall be owner occupied.

Secondary suites shall:

- (1) be located only in single family dwellings;
- (2) be limited to one (1) per single-family dwelling;
- (3) be completely contained within the principal building of the single family dwelling;
and
- (4) have a dwelling unit gross floor area not exceeding 40% of the gross floor area of the principal building or 90m² whichever is the lesser.

Single Family Dwelling: A building consisting of one dwelling unit, a building consisting of two dwelling units one of which is a secondary suite, or a parcel containing a building consisting of one dwelling unit and a coach house.

Structure: Anything that is man-made that is fixed to, supported by or sunk into land; does not include a vehicle or boat.

Town: The Town of Comox.

Utility: An organization supplying electricity, natural gas, water, sanitary sewer, storm water management, telephone or communication cable service.

3. Application

This Bylaw applies to all land, buildings and structures situated within the boundaries of the Town of Comox.

4. Development Cost Charges

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,

shall prior to such approval pay the applicable development cost charges as set out in Schedule "A" attached to and forming part of this Bylaw.

5. Exceptions

As an exception to Section 4, no development cost charges are required to be paid:

- a) where the development does not impose any new capital cost burden on the Town;
- b) where a development cost charge has previously been paid for the same development unless, as a result of a further development or alteration, new capital cost burdens will be imposed on the Town;
- c) where the building permit authorizes the construction, alteration or extension of a building exempt from taxation under S.220(1) (h) or S. 224 (2) (f) of the Community Charter;
- d) where the value of the work authorized by the building permit does not exceed \$100,000.00;

- e) for the construction, alteration, or extension of self-contained dwelling units in a building authorized under a building permit, if each unit is no larger than 45 square metres, and each unit is to be put to no other use other than the residential use in those dwelling units; or
- f) notwithstanding section 6(f) of this Bylaw, other than Single Family Dwelling, Multi-Family Low Density, Multi-Family Medium Density and Multi-Family High Density, no charges apply to uses located in an agricultural zone classified as such in section 4.1 of the Town's zoning bylaw

6. Payment and Calculation of Development Cost Charges

Charges shall be calculated and paid in accordance with Schedule "A" as follows:

- a) in the case of subdivision for single family dwelling each parcel in the subdivision in excess of the number that existed prior to subdivision shall be charged;
- b) under Section 561(6) of the *Local Government Act RSBC 2015 C.1*, on issuance of a building permit that authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension,
 - (i) contain fewer than 4 self-contained dwelling units, and
 - (ii) be put to no other use other than the residential use in those dwelling units;
- c) on the issuance of a building permit provided that the calculation of the charge shall be reduced by the amount of any charge levied and paid upon subdivision of the parcel on which the development is situated;
- d) on the issuance of a building permit provided that the calculation for the charge shall be reduced by the amount of any charge applicable to the most recent use of the property prior to building permit application;
- e) in the case of a building permit for mixed use development, charges shall be calculated separately for each category of use according to Schedule "A"; and
- f) where a type of development is not identified on Schedule "A", the amount of the charge to be paid shall be calculated as if the development were Commercial.

7. Schedule "A" attached to this Bylaw consists of three tables establishing the amounts of Development Cost Charges applicable to development in the Town of Comox and Schedule "A" forms part of this Bylaw.

8. Schedule "B" attached to this Bylaw consists of two maps, Schedule "B1" delineating "Downtown Comox" and Schedule "B2" delineating the "Sanitary Sewer Development Cost Charges Service Area" boundaries.

9. Repeal and Effective Date

- a) Comox Development Cost Charges Bylaw, 2006 is hereby repealed except Section 5.
- b) This Bylaw shall come into full force and effect as of the date of Adoption provided that in respect of both commercial development outside of the Downtown, and institutional development anywhere within the Town, the development cost charges in this Bylaw are suspended for six months from Adoption and shall be charged at the rates and amounts set out in Comox Development Cost Charges Bylaw, 2006.

10. ADOPTION

READ A FIRST AND SECOND TIME this	17 th day of February, 2016
READ A THIRD TIME this	17 th day of February, 2016
THIRD READING RESCINDED	6 th day of April, 2016
READ A THIRD TIME AS AMENDED this	6 th day of April, 2016
APPROVED by the Inspector of Municipalities this	15 th day of April, 2016
ADOPTED this	4 th day of May, 2016

“Paul Ives”
MAYOR

“Richard Kanigan”
CORPORATE OFFICER

Schedule "A"

Comox Development Cost Charges Bylaw No. 1830

SANITARY SEWER DEVELOPMENT COST CHARGES			
Type of Development	COLUMN A Upon Issuance of Building Permit	COLUMN B Upon Subdivision	Development Cost Charge Applicable Area
Single Family Dwelling (per parcel)	\$1,072.05	\$1,072.05	As shown in Schedule "B2"
Multi-Family Low Density -Except Downtown (per unit)	\$818.76	Not Applicable	
Multi-Family Medium Density - Except Downtown (per unit)	\$809.50	Not Applicable	
Multi-Family High Density - Except Downtown (per unit)	\$809.50	Not Applicable	
Multi-Family Low Density - Downtown (per unit)	\$809.50	Not Applicable	
Multi-Family Medium Density - Downtown (per unit)	\$809.50	Not Applicable	
Multi-Family High Density - Downtown (per unit)	\$809.50	Not Applicable	
Congregate Care Facility / Intermediate Care Facility (per unit)	\$396.11	Not Applicable	
Commercial Accommodation (per unit)	\$562.90	Not Applicable	
Commercial-Except Downtown (per m ² of gross floor area)	\$5.66	Not Applicable	
Commercial - Downtown (per m ² of gross floor area)	\$5.36	Not Applicable	
Institutional (per m ² of gross floor area)	\$6.00	Not Applicable	
Industrial (per m ² of gross floor area)	\$0.38	Not Applicable	

PARK DEVELOPMENT COST CHARGES			
Type of Development	COLUMN A Upon Issuance of Building Permit	COLUMN B Upon Subdivision	Development Cost Charge Applicable Area
Single Family Dwelling (per parcel)	\$2,171.62	\$2,171.62	All areas within the Town of Comox boundaries
Multi-Family Low Density -Except Downtown (per unit)	\$1,658.54	Not Applicable	
Multi-Family Medium Density - Except Downtown (per unit)	\$1,639.78	Not Applicable	
Multi-Family High Density -Except Downtown (per unit)	\$1,639.78	Not Applicable	
Multi-Family Low Density - Downtown (per unit)	\$1,639.78	Not Applicable	
Multi-Family Medium Density - Downtown (per unit)	\$1,639.78	Not Applicable	
Multi-Family High Density - Downtown (per unit)	\$1,639.78	Not Applicable	
Congregate Care Facility / Intermediate Care Facility (per unit)	\$802.40	Not Applicable	
Commercial Accommodation (per unit)	Not Applicable	Not Applicable	
Commercial-Except Downtown (per m ² of gross floor area)	Not Applicable	Not Applicable	
Commercial - Downtown (per m ² of gross floor area)	Not Applicable	Not Applicable	
Institutional (per m ² of gross floor area)	Not Applicable	Not Applicable	
Industrial (per ha of parcel area)	Not Applicable	Not Applicable	

HIGHWAY DEVELOPMENT COST CHARGES			
Type of Development	COLUMN A Upon Issuance of Building Permit	COLUMN B Upon Subdivision	Development Cost Charge Applicable Area
Single Family Dwelling (per parcel)	\$2,748.40	\$2,748.40	All areas within the Town of Comox boundaries
Multi-Family Low Density - Except Downtown (per unit)	\$1,551.79	Not Applicable	
Multi-Family Medium Density - Except Downtown (per unit)	\$1,550.75	Not Applicable	
Multi-Family High Density - Except Downtown (per unit)	\$1,550.75	Not Applicable	
Multi-Family Low Density - Downtown (per unit)	\$1,394.53	Not Applicable	
Multi-Family Medium Density - Downtown (per unit)	\$1,394.53	Not Applicable	
Multi-Family High Density - Downtown (per unit)	\$1,394.53	Not Applicable	
Congregate Care Facility / Intermediate Care Facility (per unit)	\$538.37	Not Applicable	
Commercial Accommodation (per unit)	\$1,095.43	Not Applicable	
Commercial-Except Downtown (per m ² of gross floor area)	\$95.24	Not Applicable	
Commercial - Downtown (per m ² of gross floor area)	\$48.26	Not Applicable	
Institutional (per m ² of gross floor area)	\$40.54	Not Applicable	
Industrial (per ha of parcel area)	\$32,005.61	Not Applicable	

Schedule "B1" Comox Development Cost Charges Bylaw No. 1830



Schedule "B2" Comox Development Cost Charges Bylaw No. 1830

