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# THE CORPORATION OF THE DISTRICT OF KENT

## BYLAW NO. 1572

*“A bylaw to impose development cost charges.”*

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**WHEREAS**, pursuant to the *Local Government Act*, Council may by bylaw impose development cost charges for the purpose of providing funds to assist the District to pay the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highways and for providing and improving parkland, in order to serve, directly or indirectly, the developments for which the charges are imposed;

**AND WHEREAS** a development cost charge is not payable where the development does not impose new capital cost burdens on the District, or the development cost charge has previously been paid for the same development unless, as a result of further development, new capital cost burdens will be imposed on the District;

**AND WHEREAS** the Council has taken into consideration those matters prescribed in the *Local Government Act* and whether the charges:

- are excessive in relation to the capital cost of prevailing standards of service in the District;
- will deter development;
- will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the District; or
- will discourage development or redevelopment of commercial, industrial, or agricultural properties which would otherwise provide employment and economic diversity and stability in the community;

**AND WHEREAS**, in the opinion of Council, the charges imposed by this bylaw are related to capital costs attributable to projects included in the financial plan for the District;

**NOW THEREFORE** the Council of the District of Kent in open meeting assembled, hereby enacts as follows:

### **1. CITATION**

This bylaw may be cited for all purposes as “Development Cost Charge Bylaw No. 1572, 2017”.

## 2. DEFINITIONS

In this bylaw:

**Agassiz Drainage System** means the District's community drainage system located in the Agassiz townsite;

**Agassiz Sanitary Sewer System** means the District's community sanitary sewer system located in the Agassiz townsite;

**Agri-tourism** means a tourist activity, service or facility accessory to land that is classified as farm under the *Assessment Act*;

**Commercial Agricultural Development** means a building or structure located within a parcel that is zoned for agricultural use and is used or intended to be used for the following permitted uses as described in *Part 2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

- licenced winery or cidery retail sales and food and beverage service lounge;
- farm retail sales and;
- agri-tourism retail and accommodation;

**Commercial Development** means a building or structure used or intended to be used for the carrying on of any business, including the sale or provision of goods, accommodation, entertainment, meals or services, but excludes an industrial, institutional, general agricultural, commercial agricultural or residential development.

**District** means the District of Kent

**Duplex Development** means a building which is divided into two dwelling units which are placed either one above the other or side by side and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence for one family and has not more than one kitchen;

**Dwelling Unit** means a self-contained residential unit (other than a secondary suite) that includes a cooking facility and consisting of one or more habitable rooms designed and used for the accommodation of only one person or family;

**General Agricultural Development** means any agricultural development that is not Commercial Agricultural Development;

**Gross Floor Area** means the total floor area of all buildings on a parcel measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas but excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators or ventilating machinery;

**Industrial Development** means a building or structure used or intended to be used for processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, salvaging goods, materials, or things and includes only the sale of goods either manufactured, processed, fabricated, assembled, disassembled or repaired on the same site;

**Institutional Development** means a building or structure used or intended to be used only on a non-profit basis for cultural, recreational, social, religious, governmental, public hospital, or educational purposes;

**Mobile Home Park Development** means a residential development where spaces and utility services for two or more manufactured homes or mobile homes are provided;

**Mobile Home Park Subdivision** means a subdivision under the *Land Title Act* or the *Strata Property Act* for the purpose of creating a mobile home park development;

**Multi-Family Residential Development** means a building which is divided into three or more attached dwelling units, each unit of which is occupied or intended to be occupied as a permanent home or residence for one family and has not more than one kitchen;

**Personal Care Development** means a building used for the care of sick, injured or aged other than in a public hospital and includes residential care facilities governed by the *BC Community Care Facility Act* and assisted living facilities registered with the Assisted Living Registrar;

**Secondary Suite** has the same meaning as under the British Columbia Building Code;

**Single Family Development** means a building with a single dwelling unit and which may include a secondary suite;

**Single Family Subdivision** means a subdivision under the *Land Title Act* or the *Strata Property Act* which creates parcels for single family homes.

### **3. IMPOSITION OF DEVELOPMENT COST CHARGES**

(1) Every person who obtains:

a) approval of a single family subdivision or mobile home park subdivision; or

b) a building permit authorizing the construction or alteration of buildings or structures

shall pay at the time of the subdivision or the issue of the building permit, as applicable, the relevant development cost charges as set out in Schedule "A" of this bylaw.

- (2) Despite Section 3 (1) no drainage development cost charge is payable within an area of land that:
- Is not serviced by the Agassiz drainage system; and
  - Will not be provided with the Agassiz drainage system that will serve the subdivision or development for which approval is sought.
- (3) Despite Section 3 (1) no sanitary sewer development cost charge is payable within an area of land that:
- Is not serviced by the Agassiz sanitary sewer system; and
  - Will not be provided with the Agassiz sanitary sewer system that will serve the subdivision or development for which approval is sought.
- (4) For a type of development not identified in this Bylaw or in Schedule "A", the development cost charges for the most comparable type of development will be used to determine the amount payable.
- (5) A development cost charge is payable for construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained dwelling units.
- (6) In a redevelopment scenario, development cost charges will be calculated as follows:
- (Total development cost charges for the proposed use based on the rates in Schedule "A")
- minus
- (Total development cost charges for the existing use based on the rates in Schedule "A")
- (7) Residential units in agricultural areas shall be charged development cost charges at the applicable residential class of development as shown in Schedule "A".

#### **4. TIME OF PAYMENT**

Development cost charges under Section 3 shall be payable at the time of issuance of the building permit, except that in the case of a single family subdivision or mobile home park subdivision, development cost charges under Section 3 shall be payable at the time of approval of the subdivision.

#### **5. EXEMPTION FROM DEVELOPMENT COST CHARGES**

Section 3 [Imposition of development cost charges] does not apply in any of the circumstances exempted from payment by section 561 of the *Local Government Act* or successor legislation.

**NOTE FOR INFORMATION ONLY – NOT A PART OF THIS BYLAW**

*As per Provincial legislation, DCCs do not apply in the District of Kent where:*

- *Development is exempt from taxation under the Community Charter (places of public worship)*
- *Residential units are no larger in area than 29 sq.m.*
- *Value of work authorized by building permit does not exceed \$50,000*

**6. MULTIPLE USES**

When a building or structure is used or intended to be used for more than one class of development, charges under this bylaw shall be calculated separately for the areas used for each class as though the area was a separate building, and the amount payable shall be the combined total for all classes.

**7. SCHEDULES**

Schedules “A” is attached hereto and forms part of this bylaw.

**8. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

**9. REPEAL**

This bylaw repeals the following bylaws and all amendments thereto:

- “Development Cost Charge Bylaw No. 1431, 2009”

READ A FIRST TIME this 24<sup>th</sup> day of May, 2017.

READ A SECOND TIME this 24<sup>th</sup> day of May, 2017.

READ A THIRD TIME this 24<sup>th</sup> day of May, 2017.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 19<sup>th</sup> day of July, 2017.

FINALLY PASSED AND ADOPTED this 21<sup>st</sup> day of August, 2017.

**CERTIFIED CORRECT**

\_\_\_\_\_  
John Van Laerhoven, Mayor

\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE & CORRECT COPY**  
of "Development Cost Charge  
Bylaw No. 1572, 2017" adopted  
on the 21<sup>st</sup> day of August, 2017.

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Clair Lee, Director of Corporate Services

**Schedule "A"**  
**District of Kent Development Cost Charge Bylaw 1572, 2017**

<b>Development Type</b>	<b>Unit</b>	<b>Transportation</b>	<b>Drainage</b>	<b>Sanitary Sewer</b>	<b>Parks Development &amp; Acquisition</b>	<b>Total</b>
Single Family Development	per lot or dwelling unit	\$1,720.29	\$6,162.83	\$5,672.23	\$816.12	\$14,371.47
Duplex Development	per dwelling unit	\$1,720.29	\$6,162.83	\$4,726.86	\$680.10	\$13,290.08
Multi-Family Residential Development	per dwelling unit	\$1,109.59	\$2,347.75	\$3,403.34	\$489.67	\$7,350.35
Personal Care Development	per dwelling unit	\$734.56	\$2,191.23	\$1,928.56	\$277.48	\$5,131.83
Mobile Home Park Development	per lot or dwelling unit	\$1,109.59	\$6,162.83	\$3,403.34	\$489.67	\$11,165.43
Commercial Development	per square metre of gross floor area	\$19.10	\$34.92	\$52.56	\$0.00	\$106.58
Institutional Development	per square metre of gross floor area	\$19.10	\$34.92	\$52.56	\$0.00	\$106.58
Industrial Development	per square metre of gross floor area	\$5.68	\$18.49	\$15.69	\$0.00	\$39.86
General Agricultural Development	per square metre of gross floor area	\$0.69	\$0.00	\$0.00	\$0.00	\$0.69
Commercial Agricultural Development	per square metre of gross floor area	\$19.10	\$34.92	\$52.56	\$0.00	\$106.58