



**Consolidated for Convenience
(November 2004)**

DEVELOPMENT COST CHARGES

Bylaw No. 6861

AMENDING BYLAWS IN FORCE:

7560, 2004

CITY OF PRINCE GEORGE

BYLAW NO. 6861

**CONSOLIDATED FOR CONVENIENCE
(NOVEMBER 2004)**

A Bylaw to impose Development Cost Charges

WHEREAS pursuant to the Municipal Act and the regulations passed thereto, Council may, by Bylaw, impose development cost charges;

AND WHEREAS the development cost charges may be imposed for the sole purpose of providing funds to assist the city in paying the capital cost of providing, constructing, altering, or expanding sewage, water, drainage and highway facilities, and providing and improving park land 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 charges 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 further subdivision or development, new capital cost burdens will be imposed on the City, or
- b) where the subdivision or development does not impose new capital cost burdens on the City;

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,
- b) will not deter development in the City;
- c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;

AND WHEREAS in the opinion of Council the charges imposed by this bylaw have taken into consideration future land use patterns and development, the phasing of works and services and the provision of park land as described in the Official Community Plan.

NOW THEREFORE Council in open meeting assembled, enacts as follows:

1. **TITLE**

This Bylaw may be cited for all purposes as “City of Prince George Development Cost Charge Bylaw No. 6861, 1997”.

2. **DEFINITIONS**

In this Bylaw:

“**Act**” means the Municipal Act, RSBC 1996, c.323.

“**Approving Officer**” means the approving officer appointed pursuant to the provisions of the Land Title Act.

“**Building Inspector**” means the Manager, Permits and Licences or a duly authorized representative.

“**Building Bylaw**” means the City of Prince George Building Bylaw and amendments in effect from time to time.

“**City**” means the City of Prince George.

“**Commercial Development**” means the obtaining of a building permit in respect of any use, other than residential, in any C zoning district.

“**Council**” means the Council of the City of Prince George.

“**Developer**” means any person on whom a development cost charge is imposed.

“**Development**” means a subdivision or the construction, alteration or extension of a building or structure for which a building permit is required and includes a Manufactured Home Park development.

“**Director of Development Services**” means the Director of the Development Services Department of the City of Prince George, or a duly authorized representative.

“**Dwelling Unit**” means one or more self-contained rooms designed for the residential accommodation of one (1) family and containing sleeping, cooking and toilet facilities, but excludes a hotel or motel unit or a travel trailer.

“Gross Building Area” means the total sum of all floor areas enclosed by the exterior perimeter of a structure, and all covered exterior floor areas used or intended to be used for the accommodation of the permitted uses, excluding areas required for parking.

“Gross Developed Area” means the total area of a parcel containing improvements for the accommodation of the proposed use of the land.

“Industrial Development” means the obtaining of a building permit in respect of any use in any M zoning district.

“Institutional Development” means the obtaining of a building permit in respect of any use in P zoning district.

“Manufactured Home Park Development” means the obtaining of a building permit or the approval of a subdivision of land in respect of any use in a MHP zoning district.

“Parcel” means any lot, block or other area of land which is recorded in the records of the Land Title Office located in the City of Prince George and, without limiting the generality of foregoing, includes any unit of ownership approved under the Condominium Act.

“Residential (Single Family) Development” means the obtaining of a building permit or the approval of a subdivision of land for single family purposes in any Zoning District.

“Residential (Two Family) Development” means the obtaining of a building permit or the approval of a subdivision of land for two family residential purposes in any Zoning District.

“Residential (Multiple Family) Development” means the obtaining of a building permit or the approval of a subdivision of land for low and medium density residential purposes as defined in any Zoning District.

“Zoning Bylaw” means the City of Prince George Zoning Bylaw and amendments in effect from time to time.

“Zoning District” means any Zoning District created and defined pursuant to the City of Prince George Zoning Bylaw.

3. ADMINISTRATION

The Director of Development Services, or a duly authorized representative, shall have the power to administer the provisions of this bylaw.

4. CHARGES

4.1 Except as provided for in Section 6, 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 pay to the City the development cost charges in the amounts set out in Schedule "A" attached to, and forming part of, this bylaw.

4.2 Any person required to pay development cost charges pursuant to Section 4.1 shall pay the appropriate charges as follows:

- a) Highway and Drainage Facilities, and Park Land development cost charges are applicable to all areas within the boundaries of the City of Prince George.
- b) Water facilities development cost charges are applicable to all areas within the Water Specified Area as identified in the Water Specified Area Bylaw, as amended.
- c) Sewage facilities (Core Area) development cost charges are applicable to all lands within the Core Area Sanitary Sewer Specified Area as identified in the Core Area Sanitary Sewer Specified Area Bylaw, as amended.
- d) Sewage facilities (Nechako Area) development cost charges are applicable to all lands within the Nechako Sanitary Sewer Specified Area as identified in the Nechako Sanitary Specified Area Bylaw, as amended.

4.3 Except as provided for in Section 5, development cost charges imposed under this bylaw must be paid in full to the City as follows:

- a) At the time of approval of a subdivision where the subdivision involves Residential (Single Family) Development or Residential (Two Family) Development, or a bare land strata plan under the Condominium Act. The subject charge shall be for each additional parcel to be created by the proposed subdivision, calculated pursuant to Schedule "A".
- b) For all other types of development to which this Bylaw applies, at the time of approval of a building permit authorizing the development, calculated pursuant to Schedule "A".

4.4 In the case of a multi-phase residential development, and as an exception to paragraph 6.1 of this Bylaw, development cost charges shall be paid on each occasion that the developer obtains a building permit authorizing the construction of any building or structure related to any one or more of the phases of the development, provided that:

- a) the value of the work comprised in the entire multi-phased development, if completed, will be greater than \$50,000; and
- b) more than three (3) self-contained dwelling units are included in the planned entire multi-phased development; and
- c) the building to be constructed and referred to in a building permit application will not be exempt under Section 339(1)(g) of the Act.

4.5 Where a development to which development cost charges apply contains two or more uses, the charge to be paid will be calculated separately for each use within the development and the total charge to be paid will be the sum of the development cost charges for all uses in the development.

4.6 When an application involves the expansion of an existing development, the development cost charges shall be assessed only on that portion that exceeds the size of the existing development.

5. INSTALLMENT PAYMENTS

5.1 As an exception to Section 4.3 of this Bylaw, if development cost charges are imposed and exceed fifty thousand (\$50,000.) dollars, the person required to pay such charges may elect to pay in installments in accordance with the regulations enacted pursuant to section 933(6) of the Act.

6. EXEMPTIONS

6.1 No charge is payable under Section 4 of this bylaw where:

- a) the building permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under section 339 (1) (g) of the Act;
- b) the building permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension,
 - i. contain fewer than 4 (four) self-contained dwelling units, and
 - ii. be put to no other use than the residential use in those dwelling units;
- c) the value of the work authorized by the permit does not exceed fifty thousand (\$50,000) dollars, or any other amount prescribed by regulation pursuant to Section 933(4)(c) of the Act.

7. REDUCTION IN THE DEVELOPMENT COST CHARGE FOR OFF-SITE WORKS

7.1 Where the City has imposed a charge or made a requirement under:

- a) Section 603 of the Act;
- b) Division 11 of Part 26 of the Act;
- c) or Section 729 of the Municipal Act, R.S.B.C. 1979 c. 290, before the repeal of that section became effective;

for park land or for specific works and services outside the boundaries of land being subdivided or developed, and the park land or works and services referred to are included in the calculations used to determine the amount of a development cost charge, the amount of the charge imposed or the value of the requirement made, as referred to, must be deducted from the development cost charges which are applicable to the types of works and services for which the charge was imposed or the requirement made.

7.2 Reduction of the development cost charges pursuant to this section shall not exceed the development cost charges assessed in accordance with this bylaw.

7.3 All works and services referred to in Section 7.1 shall be provided by the person claiming a reduction in the development cost charges prior to subdivision approval or issuance of a building permit, except that subdivision approval or issuance of a building permit may be granted prior to the carrying out the work, if the owner of such lands:

- a) deposits with the City security in the form of cash, certified cheque, or an irrevocable letter of credit with an automatic extension issued by a financial institution acceptable to the City, in an amount estimated by the City to be 120 percent of the cost of paying for all the works and services to be provided; and
- b) agrees in writing with the City that should the works not be done by the owner within a time frame specified in such writing, the City may construct or install such works and draw down or withdraw sufficient funds from such security to pay all costs and expenses of the City associated with the construction or installation of such works, the balance, if any of such funds being returned to the owner upon completion.

8. USE OF DEVELOPMENT COST CHARGES

All development cost charges paid to the City will be deposited by the City in a separate special development cost charge reserve fund established for each purpose for which the City imposes development cost charges.

9. REFUND OF DEVELOPMENT COST CHARGES

9.1 Upon receipt of a written request, a development cost charge previously paid will be refunded:

- a) where a building permit has lapsed due to construction not having begun, or where a building permit has been returned to the City for cancellation, provided that:
 - i) a renewal or replacement of the building permit has not been obtained subsequent to submitting an application for the refund of the development cost charge; and

- ii) the City has not undertaken any off-site works requested by the developer and/or required by the City and specifically related to the building in respect of which the development cost charges were paid, excluding works undertaken at the developer's sole expense; and
 - iii) such permit has in fact been cancelled;
- b) the phrase "construction not having begun" shall mean that no construction work, such as excavation/installation of footings, has taken place since the payment of the development cost charges.

10. SEVERABILITY

If any section, subsection, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

11. REPEAL

City of Prince George Development Cost Charge Bylaw No. 4888, 1988 and all amendments thereto are hereby repealed, except as provided for in Section 13.

12. EFFECTIVE DATE

This bylaw shall come into full force and effect on the date of final adoption by Council.

13. TRANSITIONAL PROVISIONS

- 13.1 All applications for subdivision or building permits received after the Effective Date will be assessed development cost charges in accordance with the new rates prescribed in this bylaw.
- 13.2 All subdivision applications, pursuant to the City of Prince George Subdivision Control Bylaw as amended, received prior to, or on, the Effective Date shall be assessed development cost charges in accordance with the rates prescribed under Development Cost Charge Bylaw No. 4888, 1988, provided that the Development Cost Charges are paid and the Approving Officer has approved the subdivision within one year from the Effective Date of Bylaw No. 6861, 1997.

13.3 All building permit applications, containing sufficient information to establish the project is in compliance with City Bylaws regulating development, received prior to, or on, the Effective Date shall be assessed Development Cost Charges in accordance with the rates prescribed under Bylaw No. 4888, 1988, provided that the Development Cost Charges are paid and the permit is issued within one year from the Effective Date of Bylaw No. 6861, 1997.

13.4. With regard to any subdivision or building permit application under the provisions of Sections 13.2 or 13.3, no increase in the size of development shall be permitted unless the applicant agrees in writing that any increase will be subject to Bylaw No. 6861, 1997. A failure to enter into such a written agreement will result in the City refusing to process the amendments unless a new application for the increase in size of the development is submitted, which would not be entitled to the protections afforded by Sections 13.2 or 13.3.

READ A FIRST TIME THIS THE 1ST DAY OF DECEMBER , 1997.

READ A SECOND TIME THIS THE 1ST DAY OF DECEMBER , 1997.

READ A THIRD TIME THIS THE 1ST DAY OF DECEMBER , 1997.

All three readings passed by a UNANIMOUS decision of Members of City Council present and eligible to vote.

THIRD READING RESCINDED THIS THE 9TH DAY OF FEBRUARY , 1998

Rescission of third reading passed by a UNANIMOUS decision of Members of City Council present and eligible to vote.

READ A THIRD TIME THIS THE 9TH DAY OF FEBRUARY , 1998

AMENDED AT THIRD READING THIS THE 9TH DAY OF FEBRUARY , 1998

The amendment at third reading passed by a UNANIMOUS decision of Members of City Council present and eligible to vote.

Third Reading, as amended, passed by a UNANIMOUS decision of Members of City Council present and eligible to vote.

Certified correct as passed Third Reading, this the 10TH day of FEBRUARY, 1998.

ALAN CHABOT
CLERK OF THE CITY OF PRINCE GEORGE

RECEIVED THE APPROVAL OF THE INSPECTOR OF MUNICIPALITIES
PURSUANT TO THE PROVISIONS OF SECTION 937(1), THIS 17TH DAY OF
FEBRUARY , 1998.

AS PER STATUTORY APPROVAL
INSPECTOR OF MUNICIPALITIES

ADOPTED THIS THE 9TH DAY OF MARCH , 1998, BY
A UNANIMOUS DECISION OF ALL MEMBERS OF CITY COUNCIL
PRESENT AND ELIGIBLE TO VOTE.

COLIN KINSLEY
MAYOR

ALAN CHABOT
CLERK

**FOR FEES AND CHARGES, PLEASE REFER TO THE
"CITY OF PRINCE GEORGE COMPREHENSIVE FEES AND CHARGES BYLAW NO. 7557, 2004"**