

# CITY OF KELOWNA

## BYLAW NO. 9095

### **A Bylaw to impose Development Cost Charges pursuant to the provisions of the Local Government Act, R.S.B.C, 1996, Chapter 323, as amended**

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WHEREAS pursuant to the Local Government Act, R.S.B.C., 2000, Chapter 323, as amended, and Regulations passed pursuant thereto, the Council of the City of Kelowna 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 cost of providing, constructing, altering, or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities and public parks or any of them, in order to serve directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS the Council of the City of Kelowna has deemed 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; and
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality;

AND WHEREAS Council has considered the charges imposed by this bylaw as related to future land use patterns and development, the phasing of works and services and the provision of park land described in an Official Community Plan;

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 capital budget, and to capital projects consistent with the Official Community Plan of the Municipality.

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, ENACTS AS FOLLOWS:

#### PART 1 – SHORT TITLE

- 1.1 This bylaw may be cited for all purposes as “Kelowna Development Cost Charge Bylaw No. 9095”.

## PART 2 - DEFINITIONS

2.1 For the purpose of this bylaw, the definitions of words and phrases that are not included in this section shall have the meaning assigned to them in the Local Government Act.

2.2 In this bylaw:

"Building" means any construction used or intended for supporting or sheltering any use or occupancy and includes a mobile home.

"Building Area" means the dimensional area enclosed by the exterior perimeter of a structure, including covered areas for the accommodation of permitted uses, excluding areas for parking required by the Zoning Bylaw.

"Building Lot" means the smallest unit into which land is subdivided as shown on the records of the Land Title Office.

"Campground" means a campground development in the C9 (Tourist Commercial) zone, or a similar development in another zone permitted in accordance with the Zoning Bylaw.

"Commercial" means a commercial development in a zone listed in Section 14 of the Zoning Bylaw, 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 principal uses, is of a commercial nature, including but not limited to uses such as golf course facilities and commercial ventures in agricultural zones such as retail or administrative functions, boarding and breeding kennels, riding stables, fruit and vegetable stands, cottage wineries and veterinary services.

"Construct" includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore.

"Construction" includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring.

"Developable Land" means all areas that are able (usable) to be developed (excludes creeks, lakes, steep slopes, permit areas not allowing development).

"Developed Land" means that portion or area of a lot containing any improvements for the accommodation of a structure, storage, parking, landscaping or any entity, thing or device to facilitate the permitted use.

"Floor Area" means the sum of the gross horizontal area of all floors of a building.

"Group Home" means a care facility licensed as required under the Community Care Facility Act to provide room and board for residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. These facilities are considered under the Institutional B category.

"Industrial" means an industrial development in a zone listed in Section 15 of the Zoning Bylaw, 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 industrial nature. It includes all industrial uses and agricultural uses such as greenhouses outside of an agricultural zone, mushroom farms, retail nurseries, manufacturing & processing plants for agriculture related products and commercial businesses.

"Institutional A" means development of an institutional nature in a zone listed in Section 16 of the Zoning Bylaw, or a similar development permitted in another zone in accordance with the Zoning Bylaw, but excludes public and separate schools up to Grade 12 and residences or dormitories for Post-Secondary schools.

"Institutional B" means a development of a public or separate school up to Grade 12 and residences or dormitories for Post-Secondary schools or a development of a similar nature. Also includes Lodging Houses and Group Homes.

"Lodging House" means a building in which the owner may supply accommodation for their family, and sleeping unit accommodation, for remuneration, for not more than ten residents. It may or may not include meal service. These facilities are considered under the Institutional B category.

"Mobile Home" means a transportable single family dwelling unit meeting minimum Canadian Standards Association Z-240 or A-277, or National Building Code Standards, suitable for long term occupancy, and designed to be transported on wheels.

"Mobile Home Park" means land used or occupied by any person for the purposes of providing spaces for the accommodation of two or more mobile homes and for imposing a charge or rental for the use of such space.

"Municipality" means the municipal corporation of the City of Kelowna.

"Net Hectare" means a hectare of land which includes developable areas but not undevelopable areas or areas given over to the development of streets, lanes or open spaces (dedicated parklands).

"Residential" means all residential development in all Agricultural (A), Rural Residential (RR), Urban Residential (RU & RM), Commercial (C), Public and Institutional (P), Comprehensive Development (CD) and Industrial (I) zones where residential development is permitted in accordance with the Zoning Bylaw.

"Residential Dwelling Unit" means one or more habitable rooms with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passing through any other similar unit.

"Residential 1" – developments with a density of not more than 15 residential dwelling units per net hectare (generally single family, secondary suite, duplex)

"Residential 2" – developments with a density between 16 and 35 residential dwelling units per net hectare (generally small lot single family, row housing)

"Residential 3" - developments with a density between 36 and 85 residential dwelling units per net hectare (generally row housing and up to four storey apartment buildings)

"Residential 4" - developments with a density greater than 85 residential dwelling units per net hectare (generally apartments greater than four storeys)

"Sector" means a prescribed geographical portion or area of the municipality within which a development cost charge is levied.

"Structure" shall include, but necessarily be limited to, the providing, construction, altering, or expanding of sewage, water, drainage, and highway facilities in the RM7 (Mobile Home Park) zone of the Zoning Bylaw other than off-street parking facilities and providing and improving parkland to service, directly or indirectly, the mobile home park development for which the charge is being imposed pursuant to this Bylaw.

"Zone" means the zones identified and defined in City of Kelowna Zoning Bylaw No. 8000. Properties with an 's' or a 'b' as part of the designation shall be in the same category as the parent zone (for example, RU1 category covers RU1s and RU6 category covers RU6b).

"Zoning Bylaw" means the City of Kelowna Zoning Bylaw No. 8000 as amended from time to time.

### PART 3 – DEVELOPMENT COST CHARGES

3.1 Those 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, or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure,

in the Municipality.

3.2 As an exception to section 3.1 above, no development cost charges are required to be paid where:

- (a) the development does not impose any new capital cost burden on the Municipality; or
- (b) a development cost charge has previously been paid for the same development unless, as a result of a further development, new capital cost burdens will be imposed on the Municipality; or
- (c) 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 Local Government Act; or

- (d) the building permit authorizes the construction, alteration, or extension of a building that will, after the construction, alteration, or extension:
  - (i) contain less than four (4) self-contained dwelling units; and
  - (ii) be put to no use other than the residential use in those dwelling units; or
- (e) the value of the work authorized by a building permit does not exceed \$50,000 or any other amount the minister may, by regulation, prescribe.

3.4 A development is not exempt from payment of applicable development cost charges if the application for development which might otherwise qualify under sections 3 (d) or (e) above relates to a single site which, if more fully developed, would allow 4 or more self contained residential dwelling units, or for which the total value of the work possible would exceed \$50,000.

PART 4 – CALCULATION OF APPLICABLE CHARGES

- 4.1 The amount of development cost charges payable in relation to a particular application shall be calculated using the applicable charges set out in Schedule “A” and applicable number of development units or development area.
- 4.2 Where a type of development is not identified on Schedule A, the amount of development cost charges to be paid to the Municipality shall be equal to the development cost charges that would have been payable for the most comparable type of development.
- 4.3 The amount of development cost charges payable in relation to a mixed use type of development shall be calculated separately for each portion of the development, according to the separate use types, which are included in the building permit application and shall be the sum of the charges payable for each type.

PART 5 – REPEAL and EFFECTIVE DATE

- 5.1 City of Kelowna “Development Cost Charges Bylaw No. 7728” is hereby repealed.
- 5.2 This bylaw shall come into full force and effect and be binding on all persons as and from the first day of February, 2004, or the date of final adoption, whichever is later.

Read a first, second and third time by the Municipal Council this     day of                     , 2003.

Approved by the Inspector of Municipalities this     day of                     , 2003.

Adopted by the Municipal Council of the City of Kelowna this     day of                     , 2003.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

**BYLAW NO. 9095**

**SCHEDULE A**

**Development Cost Charges for All Services Applicable to Development Within the Municipality**

<b>SERVICE/AREA</b>	<b>Sector</b>	<b>Residential 1</b> To 15 Units/Hectare (Each Lot or Unit)	<b>Residential 2</b> 16-35 Units/Hectare (Each Lot or Unit)	<b>Residential 3</b> 36-85 Units/Hectare (Each Lot or Unit)	<b>Residential 4</b> Greater than 85 Units/Hectare (Each Lot or Unit)	<b>Commercial</b> For 1st 1,000 sq. ft. of floor area or portion; 1/1,000th the rate for per sq. ft. over 1,000	<b>Institutional "A"</b> For 1st 1,000 sq. ft. of floor area or portion; 1/1,000th the rate for per sq. ft. over 1,000	<b>Institutional "B"</b> For 1st 1,000 sq. ft. of floor area or portion; 1/1,000th the rate for per sq. ft. over 1,000	<b>Industrial/ Campground</b>  Minimums	<b>Industrial/ Campground</b> Per Acre Over Minimum Developable Land
<b>ROADS</b>										
SE Kelowna	R-A	9,018	7,214	4,960	4,689	2,775	2,775	0	9,018 - 1st acre/portion	9,018
South Mission	R-B	13,965	11,172	7,681	7,262	4,297	4,297	0	13,965 - 1st acre/portion	13,965
NE Rutland	R-C	6,271	5,017	3,449	3,261	1,930	1,930	0	6,271 - 1st acre/portion	6,271
Bell Mountain	R-D1	7,433	5,946	4,088	3,865	2,287	2,287	0	7,433 - 1st acre/portion	7,433
Gallagher Ridge	R-D2	5,840	4,672	3,212	3,037	1,797	1,797	0	5,840 - 1st acre/portion	5,840
Univ. S./S. McKinley	R-E	7,420	5,936	4,081	3,858	2,283	2,283	0	7,420 - 1st acre/portion	7,420
City Centre - Note 1	R-I	3,634	2,907	1,999	1,890	1,118	1,118	0	3,634 - 1st acre/portion	3,634
<b>WATER</b>										
City Centre - Note 2	W-A	1,393	933	669	474	536	536	536	1,393 -1st .36 acre/portion	3,901
South Mission	W-B	696	466	334	237	268	268	268	696 -1st .36 acre/portion	1,948
Clifton/Glenmore	W-D	2,505	1,678	1,202	852	963	963	963	2,505 -1st .36 acre/portion	7,014
<b>TRUNKS</b>										
City Centre - Note 3	S-A	874	725	489	472	336	336	336	874 -1st .36 acre/portion	2,447
South Mission	S-B	1,219	1,012	683	658	469	469	469	1,219 -1st .36 acre/portion	3,413
<b>TREATMENT</b>										
City Centre-Note 3 and South Mission	T-A	1,475	1,224	826	797	567	567	567	1,475 -1st .36 acre/portion	4,130
<b>PARKS</b>										
	P-A	2,147	2,147	2,147	2,147	Exempt	Exempt	Exempt	Exempt	Exempt

**NOTES**

1. City Centre; Dilworth Periphery; North Spec 7; South Spec 7; Central Mission; Clifton; Glenmore; Highlands; Glenmore Valley; Rutland; South of Hwy 97; Sexsmith; Hall Road
2. City Centre; Dilworth Periphery; North Spec 7; South Spec 7; Central Mission
3. City Centre; Dilworth Periphery; North Spec 7; South Spec 7; Central Mission; Clifton; Glenmore; Highlands; Glenmore Valley; Rutland; South of Hwy 97; Sexsmith; Hall Road; NE Rutland; University South; S. McKinley; Bell Mountain; Gallagher Ridge

**Roads** - Charges are Net of "Assist Factor" of 15%

**Wastewater Trunks/Treatment** - Charges are Net of "Assist Factor" of 1%

**Water** - Charges are Net of "Assist Factor" of 1%

- Areas not noted above are provided water by suppliers other than the City

**Parks** - Charges are Net of "Assist Factor" of 10%

**General** - 1,000 square feet is considered to be the equivalent of 92.9 metres.

- Sector designations denote geographic area as designated on attached Sector Maps A1 to A5.

**Commercial or Institutional Calculation**

The measurement unit for Commercial and Institutional development is square feet of floor area.

The calculation of floor area of a commercial or institutional building is based on the gross floor area which is measured from the outside edge of all exterior walls, less the area used for parking of motor vehicles and bicycles in the building permit application.

**Industrial Calculation**

The measurement unit for Industrial development is acres of site area. The calculation of industrial site area is based on the gross area of the site that is proposed for development in a building permit application, including access, parking and loading and excludes landscaped areas and the undeveloped portion of the site that is being held in its pre-developed state for future additional development ( 1 acre minimum).

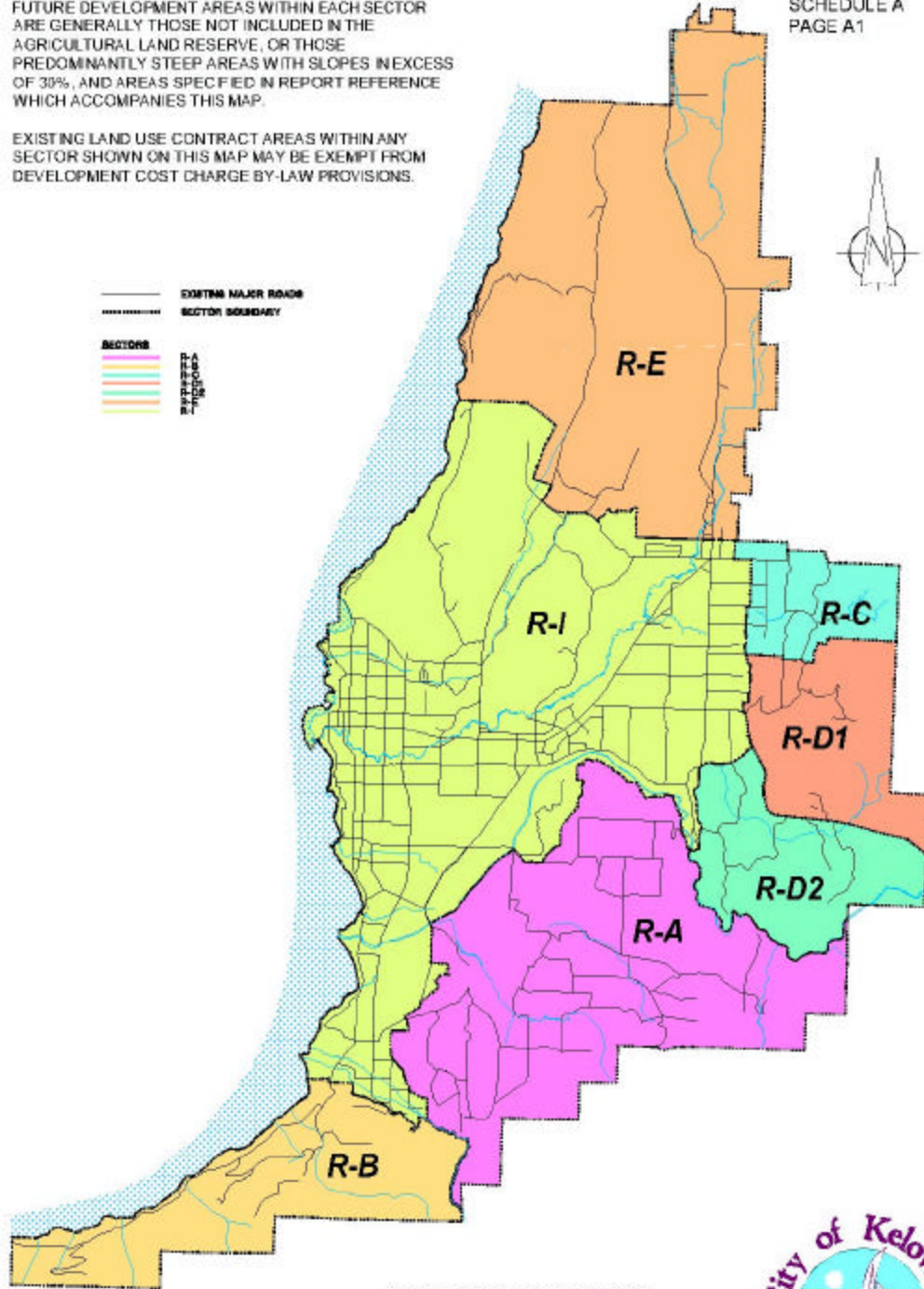
**NOTES:**

FUTURE DEVELOPMENT AREAS WITHIN EACH SECTOR ARE GENERALLY THOSE NOT INCLUDED IN THE AGRICULTURAL LAND RESERVE, OR THOSE PREDOMINANTLY STEEP AREAS WITH SLOPES IN EXCESS OF 30%, AND AREAS SPECIFIED IN REPORT REFERENCE WHICH ACCOMPANIES THIS MAP.

EXISTING LAND USE CONTRACT AREAS WITHIN ANY SECTOR SHOWN ON THIS MAP MAY BE EXEMPT FROM DEVELOPMENT COST CHARGE BY-LAW PROVISIONS.

BY-LAW NO. 9095  
SCHEDULE A  
PAGE A1

- EXISTING MAJOR ROADS
- SECTOR BOUNDARY
  
- SECTORS**
- R-A  
R-B  
R-C  
R-D1  
R-D2  
R-E  
R-I  
R-T



**2020 DCC ROADWAY  
SECTOR PLAN**

FEBRUARY 2003  
**KEY PLAN**  
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**NOTES:**

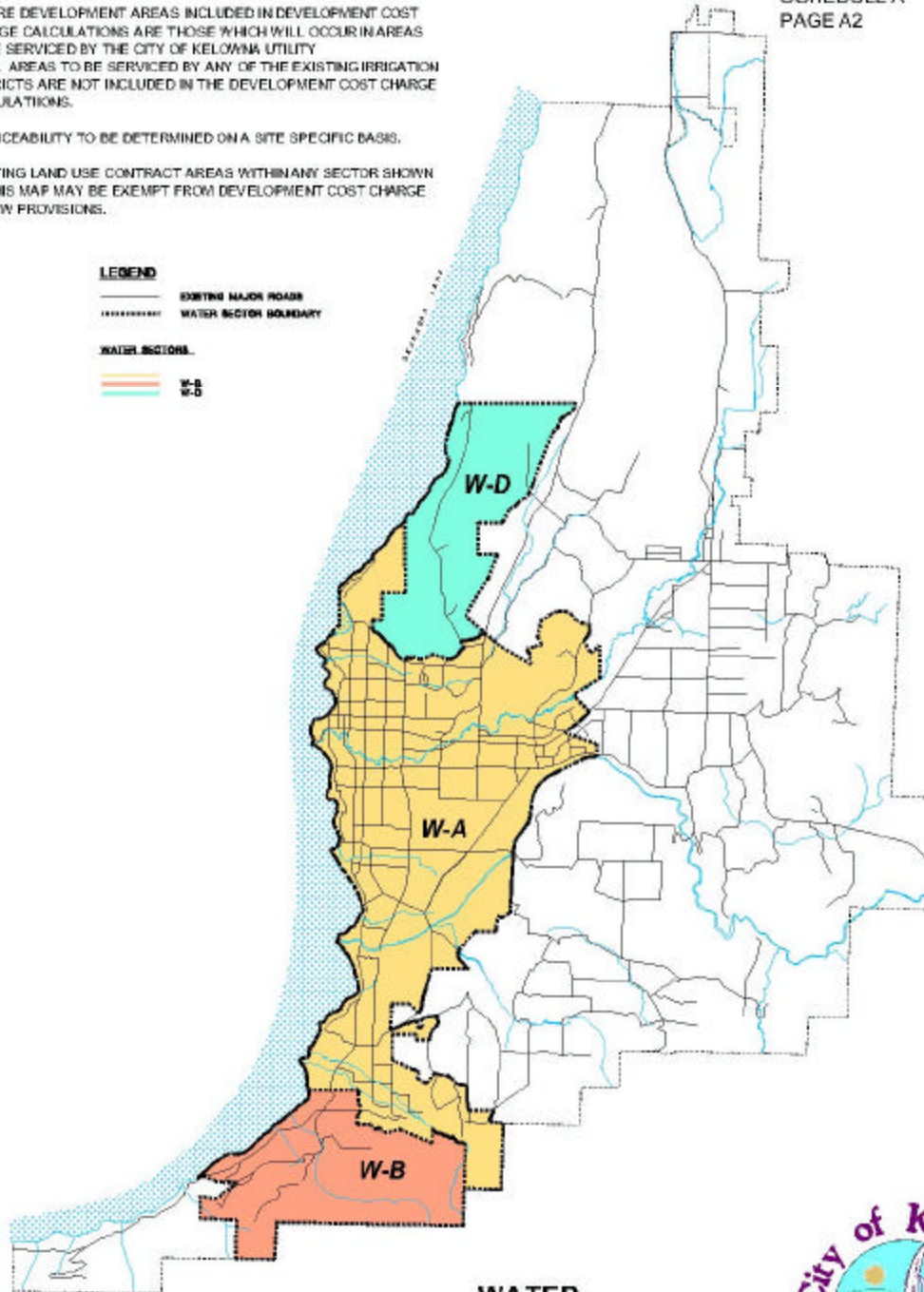
FUTURE DEVELOPMENT AREAS INCLUDED IN DEVELOPMENT COST CHARGE CALCULATIONS ARE THOSE WHICH WILL OCCUR IN AREAS TO BE SERVICED BY THE CITY OF KELOWNA UTILITY ONLY. AREAS TO BE SERVICED BY ANY OF THE EXISTING IRRIGATION DISTRICTS ARE NOT INCLUDED IN THE DEVELOPMENT COST CHARGE CALCULATIONS.

SERVICEABILITY TO BE DETERMINED ON A SITE SPECIFIC BASIS.

EXISTING LAND USE CONTRACT AREAS WITHIN ANY SECTOR SHOWN ON THIS MAP MAY BE EXEMPT FROM DEVELOPMENT COST CHARGE BY-LAW PROVISIONS.

BY-LAW NO. 9095  
SCHEDULE A  
PAGE A2

- LEGEND**
- EXISTING MAJOR ROAD
  - - - - - WATER SECTOR BOUNDARY
- WATER SECTORS**
- W-A
  - W-B



FEBRUARY 2003  
KEY PLAN

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**WATER  
SECTOR PLAN**





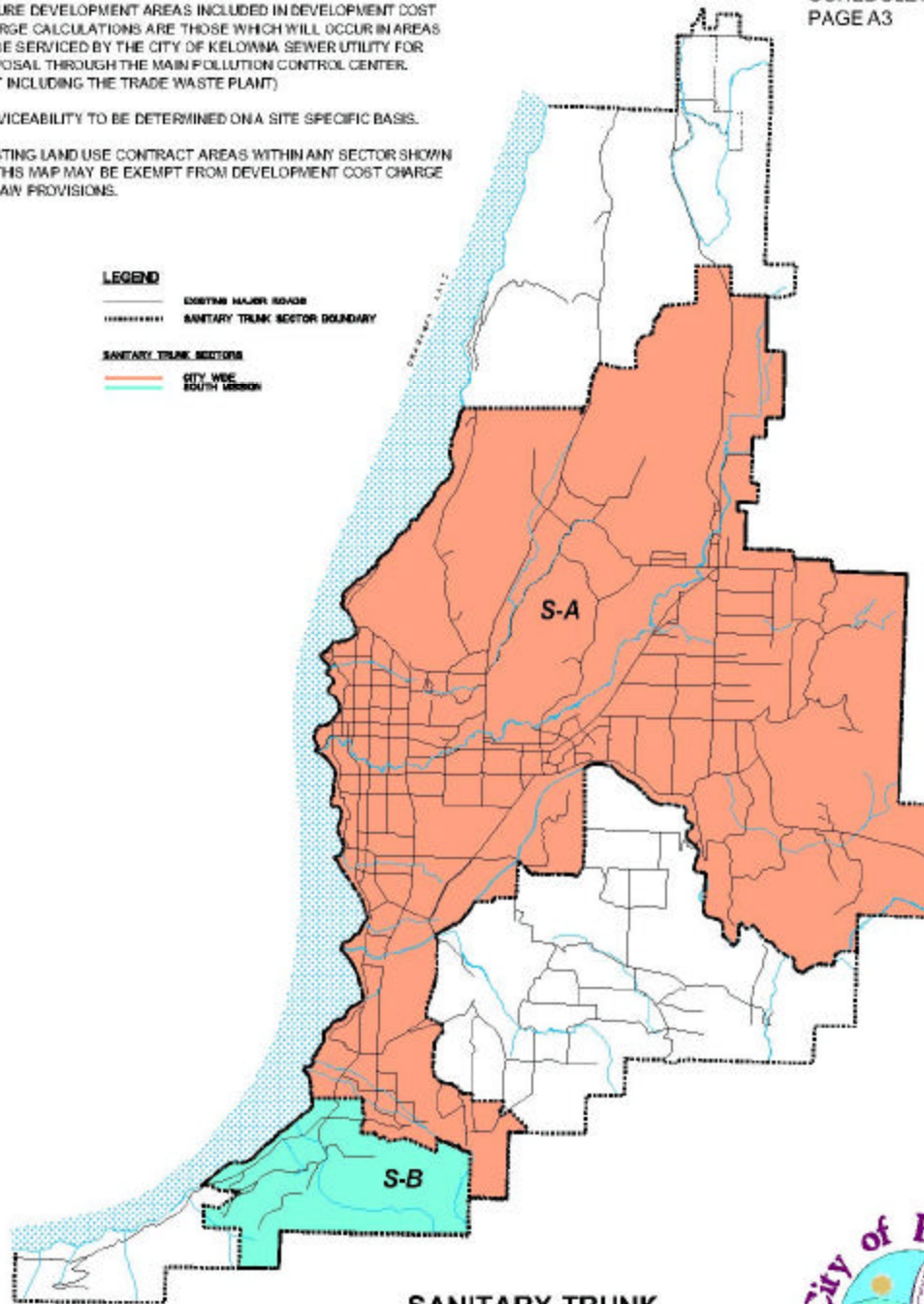
NOTES:

FUTURE DEVELOPMENT AREAS INCLUDED IN DEVELOPMENT COST CHARGE CALCULATIONS ARE THOSE WHICH WILL OCCUR IN AREAS TO BE SERVICED BY THE CITY OF KELOWNA SEWER UTILITY FOR DISPOSAL THROUGH THE MAIN POLLUTION CONTROL CENTER. (NOT INCLUDING THE TRADE WASTE PLANT)

SERVICEABILITY TO BE DETERMINED ON A SITE SPECIFIC BASIS.

EXISTING LAND USE CONTRACT AREAS WITHIN ANY SECTOR SHOWN ON THIS MAP MAY BE EXEMPT FROM DEVELOPMENT COST CHARGE BY-LAW PROVISIONS.

- LEGEND**
- EXISTING MAJOR ROAD
  - SANITARY TRUNK SECTOR BOUNDARY
  - SANITARY TRUNK SECTOR
  - CITY WIDE SOUTH VERSION



FEBRUARY 2003  
KEY PLAN

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**SANITARY TRUNK  
SECTOR PLAN**



**NOTES:**

FOR PURPOSES OF THE DEVELOPMENT COST CHARGE BY-LAW FOR THE SEWAGE TREATMENT/DISPOSAL, THE CORPORATE LIMITS OF THE CITY OF KELOWNA FORM THE AREA BOUNDARY. ALL CONTRIBUTIONS AND EXPENDITURES WILL OCCUR ON THE BASIS OF THE CITY OF KELOWNA BEING ONE GEOGRAPHICAL UNIT.

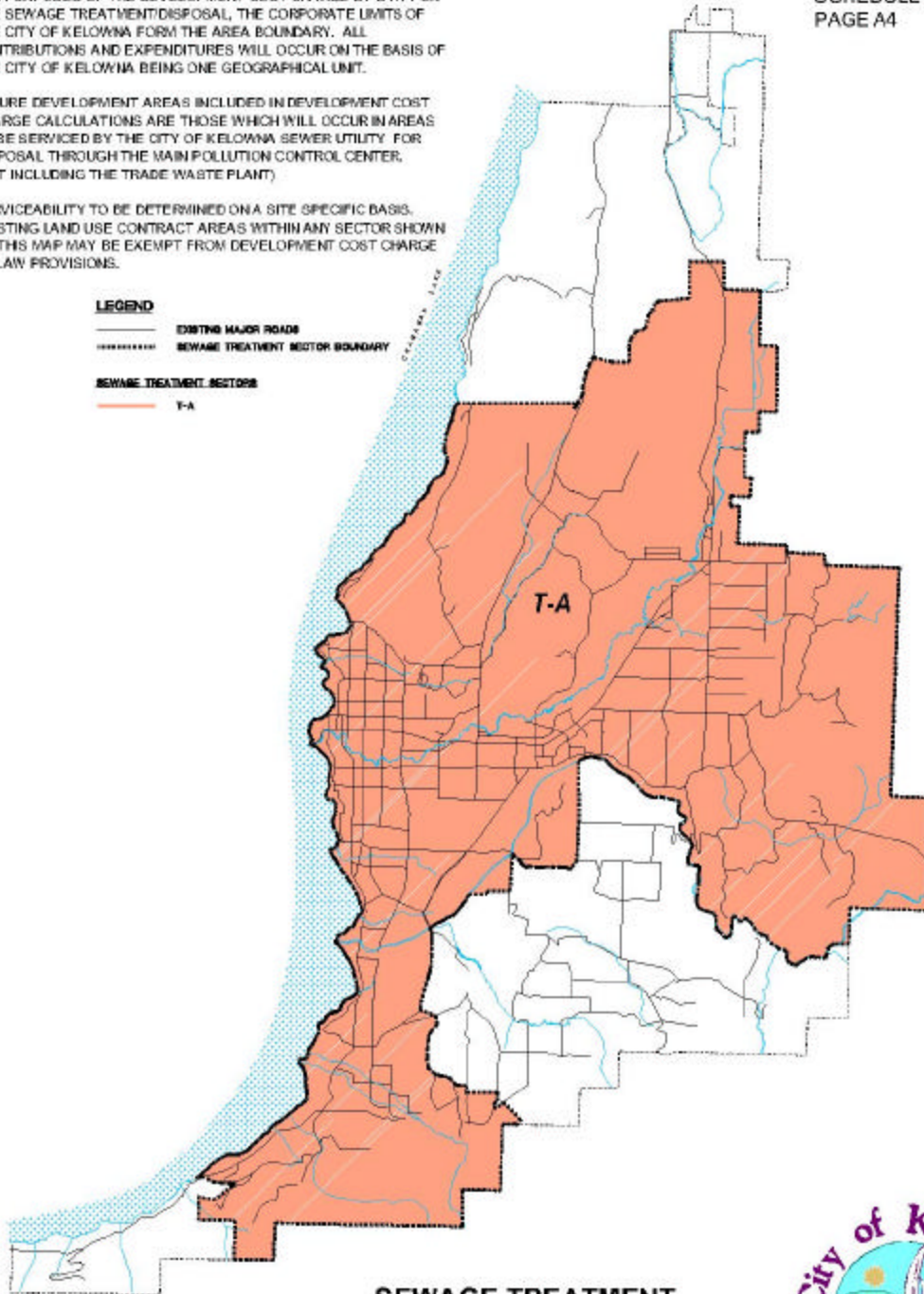
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SERVICABILITY TO BE DETERMINED ON A SITE SPECIFIC BASIS. EXISTING LAND USE CONTRACT AREAS WITHIN ANY SECTOR SHOWN ON THIS MAP MAY BE EXEMPT FROM DEVELOPMENT COST CHARGE BY-LAW PROVISIONS.

BY-LAW NO. 9095  
SCHEDULE A  
PAGE A4

**LEGEND**

- EXISTING MAJOR ROADS
- - - - - SEWAGE TREATMENT SECTOR BOUNDARY
- SEWAGE TREATMENT SECTORS
- T-A



**SEWAGE TREATMENT  
SECTOR PLAN**

FEBRUARY 2003  
KEY PLAN

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**NOTES:**

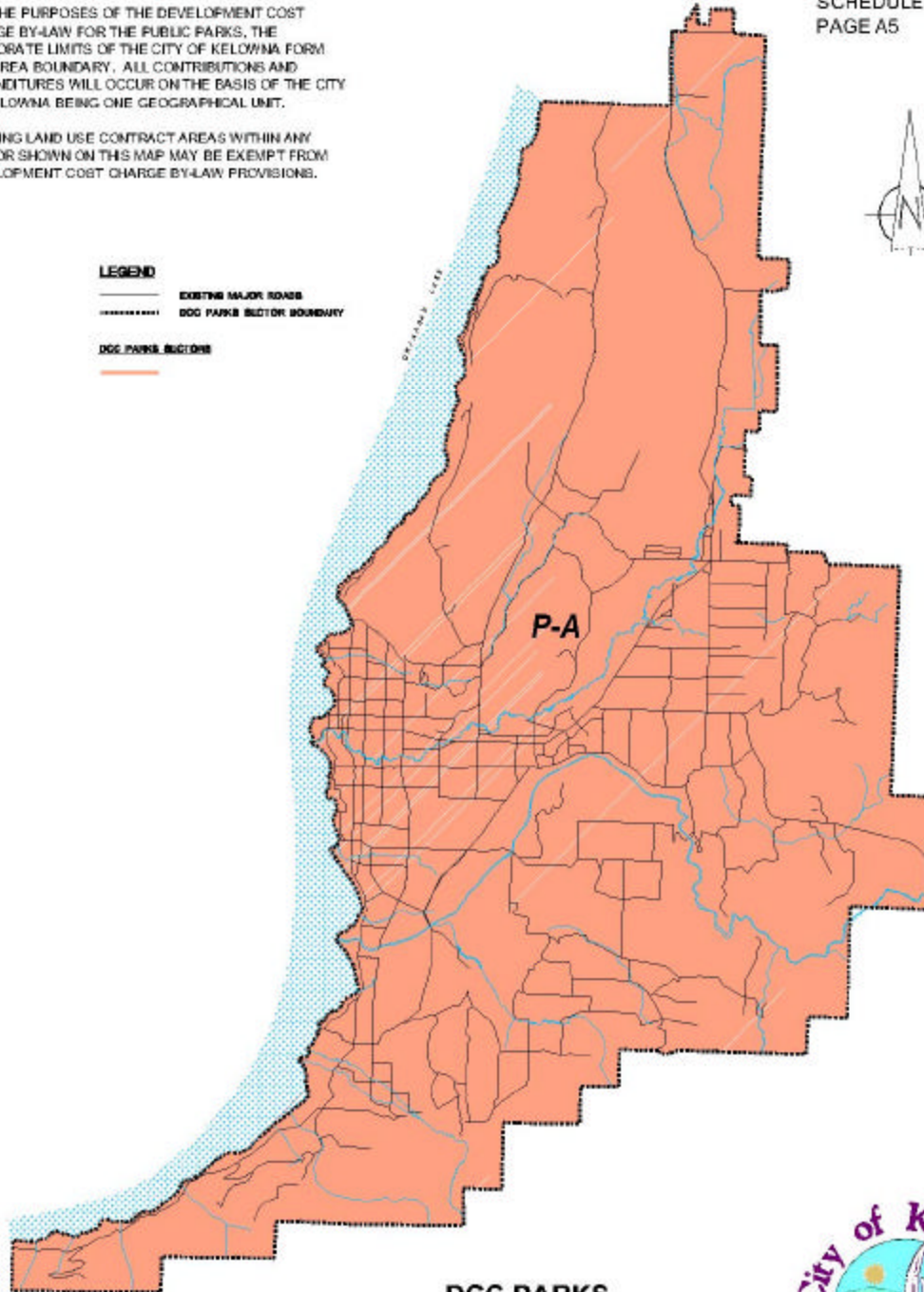
FOR THE PURPOSES OF THE DEVELOPMENT COST CHARGE BY-LAW FOR THE PUBLIC PARKS, THE CORPORATE LIMITS OF THE CITY OF KELOWNA FORM THE AREA BOUNDARY. ALL CONTRIBUTIONS AND EXPENDITURES WILL OCCUR ON THE BASIS OF THE CITY OF KELOWNA BEING ONE GEOGRAPHICAL UNIT.

EXISTING LAND USE CONTRACT AREAS WITHIN ANY SECTOR SHOWN ON THIS MAP MAY BE EXEMPT FROM DEVELOPMENT COST CHARGE BY-LAW PROVISIONS.

BY-LAW NO. 9095  
SCHEDULE A  
PAGE A5

**LEGEND**

- EXISTING MAJOR ROADS
- DCC PARKS SECTOR BOUNDARY
- DCC PARKS SECTORS



FEBRUARY 2003  
KEY PLAN  
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**DCC PARKS  
SECTOR PLAN**

