

CITY OF KELOWNA

BYLAW NO. 10515

Development Cost Charges Bylaw

WHEREAS pursuant to Section 933 of 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. 10515".

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 greater than 15 and less than or equal to 35 residential dwelling units per net hectare (generally small lot single family, row housing)

"Residential 3" - developments with a density greater than 35 and less than or equal to 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)

"Residential 5" - means multi-family residential units of 600 square feet or less.

"Seasonal Agricultural Commercial" - means a seasonal (as defined by zoning bylaw) commercial development in an agricultural zone, including but not limited to seasonal fruit and vegetable sales, seasonal agricultural tourism business.

"Seasonal Agricultural Industrial" - means a seasonal (as defined by zoning bylaw) industrial development in an agricultural zone, including but not limited to seasonal fruit and vegetable sales, seasonal agricultural tourism business.

"Secondary Suite" means a self-contained accessory dwelling unit located within a single detached dwelling or in an accessory building. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit. This use does not include duplex housing, semi detached housing, apartment housing, or boarding and rooming houses.

"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 on a parcel of land of any building containing more than one self-contained dwelling unit and thereafter in respect of that same parcel:
 - (i) any building permit authorizing the construction of another building containing one or more self-contained dwelling units; or
 - (ii) any building permit authorizing the alteration or extension of any building for the purpose of adding one or more self-contained dwelling units within such building.
- 3.2 Notwithstanding section 3.1 above, where a complete building permit application is received by the City of Kelowna's Development Services Division prior to the effective date of Bylaw No. 10515 and the corresponding building permit is issued within six weeks of the effective date of Bylaw No. 10515, then the Development Cost Charges imposed in relation to that development shall be those set out in Schedule "A-1" attached hereto and forming part of this bylaw.
- 3.3 As an exception to section 3.1 and 3.2 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 or alteration, 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 construction, alteration or extension, exempt from taxation under section 220(1)(h) [*statutory exemption for places of public worship*] or 224(2)(f) [*permissive exemptions in relation to places of public worship*] of the Community Charter; 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 subsection 3.3 (e) above relates to a single site for which, if more fully developed, the total value of the work possible would exceed \$50,000.00.

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. 9095" and all amendments thereto, are hereby repealed.
- 5.2 This bylaw shall come into full force and effect and be binding on all persons as of the date of final adoption.

Read a first, second and third time by the Municipal Council this 18th day of April, 2011.

Approved by the Inspector of Municipalities this 19th day of May, 2011.

Adopted by the Municipal Council of the City of Kelowna

Mayor

City Clerk

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SERVICE AREA	Sector	Residential 1	Residential 2	Residential 3	Residential 4	Residential 5	Residential 5	Secondary	Commercial	Seasonal	Institutional "A"	Institutional "B"	Industrial/ Campground	Industrial/ Campground	Seasonal Agricultural	
		To 15 Units/Hectare (Each Lot or Unit)	>15-35 Units/Hectare (Each Lot or Unit)	>35-85 Units/Hectare (Each Lot or Unit)	Greater Than 85 Units/Hectare (Each Lot or Unit)	Maximum applied to 56 sq. mtrs. unit	Per Square Meter of habitable floor space applied to units 56 sq. mtrs. or less	Suites Per Unit	For 1st 93 sq. mtrs. of floor area or portion: 1/93rd the rate for per sq. mtr over 93	Agricultural Commercial (See Commercial)	For 1st 93 sq. mtrs. of floor area or portion: 1/93rd the rate for per sq. mtr over 93	For 1st 93 sq. mtrs. of floor area or portion: 1/93rd the rate for per sq. mtr over 93	Minimums	Per .404 Hectares Over Minimum Developable Land	Minimum Minimum Developable Land	
ALL SERVICES (Note 4)									2,500							
ROADS																
SE Kelowna	R-A	7,878	7,405	5,278	4,963	69.3	1.24		2,423	1,212	2,423		7,878	- 1st .405 hctr/portion	7,878	3,939
South Mission	R-B	21,540	20,247	14,432	13,570	189.5	3.40		6,626	3,313	6,626		21,540	- 1st .405 hctr/portion	21,540	10,770
NE Rutland	R-C	14,292	13,435	9,576	9,004	125.7	2.26		4,396	2,198	4,396		14,292	- 1st .405 hctr/portion	14,292	7,146
Bell Mntn/Gallagher Rd	R-D	11,072	10,408	7,419	6,976	97.4	1.75		3,406	1,703	3,406		11,072	- 1st .405 hctr/portion	11,072	5,536
Univ. S./S. Mckinley	R-E	10,666	10,026	7,147	6,720	93.8	1.68		3,281	1,641	3,281		10,666	- 1st .405 hctr/portion	10,666	5,333
City Centre - Note 1	R-1	7,530	7,079	5,045	4,744	66.2	1.19		2,316	1,158	2,316		7,530	- 1st .405 hctr/portion	7,530	3,765
WATER																
City Centre - Note 2	W-A	998	668	479	339	5.0	0.09		383	192	383	383	998	-1st .15 hctr/portion	998	499
South Mission	W-B	679	455	326	231	3.4	0.06		261	130	261	261	679	-1st .15 hctr/portion	679	339
Clifton/Glenmore	W-D	3,552	2,380	1,705	1,208	17.9	0.32		1,363	682	1,363	1,363	3,552	-1st .15 hctr/portion	3,552	1,776
TRUNKS																
City Centre - Note 3	S-A	1,294	1,074	724	699	10.2	0.18		497	248	497	497	1,294	-1st .15 hctr/portion	1,294	647
South Mission	S-B	1,903	1,580	1,066	1,028	15.0	0.27		731	365	731	731	1,903	-1st .15 hctr/portion	1,903	952
TREATMENT																
City Centre - Note 3 & South Mission	T-A	3,723	3,090	2,085	2,010	29.4	0.53		1,429	715	1,429	1,429	3,723	-1st .15 hctr/portion	3,723	1,861
PARKS																
	P-A	5,300	5,300	5,300	5,300	95.1	1.71		Exempt	Exempt	Exempt	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								<u>Commercial or Institutional Calculation</u> The measurement unit for Commercial and Institutional development is square meters of floor area.								
2. City Centre; Dilworth Periphery; North Spec 7; South Spec 7; Central Mission								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.								
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								<u>Industrial Calculation</u> The measurement unit for Industrial development is hectares 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 it's pre-developed state for future additional development (0.405 hectares minimum).								
<u>Roads</u> - Charges are Net of "Assist Factor" of 15%																
<u>Wastewater Trunks/Treatment</u> - Charges are Net of "Assist Factor" of 1%																
<u>Water</u> - Charges are Net of "Assist Factor" of 1%																
- Areas not noted above are provided water by suppliers other than the City																
<u>Parks</u> - Charges are Net of "Assist Factor" of 8%																
<u>General</u> - 1,000 square feet is considered to be the equivalent of 92.9 meters																
- sector designations denote geographical areas as designated on attached Sector maps A1 to A5																
4. DCC charges to be allocated proportionately by formula to each service																









