

CITY OF KELOWNA

BYLAW NO. 12420

Development Cost Charge Bylaw

WHEREAS a local government 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 providing parkland and improving parkland, 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 considered the matters referred to in section 564(4) of the Local Government Act;

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 City's financial plan, and projects consistent with the City's Official Community Plan.

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. 12420".

PART 2 - DEFINITIONS

2.1 For the purpose of this bylaw, words and phrases that are not defined 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.

"Commercial" means any use in any of the following **Zones**, except for Residential Dwelling Units and Airports, as defined by the **Zoning Bylaw**, in the CD₁₂ Zone:

- C₁ – Local & Neighbourhood Commercial
- C₂ – Vehicle Orientated Commercial
- CA₁ – Core Area Mixed Use
- VC₁ – Village Centre
- UC₁ – Downtown Urban Centre
- UC₂ – Capri-Landmark Urban Centre
- UC₃ – Midtown Urban Centre
- UC₄ – Rutland Urban Centre
- UC₅ – Padosy Urban Centre
- CD₁₂ – Airport
- CD₁₇ – Mixed Use Commercial – High Density
- CD₁₈ – McKinley Beach Resort

CD20 – University
CD22 – Central Green
CD 26 - Capri Centre
HD2 - Residential and Health Support Services

"Carriage House" means a **Residential Dwelling Unit** that is authorized as a Carriage Housing under the **Zoning Bylaw**.

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

"Floor Area" means the sum of the horizontal areas of each floor of a building measured from the face of the exterior walls, except motor vehicle and bicycle parking.

"Group Home" means a Group Home as defined in the **Zoning Bylaw**.

"Heavy Industrial" means any use, other than Residential Dwelling Units, in the I3 – Heavy Industrial Zone or the I4 – Natural Resource Extraction Zone, and also includes Airports, as defined by the **Zoning Bylaw**, in the CD12 Zone.

"Light Industrial" means any use, other than Residential Dwelling Units, in the I1 – Business Industrial Zone or the I2 – General Industrial Zone.

"Institutional A" means any use, other than Residential Dwelling Units or Institutional B uses, in any of the following **Zones**:

P1 – Major Institutional
P2 – Education and Minor Institutional
P3 – Parks and Open Space
P4 – Utilities
P5 – Municipal District Park
HD1 – Kelowna General Hospital

"Institutional B" means schools up to Grade 12, dormitories for post-Secondary schools located on a post-Secondary school campus, and Group Homes in any of the **zones** included in the definition of Institutional A uses.

"Lot" means a Lot as defined in 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, and includes a mobile home as defined in the **Zoning Bylaw**, but does not include a Secondary Suite as defined by the **Zoning Bylaw**.

"Residential 1" means all Single Residential Lots larger than 375 square metres, regardless of density, and any other developments with a density of not more than 15 residential dwelling units per hectare.

"Residential 2" means developments with a density greater than 15 and less than or equal to 35 residential dwelling units per hectare.

"Residential 3" means developments with a density greater than 35 and less than or equal to 85 residential dwelling units per hectare.

"Residential 4" means developments with a density greater than 85 residential dwelling units per hectare.

"Seasonal Agricultural Commercial" means a seasonal (no more than 6 months per year) 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 (no more than 6 months per year) industrial development in an agricultural zone, including but not limited to seasonal fruit and vegetable processing.

"Single Residential Lot" means a Lot on which Single Detached Housing is a permitted use, and which is zoned Agriculture or Rural Residential under Section 10 of the **Zoning Bylaw**, or an RU Zone under Section 11 of the Zoning Bylaw.

"Site Area" means the gross area of the site that is proposed for development in the building permit application.

"Zone(s)" means the areas into which the City is divided in accordance with the **Zoning Bylaw**.

"Zoning Bylaw" means the City of Kelowna Zoning Bylaw No. 12375 as amended and updated from time to time.

PART 3 – IMPOSITION OF DEVELOPMENT COST CHARGES

- 3.1 Development Cost Charges for the purpose of providing funds to assist with each of the services set out in Schedule A, attached to and forming part of this bylaw, including providing and improving parkland, are hereby imposed on every person who obtains:
- (a) approval of a subdivision creating at least one additional **Single Residential Lot**, or
 - (b) a building permit for any additional **Residential Dwelling Unit(s)**, or any additional **floor area** for a **Commercial, Light Industrial, Institutional A** or **Institutional B** use
 - (c) a building permit involving additional **Site Area** for **Heavy Industrial** or **Seasonal Agricultural Industrial** uses.
- 3.2 Development Cost Charges imposed under section 3.1(a) must be paid before the approval of the subdivision plan, and Development Cost Charges under section 3.1(b) must be paid before the building permit is issued.

PART 4 – CALCULATION OF APPLICABLE CHARGES

- 4.1 The amount of development cost charges payable shall be calculated in accordance with Schedule A, as follows:
- (a) in the case of a subdivision, development cost charges for each of the services shown in Schedule A shall be the product of the number of additional **Lots** times the relevant amounts for the use in question, all as shown in Schedule A,
 - (b) in the case of a building permit for additional **Floor Area**, development cost charges shall be the product of the total **Floor Area** shown in the building permit plans, in square metres, times the relevant amounts for the use in question, all as shown in Schedule A,

(c) in the case of a building permit involving additional **Site Area**, development cost charges shall be the product of the **Site Area** shown in the building permit plans, in hectares, times the relevant amounts for the use in question, all as shown in Schedule A.

4.2 Despite section 3.1(b), if the total **Floor Area** shown in the building permit plans is 93 square metres or less, the development cost charges for that Floor Area shall be 93 times the relevant amounts shown in Schedule A.

4.3 Despite section 3.1(c), if the **Site Area** shown in the building permit plans is 0.405 hectare or less, the development cost charges for that Site Area shall be 0.405 times the relevant amounts shown in Schedule A.

4.4 For the purpose of calculating the amount of development cost charges payable for Roads, the boundaries of the Sectors referred to in Schedule A as "South Mission", "North of Inner City" and "Main City / Common" are shown on the map attached to and forming part of this bylaw as Schedule B.

4.5 For certainty, in the case of a development that includes **Residential Dwelling Units**, the amount of development cost charges for those units shall be added to the development cost charges payable in relation to any additional floor area for any other use.

PART 5 – REPEAL AND EFFECTIVE DATE

5.1 "Kelowna Development Cost Charge Bylaw No. 15015", 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 adoption.

Read a first, second and third time by the Municipal Council this

Approved by the Inspector of Municipalities this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule 'A'

<u>Land Use</u>	<u>Residential 1</u>	<u>Residential 2</u>	<u>Residential 3</u>	<u>Residential 4</u>	<u>Carriage House</u>	<u>Commercial</u>	<u>Light Industrial</u>	<u>Heavy Industrial</u>	<u>Institutional A</u>	<u>Institutional B</u>	<u>Seasonal Agricultural Industrial</u>	<u>Seasonal Agricultural Commercial</u>
Single-detached Residential or Units/Ha <= 15	15 < Units/Ha <= 35	35 < Units/Ha <= 85	85 < Units/Ha			minimum charge 93 sq. mtr. (\$/m ² Floor Area)	minimum charge 93 sq. mtr. (\$/m ² Floor Area)	minimum charge 0.405 hecare (\$/Hectare Site Area)	minimum charge 93 sq. mtr. (\$/m ² Floor Area)	minimum charge 93 sq. mtr. (\$/m ² Floor Area)	minimum charge 0.405 hecare (\$/Hectare Site Area)	minimum charge 93 sq. mtr. (\$/m ² Floor Area)
	(\$/Lot or Unit)	(\$/Lot or Unit)	(\$/Lot or Unit)	(\$/Unit)	(\$/Unit)							

SERVICES

Sector

ROADS

South Mission	R-B	27,352	24,725	18,378	16,745	10,349	90.57	45.28	67,560	90.57	Exempt	33,780	45.28
North of Main City	R-E	19,619	17,735	13,182	12,011	7,423	64.96	32.48	48,460	64.96	Exempt	24,230	32.48
Main City/Common	R-I	11,903	10,760	7,998	7,287	4,504	39.42	19.71	29,402	39.42	Exempt	14,701	19.71

WATER

City-Wide	W-A	998	903	671	611	378	3.31	1.65	5,536	3.31	3.31	2,768	1.65
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WASTEWATER TRUNKS

City-Wide	S-A	1,908	1,725	1,282	1,168	722	6.32	3.16	10,580	6.32	6.32	5,290	3.16
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WASTEWATER TREATMENT

City-Wide	T-A	4,772	4,314	3,207	2,922	1,806	15.80	7.90	26,464	15.80	15.80	13,232	7.90
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DRAINAGE

City-Wide	D-A	702	492	281	211	211	2.81	2.11	5,267	2.81	2.81	2,634	1.40
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PARKS

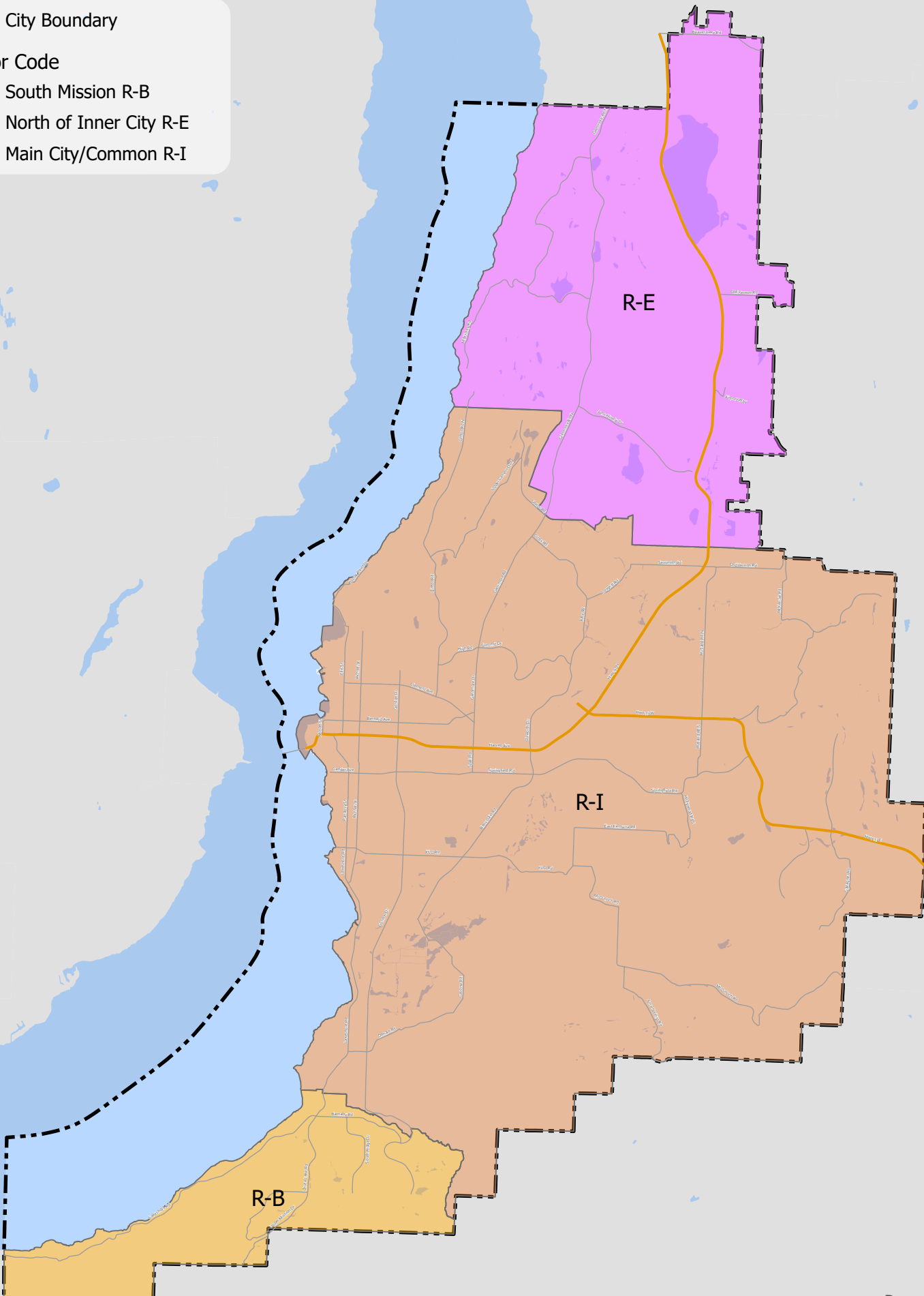
Parkland Acquisition	P-A	8,337	8,337	8,337	8,337	8,337	13.80	6.90	10,296	Exempt	Exempt	5,148	6.90
Park Development	P-D	6,462	6,462	6,462	6,462	6,462	10.70	5.35	7,980	Exempt	Exempt	3,990	5.35


Schedule 'B'

 City Boundary


Sector Code

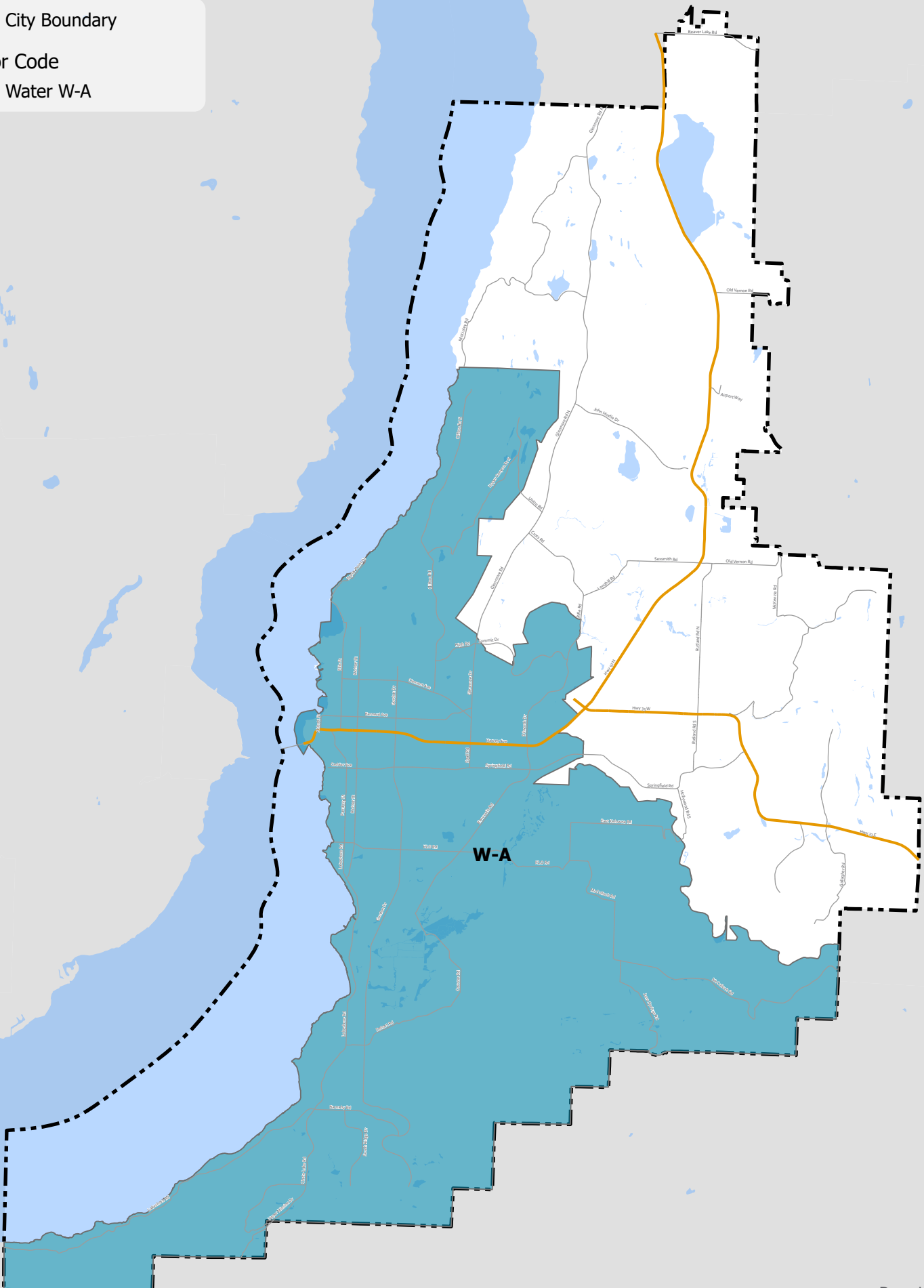
-  South Mission R-B
-  North of Inner City R-E
-  Main City/Common R-I




 City Boundary


Sector Code

 Water W-A

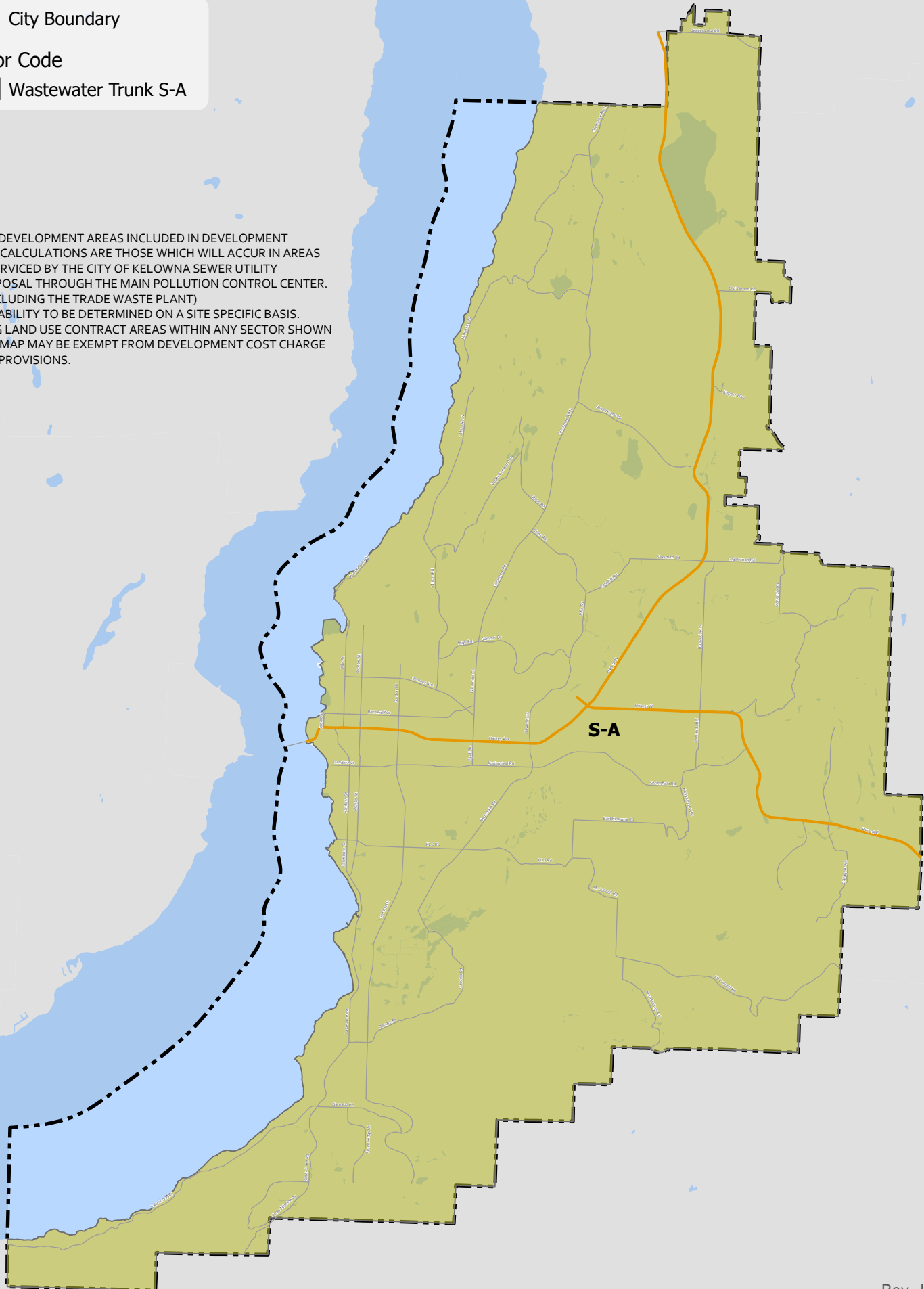



 City Boundary

Sector Code


 Wastewater Trunk S-A

NOTES:
 FUTURE DEVELOPMENT AREAS INCLUDED IN DEVELOPMENT CHARGE CALCULATIONS ARE THOSE WHICH WILL ACCUR 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.

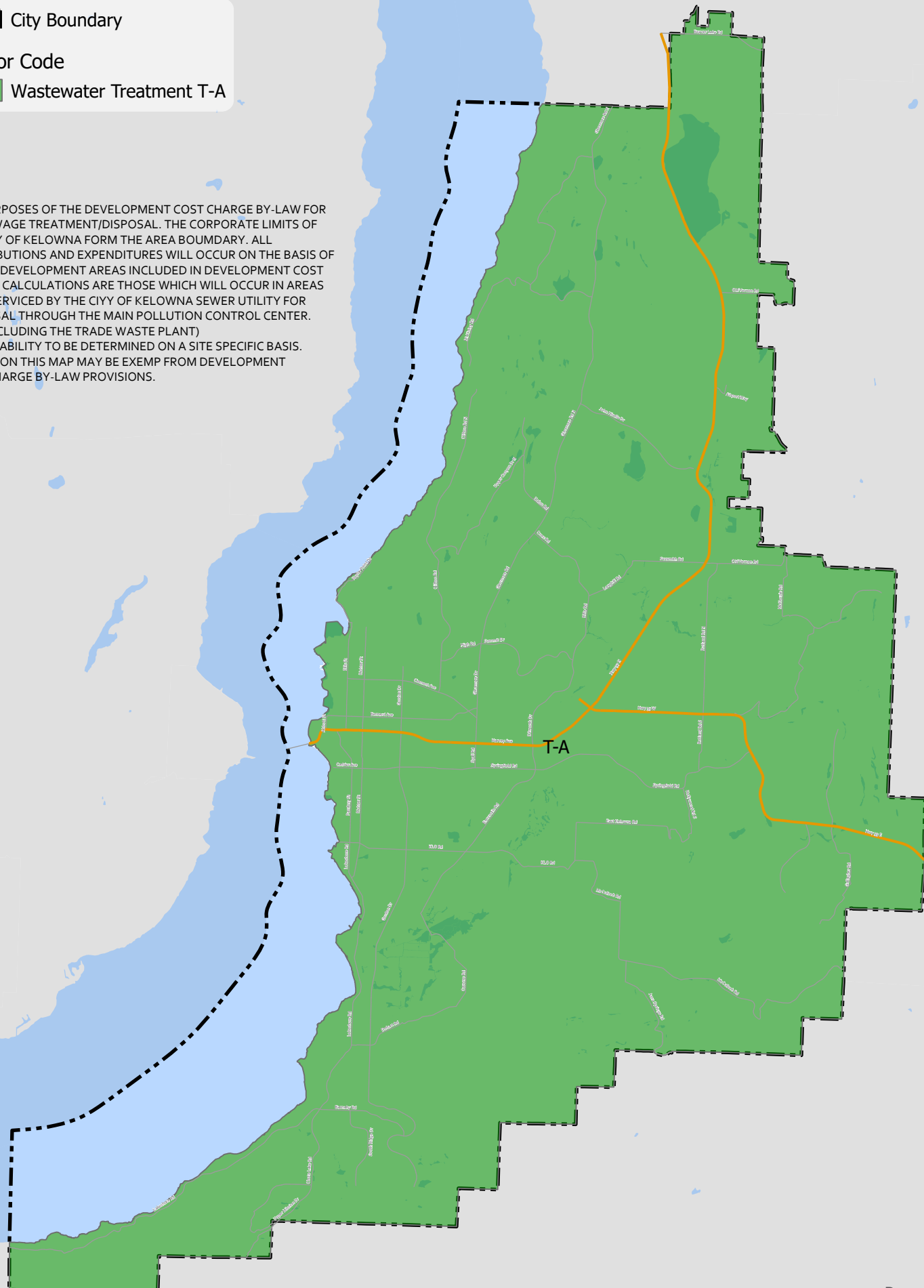


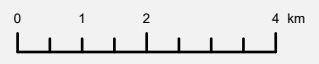
 City Boundary


Sector Code

 Wastewater Treatment T-A


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 FUTURE DEVELOPMENT AREAS INCLUDED IN DEVELOPMENT COST CHARGE CALCULATIONS ARE THOSE WHICH WILL OCCUR IN AREAS TO BE SERVICED BY THE CIYY 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. SHOWN ON THIS MAP MAY BE EXEMP FROM DEVELOPMENT COST CHARGE BY-LAW PROVISIONS.

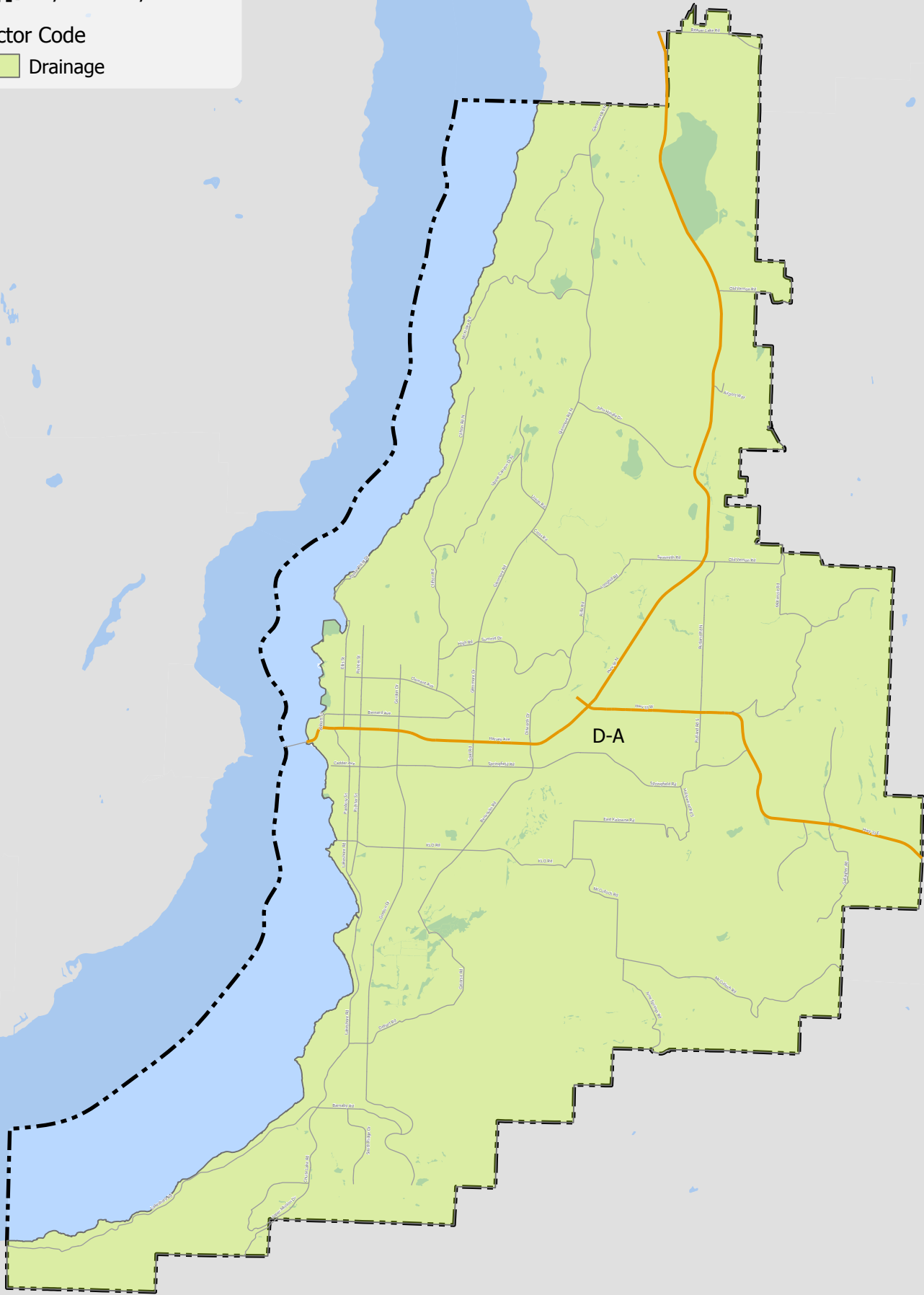





 City Boundary

Sector Code

 Drainage



 City Boundary

Sector Code

-  Parkland Acquisition P-A
-  Park Development P-D

