

DISTRICT OF WEST KELOWNA

BYLAW NO. 0097

A Bylaw to impose Parks Development Cost Charges pursuant to the provisions of the Local Government Act

WHEREAS pursuant to the *Local Government Act*, and Regulations passed pursuant thereto, the Council of the District of West Kelowna may, by bylaw, impose development cost charges;

AND WHEREAS under Section 933 (2) (b) development cost charges may be imposed for the purpose of providing funds to assist the District in paying the capital cost of providing and improving park land in order to serve directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS the Letters Patent for the District provided for the transfer of authority of existing Bylaws of the Regional District of Central Okanagan to the newly established District Municipality, including Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004;

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 parkland described in an Official Community Plan;

NOW THEREFORE BE IT RESOLVED that the Council of the District of West Kelowna, in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

- 1.1 This bylaw may be cited for all purposes as “DISTRICT OF WEST KELOWNA PARKS DEVELOPMENT COST CHARGE BYLAW 2009 NO. 0097.”
- 2.1 In this bylaw all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions in the *Local Government Act*, the *Interpretations Act*, and the Zoning Bylaw, except that the definitions set out below shall take precedence.

“Capital Cost Burden” means a burden placed on the District to undertake any portion of a capital project in the present or at any time in the future. If development has any impact on roads, water, sewer, drainage, parks or any other capital work under the jurisdiction of the District, then it places a capital cost burden on the District. If development utilizes existing capacity in a District capital work, then it has a capital cost burden on the District.

“Commercial” means a commercial development in a “C” zone listed in 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 principle uses, is of a commercial nature.

“Congregate Housing” means permanent housing in the form of multiple sleeping units where the residents are provided with common dining facilities, meal preparation, laundry services and room cleaning. Congregate housing may also include other services such as transportation for routine medical appointments and counseling. Such facilities may or may not be licensed under the *Community Care Facility Act*.

“Duplex Housing” means a building designed and constructed exclusively to accommodate two households in separate dwelling units sharing a common party wall. It does not include a secondary suite.

“Gross Floor Area” means the sum of the floor areas of each storey in each building on a parcel, measured between the exterior walls or such buildings. The gross floor area includes unfinished areas such as basements but excludes residential parking garages.

“Industrial” means an industrial development in an “I” zone listed in 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.

“Institutional” means development of an institutional nature in a “P” zone listed in the Zoning Bylaw, or a similar development of an institutional nature permitted in another zone in accordance with the Zoning Bylaw.

“Multiple Unit Housing” means a building used for duplex, triplex, fourplex, townhome or apartment housing, or manufactured homes within a mobile home park.

“Parcel” means any lot, block or other area in which land is held, or into which land is subdivided, including a bare land strata parcel, but does not include a highway.

“Secondary Suite” means a self-contained, accessory dwelling unit that provides living accommodation based on rental periods of one month or greater. The secondary suite is located within a single detached house or accessory building that has its own separate kitchen, sleeping and bathing facilities. A secondary suite does not include townhouses, duplex housing, or apartment housing.

“Single Detached Housing” means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household.

“Zone” means the zones identified and defined in the Zoning Bylaw.

“Zoning Bylaw” means the Regional District of Central Okanagan Zoning Bylaw No. 871, as amended from time to time.

3.1 Every person who obtains:

- (a) Approval of subdivision of land under the *Land Title Act* or the *Strata Property Act*, or
- (b) A building permit authorizing the construction, alteration or extension of a building or structure,

shall be liable to the District for payment of the development cost charges as set out on the following Schedule attached hereto and forming a part of this bylaw, namely **“Schedule A - Development Cost Charges Summary”**.

3.2 The amount of development cost charges payable depends upon:

- (a) The number of additional lots being created by the application for a single detached housing subdivision;
- (b) The number of dwelling units proposed when applying for a building permit for a multiple unit housing building;

- (c) The number of beds proposed when applying for a building permit for a congregate housing development;
- (d) The gross floor area that will be constructed when applying for a building permit for commercial, or institutional (non-congregate housing) development; and
- (e) The gross area of industrial land when applying for a building permit for industrial development.

For mixed use developments, the development cost charge payable shall be calculated separately for each portion of the development in accordance with the zones and land uses which are contained in the building permit or subdivision application. The total payable will be the sum of the development cost charges for each portion of the development.

- 4.1 Development Cost Charges pursuant to this bylaw shall be paid to the District under Section 3.3 of this bylaw at the time of subdivision or building permit, as determined by the District.
- 5.1 Notwithstanding Sections 3.1 to 3.3 of this Bylaw, no development cost charge is payable where exemption in a provision is outlined in the *Local Government Act*.
- 6.1 Notwithstanding the exemption provisions in the *Local Government Act*, and as per provisions in the *Local Government Act*, a development cost charge is payable under Section 3.1 (b) for a building permit authorizing the construction of a building containing two or three self-contained dwelling units. The construction of a secondary suite that is either integrated with the principal dwelling unit or contained within an accessory building is exempt from development cost charges under this bylaw.
- 7.1 The boundaries of this bylaw are the entire municipality of the District of West Kelowna, as amended from time to time.
- 8.1 This bylaw shall replace the Park Development Cost Charges provisions of the Regional District of Central Okanagan Bylaw No 1068.
- 9.1 This bylaw shall come into full force and effect and be binding on all persons as and from the day this bylaw is adopted.

PASSED FIRST READING, 2009-OCT-27

PASSED SECOND READING, 2009-OCT-27

PASSED THIRD READING, 2009-OCT-27

APPROVED BY THE INSPECTOR OF MUNICIPALITIES, 2009-DEC-16

ADOPTED, 2010-JAN-12

MAYOR

DIRECTOR OF CORPORATE SERVICES

Schedule A –
Development Cost Charges Summary

Land Use	Parks DCC (1% Assist)	Unit
Single Detached Housing	\$1,093	per Lot/Dwelling Unit
Multiple Unit Housing	\$1,093	per Dwelling Unit
Commercial	n/a	
Industrial	n/a	
Institutional	n/a	