

CITY OF WEST KELOWNA

BYLAW NO. 190

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW 0190.01**

WHEREAS the Council of the City of West Kelowna wishes to exercise its powers under the *Local Government Act* to impose development cost charges in respect of the provision of roads, sewers, drainage, water and parks, and to impose development cost charges on all developments that impose new capital cost burdens on the City, including small residential buildings that would otherwise be statutorily exempt from such charges;

NOW THEREFORE the Council of the City of West Kelowna, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “CITY OF WEST KELOWNA DEVELOPMENT COST CHARGE BYLAW NO. 190, 2015”.

2. In this bylaw including its Schedules,

“apartment building” means

- (a) a residential building containing three or more dwelling units that is not a townhouse;
- (b) the residential portion of a mixed-use building that also contains commercial or industrial uses, including any caretaker unit; and
- (c) any self-contained agricultural worker dwelling unit constructed on land zoned for agricultural use.

“duplex” means a residential building that contains two dwelling units, neither of which is a secondary suite.

“campground” means the parcel area used to accommodate tents and recreation vehicles and toilets and showers for campers to use.

“care facility” means a building used for the provision of residential accommodation and care for adults and licensed under the *Community Care and Assisted Living Act*.

“carriage house” means an accessory building that contains a secondary dwelling unit.

“commercial” means a land use that is not residential, golf course, campground, industrial or institutional and includes:

- (a) any use of land zoned for industrial, golf course, campground or agricultural use in which goods or services are provided directly to consumers or the public;
- (b) any dock, wharf or enclosed structure constructed on Okanagan Lake as part of a commercial marina use, and
- (c) any health care or education use provided on a commercial basis.

“floor area” means the sum of the floor areas of each storey of a building measured to the outer surface of exterior walls and includes unfinished areas, but excludes garages and parking areas.

“golf course” means the area of a parcel used to play golf, including driving ranges and practice facilities but, excludes accessory retail facilities and restaurants.

“industrial” means extracting, processing, manufacturing, fabricating, transportation, distribution and service uses not provided directly to consumers or the public, and includes the portions of winery premises such as fermentation and barrel rooms and wine storage areas that are not ordinarily accessible to the general public.

“institutional” means the provision of public health, primary, secondary and post-secondary education, or other governmental services to citizens.

“residential subdivision” means a subdivision in which the areas of the lots are 550 m² and greater.

“secondary suite” means a secondary dwelling unit described in Section 3.16 of the Zoning Bylaw.

“small lot residential subdivision” means a subdivision in which the areas of the lots are less than 550 m².

“small residential building” means a single family dwelling with or without a secondary suite, a duplex or townhouse, or a mobile home in a mobile home park.

“townhouse” means a residential building divided into 3 or more dwelling units each of which shares at least one common wall with another dwelling unit and has its own exterior entrance.

3. Every person who obtains approval of a subdivision of land under the *Land Title Act* or the *Strata Property Act* shall pay to the City, at the time the approving officer approves the subdivision or strata plan, the development cost charges indicated in Section 1 of Schedule A attached to and forming part of this bylaw in accordance with the number of lots created by the subdivision and the areas of the lots in the subdivision.
4. Every person who obtains a building permit authorizing the construction of a carriage house on a parcel that contains another dwelling unit, or that will be constructed on a parcel concurrently with another dwelling unit, shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Section 2 of Schedule A to this bylaw.

5. Every person who obtains a building permit authorizing the construction, alteration or extension of a small residential building shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Section 2 of Schedule A to this bylaw in accordance with the number of dwelling units indicated in the application for the permit.
6. Every person who obtains a building permit authorizing the construction, alteration or extension of an apartment building shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Section 2 of Schedule A to this bylaw in accordance with the floor area of the building indicated in the application for the permit.
7. Every person who obtains a building permit authorizing the construction, alteration or extension of a care facility shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Schedule A to this bylaw in accordance with the number of care facility beds indicated in the application for the permit.

Bylaw No. 0190.01 adopted August 23, 2022 deleted Section 8 in its entirety and replaced it with the following Sections 8.1 and 8.2:

- 8.1 Every person who obtains a building permit authorizing the construction, alteration or extension of a building for an Industrial use shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Schedule A to this bylaw in accordance with the floor area of the building or structure indicated in the application for the permit.
- 8.2 Every person who obtains a building permit authorizing the construction, alteration or extension of a building for an Institutional use shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Schedule A to this bylaw in accordance with the floor area of the building or structure indicated in the application for the permit.
9. Every person who obtains a building permit authorizing the installation of services for a campground use shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Schedule A to this bylaw in accordance with the area of the parcel on which the campground use is occurring indicated in the application for the permit.
10. Every person who obtains a building permit authorizing the installation of services for a golf course use shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Schedule A to this bylaw in accordance with the area of the parcel on which the golf course use is occurring in the application for the permit.
11. Every person who obtains a building permit authorizing the construction, alteration or extension of a building or structure not described in any of Sections 4 to 10 of this bylaw shall pay to the City, at the time a building official issues the building permit, the development cost charges indicated in Schedule A to this bylaw for a commercial use in

accordance with the floor area of the building or structure indicated in the application for the permit.

12. In the case of a building whose intended use is a combination of uses indicated in Schedule A to this bylaw, the development cost charges applicable under this bylaw shall be calculated for the uses separately on the basis of the number of dwelling units, care facility beds, floor areas and parcel areas for different uses, as the case may be.

Bylaw No. 0190.01 adopted August 23, 2022 deleted Section 13 in its entirety and replaced it with the following Section 13:

13. A charge is not payable in respect of a building permit if the value of the work authorized by the permit does not exceed \$100,000, and for this purpose the value of the work shall be the construction value on which the building permit fee was based or such greater value as the building official may determine in any case where the value indicated on the application does not, in the building official's opinion, represent the fair market value of the work..

14. The following bylaws are repealed:

- (a) District of West Kelowna Roads Development Cost Charge Bylaw 2008 No. 0018
- (b) District of West Kelowna Parks Development Cost Charge Bylaw 2009 No. 0097
- (c) Lakeview Irrigation District Comprehensive Capital Expenditure Charge Bylaw 2009 No. 291
- (d) Westbank Irrigation District Comprehensive Capital Expenditure Charge Bylaw 2007 No. 640

Bylaw No. 0190.01 adopted August 23, 2022 added the following Section 15:

15. A development cost charge is payable under this bylaw in relation to a development authorized by a building permit that authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained dwelling units, and be put to no other use other than the residential use in those dwelling units

READ A FIRST AND SECOND TIME THIS 10TH DAY OF NOVEMBER, 2015
READ A THIRD TIME THIS 8TH DAY OF DECEMBER, 2015
RESCIND THIRD READING THIS 10TH DAY OF MAY, 2016
READ A THIRD TIME AS AMENDED THIS 10TH DAY OF MAY, 2016
APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON JUNE 21, 2016
ADOPTED THIS 28TH DAY OF JUNE, 2016

MAYOR

CITY CLERK

SCHEDULE A

SECTION 1

DEVELOPMENT COST CHARGES PAYABLE UPON APPROVAL OF SUBDIVISION

Land Use	Unit of Charge	Roads	Water	Sewer	Drainage	Parks	Total
Single Family Residential Subdivision	Per Lot	\$15,221	\$2,972	\$251	\$658	\$6,717	\$25,819
Small Lot Residential Subdivision	Per Lot	\$12,679	\$2,477	\$209	\$494	\$6,717	\$22,576

SECTION 2

DEVELOPMENT COST CHARGES PAYABLE UPON ISSUANCE OF BUILDING PERMIT

Land Use	Unit of Charge	Roads	Water	Sewer	Drainage	Parks	Total
Small Residential	Per Unit	\$9,289	\$2,229	\$188	\$376	\$6,717	\$18,799
Apartment	Per m ² floor area	\$65.84	\$19.43	\$1.64	\$3.01	\$65.85	\$155.77
Carriage Home	Per m ² floor area	\$31.98	\$9.44	\$0.80	\$2.51	\$21.32	\$66.05
Commercial	Per m ² floor area	\$50.40	\$7.43	\$0.63	\$1.17	\$16.79	\$76.42
Industrial	Per m ² floor area	\$12.54	\$16.51	\$1.40	\$4.39	\$0.00	\$34.84
Institutional – care facility	Per bed	\$4,370	\$1,239	\$105	\$154	\$2,799	\$8,667
Institutional - other	Per m ² floor area	\$50.40	\$9.91	\$0.84	\$0.99	\$0.00	\$62.14
Campground	Per site	\$1,071	\$736	\$0	\$0	\$0	\$1,807
Golf Course	Per ha	\$6,571	\$16,349	\$0	\$0	\$0	\$22,920