

The Corporation of the City of Penticton

Bylaw No. 2022-38

A Bylaw to impose development cost charges.

WHEREAS pursuant to the *Local Government Act*, Council is empowered to impose Development Cost Charges;

AND WHEREAS Council has adopted the City of Penticton Development Cost Charges Bylaw No. 2007-79 and now desires to repeal and replace that bylaw;

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

Title:

1. This bylaw may be cited for all purposes as "Development Cost Charges Bylaw No. 2022-38".

Administration:

2. The Director of Development Services is hereby appointed to administer this bylaw.

Definitions:

3. In this bylaw, unless the context otherwise requires, the definitions in the City of Penticton Zoning Bylaw, *Local Government Act*, *Land Title Act* and *Interpretation Act* govern, and the following definitions apply:

"Agricultural zone" means the Rural Zones as designated in the Zoning Bylaw.

"Apartment" means a residential building consisting of three (3) or more dwelling units on a lot, where each dwelling unit has its principal access from a common entrance or hallway. Ground level dwelling units may have the principal access from a common entrance or hallway or may have direct ground level access to the outside.

"Apartment in C5 and C6 Zone" means an Apartment unit on a parcel located within the C5 Urban Centre Commercial Zone or C6 Urban Peripheral Commercial Zone as set out in the Zoning Bylaw.

"Bare land strata lot" means the smallest unit of land defined on a horizontal plane according to a bare land strata plan under the provisions of regulations pursuant to the *Strata Property Act*.

"Boarding home" is defined as a building in which the owner or manager supplies accommodation and/or sleeping unit accommodation for remuneration. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes.

"Building Bylaw" means the City of Penticton Building Bylaw as amended from time to time.

"Building permit" means permission or authorization in writing from the Chief Building Official to perform work regulated by the Building Bylaw.

"Chief Building Official" means the Chief Building Official of the City or an authorized representative.

"City" means The Corporation of the City of Penticton.

"Cluster Housing" means a group of three or more attached or detached dwelling units on a single parcel with common amenity areas.

"Commercial" means development in the commercial land use zones as designated in the Zoning Bylaw and/or the development in the agricultural zone of a commercial building, including but not limited to: wine sales, eating and drinking establishments, restaurants, retail shops and farmers markets contained within a building.

"Council" means the Council of the City of Penticton.

"Development" means the increase in commercial, industrial or institutional floor area; or the construction of dwellings.

"Development lands" means all the legal parcels of land that are included in the building permit application at the time of subdivision of land or building permit issuance.

"Development permit" means a permit issued in accordance with the Development Permit Areas of the City of Penticton Official Community Plan Bylaw.

"Director of Development Services" means the Director of Development Services of the City or an authorized representative.

"Duplex zoned lot" is a lot that according to the Zoning Bylaw permits duplex housing, including but not limited to the RD1, RD2 and RD3 zones.

"Dwelling" means dwelling as defined in the Zoning Bylaw.

"Floor area" means the total floor area of all storeys of all buildings or structures with a clear ceiling height of 1.8 metres or more, measured from the outside face of the exterior walls. This does not include the following sub-areas: Garages, other enclosed or open parking areas; and balconies, decks and patios.

"Increase in floor area" means the difference between the floor area that exists on the development lands at the time a building permit is issued and the amount that will exist when the construction authorized by the building permit has been completed, and in the case of development lands in respect of which a demolition permit has been issued within a 24 month period immediately preceding the issuance of the building permit, or the difference between the greatest gross floor area that existed on the development lands within that 24 month period and the gross floor area that will exist on the development lands when the construction authorized by the building permit has been completed.

"Industrial" means development in the industrial land use zones as designated in the Zoning Bylaw and or the development in the agricultural zone of an industrial building, including but not limited to: wine making, manufacture and processing.

"Institutional" means development in the Public Assembly and Recreation land use zones as designated in the Zoning Bylaw and boarding homes that provide sleeping units only, not dwelling units.

"Lot" means a parcel of land, including Crown Land, which is legally defined either by registered plan or legal description.

"Parcel" refer to "lot" definition.

"Single family zoned lot" is a lot that according to the Zoning Bylaw permits single detached housing, including but not limited to the FG, A, RC, R1, R2 or R3 zones.

"Townhouse" means a building containing three (3) or more dwelling units that share common party walls, floors or ceilings with adjacent dwelling units, with each dwelling unit having a separate exterior entrance.

"Zoning Bylaw" means the current City of Penticton Zoning Bylaw.

Substantive Provisions:

4. Every person who obtains approval of a subdivision of a parcel of land under the *Land Title Act* or the creation of a bare land strata under the *Strata Property Act* shall pay to the City at the time of approval of the subdivision the applicable development cost charges as set out in Schedule "A", and Schedule "B" and in accordance with Sector Map "B1" and Sector Map "B2".
5. Except as provided in the *Local Government Act*, every person who obtains a building permit shall pay to the City at the time of issuance of the building permit the applicable development cost charges as set out in Schedule "A" and Schedule "B" and in accordance with Sector Map "B1" and Sector Map "B2".
6. Development cost charges will be imposed at the time of subdivision on each additional single family lot, duplex lot and bare land strata lot created.
7. Development cost charges will be imposed at the time of building permit issuance on the basis of the increase in floor area of commercial, industrial and institutional development, as the case may be.
8. Development cost charges will be imposed at the time of building permit issuance on the number of residential dwelling units in any building and/or mobile home, on a parcel that is not Single Family Zoned or Duplex Zoned or a Bare Land Strata Lot. The exemption under 561 (5) of the *Local Government Act* does not apply, and Development Cost Charges are payable on all dwelling units, including if the building permit is for fewer than 4 self-contained dwelling units.
9. In the RD3 Residential infill Zone and the RD4 Low Density Cluster zoning, each unit in addition to a single detached dwelling and secondary suite shall pay the Townhouse rate.

Refunds:

10. For development cost charges paid as part of subdivision approval process, if the subdivision is not approved, upon cancellation or expiry of the preliminary layout approval, the City will refund all development cost charges less an administrative fee of \$250.00.

11. For development cost charges paid as part of subdivision approval process, if the subdivision is approved, no refund will be provided.
12. For development cost charges paid as part of building permit, if construction beyond the footings has not started, as determined by the Director of Development Services, upon cancellation or expiry of the development permit and/or building permit and discharge the notice of the development permit from the title of the land, the City will refund all development cost charges less an administrative fee of \$250.00 and a discharge notice fee of \$250.00.
13. For development cost charges paid as part of building permit, if construction beyond the footings started, as determined by the Chief Building Official, the person seeking a refund must make a submission for a refund, in the prescribed form, to the Director of Development Services, or the designate.
Council will consider the matter at an open Council meeting and Council may by resolution:
 - a. authorize the development cost charge refund, subject to conditions as recommended or as amended; or
 - b. refuse the request for a development cost charge refund;
 - c. refer the matter to staff or a future Council meeting; or
 - d. such other determination as Council may direct.

Repeal:

14. "City of Penticton Development Cost Charges Bylaw No. 2007-79" and the amendments hereto are repealed upon the adoption of this bylaw.

Schedules:

15. Schedules A, B, Sector Map B1 and Sector Map B2 are attached to and form an integral part of this Bylaw.

Effective date:

16. This bylaw shall take effect upon date of adoption.

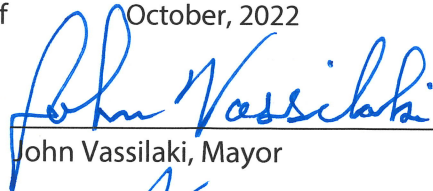
READ A FIRST time this 19 day of July, 2022

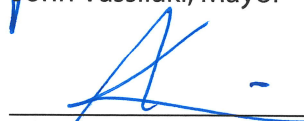
READ A SECOND time this 19 day of July, 2022

READ A THIRD time this 19 day of July, 2022

RECEIVED the approval of the 6 day of September, 2022
Inspector of Municipalities

ADOPTED this 18 day of October, 2022


John Vassilaki, Mayor


Angie Collison, Corporate Officer

Schedule "A"
City-Wide Development Cost Charges Table

| Land Use | Unit of Charge | Transport | Water | Sanitary Sewer | Storm Drainage | Parks | Total Development Cost Charges |
|---|-------------------|-----------|---------|----------------|----------------|---------|--------------------------------|
| Single Family Zoned and Duplex zoned Lots | per lot | \$6,522 | \$5,862 | \$6,944 | \$0.00 | \$4,215 | \$23,543 |
| Bare Land Strata Lot | per lot | \$4,743 | \$4,263 | \$5,050 | \$0.00 | \$3,066 | \$17,122 |
| Townhouse or Cluster House | per unit | \$4,743 | \$4,263 | \$5,050 | \$0.00 | \$3,066 | \$17,122 |
| Apartment | per unit | \$2,075 | \$2,665 | \$3,156 | \$0.00 | \$1,916 | \$9,812 |
| Apartment in C5 and C6 Zone | per unit | \$1,328 | \$1,865 | \$3,156 | \$0.00 | \$1,916 | \$8,265 |
| Commercial | per m2 floor area | \$65.10 | \$11.99 | \$20.52 | \$0.00 | \$12.57 | \$110.18 |
| Industrial | per m2 floor area | \$20.37 | \$11.99 | \$20.29 | \$0.00 | \$0.00 | \$52.65 |
| Institutional | per m2 floor area | \$83.70 | \$14.65 | \$17.36 | \$0.00 | \$0.00 | \$115.71 |

Schedule "B"
Area Specific Development Cost Charges

| Land Use | Unit of Charge | Gordon Ave Water Reservoir Sector Map "B1" | Columbia Heights Reservoir & Pump Station Sector Map "B2" |
|---|----------------------|---|---|
| Single Family Zoned and Duplex zoned Lots | per lot | \$1,479 | \$3,882 |
| Bare Land Strata Lot | per lot | \$1,479 | \$3,882 |
| Townhouse | per unit | \$1,479 | \$3,882 |
| Apartment | per unit | \$1,479 | \$3,882 |
| Apartment in C5 and C6 Zone | per unit | n/a | n/a |
| Commercial | per m2 floor area | n/a | \$32.97 |
| Industrial | per m2 floor area | n/a | n/a |
| Institutional | per m2 floor area | n/a | n/a |

SECTOR MAP "B1"



Columbia Heights
Reservoir & Pump
Station Benefiting Area



Statutory Approval

Under the provisions of sections _____ **560**

of the _____ **Local Government Act**

I hereby approve Bylaw No. _____ **2022-38**

of the _____ **City of Penticton**

a copy of which is attached hereto.

Dated this **6th** ***day***

of **September** ***, 2022***

Deputy Inspector of Municipalities