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THE CORPORATION OF THE CITY OF PENTICTON

DEVELOPMENT COST CHARGES BYLAW

NO. 2007-79

Consolidated for convenience only.

Bylaw No. 2009-45 – October 2009
Bylaw No. 2016-72 – July 4, 2017
Bylaw No. 2018-62 – October 30, 2018
Bylaw No. 2019-45 – March 2, 2021

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW 2007-79

A BYLAW OF THE CORPORATION OF THE
CITY OF PENTICTON TO
IMPOSE DEVELOPMENT COST CHARGES BYLAW

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 98-17 and any amendments hereto 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:

CITATION

1. This bylaw may be cited as “City of Penticton Development Cost Charges Bylaw No. 2007-79”.

ADMINISTRATION

2. The Director of Development Services is hereby appointed to administer this bylaw. (Bylaw No. 2016-72)

DEFINITIONS

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

“agricultural zone” means the agricultural land use zones as designated in the Zoning Bylaw. (Bylaw No. 2009-45)

“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. (Bylaw No. 2016-72)

“Building Bylaw” means the City Building Bylaw No. 94-45 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.

“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. (Bylaw No. 2009-45)

“Council” means the Council of the City. (Bylaw No. 2009-45)

“development” means the increase in commercial, industrial or institutional floor area; or the construction of dwellings. (Bylaw No. 2016-72)

“development lands” means all the legal parcels of land that are included in the building permit application at the time of building permit issuance.

“development permit” means a permit issued in accordance with part 6, Development Permit Areas of The City of Penticton Official Community Plan Bylaw No. 2002-20 (2002) as amended or superseded. (Bylaw No. 2009-45)

“Director of Development Services” means the Director of Development Services of the City or an authorized representative. (Bylaw No. 2016-72)

“duplex zoned lot” is a lot that is currently zoned RD1 or RD2 in accordance with the Zoning Bylaw. (Bylaw No. 2016-72)

“dwelling” means dwelling as defined in the Zoning Bylaw.

“effective date” means April 7, 2008.

“floor area” means the total floor area of all storeys of all buildings or structures with a clear ceiling height of 1.8 meters 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
- balconies, decks and patios. (Bylaw No. 2016-72)

“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. (Bylaw No. 2016-72)

“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. (Bylaw No. 2009-45)

“institutional” means development in the Public Assembly land use zones as designated in the Zoning Bylaw and boarding homes that provide sleeping units only, not dwelling units. (Bylaw No. 2016-72)

“lot” means a parcel of land, including Crown Land, which is legally defined either by registered plan or legal description. (Bylaw No. 2016-72)

“parcel” refer to “lot” definition. (Bylaw No. 2016-72)

“residential” means development in the residential land use zones as designated in the Zoning Bylaw.

“single family zoned lot” is a lot that is currently zoned R1, R2 or R3 in accordance with the Zoning Bylaw. (Bylaw No. 2016-72)

“Zoning Bylaw” means the City Zoning Bylaw No. 2011-23 as amended from time to time. (Bylaw No. 2016-72)

SUBSTATIVE 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 “A1”, Schedule “A2” and Schedule “B” and in accordance with Sector Map “A”, Sector Map “B1” and Sector Map “B2”. (Bylaw No. 2016-72)
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 “A1”, Schedule “A2” and Schedule “B” and in accordance with Sector Map “A”, Sector Map “B1” and Sector Map “B2”. (Bylaw No. 2016-72)
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. (Bylaw No. 2016-72)
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. 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 less than 4 dwelling units. (Bylaw No. 2016-72)

REFUNDS (Bylaw No. 2009-45)

9. Development cost charges paid as part of subdivision approval process, subdivision not approved – Upon cancellation or expiry of the preliminary layout approval refund all development cost charges less an administrative fee of \$250.00.
10. Development cost charges paid as part of subdivision approval process, subdivision approved – No refund.
11. Development cost charges paid as part of building permit, construction beyond the footings not started, as determined by the Manager of Regulatory 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, refund all development cost charges less an administrative fee of \$250.00 and a discharge notice fee of \$250.00.
12. Development cost charges paid as part of building permit, 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 and Engineering Services, or the designate.

Council will consider the matter at an open Council meeting and Council may be 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

13. Bylaw 98-17, A Bylaw to impose development cost charges, as amended is repealed.

SCHEDULES

14. Schedules A1, A2, B, Sector Map A, Sector Map B1 and Sector Map B2 are attached to and form an integral part of this bylaw.

COMING INTO FORCE

15. This bylaw shall come into full force and effect on the effective date.

READ A FIRST time this 3rd day of December, 2007

READ A SECOND time this 17th day of December, 2007

READ A Third time this 17th day of December, 2007

APPROVED BY THE Inspector of Municipalities this 28th day of January, 2008

RECONSIDERED and FINALLY PASSED and ADOPTED this 4th day of February, 2008.

Original signed by

Gerald J. Kimberly, Mayor

Original signed by

Cathy Ingram, City Clerk

Certified a true copy of Bylaw
No. 2007-79 as adopted

Original signed by

Cathy Ingram, City Clerk

Schedule "A1"

CITY WIDE CORE AREA DEVELOPMENT COST CHARGES, GREEN SECTOR MAP "A"

	CLASSIFICATION	Water Filtration	Public Open Space	Highways	Domestic Water	Sanitary Sewer	Storm Drainage	TOTAL
SUBDIVISION	Single Family Zoned and Duplex zoned per lot	1551.25	1122.00	2121.25	7347.50	3641.25	513.75	\$16,297.00
	Bare Land Strata per lot	80.00	1054.00	928.75	380.00	3641.25	587.50	\$6,671.50
BUILDING PERMIT	Multi-Family Residential per unit	80.00	1054.00	928.75	380.00	3641.25	587.50	\$6,671.50
	Multi-Family Residential in the C5 zone per unit	27.50	1077.00	593.75	127.50	1655.00	157.50	\$3,638.25
	Commercial per ft2	0.16	0.00	0.11	0.76	3.51	0.70	\$5.24
	Industrial per ft2	0.16	0.00	0.01	0.75	1.06	0.80	\$2.78
	Institutional per ft2	0.13	0.00	0.06	0.59	4.11	0.61	\$5.50

Bylaw No. 2019-45

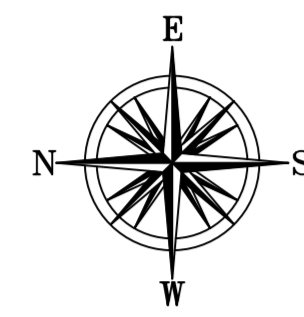
Schedule "A2"

CITY WIDE PERIPHERY AREA DEVELOPMENT COST CHARGES, YELLOW SECTOR MAP "A"

	CLASSIFICATION	Water Filtration	Public Open Space	Highways	Domestic Water	Sanitary Sewer	Storm Drainage	TOTAL
SUBDIVISION	Single Family Zoned and Duplex zoned per lot	245.00	1428.00	4901.25	4770.00	10165.00	-43.75	\$21,465.50
	Bare Land Strata per lot	107.50	1426.00	2143.75	2092.50	10165.00	-50.00	\$15,884.75
BUILDING PERMIT	Multi-Family Residential per unit	107.50	1426.00	2143.75	2092.50	10165.00	-50.00	\$15,884.75
	Multi-Family Residential in the C5 zone per unit	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
	Commercial per ft2	0.44	0.00	0.70	8.46	9.80	-0.06	\$19.34
	Industrial per ft2	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
	Institutional per ft2	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00

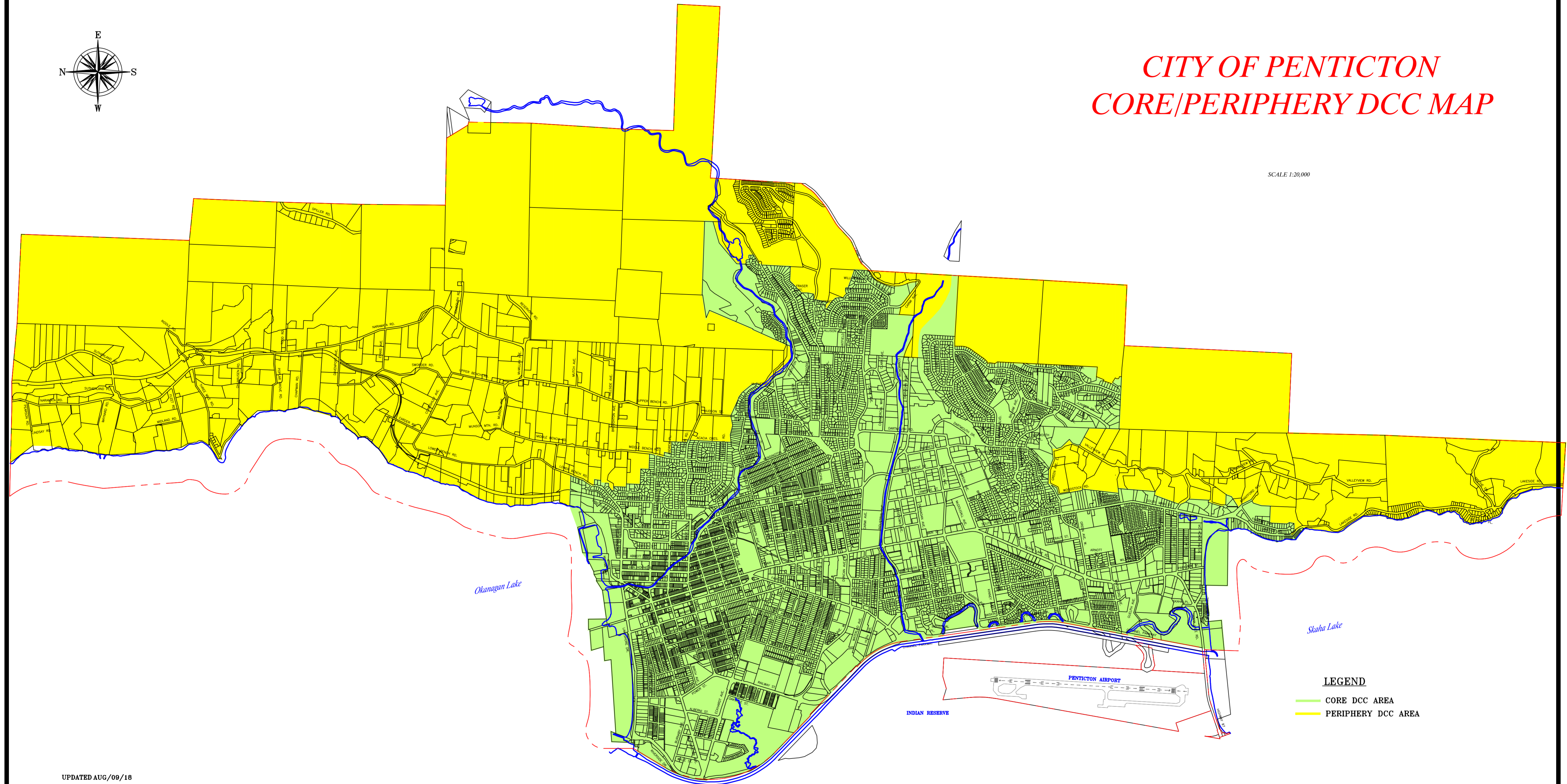
Bylaw No. 2019-45

Sector Map 'A'



**CITY OF PENTICTON
CORE/PERIPHERY DCC MAP**

SCALE 1:20,000



UPDATED AUG/09/18

LEGEND

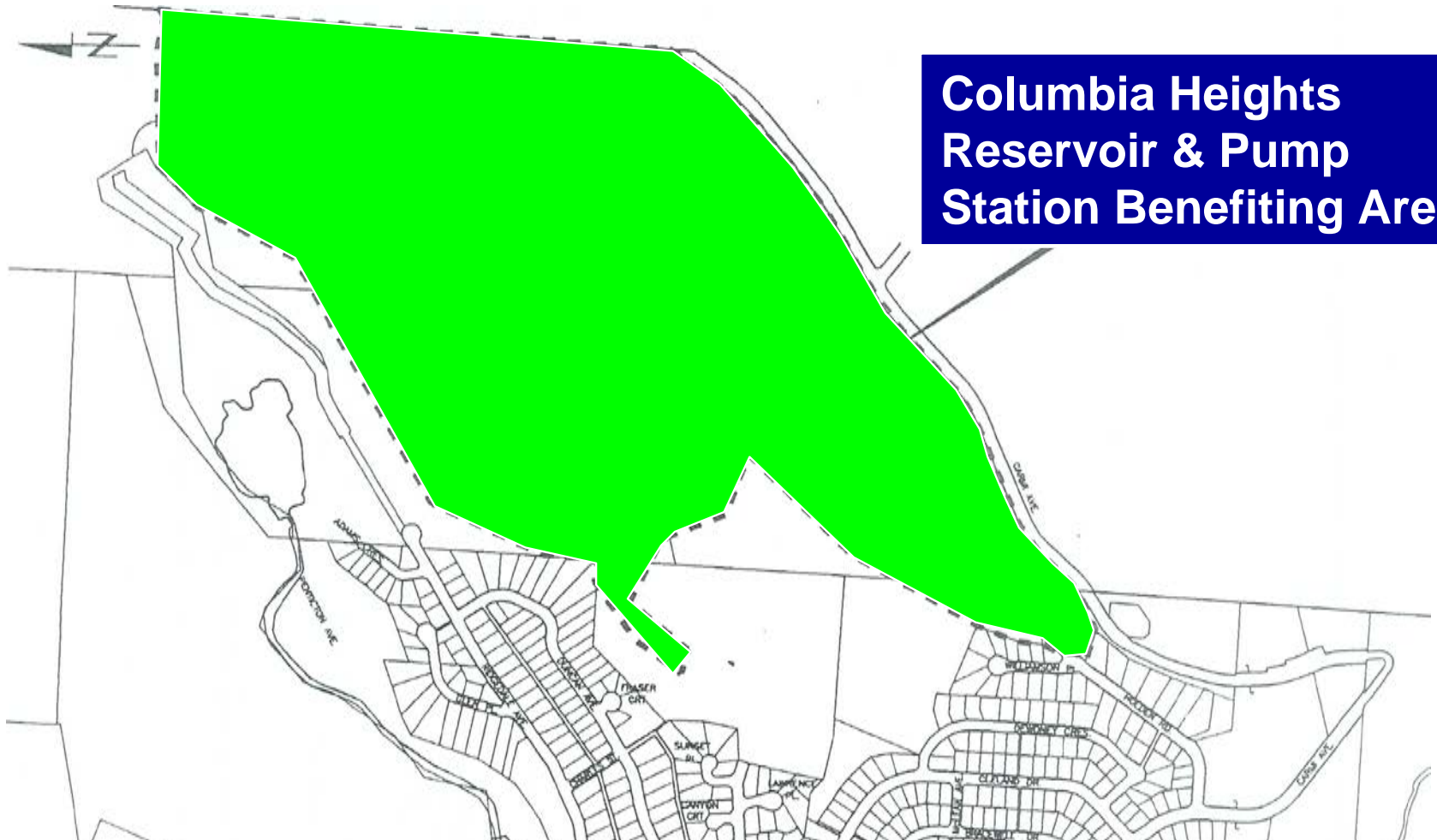
- CORE DCC AREA
- PERIPHERY DCC AREA

Schedule "B"
AREA SPECIFIC DEVELOPMENT COST CHARGES

	CLASSIFICATION	Gordon Ave Water Reservoir, Sector Map "B1"	Columbia Heights Reservoir & Pump Station Sector Map "B2"
SUBDIVISION	Single Family Zoned and Duplex zoned per lot	1,612.50	3,780.00
	Bare Land Strata per lot	1,612.50	3,780.00
BUILDING PERMIT	Multi-Family Residential per unit	1,612.50	3,780.00
	Commercial per ft2	0.00	2.98

Bylaw No. 2019-45

SECTOR MAP "B2"



**Columbia Heights
Reservoir & Pump
Station Benefiting Area**