

CITY OF KAMLOOPS

BYLAW NO. 5-1-2678

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

WHEREAS pursuant to the Local Government Act, RSBC 1996, Chapter 323, as amended, Council may, by bylaw, impose development cost charges;

AND WHEREAS in the consideration of Council, development cost charges shall be imposed for the purpose of providing funds to assist the City 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 and improving parkland, to service, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS no development cost charges shall be required to be paid:

- a) If a development cost charge or a land use contract charge has previously been paid for the same development, unless, as a result of further or different development, new capital cost burdens will be imposed on the City; or
- b) Where the development does not impose new capital cost burdens on the City;

AND WHEREAS in the consideration of Council, the charges imposed under this bylaw reflect:

- a) Future land use patterns and development;
- b) The phasing of works and services, off-site infrastructure projects consistent with the Official Community Plan, and capital costs attributable to off-site infrastructure projects included in the Five-year Financial Plan;
- c) The provision of parkland described in the Official Community Plan;
- d) How development designed to result in a low environmental impact relates to the capital costs of off-site infrastructure projects;

AND WHEREAS in the consideration of Council, the charges imposed under this bylaw:

- a) Are not excessive in relation to the capital cost of prevailing standards of service;
- b) Will not deter development;
- c) Will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land; and
- d) Will not discourage development designed to result in a low environmental impact.

NOW THEREFORE the Municipal Council of the City of Kamloops, in open meeting assembled, hereby enacts as follows:

CITATION

1. This bylaw may be cited for all purposes as "Development Cost Charges Bylaw No. 5-1-2678, 2013".

INTERPRETATION

2. In this bylaw:

"Carriage Suite" means a self-contained, two-storey dwelling unit that is separate, subordinate in size, and accessory to the principal dwelling. A carriage suite shall have a footprint no greater than 80 m² and shall not have more than 95 m² of residential living space.

"City" means the City of Kamloops or the geographical area within the boundaries of the City of Kamloops, as the context requires.

"Commercial" means any commercial use as permitted under the City's Zoning Bylaw.

"Dwelling or Dwelling Unit" means two or more rooms used, or intended to be used, for residential accommodations and shall have cooking, sleeping, and sanitary facilities of which no more than one cooking facility is permitted.

"Floor Area" means the total gross floor area of each individual floor measured from the perimeter of a building, excluding parking garages, carports, sun decks, canopies, and awnings.

"Floor Area - Gas Bar" means the total gross floor area of each individual floor measured from the perimeter of a building, in addition to an area of thirty (30) m² for each fuel pump.

"Garden Suite" means a self-contained, one-storey dwelling unit that is separate, subordinate in size, and accessory to the principal dwelling. A garden suite shall have a total floor area of not more than 80 m².

"Industrial" means a use permitted only in an industrial or C-4 (Service Commercial) zone under the City's Zoning Bylaw and not uses found in any other commercial zone.

"Institutional" means any institutional use as permitted only in Divisions Ten and Eleven under the City's Zoning Bylaw.

"Multi-family Low Density Residential" means a use containing three or more dwelling units, including mobile homes, as permitted under the City's Zoning Bylaw having a density of less than or equal to thirty-three (33) units per ha, regardless of the zone within which the use is located, but it shall not include single-family residential as defined in this bylaw.

"Multi-family Medium Density Residential" means a use containing three or more dwelling units as permitted under the City's Zoning Bylaw having a density of greater than thirty-three (33) units per ha, but less than or equal to seventy-five (75) units per ha, regardless of the zone within which the use is located.

"Multi-family High Density Residential" means a use containing three or more dwelling units as permitted under the City's Zoning Bylaw having a density of greater than seventy-five (75) units per ha, regardless of the zone within which the use is located. Residential uses combined with other uses permitted in the CBD (Central Business District) and C-1T (Tranquille Road Commercial) zones and comprising up to two (2) dwelling units shall also be considered Multi-family High Density Residential.

"Not-for-profit Rental Housing" means:

- Rental housing provided to low income households who have an affordability problem (pay in excess of 30% of their income on housing) and earn less than the median income for Kamloops but are capable of independent living;
- Subsidized by the Province of British Columbia or by a non-profit agency, which enables rents to be provided below-market rates on a "geared to income" basis; and
- Typically publicly owned or owned and operated by a non-profit agency.

"Secondary Suite" means a second dwelling unit having a total floor area of not more than 90 m² in area and having a floor space less than 40% of the habitable floor space of the principal building. It must be located within the principal building of residential occupancy containing only one other dwelling unit. It must be located in and part of the building which is a single real estate entity.

"Single-family Residential" means a detached building used for residential purposes by one family and consisting of one dwelling unit, regardless of the zone within which the use is located. Single-family residential shall include dwelling units constructed on site with conventional building materials.

"Structure" means a construction of any kind, whether fixed to, supported by, or sunk into land or water, and shall include the providing, constructing, altering, or expanding of sewage, water, drainage, and highway facilities in relation to the MHP (Mobile Home Park) zone of the Zoning Bylaw other than off-street parking facilities and providing and improving parkland, to service directly or indirectly the mobile home park development for which the charge is being imposed pursuant to this bylaw.

"Two-family Residential" means a detached building divided into two dwelling units which may or may not be on two fee simple lots and that share a common wall or floor structure. Each dwelling unit shall be used for residential purposes by one family. Two-family residential shall include dwelling units constructed on site with conventional building materials.

"Zone" means a zone as established by the City of Kamloops Zoning Bylaw No. 5-1-2001, as amended from time to time.

"Zoning Bylaw" means the City of Kamloops Zoning Bylaw No. 5-1-2001, as amended from time to time.

CHARGES

3. Development cost charges are hereby imposed on every person who obtains a Building Permit authorizing the construction, alteration, or extension of a building or structure who shall pay to the City the development cost charge in the amount set out in the Schedules which are attached to and form part of this bylaw as:
 - a) Schedule "A" - City-wide Development Cost Charges Schedule,
 - b) Schedule "B" - Southeast Sector Sewer Development Cost Charges Schedule, and
 - c) Schedule "C" - Westsyde Sewer Development Cost Charges Schedule.

The development cost charge shall be paid in full prior to issuance of a Building Permit.

- 3.1 All charges imposed by this bylaw may be paid by instalments in accordance with BC Reg. 166/84 to the Local Government Act, being the Development Cost Charges (Instalments) Regulation.
- 3.2 Charges collected under this bylaw may be refunded only under the following circumstances:
 - a) The fee is incorrectly assessed or calculated;
 - b) Construction authorized under a Building Permit is not commenced within six months of the issuance of a permit and the original Building Permit is returned to the City.

Charges also may be credited towards future charges payable at the discretion of the applicant.

EXEMPTIONS

4. No charge is payable under Section 3 of this bylaw where:
 - a) The Building Permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under Section 220(1)(h) and 224(2)(f) of the Community Charter;
 - b) The value of the work authorized by the permit does not exceed \$50,000 or any other amount prescribed by regulation under the Local Government Act;
 - c) The Building Permit authorizes the construction of not-for-profit rental housing;

- d) Buildings which are constructed for the purpose of storing goods or materials which were previously stored on the land out-of-doors and where the building will be used for no other purpose than such storage. The latter condition shall require a Section 219 covenant to be registered against the title of the land, in priority, for the purpose of enforcing such restriction;
- e) A building is destroyed by fire or demolished for the purpose of redevelopment of the land, in which case development cost charges will only be payable for that portion of the building which exceeds the gross floor area of the original building provided that:
 - i) a Building Permit is issued within two years of demolition or destruction of the original building; and
 - ii) the proposed building is consistent with the zoning of the property at the time of demolition or destruction of the original building, and that the land use category of new development cost charges is the same as that for the original building at the time of demolition or destruction.

CALCULATION OF APPLICABLE CHARGES

- 5. The amount of development cost charges payable in relation to a particular application shall be calculated using the applicable charges set out in Schedules A, B, and C and applicable units or development area.
- 5.1 Where the type of development is not identified on Schedules A, B, and C, the amount of development cost charges to be paid to the municipality shall be equal to the development cost charges that would have been payable for the most comparable type of development.
- 5.2 The amount of development cost charges payable in relation to a mixed use type of development shall be calculated separately for each portion of the development, according to the separate use types, which are included in the Building Permit application and shall be the sum of the charges payable for each type.
- 5.3 Where a development cost charge for a particular service is not applicable to a development, the total development cost charge payable may be reduced by the applicable rate for that service.

SEVERANCE

- 6. In the event a portion of this bylaw is set aside by a Court of competent jurisdiction, the portion is deemed to be severed from the bylaw such that the remaining portions of the bylaw continue in force and effect.
- 7. Development Cost Charges Bylaw No. 5-1-2516, 2010, and all amendments are hereby repealed.


READ A FIRST TIME the 23rd day of April , 2013.

READ A SECOND TIME the 23rd day of April , 2013.


READ A THIRD TIME the 23rd day of April , 2013.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES 25th day of June , 2013.

ADOPTED this 16th day of July , 2013.



MAYOR
P. G. MILOBAR



CORPORATE OFFICER
C. M. KENNEDY

SCHEDULE "A"**CITY-WIDE DEVELOPMENT COST CHARGES SCHEDULE**

Schedule "A" consists of a table of charges (Table 1A-1F) for different service categories applied to different types of land use.

- A.1 The charges to be levied and paid are the amounts specified in Table 1 in accordance with Sections A.2 and A.3 of Schedule "A".

SCHEDULE "A" - TABLE 1A - DEVELOPMENT COST CHARGES**TOTAL - ALL SERVICE CATEGORIES**

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 9,525.00 per dwelling unit
Two-family Residential	\$ 7,069.00 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 4,107.00 per dwelling unit
Multi-family Low Density Residential	\$ 7,069.00 per dwelling unit
Multi-family Medium Density Residential	\$ 5,631.00 per dwelling unit
Multi-family High Density Residential	\$ 4,107.00 per dwelling unit
Commercial	\$ 78.37 per square metre of gross building floor area
Industrial	\$ 43.63 per square metre of gross building floor area
Institutional	\$ 95.40 per square metre of gross building floor area

SCHEDULE "A" - TABLE 1B - DEVELOPMENT COST CHARGES - STORM DRAINAGE

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 319.00 per dwelling unit
Two-family Residential	\$ 172.00 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 86.00 per dwelling unit
Multi-family Low Density Residential	\$ 172.00 per dwelling unit
Multi-family Medium Density Residential	\$ 105.00 per dwelling unit
Multi-family High Density Residential	\$ 86.00 per dwelling unit
Commercial	\$ 1.02 per square metre of gross building floor area
Industrial	\$ 2.11 per square metre of gross building floor area
Institutional	\$ 0.96 per square metre of gross building floor area

SCHEDULE "A" - TABLE 1C - DEVELOPMENT COST CHARGES - TRANSPORTATION

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 4,610.00 per dwelling unit
Two-family Residential	\$ 2,983.00 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 1,808.00 per dwelling unit
Multi-family Low Density Residential	\$ 2,983.00 per dwelling unit
Multi-family Medium Density Residential	\$ 2,802.00 per dwelling unit
Multi-family High Density Residential	\$ 1,808.00 per dwelling unit
Commercial	\$ 63.27 per square metre of gross building floor area
Industrial	\$ 22.39 per square metre of gross building floor area
Institutional	\$ 81.35 per square metre of gross building floor area

SCHEDULE "A" - TABLE 1D - DEVELOPMENT COST CHARGES - WATER

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 537.00 per dwelling unit
Two-family Residential	\$ 456.00 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 258.00 per dwelling unit
Multi-family Low Density Residential	\$ 456.00 per dwelling unit
Multi-family Medium Density Residential	\$ 318.00 per dwelling unit
Multi-family High Density Residential	\$ 258.00 per dwelling unit
Commercial	\$ 1.19 per square metre of gross building floor area
Industrial	\$ 0.39 per square metre of gross building floor area
Institutional	\$ 2.19 per square metre of gross building floor area

SCHEDULE "A" - TABLE 1E - DEVELOPMENT COST CHARGES - PARKS

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 1,383 per dwelling unit
Two-family Residential	\$ 1,178 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 666 per dwelling unit
Multi-family Low Density Residential	\$ 1,178 per dwelling unit
Multi-family Medium Density Residential	\$ 820 per dwelling unit
Multi-family High Density Residential	\$ 666 per dwelling unit

SCHEDULE "A" - TABLE 1F - DEVELOPMENT COST CHARGES - SANITARY SEWER

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 2,676.00 per dwelling unit
Two-family Residential	\$ 2,280.00 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 1,289.00 per dwelling unit
Multi-family Low Density Residential	\$ 2,280.00 per dwelling unit
Multi-family Medium Density Residential	\$ 1,586.00 per dwelling unit
Multi-family High Density Residential	\$ 1,289.00 per dwelling unit
Commercial	\$ 12.89 per square metre of gross building floor area
Industrial	\$ 18.74 per square metre of gross building floor area
Institutional	\$ 10.90 per square metre of gross building floor area

- A.2 The charges imposed under Schedules A, B, and C in respect of a Building Permit:
- a) Shall be collected notwithstanding that one or more of the specified events in Table 1 has previously occurred and no charge or only part of the charge was collected at that time;
 - b) Shall be payable on Building Permit issuance in respect of a parcel only to the extent a charge under this bylaw for that parcel has not previously been collected;
 - c) Shall be payable on Building Permit issuance based on the information contained in the Building Permit application;
 - d) May, at the sole discretion of the City, be confirmed as to amount, and adjusted as necessary, with reference to the building actually constructed prior to the issuance of an Occupancy Permit.

- A.3 A charge is payable in respect of every event under Schedules A, B, and C, provided that:
- a) A charge is not payable under this Schedule where a charge under this bylaw has been paid previously for the same event in respect of the same development;
 - b) A credit shall be deducted from the amount that would otherwise have been imposed under Schedules A, B, and C in respect of a parcel for the amount of development cost charges previously paid to the City for the same development on the same parcel under this bylaw where the use on that parcel was previously exempted from a charge under this bylaw, a prior bylaw or other enactment, no credit shall be deducted unless the proposed new use qualifies for an exemption under this bylaw; and
 - c) A charge has not already been paid under this bylaw for a portable classroom.

SCHEDULE "B"
SOUTHEAST SECTOR SEWER DEVELOPMENT COST CHARGES SCHEDULE

Schedule "B" consists of two parts:

Part 1 - Area of Application

Map of the Southeast Sector delineating two Defined Areas subject to sewer development cost charges under Schedule "B" of this bylaw.

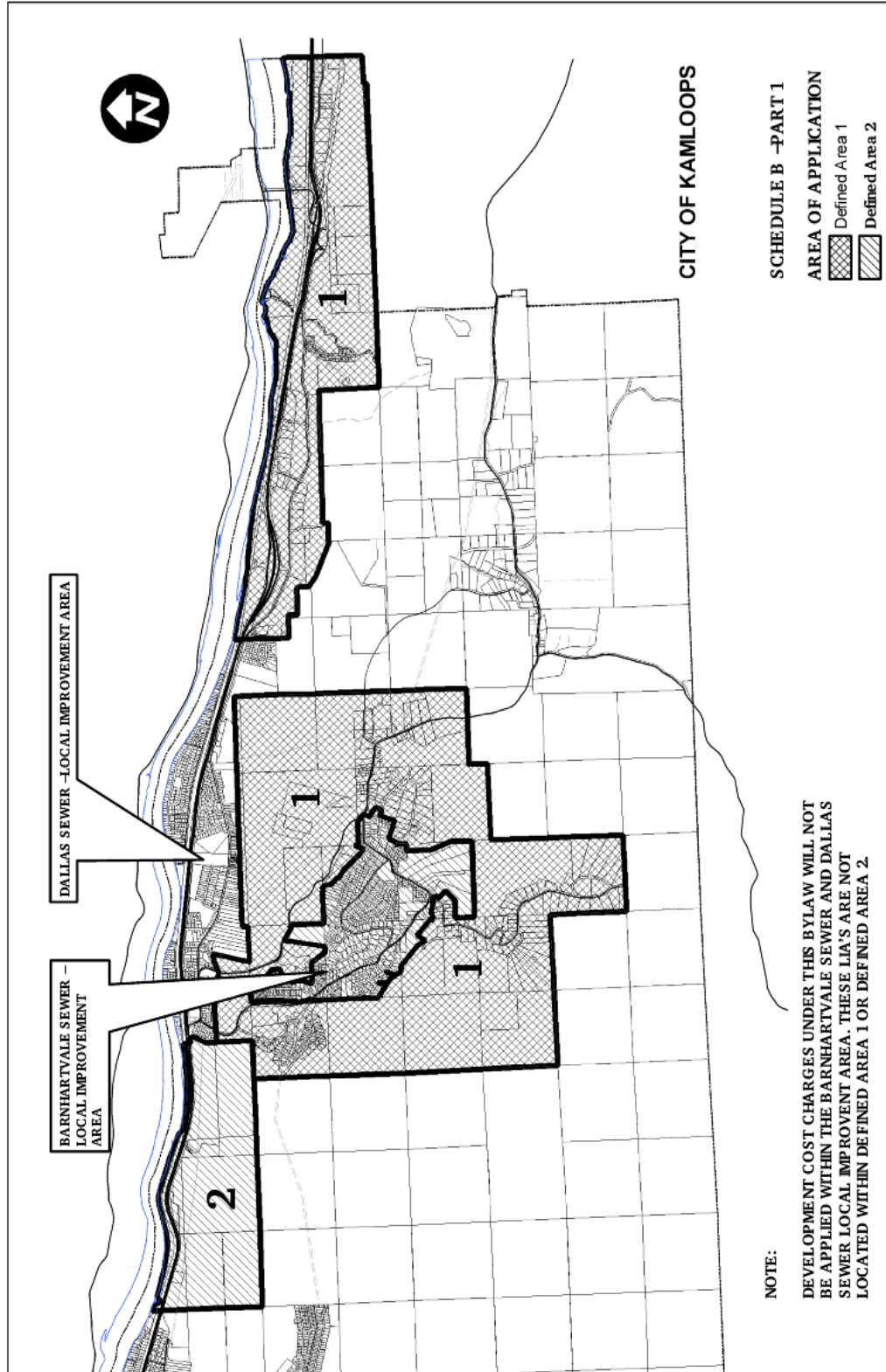
- Defined Area 1 - East Area - Campbell Creek and Barnhartvale Periphery
- Defined Area 2 - West Area - Jimeva Farms Development Area

Part 2 - Charges

Table of charges for different types of land use

- Table 1 - Charges within Defined Area 1 (East Area)
- Table 2 - Charges within Defined Area 2 (West Area)

SCHEDULE "B" - PART 1



**SCHEDULE "B" - PART 2
SOUTHEAST SECTOR SEWER DEVELOPMENT COST CHARGES**

B1. The charges to be levied and paid within the area shown on Schedule "B" - Part 1 are the amounts specified in Tables 1 and 2 in accordance with Sections A2 and A3 of Schedule "A".

SCHEDULE "B" - TABLE 1 - DEFINED AREA 1 - EAST AREA

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 963.00 per dwelling unit
Two-family Residential, Secondary Suite, Carriage Suite, Garden Suite, and Multi-family Low Density Residential	\$ 803.00 per dwelling unit
Commercial	\$ 7.13 per square metre of gross building floor area
Industrial	\$ 3.21 per square metre of gross building floor area
Institutional	\$ 6.06 per square metre of gross building floor area

SCHEDULE "B" - TABLE 2 - DEFINED AREA 2 - WEST AREA

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 318.00 per dwelling unit
Two-family Residential, Secondary Suite, Carriage Suite, Garden Suite, and Multi-family Low Density Residential	\$ 265.00 per dwelling unit
Commercial	\$ 2.36 per square metre of gross building floor area
Industrial	\$ 2.01 per square metre of gross building floor area

SCHEDULE "C"
WESTSYDE SEWER DEVELOPMENT COST CHARGES SCHEDULE

Schedule "C" consists of two parts:

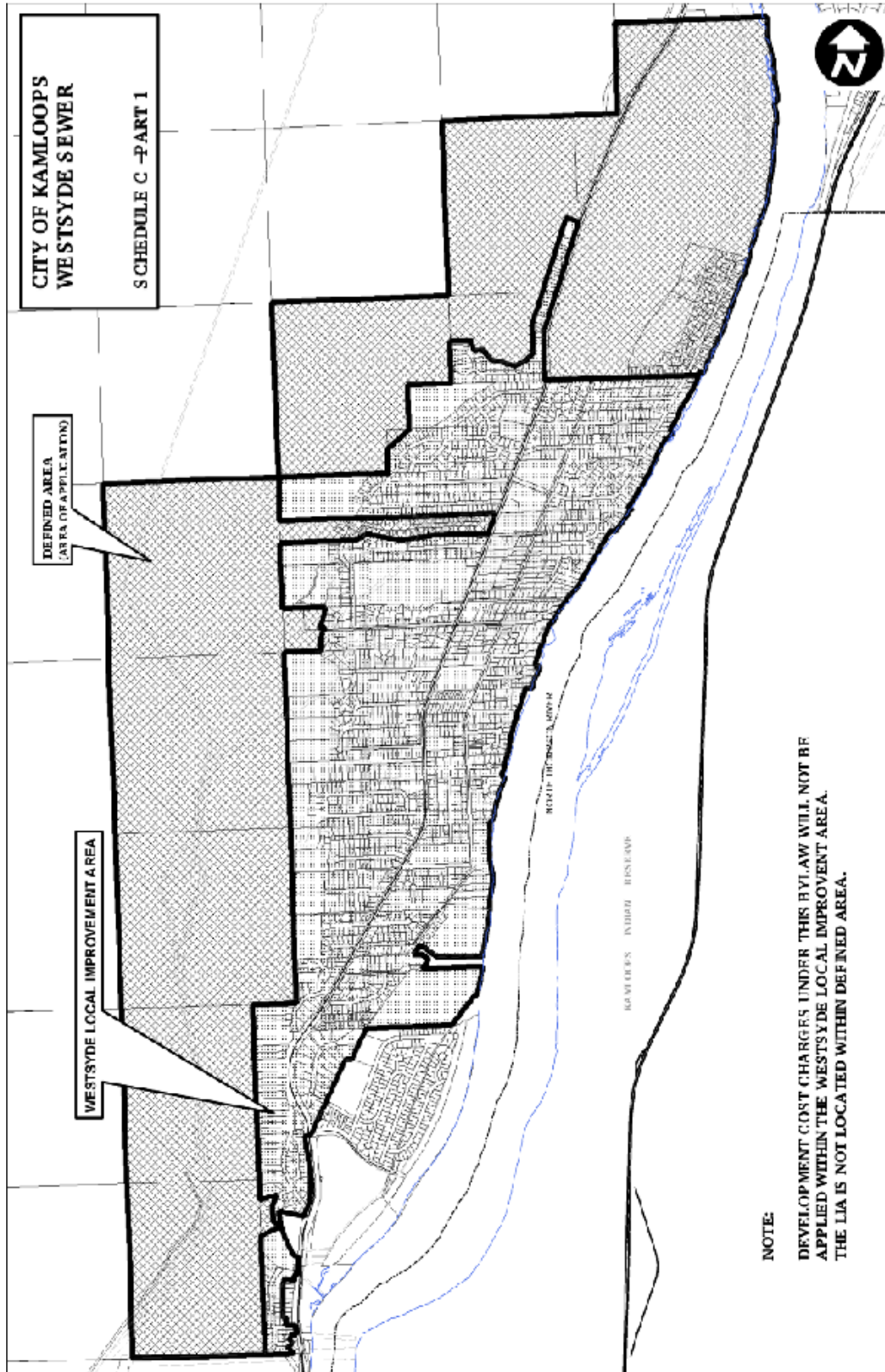
Part 1 - Area of Application

Map of the Westsyde area of Kamloops delineating the Defined Area subject to sewer development cost charges under Schedule "C" of this bylaw.

Part 2 - Charges

Table of charges for different types of land use within the Defined Area.

SCHEDULE "C" - PART 1



**SCHEDULE "C" - PART 2
WESTSYDE SEWER DEVELOPMENT COST CHARGES**

- C.1 The charges to be levied and paid within the Defined Area shown on Schedule "C" - Part 1 are the amounts specified in Table 1 in accordance with Sections A2 and A3 of Schedule "A".

TABLE 1

LAND USE	DEVELOPMENT COST CHARGE
Single-family Residential	\$ 690.00 per dwelling unit
Two-family Residential	\$ 575.00 per dwelling unit
Secondary Suite, Carriage Suite, and Garden Suite	\$ 331.00 per dwelling unit
Multi-family Low Density Residential	\$ 575.00 per dwelling unit
Multi-family Medium Density Residential	\$ 407.00 per dwelling unit
Multi-family High Density Residential	\$ 331.00 per dwelling unit
Commercial	\$ 5.11 per square metre of gross building floor area
Institutional	\$ 4.34 per square metre of gross building floor area