

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 2789

A bylaw to impose Parks Development Cost Charges within Greater Vernon Parks, Recreation and Culture Service for acquiring and improving trails and natural space

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**WHEREAS** pursuant to the *Local Government Act* the Board may, by bylaw, impose development cost charges;

**AND WHEREAS** development cost charges may be imposed for the purpose of providing funds to assist the Regional District to pay the capital costs of acquiring and improving park land in order to serve directly or indirectly, the Development for which the charges are imposed;

**AND WHEREAS** the Board has taken into consideration the matters set out in section 564(4)(a) through (d) of the *Local Government Act* and, in relation to the matters in section 564(4)(e) through (f), had determined that the charges as amended by this Bylaw:

- (i) are not excessive in relation to the capital cost of prevailing standards of service in the Development Area;
- (ii) will not deter Development in the Development Area;
- (iii) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Development Area; and
- (iv) will not discourage Development designed to result in a low environmental impact in the Development Area.

**NOW THEREFORE** the Board of the Regional District of North Okanagan in an open meeting assembled, hereby **ENACTS AS FOLLOWS:**

### CITATION

1. This Bylaw may be cited as “**Greater Vernon Trails and Natural Space Development Cost Charge Bylaw No. 2789, 2018**”.

### INTERPRETATION

2. (a) In this Bylaw:

“**Commercial**” means Development of a Commercial nature in a Commercial zone, or similar Commercial Development permitted in another zone, as set out in the zoning bylaw;

“**Congregate Care Facility**” means a facility where food and lodging together with 24-hour medical care and attention are provided to persons who, on account of age, infirmity, physical or mental disability, require constant care and attention. The facility must provide and operate a common central kitchen for food preparation and a dining room capable of seating all residents at one sitting;

“**Development**” has the same meaning as in section 558 of the *Local Government Act*.

“**Development Area**” means the service area for the Greater Vernon Parks, Recreation and Culture Service and includes the boundaries of the City of Vernon, the District of Coldstream, Electoral Area “B” and Electoral Area “C”.

“**Duplex**” means any building divided into two Dwelling Units connected by a common wall or by an adjoining ceiling/floor system with each Dwelling Unit occupied or intended to be occupied as a permanent home or residence of one household;

“**Dwelling Unit**” means one or more rooms used for residential accommodation of only one family when such room or rooms contain or provide for the installation of sleeping, sanitary, and only one set of cooking facilities;

“**Gross Floor Area**” means the sum of all areas of each storey measured between the exterior walls of such building;

“**Industrial**” means Development of an Industrial nature including such uses as production, wholesale, processing, fabricating, manufacturing, warehousing or storage in an Industrial zone, as set out in the zoning bylaw;

“**Institutional**” means Development of a public or Institutional nature in an Institutional zone, as set out in the zoning bylaw;

“**Multi-Family**” means a building containing two or more Dwelling Units or strata units, or a Development that includes two or more single family dwellings or Dwelling Units in separate buildings on one Parcel, including mobile or manufactured homes;

“**Not-for-Profit Rental Housing**” means low income housing that is owned by a non-profit corporation incorporated under the *Society Act* or a government organization and occupied or intended to be occupied under tenancy agreements as defined in the *Residential Tenancy Act*,

“**Occupancy Unit**” means a single room within a Congregate Care Facility for the residential accommodation of one or two persons;

“**Parcel**” means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

“**Regional District**” means the Regional District of North Okanagan.

- (b) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
- (c) A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
- (d) Words in the singular include the plural, and words in the plural include the singular.
- (e) Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.

## **SCHEDULES**

3. Schedule "A" is attached to and forms part of this Bylaw.

## **SEVERABILITY**

4. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder of the Bylaw continues to be valid.

## **DEVELOPMENT COST CHARGES PAYABLE**

5. Every person who obtains:

- (a) approval of a subdivision; or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure;

within the Development Area must pay to the Regional District the applicable development cost charges as set out in Schedule "A".

6. The development cost charge must be paid to the Regional District at the time of:

- (a) approval of the subdivision; or
- (b) building permit issuance.

7. Pursuant to section 561(6) of the Local Government Act, development cost charges are payable in relation to a development with fewer than four (4) self-contained Dwelling Units authorized by a building permit for the construction, alteration or extension of a building or part of a building.

8. The amount of development cost charges payable in relation to a Development shall be calculated from Schedule "A" as follows:

- (a) for all newly subdivided lots created by the subdivision of land, including bare land strata lots, one Single Family charge shall be imposed for each additional lot created, regardless of zoning and future land use;
- (b) for a Duplex building authorized by a building permit, one Single Family charge shall be imposed for the second Dwelling Unit;
- (c) for a Multi-Family Development authorized by a building permit, one Multi-Family charge shall be imposed for each Dwelling Unit;
- (d) for a Congregate Care Facility authorized by a building permit, one Congregate Care charge shall be imposed for each Occupancy Unit; and
- (e) for Industrial, Commercial or Institutional Development authorized by a building permit, the Industrial, Commercial or Institutional charge multiplied by the Gross Floor Area shall be imposed.

9. Where a type of Development is not identified on Schedule "A", the amount of development cost charges to be paid to the Regional District shall be equal to the development cost charges that would have been payable for the most comparable type of Development.
10. The amount of development cost charges payable in relation to a mixed-use type of Development authorized by building permit shall be calculated separately for each portion of the Development, according to the separate use types, and shall be the sum of the charges payable for each type.

#### DEVELOPMENT COST CHARGES NOT PAYABLE

11. Development cost charges are not payable in relation to:
  - (a) a building permit authorizing 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 as a place of public worship;
  - (b) a Development authorized by a building permit if the value of the work authorized by the building permit does not exceed \$50,000; or
  - (c) a building permit authorizing the construction, alteration or extension of self-contained Dwelling Units in a building if each unit is no larger than 29 m<sup>2</sup> and each unit is to be put to no other use other than residential use in those Dwelling Units.
12. Pursuant to section 563(1)(a) of the *Local Government Act*, development cost charges for Not-for-Profit Rental Housing are waived in their entirety.
13. Local government utility infrastructure projects are deemed to not impose new capital cost burdens on the Regional District and development cost charges are not payable in relation to building permits authorizing such buildings or structures.

#### REPEAL

14. "Greater Vernon Parks Recreation and Culture Service Development Cost Charge Bylaw No. 2279, 2007" and all amendments thereto are hereby repealed.

<b>Read a First, Second and THIRD Time</b>	this	18	day of	July, 2018
<b>Third Reading Rescinded</b>	this	17	day of	April, 2019
<b>Third Reading as Amended</b>	this	17	day of	April, 2019
<b>Approved by the Inspector of Municipalities</b>	this	10	day of	July, 2019
<b>ADOPTED</b>	this	21	day of	August, 2019

  
Chair  
Kevin Acton

  
Corporate Officer  
Paddy Juniper

### **Development Cost Charge Rates**

<b>Land Use Category</b>	<b>Parks DCC</b>	<b>Unit of Measure</b>
Single Family	\$1,577	per lot
Multi-Family	\$1,126	per dwelling unit
Congregate Care	\$563	per occupancy unit
Industrial	\$2.53	per m <sup>2</sup> of gross floor
Commercial	\$2.53	per m <sup>2</sup> of gross floor
Institutional	\$2.53	per m <sup>2</sup> of gross floor