VILLAGE OF KEREMEOS
BYLAW NO. 824, 2016
A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

WHEREAS pursuant to Section 559 of the *Local Government Act, RSBC 2015*, Council may, by bylaw, impose development cost charges under the terms and conditions of that section and all other sections of Division 19 - Development Cost Recovery;

AND WHEREAS in the consideration of Council, development cost charges may be imposed for the purpose of providing funds to assist the Village in paying the capital cost of providing, constructing, altering or expanding sewage, drainage and highway facilities, and providing and improving parkland, to service, directly or indirectly, the development for which the charges are imposed;

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

1. are not excessive relative to the capital cost of prevailing standards of service in the Village;

2. will not deter development in the Village;

3. will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Village; and

4. will not discourage development designed to result in a low environmental impact.

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

a) future land use patterns; and

b) capital projects consistent with the Village's Official Community Plan.

NOW THEREFORE the Council of the Village of Keremeos, in open meeting assembled, hereby enacts as follows:

1. Title

This bylaw may be cited for all purposes as “Development Cost Charge Bylaw No. 824, 2016”.

2. Interpretation

In this bylaw:

“Assisted Living Housing” means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. *Assisted living housing* usually provides supportive services like meals and housekeeping in additional to rental accommodation.

“Building” means a ***structure*** used or intended for supporting or sheltering any use or occupancy by persons, animals or property and which is permanently affixed to the land.

“Carriage Suite” means a self-contained dwelling that is separate, subordinate in size, and accessory to the principal dwelling on the same lot.

“Commercial” means a building or portion of a building used for any retail, tourist accommodation, personal or professional service, entertainment or recreational use, or other permitted use in the Village’s Zoning Bylaw.

“Dwelling Unit” means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of cooking facilities (unless a secondary suite is permitted in the applicable zone), and which is designed to be used for living and sleeping purposes.

“Garden Suite” means a self-contained one-storey dwelling that is separate, subordinate in size, and accessory to the principal dwelling on the same lot.

“Gross Floor Area” means the combined area of all floors within a building, including any basement or cellar, measured to the inside surface of the exterior walls of the building, but excluding areas used only for vehicle parking, elevator shafts, stairwells and heating and ventilating fixtures, and crawl spaces less than 1.5 metres in height.

“High Density Residential” means a land use containing three or more dwelling units having a density greater than forty (40) dwelling units per hectare of lot area or an assisted living facility unit.

“Industrial” means a building used or intended for industrial purposes as permitted under the Industrial categories of the Village’s Zoning Bylaw.

"Institutional" means a building used or intended for non-profit recreational, social, religious, governmental, public hospital, care facility or educational purposes, as permitted under the Village's Zoning Bylaw but excludes an assisted living facility.

"Low Density Residential" means a subdivision under the *Land Titles Act* or the *Strata Property Act* or a mobile home park for the purpose of creating parcels or spaces that may be used for residential occupancy and has an overall density up to but not greater than fifteen (15) units per hectare.

"Medium Density Residential" means a multiple-family dwelling unit, dwelling unit in a manufactured / mobile home park or strata development in a zone allowable within a designated Medium Density Residential (MR) area in the Official Community Plan; or Zoning Bylaw.

"Not-for-Profit Rental Housing" means rental housing subsidized by the Province of British Columbia or by a non-profit agency, which enables rents to be provided at below-market rates on a percentage of income basis, and is owned and operated by either a public or a non-profit agency.

Official Community Plan means the Village of Keremeos Official Community Plan.

"Secondary Suite" means a self-contained dwelling unit located within a principal single family dwelling accessory to the principal dwelling used or intended to be used as a residence, with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passage through any portion of the principal dwelling unit. A secondary suite does not include a duplex housing, townhouses or apartments.

"Subdivision" means a subdivision under the *Land Title Act* or the *Strata Property Act*.

"Village" means the Village of Keremeos.

"Zone" means a zone as set out in the Village of Keremeos Zoning Bylaw.

3. Charges

3.1 Development cost charges are hereby imposed on every person who obtains:

a) approval of a subdivision; or

b) a building permit authorizing the construction, alteration or extension of a building:

who shall pay to the Village the development cost charge in the amounts set out in Schedules A to D which are attached to and form part of this bylaw. The development cost charge shall be paid in full prior to approval of a subdivision or issuance of a building permit, as the case may be.

3.2 All charges imposed by this bylaw may be paid by instalments in accordance with B.C. Reg. 166/84 to the Local Government Act, being the Development Cost Charges (Instalments) Regulation.

3.3 Charges collected under this bylaw may be refunded only under the following circumstances:

a) The charge is incorrectly assessed or calculated;

b) Construction authorized under a Building Permit is not commenced within twelve (12) months of the issuance of a permit and the original Building Permit is returned to the Village.

3.4 Pursuant to section 561(6) of the *Local Government Act*, charges are payable under this bylaw in relation to a development comprising fewer than four dwelling units.

4. Exemptions

No charge is payable under Section 3 of this bylaw where:

4.1 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(l)(h) and 224(2)(f) of the Community Charter;

4.2 The value of the work authorized by the building permit does not exceed $50,000 or any other amount prescribed by regulation under the *Local Government Act*;

4.3 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;

4.4 A building is destroyed by fire or demolished for the purpose of redevelopment and 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 a Building Permit is issued within two (2) years of demolition or destruction of the original building;

4.5 Council MAY provide assistance by waiving or reducing a development cost charge where the building permit authorizes the construction of not-for-profit rental housing.

5. Repeal

On the Effective Date of this Bylaw, the “Village of Keremeos Development Cost Charge Bylaw No. 687, 2005” is hereby repealed in its entirety.

6. Effective Date

THAT this Bylaw shall take effect upon the date of its adoption by Council.

READ a first time this 7th day of November, 2016.

READ a second time this 21st day of November, 2016.

READ a third time this 21st day of November, 2016.

APPROVED by the Inspector of Municipalities this 14th day of November, 2018.

FINALLY ADOPTED this 21st day of January, 2019.



Mayor



Corporate Administration Officer

SCHEDULE A

DEVELOPMENT COST CHARGES FOR SANITARY SEWER

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1. Development Cost Charges are payable for Sanitary Sewer as follows:

	Class of Development		Development Cost Charge
a)	Low Density Residential	$1515	per dwelling unit
b)	Medium Density Residential	$1212	per dwelling unit
c)	High Density Residential, Garden Suite, Carriage House, Secondary Suite	$909	per dwelling unit
d)	Commercial	$7.87	per square meter of gross floor area
e)	Industrial	$3.03	per square meter of gross floor area
f)	Institutional	$6.66	per square meter of gross floor area

2. The assist factor for sanitary sewer is 1%.

SCHEDULE B

DEVELOPMENT COST CHARGES FOR DRAINAGE

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1. Development Cost Charges are payable for Drainage as follows:

	Class of Development		Development Cost Charge
g)	Low Density Residential	$293	per dwelling unit
h)	Medium Density Residential	$158	per dwelling unit
i)	High Density Residential, Garden Suite, Carriage House, Secondary Suite	$96	per dwelling unit
j)	Commercial	$0.93	per square meter of gross floor area
k)	Industrial	$0.46	per square meter of gross floor area
l)	Institutional	$0.88	per square meter of gross floor area

2. The assist factor for drainage is 1%.

SCHEDULE C

DEVELOPMENT COST CHARGES FOR MUNICIPAL ROADS

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1. Development Cost Charges are payable for Municipal Roads as follows:

	Class of Development		Development Cost Charge
m)	Low Density Residential	$4376	per dwelling unit
n)	Medium Density Residential	$2801	per dwelling unit
o)	High Density Residential, Garden Suite, Carriage House, Secondary Suite	$2631	per dwelling unit
p)	Commercial	$29.70	per square meter of gross floor area
q)	Industrial	$12.73	per square meter of gross floor area
r)	Institutional	$38.19	per square meter of gross floor area

2. The assist factor for roads is 1%.

SCHEDULE D

DEVELOPMENT COST CHARGES FOR PARKS

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1. Development Cost Charges are payable for Parks as follows:

	Class of Development		Development Cost Charge
s)	Low Density Residential	$922	per dwelling unit
t)	Medium Density Residential	$738	per dwelling unit
u)	High Density Residential, Garden Suite, Carriage House, Secondary Suite	$553	per dwelling unit
v)	Commercial	$0.00	per square meter of gross floor area
w)	Industrial	$0.00	per square meter of gross floor area
x)	Institutional	$0.00	per square meter of gross floor area

2. The assist factor for parks is 1%.