

# **DEVELOPMENT COST CHARGE BYLAW VILLAGE OF PEMBERTON BYLAW No. 723, 2013**

## **CONSOLIDATED VERSION**



### **LAST OFFICE CONSOLIDATION: May 31, 2022**

This document is an office consolidation of the Village of Pemberton Development Cost Charge Bylaw No. 723, 2013 (adopted October 15, 2013) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Development Cost Charge Bylaw No. 723, 2013, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: [admin@pemberton.ca](mailto:admin@pemberton.ca).

### List of Amending Bylaws

<b>BYLAW NO.</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>ADOPTED</b>
930, 2022	2  4.2; 4.3	Adds definitions of <i>eligible development, eligible development, for-profit, eligible development, not-for-profit, and housing agreement</i> . Adds provision for the waiver or reduction of charges for eligible developments.	May 19, 2022

**VILLAGE OF PEMBERTON  
BYLAW No. 723, 2013  
Development Cost Charges**

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**Being a bylaw to establish Development Cost Charges**

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A Bylaw to establish Development Cost Charges for the Village of Pemberton Wastewater System, Water System, Roads, Park Land and Drainage as follows:

**WHEREAS** the Council may, pursuant to Section 933 of the *Local Government Act*, impose Development Cost Charges under the terms and conditions of that section;

**AND WHEREAS** Development Cost Charges may be imposed for the sole purpose of providing funds to assist the Municipality in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities and providing park land or any of them, in order to service, directly or indirectly, the development for which the charges are imposed;

**AND WHEREAS** in the consideration of Council the charges imposed by this bylaw:

1. are not excessive in relation to the capital cost of prevailing standards of service in the Municipality;
2. will not deter development in the Municipality;
3. will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;

**NOW THEREFORE** the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

**1 CITATION and SCHEDULES**

- 1.1 This bylaw may be cited for all purposes as "Village of Pemberton Development Cost Charges Bylaw No. 723, 2013."
- 1.2 Schedule "A" is attached to and forms part of this Bylaw.

**2 INTERPRETATION**

- 2.1 In this bylaw:

**Apartment** means any Dwelling Unit, other than a townhouse, that is or will be situated in any building or structure that consists of, or will consist of, at least four dwelling units.

**Approving Officer** means a person appointed by the Village under the *Land Title Act* to review subdivision applications and carry out the duties, powers and functions of an approving officer under the *Land Title Act* and *Local Government Act*, or a person designated to act in the place of that officer.

**Building Official** means a person appointed by the Village to issue a building permit under the applicable bylaw for the Village, or a person designated to act in the place of that official.

**Commercial use** means a use of space for retail sale, restaurant, professional service, personal service, business office, hotel, motel or other tourist accommodation, entertainment, recreation, adult or child care facility, or other business purpose, other than for an industrial or institutional use or a home occupation within a dwelling unit.

**Duplex** means a “duplex residential use” as defined in the Zoning Bylaw.

**Dwelling unit** means one or a set of habitable rooms, used or intended to be used for the residential accommodation of one family and containing only one set of cooking facilities;

**Eligible development** (*Amendment Bylaw No. 930, 2022*) means the development of rental dwelling unit(s) pursuant to a housing agreement with the Village of Pemberton or rental dwelling units developed by a not-for-profit, community service, or government agency to provide affordable housing and is either eligible development – for profit or eligible development – not for profit.

**Eligible development - for profit** (*Amendment Bylaw No. 930, 2022*) means the development of rental dwelling unit(s) pursuant to a *housing agreement* with the Village of Pemberton, which specifically includes a prohibition on strata-titling for a period of not less than ten (10) years and does not qualify as eligible development – not for profit.

**Eligible development - not for profit** (*Amendment Bylaw No. 930, 2022*) means the development of rental or supportive living dwelling unit(s):

- a) by a not-for-profit, community service, or government agency with a mandate to provide affordable or supportive living housing; or
- b) by anyone pursuant to a *housing agreement* with the Village of Pemberton which restricts rents to below market values as defined by BC Housing, Canada Mortgage and Housing Corporation, or the Village of Pemberton for a period of not less than twenty (20) years.

**Housing agreement** (*Amendment Bylaw No. 930, 2022*) has the same meaning as in the *Local Government Act* and includes *housing agreements* adopted by bylaw between the Village of Pemberton and a developer, and any agreement with BC

Housing, Canada Mortgage and Housing Corporation or other government funded agency that restricts the dwelling units to affordable units as defined by the Village of Pemberton or the other government funded agency.

**Industrial use** has the same meaning as defined in the Zoning Bylaw.

**Institutional use** means a use providing for public functions not otherwise included as a commercial or industrial use, and for certainty, includes

- (a) government offices, courts, police stations, and jails;
- (b) public hospitals, adult or child care facilities, and schools, college or university facilities, any of which are operated by a government body or by a non-profit or charitable organization registered as such under Provincial or Federal legislation; and
- (c) any civic use as defined in the Zoning Bylaw.

**Minor Change** means a change to the scope of work authorized by a building permit which results in an increase of five percent (5%) or less in the cumulative total square footage of the dwelling unit of all dwelling units, the building area, the number of dwelling units within a building or on a lot, or the developed area of a lot.

**Single family dwelling** has the same meaning as single residential dwelling in the Zoning Bylaw.

**Single Family Small** means any single residential lot which is smaller than 700 m<sup>2</sup>.

**Subdivision** means the division of land into 2 or more parcels under the *Land Title Act* or *Strata Property Act*.

**Substantial change** means a change to the scope of work authorized by a building permit which results in either:

- a) an increase by more than five percent (5%) in the cumulative total square footage of the dwelling units, the building area, the number of dwelling units within a building or on a lot, or the developed area of a lot; or
- b) a change to the zone or land use on which the Development Cost Charges was based, as determined by the Village.

**Townhouse** means a single building comprised of at least four dwelling units, separated one from the other by party walls extending normally from the foundation or the top of a common parking garage to the roof of the dwelling units, with each dwelling unit having a separate, direct entrance from the grade of the ground; and includes all row, linked, patio, garden, court or other housing that meets these criteria.

**Village** means the Village of Pemberton.

**Zoning Bylaw** means the *Village of Pemberton Zoning Bylaw No. 466, 2001*, as amended or replaced from time to time.

- 2.2 Unless defined herein, words and phrases in this Bylaw have the same meaning as in the *Zoning Bylaw*, as the context and circumstances may require. Any difficulties of interpretation in this Bylaw will be resolved by construing it in a manner that is consistent with the *Local Government Act* and the *Community Charter*.
- 2.3 If any part of this bylaw is held to be invalid by a court of competent jurisdiction, that part is severed and the remainder of this bylaw continues to be valid and in force.

### **3 CHARGES PAYABLE**

- 3.1 Subject to the exceptions set out in the *Local Government Act* or another Act of British Columbia or of Canada, every person who obtains:

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

must pay to the Village the development cost charges calculated in accordance with Schedule "A".

#### **Subdivision**

- 3.2 Charges payable in relation to subdivision approval are based on:
- (a) for non-residential development, the total parcel area before subdivision; and
  - (b) for residential units, the maximum number of dwelling units permitted under the Zoning Bylaw.

#### **Building Permit**

- 3.3 Charges payable in relation to the issuance of a building permit are based on:
- (a) for non-residential development, the floor space area for commercial and institutional and total parcel area for industrial ; and
  - (b) for residential development, the actual number of dwelling units.

3.4 If, in relation to a building permit:

- (a) a minor change is proposed, the development cost charges will be recalculated based on the increase in building area, developed area, or dwelling units (as applicable) using the rates in the development cost charges bylaw that are in effect at the time of the revision permit. The difference between the amount originally charged and the recalculated charges must be paid at or before the time the revision permit is issued.

## 4 EXEMPTIONS, WAIVERS AND REDUCTIONS

4.1 Despite section 3.1 (b), development cost charges do not apply to a development authorized by a building permit if:

- (a) the permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the work under the permit is carried out, exempt from taxation under a statute;

- (b) after the construction, alteration or extension, the building:

- i. will contain fewer than 4 self-contained dwelling units, each to be used solely for residential purposes; and
  - ii. be put to no other use other than the residential use in those dwelling units;

- (c) the value of the work authorized by the permit does not exceed \$50,000, or an amount established by a regulation of the minister; or

- (d) in relation to the construction, alteration or extension of self-contained dwelling units in a building authorized under the permit, each unit is no larger in area than 20 square metres, and each unit is to be put to no other use other than the residential use in those dwelling units.

4.2. The authority to administer waivers and reductions to the Development Cost Charge Bylaw is delegated to the *Building Official* for building permit applications which would otherwise trigger payment of development cost charges. (Amendment Bylaw No. 930, 2022)

4.3. For an *eligible development*, the Village of Pemberton may: (Amendment Bylaw No. 930, 2022)

- (a) reduce by 25% the total development cost charges payable for each *eligible development - for profit* dwelling unit; or
- (b) waive entirely the payment of development cost charges for each *eligible development - not for profit* dwelling unit.

## **5 WHEN PAYMENTS ARE OWING**

- 5.1 Charges imposed under this Bylaw are due and payable at the time of approval of the subdivision or issuance of the building permit in respect of which the charges are imposed.

## **6 PAYMENT BY INSTALMENTS**

- 6.1 A person on whom a charge under this Bylaw is imposed may elect to pay it by instalments in accordance with the *Development Cost Charge (Instalments) Regulation* under the *Local Government Act*.

## **7 IN-STREAM APPLICATIONS**

- 7.1 If a proposed subdivision has been approved or a building permit has been issued pursuant to an application received by the Village prior to the date of adoption of this Bylaw, the development cost charges payable shall be the lesser of the amounts payable under this Bylaw and the amounts payable under the *Village of Pemberton Development Cost Charges Bylaw No. 521, 2004*, as of its most recent amendment.

- 7.2 If, at the date of adoption of this Bylaw,

(a) an application for issuance of a building permit authorizing the construction, alteration or extension of a building or structure has been submitted to the Building Official, in a form satisfactory to the Building Official; or

(b) an application for approval of a subdivision has been submitted to the Approving Officer in a form satisfactory to the Approving Officer; and

(c) the applicable charges established in Schedule A have been fully paid,

Development Cost Charges that would have applied under the *Village of Pemberton Development Cost Charges Bylaw No. 521, 2004* shall continue to apply for a period of 12 months after the date of adoption of this Bylaw, unless the applicant agrees in writing that the charges in this Bylaw should have effect.

## **8 REPEAL AND EFFECTIVE DATE**

- 8.01 The *Village of Pemberton Development Cost Charges Bylaw No. 521, 2004*, and all amendments thereto, are hereby repealed.

- 8.02 This Bylaw becomes effective on the date of its adoption.



**READ A FIRST TIME** this 5th day of February, 2013.

**READ A SECOND TIME** this 5<sup>th</sup> day of February, 2013.

**READ A THIRD TIME** this 21<sup>st</sup> day of May 2013.

Certified to be a true and correct copy of "Village of Pemberton Development Cost Charges Bylaw No. 723, 2013." as at third reading.

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Sheena Fraser, Corporate Officer

**APPROVED** by the Inspector of Municipalities this 2<sup>nd</sup> day of October, 2013.

**ADOPTED** this 15<sup>th</sup> day of October, 2013.

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Mayor Jordan Sturdy

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Corporate Officer

**SCHEDULE "A"**  
**VILLAGE OF PEMBERTON**  
**DEVELOPMENT COST CHARGE**  
**BYLAW NUMBER 723, 2013**

<b>USE</b>	<b>Unit</b>	<b>Roads</b>	<b>Drainage</b>	<b>Sewer</b>	<b>Water</b>	<b>Parkland</b>	<b>Total</b>
Single Family	Lot	\$ 927.06	\$ 86.76	\$ 2,037.98	\$989.82	\$1,315.31	<b>\$ 5,356.93*</b>
Single Family, Small	Lot	\$ 599.86	\$ 46.85	\$ 1,585.09	\$769.86	\$1,023.02	<b>\$ 4,024.68*</b>
Townhouse	Dwelling	\$ 563.51	\$ 28.63	\$ 1,358.65	\$659.88	\$ 876.87	<b>\$ 3,487.54*</b>
Apartment	Dwelling	\$ 363.55	\$ 23.42	\$ 905.77	\$439.92	\$ 584.58	<b>\$ 2,317.25*</b>
Institutional	Sq.m FA	\$ 16.36	\$ 0.28	\$ 4.98	\$ 2.42	\$ 9.44	<b>\$ 33.48*</b>
Commercial	Sq.m FA	\$ 12.72	\$ 0.20	\$ 5.89	\$ 1.97	\$ 3.86	<b>\$ 24.64*</b>
Industrial	Sq.m Lot	\$ 2.52	\$ 0.26	\$ 2.91	\$ 1.46	\$ -	<b>\$ 7.15*</b>

\* Increased over first & second reading due to increase in Water:

<b>USE</b>	<b>First &amp; Second Reading</b>	<b>Third Reading</b>	<b>Difference</b>
Single Family	<b>\$ 5,341.38</b>	<b>\$ 5,356.93*</b>	<b>\$15.55</b>
Single Family, Small	<b>\$ 4,012.59</b>	<b>\$ 4,024.68*</b>	<b>\$12.09</b>
Townhouse	<b>\$ 3,477.18</b>	<b>\$ 3,487.54*</b>	<b>\$10.36</b>
Apartment	<b>\$ 2,310.33</b>	<b>\$ 2,317.25*</b>	<b>\$ 6.92</b>
Institutional	<b>\$ 33.44</b>	<b>\$ 33.48*</b>	<b>\$ .04</b>
Commercial	<b>\$ 24.62</b>	<b>\$ 24.64*</b>	<b>\$ .02</b>
Industrial	<b>\$ 7.12</b>	<b>\$ 7.15*</b>	<b>\$ .03</b>