

VILLAGE OF PEMBERTON

**BYLAW No. 723, 2013
Development Cost Charge**

Being a bylaw to establish Development Cost Charges

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;

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 m².

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

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.

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 5th day of February, 2013.

READ A THIRD TIME this 21st 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.



Sheena Fraser, Corporate Officer

APPROVED by the Inspector of Municipalities this 2nd day of October, 2013.

ADOPTED this 15th day of October, 2013.

Mayor Jordan Sturdy

Corporate Officer

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

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

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

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