

TOWN OF SIDNEY

BYLAW NO. 2301

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES.

WHEREAS pursuant to the *Local Government Act*, the Council of the Town of Sidney may, by Bylaw, impose Development Cost Charges;

AND WHEREAS Development Cost Charges may be imposed for the purpose of providing funds to assist the municipality in paying the capital costs of providing, constructing, altering, or expanding sanitary sewer; water supply and distribution; drainage; transportation infrastructure; providing and improving park land to service directly or indirectly, the development for which the charges are imposed;

AND WHEREAS the Council of the Town of Sidney is of the opinion that the charges imposed by this Bylaw:

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

AND WHEREAS Council has considered the charges imposed by this Bylaw in relation to future land use patterns and development, the phasing of works and services and the provision of park land described in the Official Community Plan, and how development designed to result in a low environmental impact may affect the capital costs of sanitary sewer; water supply and distribution; drainage; transportation infrastructure; and providing and improving park land;

AND WHEREAS in the opinion of the Council, the charges imposed by this Bylaw are related to capital costs attributable to projects included in the municipality's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan.

NOW THEREFORE, the Council of the Town of Sidney, in open meeting assembled, enacts as follows:

PART 1 - GENERAL ADMINISTRATION

- 1.1 This Bylaw may be cited as "Town of Sidney Development Cost Charges Bylaw No. 2301".

PART 2 - DEFINITIONS AND INTERPRETATION

- 2.1 This Bylaw applies to all applications for Subdivisions and all issuances of Building Permits for Lots located in the Town of Sidney.
- 2.2 In the event of a conflict between any term of this Bylaw and the provisions of the *Local Government Act* authorizing the imposition of Development Cost Charges, this Bylaw is to be interpreted so that it is consistent with the authority set out in the *Local Government Act*.
- 2.3 For the purposes of this Bylaw, the words or phrases that are not defined in this section shall have the meaning assigned to them in the Zoning Bylaw.
- 2.4 In this Bylaw:

Building: Any Structure used or intended for supporting or sheltering any use or occupancy.

Building Permit: Means a permit authorizing the Construction, alteration, or extension of a Building or Structure.

Commercial: A commercial development in a commercial Zone listed in the Zoning Bylaw, or a similar development in another Zone where it is permitted under the Zoning Bylaw.

Construction: Includes any building, erection, installation, repair, alteration, addition, enlargement, or reconstruction activity requiring a Building Permit.

Development Cost Charge (DCC): Means the applicable rates prescribed in Schedule "A" to this Bylaw

Dwelling Unit: A housekeeping unit, used or intended to be used as a domicile or separate living quarters by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities. Includes Secondary Suites.

Gross Floor Area (GFA): The sum of the floor areas of all roofed portions of a Building, as measured from the exterior faces of the exterior walls, and exposed supporting columns.

High Density Residential: A Building or portion of a Building containing three or more Dwelling Units accessed primarily through a shared corridor or common lobby, one or more of which are located wholly or partly above another Self-Contained Dwelling Unit.

Industrial: An industrial development in an industrial Zone listed in the Zoning Bylaw, or a similar development in another Zone where it is permitted under the Zoning Bylaw.

Institutional: An institutional development in an institutional Zone listed in the Zoning Bylaw, or a similar development in another Zone where it is permitted under the Zoning Bylaw.

Lot: Means a separate and distinct parcel of land that is legally defined by a recorded Subdivision plan or description of land registered in the Provincial Land Title Office; and for clarity includes Strata lots.

Low Density Residential: A residential development containing up to two Dwelling Units on a Lot.

Medium Density Residential: Three or more Dwelling Units where each Dwelling Unit has an individual, ground-oriented entrance from the exterior (i.e., not accessed through a shared corridor or common lobby).

Secondary Suite: A type of Dwelling Unit, built to comply with BC Building Code requirements for secondary suites.

Self-Contained: A Dwelling Unit that has its own entrances, electrical meters, heating systems, kitchen, bathroom facilities and access to mechanical appliances (e.g. hot water heaters, furnaces).

Structure: Anything that is erected or constructed and is attached to, supported by or sunk into land or water; does not include landscaping, fencing, pergolas, surfacing improvements and retaining walls less than 1.2 metres in height.

Subdivision: Means the division of land into two or more Lots whether by plan or by descriptive words or otherwise.

Zone: Means the zones identified and defined in the Zoning Bylaw.

Zoning Bylaw: Means the Town of Sidney Zoning Bylaw No. 2275, as amended, or repealed and replaced, from time to time.

PART 3 - DEVELOPMENT COST CHARGES

3.1 The Development Cost Charges set out in Schedule "A", attached hereto and forming part of this Bylaw, are hereby imposed on every person who obtains:

(a) approval of a Subdivision of land under the *Land Title Act* or the *Strata Property Act*, that results in two or more Lots on which the Zoning Bylaw permits the Construction of Low Density Residential units; or

(b) approval of a Building Permit authorizing the Construction of Medium Density Residential, High Density Residential, Commercial, Industrial, or Institutional;

and the Development Cost Charge shall be paid upon approval of a Subdivision or issuance of a Building Permit, as the case may be.

- 3.2 For certainty, this Bylaw imposes charges in respect of Building Permits authorizing the Construction, alteration or extension of Buildings that will, after the Construction, alteration or extension, contain fewer than four Self-Contained Dwelling Units and be put to no other use than residential use in those Dwelling Units.

PART 4 - EXEMPTIONS

- 4.1 Despite any other provision of this Bylaw, a Development Cost Charge is not payable if any of the following applies in relation to a development authorized by a Building Permit:
- (a) the permit authorizes the Construction of a Building or part of a Building that is, or will be, after the Construction, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter*;
 - (b) the permit authorizes the Construction of Dwelling Units in a Building, the area of each Dwelling Unit is no larger than 29m², and each Dwelling Unit will be put to no other use than residential use;
 - (c) the value of the work authorized by the Building Permit does not exceed \$50,000;
 - (d) a Development Cost Charge has previously been paid for the development unless, as a result of further development, new capital cost burdens will be imposed on the municipality; or
 - (e) the *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

PART 5 - CALCULATION OF APPLICABLE CHARGES

- 5.1 The amount of Development Cost Charges payable in relation to a particular development shall be calculated using the applicable charges set out in Schedule "A" of this Bylaw.
- 5.2 Where a type of development is not specifically identified in Schedule "A" the amount of Development Cost Charges to be paid to the Town shall be equal to the Development Cost Charges that are payable for a type of development that, in the opinion of the Director of Development Services or their designate, imposes the most similar cost burden on the Town's transportation, sanitary sewer, water, drainage, and park services.
- 5.3 The amount of Development Cost Charges payable in relation to mixed-use types of development shall be calculated separately for each portion of the development, in accordance with Schedule "A", based on the mix of uses included in the Building Permit application, and the total Development Cost Charges payable shall be the sum of the charges payable for each type.

- 5.4 For certainty, a development on one Lot that contains one or two Dwelling Units will be charged one Low Density Residential Development Cost Charge.

PART 6 - EFFECTIVE DATE

- 6.1 This Bylaw shall come into force and effect on the date of adoption.

PART 7 - SEVERABILITY

- 7.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw remains valid.

PART 8 - REPEAL

- 8.1 Town of Sidney Development Cost Charge Bylaw 1998, No. 1440, and all amendments thereto, are repealed.

Read a first time on the 27th day of April, 2026.

Read a second time on the 27th day of April, 2026.

Read a third time on the 27th day of April, 2026.

Approved by the Inspector of Municipalities this 4th day of August, 2026.

Adopted on the 14th day of September, 2026.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

ATTACHED TO TOWN OF SIDNEY

DEVELOPMENT COST CHARGES BYLAW NO. 2301

Land Use	Unit	Transportation	Water	Drainage	Sanitary	Parks	Total
Low Density Residential	Per Lot	\$4,868	\$1,084	\$3,014	\$2,099	\$6,671	\$17,736
Medium Density Residential	Per Dwelling Unit	\$2,216	\$738	\$1,457	\$1,428	\$4,539	\$10,378
High Density Residential	Per Dwelling Unit	\$2,081	\$449	\$728	\$869	\$2,763	\$6,890
Commercial	Per m ² of GFA*	\$33.57	\$3.53	\$8.04	\$6.83	\$4.34	\$56.31
Industrial	Per m ² of GFA	\$10.07	\$1.44	\$5.53	\$2.79	\$1.78	\$21.61
Institutional	Per m ² of GFA	\$33.57	\$3.53	\$8.04	\$6.83	\$4.34	\$56.31

*GFA = Gross Floor Area