

TOWN OF SIDNEY

BYLAW NO. 2302

A BYLAW TO IMPOSE AMENITY COST CHARGES.

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

AND WHEREAS Amenity 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 a facility or feature (amenity) that provides social, cultural, heritage, recreational or environmental benefits to a community, and service, directly or indirectly, the development for which the charges are imposed;

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, expected increases in population growth of residents and workers, the Financial Plan, and how development designed to result in a low environmental impact may affect the capital costs of facilities or features;

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 "Amenity Cost Charges Bylaw No. 2302".

PART 2 - DEFINITIONS AND INTERPRETATION

2.1 This Bylaw applies to all applications for Subdivisions and for issuance of a Building Permits for Lots located in the Town of Sidney.

2.2 In the event of a conflict of any term of this Bylaw with the provisions of the *Local Government Act* authorizing the imposition of Amenity 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:

Amenity Cost Charges (ACC): Means the applicable rates prescribed in Schedule "A" to 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.

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 2275, as amended, or repealed and replaced from time to time.

PART 3 - AMENITY COST CHARGES

- 3.1 Pursuant to section 570.2(1) of the *Local Government Act* for the purpose of providing funds to assist the Town in paying the capital costs of providing, constructing, altering or expanding the amenities set out in Schedule "B" to this Bylaw to service, directly or indirectly, the development and the increased population of residents or workers that results from the development for which the charge is being imposed, the Amenity 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 Amenity 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, an Amenity 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, 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(1)(h) or 224(2)(f) of the *Community Charter*;
 - (b) in relation to affordable and special needs housing units that are required under an affordable and special needs housing zoning Bylaw, as defined under section 478(1) of the *Local Government Act*;
 - (c) that is expected to result in no increase in the population of residents or workers from the development;
 - (d) if an Amenity Cost Charge or Development Cost Charge in respect of that amenity has previously been paid for the same development, unless further development is expected to result in an increase in the population of residents or workers;
 - (e) if the development falls within any class of affordable housing prescribed by regulation;
- or,

- (f) the *Local Government Act* or any regulations thereunder provide that no Amenity Cost Charge is payable.

PART 5 - CALCULATION OF APPLICABLE CHARGES

The amount of Amenity 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 Amenity Cost Charges to be paid to the Town shall be equal to the Amenity Cost Charges that are payable for the most comparable type of development that in the opinion of the Director of Development Services imposes the most similar cost burden on the Town's amenities.
- 5.3 The amount of Amenity Cost Charges payable in relation to mixed-use type 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 Amenity 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 Amenity 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.

Read a first time the _____ day of _____, 2026.

Read a second time the _____ day of _____, 2026.

Read a third time the _____ day of _____, 2026.

Adopted the _____ day of _____, 2026.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

ATTACHED TO TOWN OF SIDNEY
AMENITY COST CHARGES BYLAW NO. 2302

Land Use	Unit	ACC Rate
Low-Density Residential	Per Lot	\$608
Medium-Density Residential	Per Dwelling Unit	\$414
High-Density Residential	Per Dwelling Unit	\$252
Commercial	Per m ² of GFA*	\$0.40
Industrial	Per m ² of GFA*	\$0.16
Institutional	Per m ² of GFA*	\$0.40

*GFA = Gross Floor Area

SCHEDULE “B”

ATTACHED TO TOWN OF SIDNEY

AMENITY COST CHARGES BYLAW NO. 2302

List of Amenities:

- Development of sports courts, including but not limited to lighting, practice fields, and disc golf park (Phillip Brethour Park, Rathdown Park).
- Lighting for Town-wide multisport court (Iroquois Park).
- Improvements to community gathering spaces (Rathdown Park).
- Town-wide art installations, including but not limited to First Nations art (Totem Park).
- Landscape and park improvements, including but not limited to public exercise equipment (Tulista Park).