DISTRICT OF OAK BAY

BYLAW NO. 4892

A BYLAW TO IMPOSE AMENITY COST CHARGES

WHEREAS pursuant to the *Local Government Act,* the Council of the District of Oak Bay 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 District of Oak Bay, in open meeting assembled, enacts as follows:

PART 1 - GENERAL ADMINISTRATION

1.1 This bylaw may be cited as "Amenity Cost Charges Bylaw No. 4892, 2024".

PART 2 - DEFINITIONS AND INTERPRETATION

2.1 This bylaw applies to all applications for subdivisions and for issuance of a building permit for parcels located in the District of Oak Bay.

2.2 In the event of a conflict with 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:

(a) **"Accessory Dwelling Unit"** means a self-contained dwelling unit within a building of secondary use which contains sleeping facilities, sanitary facilities, and cooking facilities

that are for the exclusive use of the occupant(s) of the suite, and is located in a building smaller than a principal building located on the same lot, and may be situated above a detached garage.

(b) **"Amenity Cost Charges" (ACC)** means the applicable rates prescribed in Schedule A to this bylaw.

(c) **"Building Permit"** means any permit required under the District of Oak Bay Building and Plumbing Bylaw, No. 4247, 2005 as amended, or repealed and replaced from time to time.

(d) **"Commercial"** means a commercial development in a commercial zone listed in the Zoning Bylaw or a similar development in another zone permitted in accordance with the Zoning Bylaw, in which the predominant use of the zone, as determined by its purpose and list of permitted uses, is of a commercial nature.

(e) **"Construction"** includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.

(f) **"District"** means The Corporation of the District of Oak Bay.

(g) **"Dwelling, Multiple-Unit"** means a principal building consisting of three (3) or more dwelling units.

(h) **"Dwelling, One-Unit"** means a principal building used exclusively for residential purposes and consisting of one (1) dwelling unit and may include a fully enclosed Secondary Suite as an independent Dwelling Unit located within the principal building.

(i) **"Dwelling, Two-Unit"** means a principal building used exclusively for residential purposes and consisting of two (2) primary dwelling units, and each primary dwelling unit in a Two-Unit Dwelling may include one fully enclosed Secondary Suite as an independent dwelling unit located within the principal building.

(j) **"Dwelling Unit"** means one (1) or more habitable rooms used for residential purposes where such room or rooms contain or provide for the installation of only one (1) set of cooking facilities and one (1) or more sets of sanitary facilities.

(k) **"Gross Floor Area"** or **"GFA"** shall have the same meaning as that contained in the Zoning Bylaw.

(l) **"High Density Residential"** means a building or portion of a building(s) containing 3 or more self-contained Multiple-Unit Dwellings accessed through a common hallway, one or more of which are wholly or partly above another self-contained dwelling unit.

(m) **"Industrial"** means an industrial development in a zone listed in the Zoning Bylaw, or similar development in another Zone permitted in accordance with the Zoning Bylaw, in which the predominant use, as determined by its general purpose and list of permitted uses, is of an industrial nature.

(n) **"Institutional"** means an institutional development in an institutional use zone listed in

the Zoning Bylaw or a similar development in another zone permitted in accordance with the Zoning Bylaw, in which the predominant use of the zone, as determined by its purpose and list of permitted uses, is of an institutional nature.

(o) **"Lot"** means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office.

(p) **"Low Density Residential"** means a One-Unit Dwelling, which may contain one additional dwelling unit in the form of a secondary suite or an Accessory Dwelling Unit, OR a Two-Unit Dwelling, wherein each unit may also contain one fully enclosed secondary suite.

(q) **"Medium Density Residential"** means a Multiple-Unit Dwelling building(s) containing 3 or more self-contained units accessible through separate, ground-oriented entrances (i.e., not accessed through a common hallway). Forms of development include Accessory Dwelling Units, secondary suites, townhouses, triplexes, fourplexes, mobile homes, and modular homes.

(r) **"Parcel"** means a lot, block or other area in which land is held or into which land is subdivided.

(s) **"Secondary Suite"** means a self-contained dwelling unit containing sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite and is smaller than, secondary to, and connected to a primary dwelling unit located within a principal building on the same lot.

(t) **"Structure"** means any construction, except a building, fixed to, supported by, or sunk into land or water, and includes but is not limited to fences, walls, and below grade stairs and patios; and excludes paved parking surfaces and on grade patios.

(u) **"Subdivision"** means any change in the existing size, shape, number of arrangement of a lot or lots, whether by plan or metes and bounds description.

(v) **"Zone"** means the zones, areas, or districts identified, established, and defined in the Zoning Bylaw.

(w) **"Zoning Bylaw"** means the District of Oak Bay Zoning Bylaw, No. 3531, 1986 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 District 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 Parcels on which the Zoning Bylaw permits the construction of Low Density Residential;

(b) approval of a Building Permit authorizing the Construction of Low Density Residential on an existing Parcel; or

(c) 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, of buildings or structures that will, after the Construction, contain fewer than four Dwelling Units and for which the Dwelling Units in the building or structure will be put to no use other than residential use.

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) an amenity cost charge is not payable 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) no increase in the population of residents or workers is expected to result from the development;

(d) an amenity cost charge in respect of a particular amenity is not payable 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) 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

5.1 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 District shall be equal to the amenity cost charges that are payable for the most comparable type of development.

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 The District will consider provision of an amenity in lieu of an amenity cost charge payment in accordance with section 570.9 of the *Local Government Act*.

5.5 For certainty, a Two-Unit Dwelling will be charged two (2) Low Density Residential amenity cost charges.

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	9th day of December	2024
READ A SECOND TIME the	9th day of December	2024
READ A THIRD TIME the	9th day of December	2024
ADOPTED the	day of	2024

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MAYOR

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CORPORATE OFFICER

SCHEDULE “A”

ATTACHED TO

AMENITY COST CHARGES BYLAW NO. 4892, 2024

	Unit	Total
Low-Density Residential	Per lot or dwelling unit	$9,465
Medium Density Residential	Per dwelling unit	$6,441
High Density Residential	Per dwelling unit	$3,921
Commercial	Per m^2 of GFA*	$6.16
Industrial	Per m^2 of GFA	$2.52
Institutional	Per m^2 of GFA	$6.16

*GFA = Gross Floor Area

SCHEDULE “B”

ATTACHED TO

AMENITY COST CHARGES BYLAW NO. 4892, 2024

List of Amenities:

1. Carnarvon Park: Building Expansion
2. Carnarvon Park: Additional Childcare Spaces
3. Greater Victoria Public Library Expansion
4. Oak Bay Recreation Centre: Fitness Studio Expansion
5. Henderson Recreation Centre: Fitness Studio and Changeroom Expansion
6. Monterey Recreation Centre: Expansion
7. Oak Bay Recreation Centre: Master Plan and Preliminary Design
8. Bike/E-Bike Shelters and Charging Stations (Oak Bay, Henderson, and Monterey Recreation Centres)
9. Henderson Kiwanis Park Improvements
10. Windsor Park Improvements
11. Carnarvon Park Pickleball Courts Improvements