The Corporation of the City of Courtenay

Bylaw No. 3207

A bylaw to impose amenity cost charges.

WHEREAS pursuant to the *Local Government Act,* the Council of the City of Courtenay 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 services, 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 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 City of Courtenay, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw shall be cited as "**Amenity Cost Charges Bylaw No. 3207**".

Definitions

2. In this Bylaw:

"Building Permit"	means any permit required under the City of Courtenay Building Bylaw, as amended, or repealed and replaced from time to time.
"City"	means the City of Courtenay.
"Commercial"	means a Commercial Development in a Commercial Zone, or a 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 permitted uses, is of a Commercial nature. Commercial uses generally include buying, selling, or trading of goods or services direct to consumers, administrative, professional, or other business operations.

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"Construction"	includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
"Detached Accessory Dwelling Unit"	means a self-contained Dwelling Unit designed to the applicable regulations under the Zoning Bylaw, that is detached from and clearly accessory to a One-Unit Dwelling or Two-Unit Dwelling and includes coach houses, carriage houses, or laneway houses, and may be situated above a detached garage.
"Development"	means Construction that requires the issuance of a Building Permit or Subdivision approval.
"Dwelling, Multiple-Unit"	means a principal building consisting of three (3) or more Dwelling Units.
"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.
"Dwelling, Two-Unit"	means a principal building used exclusively for residential purposes and consisting of two (2) principal Dwelling Units, and each principal Dwelling Unit in a Two-Unit Dwelling may include one fully enclosed Secondary Suite as an independent Dwelling Unit located within the principal building.
"Dwelling Unit"	means a room, a suite of rooms or a building or structure that is used or intended to be used as a self-contained private residence for one (1) household that may contain eating, living, sleeping and sanitary facilities.
"Gross Floor Area" or "GFA"	means the sum of the total floor area on a Lot of each storey in each building measured to the outside face of the exterior walls; excludes the areas of canopies, sundecks, outside stairs, concealed parking, separate and attached carports and garages.
"High Density Residential"	means a Multiple-Unit Dwelling with self-contained Dwelling Units accessed through a common hallway, one or more of which are wholly or partly above another self-contained Dwelling Unit. For the purpose of calculating amenity cost charges, High Density Residential also includes a Detached Accessory Dwelling Unit, except for one Detached Accessory Dwelling Unit associated with a One-Unit Dwelling.
"Industrial"	means an Industrial Development in an Industrial Zone, 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. Industrial

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	uses generally include manufacturing, processing, fabricating, distilling, brewing, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, recycling or salvaging of goods, materials or things for direct use or resale to individual business customers, and not for the public and includes cannabis grow operations.
"Institutional"	means an Institutional Development in an Institutional Zone or a 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 Institutional nature. Institutional use generally includes non-profit civic facilities, services dedicated to religious, charitable, educational, health, or welfare purposes, and Community Care Facilities.
"Lot"	means any Lot, parcel, block, or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata Lot under the *Strata Property Act*.
"Low Density Residential"	means a One-Unit Dwelling, or One-Unit Dwelling plus one Detached Accessory Dwelling Unit.
"Mobile Home"	means a building containing one (1) Dwelling Unit, built in a factory environment in one or more sections, intended to be occupied in a place other than its manufacture and is constructed to the CAN/CSA Z-240 (Mobile Home) standard, but excludes recreational vehicles.
"Mobile Home Park"	means a Lot used for the accommodation of two or more Mobile Homes placed on constructed pads.
"Medium Density Residential"	means a Two-Unit Dwelling or Multiple-Unit Dwelling with self-contained Dwelling Units accessible through separate, ground-oriented entrances. Forms include Mobile Home Parks, duplexes, triplexes, fourplexes and townhouses.
"Official Community Plan"	means the City's "Official Community Plan Bylaw," as amended or replaced from time to time.
"Secondary Suite"	means a self-contained Dwelling Unit that is smaller than, secondary to, and connected to a principal Dwelling Unit located within a principal building on the same Lot. For the purposes of this Bylaw a Secondary Suite is deemed not to be a separate Dwelling Unit from the principal Dwelling Unit.
"Subdivision"	means a Subdivision as defined in the *Land Title Act* or *Strata Property Act*.

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"Zone"	means the Zones identified and defined in the Zoning Bylaw.
"Zoning Bylaw"	means the City of Courtenay Zoning Bylaw, as amended, or repealed and replaced from time to time.

Interpretation

3. **In this Bylaw**

   a. words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;

   b. headings given to sections are for convenience of reference only and do not form part of this Bylaw;

   c. unless expressly stated otherwise, a reference to a "section" is a reference to a section in this Bylaw and a reference to a "part" is a reference to a part in this Bylaw;

   d. 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*; and,

   e. any reference to a statute or regulation refers to an enactment of British Columbia as amended, revised, consolidated, or replaced from time to time, and any reference to a bylaw refers to a bylaw of the City of Courtenay, as amended, revised, consolidated, or replaced from time to time.

Application

4. This Bylaw applies to all applications for Subdivision and for issuance of a Building Permit for parcels located within the City of Courtenay.

5. The attached schedules A and B form part of this Bylaw.

Amenity Cost Charges

6. Pursuant to section 570.2(1) of the *Local Government Act* for the purpose of providing funds to assist the City 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 (2) or more Lots on which the Zoning Bylaw permits the Construction

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of Low Density Residential; and,

b. approval of a Building Permit for all other types of Development to which this Bylaw applies.

and the amenity cost charge shall be paid upon approval of a Subdivision or issuance of a Building Permit, as the case may be.

7. All charges imposed by this Bylaw may be paid by instalments in accordance with the permissions provided in the *Local Government Act*.

Exemptions

8. 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 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*;

9. Despite any other provision of this Bylaw, an amenity cost charge is not payable:

   a. 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*;

   b. if no increase in the population of residents or workers is expected to result from the development;

   c. in respect of a particular amenity, if an amenity 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;

   d. in respect of a capital cost for which a development cost charge may be imposed;

   e. in relation to a Development for 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.

Calculation of Applicable Charges

10. 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.

11. Where a type of Development is not specifically identified in "Schedule A" the amount of amenity cost charges to be paid to the municipality shall be equal to the amenity cost charges that are payable for the most comparable type of Development.

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12. When a Lot or a building or structure on a Lot is used or Developed or intended to be used or Developed for more than one class of use, charges under this Bylaw shall be the aggregate of the applicable charges set out in "Schedule A" multiplied by the number of proposed Dwelling Units for Low Density Residential or Medium Density Residential and by the total square metres of GFA for High Density Residential or Commercial.

13. Where a Low Density Residential charge has been paid on a lot, the charge shall include a Dwelling, One-Unit, and one or both of the following a Secondary Suite and/or Detached Accessory Dwelling Unit.

14. The City 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*.

Effective Date

15. This Bylaw shall come into force and effect the date of adoption.

Severability

16. 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 is deemed valid.

Read a first time this 14th day of January, 2026

Read a second time this 14th day of January, 2026

Read a third time this 25th day of February, 2026

Adopted this 29th day of April, 2026

Mayor Bob Wells

Corporate Officer Adriana Proton

This is a certified true copy of Bylaw 3207, adopted April 29, 2026.

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Schedule A – "Amenity Cost Charge Schedule"

The amount of amenity cost charges payable in relation to a particular Land Use / Development, shall be calculated as follows:

Land Use / Development type	Unit	Total
Low Density Residential	Per Dwelling Unit/Lot	$6,643.00
Medium Density Residential	Per Dwelling Unit	$3,618.00
High Density Residential	Per square metre of GFA*	$42.56
Commercial	Per square metre of GFA	$13.84
Institutional	Per square metre of GFA	$0.00
Industrial	Per square metre of GFA	$0.00

*GFA = Gross Floor Area

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Schedule B – "Amenity List"

ACCs to assist the City in paying the capital costs of providing, constructing, altering or expanding the following amenities:

1. Community Centre Expansion
2. Florence Filberg Centre Expansion
3. Outdoor Pool Expansion
4. Sports Field Improvements
5. Pickleball Court Improvements and Construction
6. Dog Park Construction and Improvements
7. Cultural Facility Expansion
8. LINC and Skateboard Park Improvements
9. Spray Park Construction
10. Park Amenity Program

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