

ATTACHMENT C

CITY OF NANAIMO

BYLAW NO.7440

A BYLAW TO IMPOSE AMENITY COST CHARGES

WHEREAS pursuant to the *Local Government Act*, the Council of the City of Nanaimo 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 (City 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 (City Plan).

NOW THEREFORE, the Council of the City of Nanaimo, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited as "City of Nanaimo Amenity Cost Charges Bylaw 2026, No. 7440".

2. Definitions and Interpretation

2.1 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*.

2.2 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.

2.3 In this Bylaw:

"BUILDING"	means a Structure which is used or intended to be used for the support, enclosure, and/or shelter of persons, animals, or property.
"BUILDING PERMIT"	means a permit authorizing the Construction, alteration, or extension of a Building or Structure.
"CAMPGROUND"	means the use of land for providing the temporary accommodation of persons for vacation or recreational purposes in recreational vehicles or tents; but excludes Mobile Home Parks.
"CITY"	means the City of Nanaimo.
"COMMERCIAL"	means any use of land or Buildings for any Commercial use, including, but not limited to: retail, tourist accommodation, restaurant, office, personal or professional service, or recreation or entertainment.
"CONSTRUCTION"	includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
"DUPLEX"	means a Structure containing two (2) Dwelling Units within one (1) Building located on a single Lot and which is used or intended to be used as the residences for two (2) households.
"DWELLING UNIT"	means one or more habitable rooms, consisting of a self-contained unit used for residential purposes by a household, with a separate entrance and containing a cooking facility.
"GROSS FLOOR AREA" OR "GFA"	means the Gross Floor Area of a Building or Structure calculated to the outside of the exterior walls, including floor areas over 1.8 metres in height, canopies with an occupancy or use, and parking Structures as the principal use, with the following exemptions: stairwells and elevators exceeding one floor only, gas canopies and parking portions of a Structure.
"HIGH DENSITY RESIDENTIAL"	means a residential Building that is used or designed where three (3) or more self-contained Dwelling Units are accessible via a common hallway or corridor and shared entrance facilities (e.g., apartments).
"INDUSTRIAL"	means any Industrial use of land or Buildings, including, but not limited to uses related to the co-generation, manufacturing, processing, assembling, fabricating, servicing, testing, repair, storing, transporting, warehousing, or distributing of goods, materials, or things, or wholesaling provided that the merchandise being sold is distributed from the Lot.

“INSTITUTIONAL”	means the Institutional use of land or Buildings including, but not limited to, use for a school, hospital, correctional facility, or for a care facility including a senior’s care residence where a minimum of 20 percent of the floor area of all Buildings located on the Lot are operated under a license issued pursuant to the <i>Community Care and Assisted Living Act</i> or any enactments that replace it.
“LOT”	means any Parcel, block, or other area in which land is held or into which it is Subdivided whether under the <i>Land Title Act</i> or the Bare Land Strata Regulations under the <i>Strata Property Act</i> and includes a water Lot, but does not include a phased Subdivision boundary nor an air space Parcel.
“LOW DENSITY RESIDENTIAL”	means two (2) or fewer Dwelling Units on a Lot, where each may contain a Secondary Suite consistent with the provisions of the British Columbia Building Code.
“MEDIUM DENSITY RESIDENTIAL”	means a residential Building used or designed where there are three (3) or more self-contained Dwelling Units on a Lot, each having direct access to the outside whether via exterior staircase or at grade level (e.g., townhouse). Also includes Row Houses, Secondary Suites, Secondary Suites within Accessory Buildings, Campgrounds, Recreational Vehicle Parks, or Mobile Home Parks.
"MOBILE HOME"	means a Dwelling Unit built in an enclosed factory environment in one (1) or more sections, intended to be occupied in a place other than that of its manufacture, and includes Mobile Homes and modular homes that are either completely self-contained, or Mobile Homes that are incomplete and are assembled outside of the place their manufacture.
"MOBILE HOME PARK"	means a use of land, carried out in accordance with the Zoning Bylaw, for the purpose of providing pads for the accommodation of two (2) or more Mobile Homes.
“PARCEL”	means any Lot, block or other area in which land is held or into which it is Subdivided but does not include a highway.
“RECREATIONAL VEHICLE PARK”	means a site intended for the temporary or permanent accommodation of persons in recreational vehicles or park model trailers, and excludes a Mobile Home Park or Campground, but may include an accessory laundry facility, washroom and shower facility, convenience store, office, storage area, and recreational facilities provided such uses are limited to the occupants of the Recreational Vehicle Park.
“ROW HOUSE”	means two (2) or more Dwelling Units which share a common party wall or are otherwise connected at the side yard lot line.

“SECONDARY SUITE”	means one (1) or more habitable rooms, but not more than three (3) bedrooms and one (1) cooking facility, constituting a self-contained unit with a separate entrance, but which is clearly subordinate to the principal dwelling for residential accommodation.
“SECONDARY SUITE WITHIN AN ACCESSORY BUILDING”	means a Secondary Suite within an Accessory Building attached to a foundation, used or designed as a self-contained, detached Dwelling Unit located on a Lot with a Single Residential Dwelling and does not include a strata Lot.
“SINGLE RESIDENTIAL DWELLING”	means a Building, consisting of one (1) Dwelling Unit, used or intended to be used as the residence of one household, and which Building may include one attached Secondary Suite.
“STRUCTURE”	means anything constructed, placed, or erected on land.
“SUBDIVISION”	means a division of land as defined in the <i>Land Title Act</i> and a bare land Subdivision as defined in the <i>Strata Property Act</i> or any subsequent Act or Acts which may be enacted in substitution therefore.
“ZONING BYLAW”	means the <i>City of Nanaimo Zoning Bylaw 2011 No. 4500</i> , as amended, or repealed and replaced from time to time.

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 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 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.

4. Calculation of Applicable Charges

- 4.1 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.
- 4.2 Where a type of development is not specifically identified in Schedule "A" the amount of amenity cost charges to be paid to the City shall be equal to the amenity cost charges that are payable for the most comparable type of development.
- 4.3 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.
- 4.4 In the case of a Building Permit for a Mobile Home Park, amenity cost charges are calculated by multiplying the total amenity cost charges payable per unit for a Medium Density Residential use, as prescribed in Schedule "A", by the number of Mobile Home pads to be constructed.
- 4.5 In the case of a Building Permit for a Campground, amenity cost charges are calculated by multiplying the total amenity cost charges payable per unit for a Medium Density Residential use, as prescribed in Schedule "A", by the number of Campground sites to be constructed.
- 4.6 In the case of a Building Permit for a Recreational Vehicle Park, amenity cost charges are calculated by multiplying the total amenity cost charges payable per unit for a Medium Density Residential use, as prescribed in Schedule "A", by the number of Recreational Vehicle Park sites to be constructed.

5. Exemptions

- 5.1 Despite any other provision of this Bylaw, an amenity cost charge is not payable in relation to a Building Permit that 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*;
- 5.2 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.

6. Effective Date

6.1 This Bylaw shall come into force and effect on January 1st, 2029.

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.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE "A"
AMENITY COST CHARGES

	Unit	ACC
Low Density Residential	Per lot / dwelling unit	\$5,278.43
Medium Density Residential	Per dwelling unit	\$3,591.83
High Density Residential	Per dwelling unit	\$2,186.33
Commercial	Per square metre of gross floor area (GFA)	\$3.44
Industrial	Per square metre of GFA	\$1.41
Institutional	Per square metre of GFA	\$3.44

SCHEDULE "B"
LIST OF AMENITIES

1. Beban Park Improvements
2. South Gate Urban Centre – Community Centre
3. Stadium District Improvements