

A BYLAW TO IMPOSE AMENITY COST CHARGES

WHEREAS pursuant to the *Local Government Act*, the Council of the Town of Comox 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 Comox, in open meeting assembled, enacts as follows:

1.0 TITLE:

This bylaw may be cited for all purposes as the "Amenity Cost Charges Bylaw No. 2052".

2.0 DEFINITIONS AND INTERPRETATION:

- 2.1 This Bylaw applies to all applications for Subdivision and for issuance of a Building Permit for parcels located in the Town of Comox.
- 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 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 Town of Comox, as amended, revised consolidated or replaced from time to time.
- 2.4 In this Bylaw, unless the context otherwise requires:



- (a) "Building Permit" means any permit required under the Town of Comox Building Bylaw, as amended, or repealed and replaced from time to time.
- (b) "Construction" includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
- (c) "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.
- (d) "Development" means Construction that requires the issuance of a Building Permit or Subdivision.
- (e) "Dwelling, Multiple-Unit" means a principal building consisting of three (3) or more Dwelling Units.
- (f) "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.
- (g) "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.
- (h) "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.
- (i) "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.
- (j) "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 Building.
- (k) "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*.



- (l) "Low Density Residential" means a One-Unit Dwelling, or One-Unit Dwelling plus one Detached Accessory Dwelling Unit.
- (m) "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.
- (n) "Mobile Home Park" means a lot used for the accommodation of two (2) or more Mobile Homes placed on constructed pads.
- (o) "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.
- (p) "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.
- (q) "Subdivision" means a subdivision as defined in the *Land Title Act* or *Strata Property Act*.
- (r) "Town" means the Town of Comox.
- (s) "Zoning Bylaw" means the Town of Comox Zoning Bylaw, as amended, or repealed and replaced from time to time.

3.0 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 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 of Low Density Residential;
- (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.



4.0 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, 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*;
- 4.2 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 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.

5.0 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 municipality shall be equal to the amenity cost charges that are payable for the most comparable type of Development.
- 5.3 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.
- 5.4 The Town 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*.



6.0 EFFECTIVE DATE:

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

7.0 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.

8.0 ADOPTION:

READ A FIRST, SECOND, AND THIRD time this

22nd day of October, 2025

ADOPTED this

18th day of March, 2026



MAYOR



CORPORATE OFFICER



SCHEDULE "A"

Amenity Cost Charges Bylaw No. 2052

Amenity Cost Charge Rates

Land Use	Unit	Total
Low Density Residential	Per Dwelling Unit/Lot	\$7,963
Medium Density Residential	Per Dwelling Unit	\$3,723
High Density Residential	Per m ² of GFA	\$44.30
Commercial	Per m ² of GFA	\$0.00
Industrial	Per m ² of GFA	\$0.00
Institutional	Per m ² of GFA	\$0.00



SCHEDULE "B"

Amenity Cost Charges Bylaw No. 2052

List of Amenities

1. Village Field Master Plan
2. Comox Community Centre Fitness Studio Expansion
3. Comox Community Centre Phase A: Building Expansion
4. CC/Village Park – Basketball Courts
5. CC/Village Park – Skills Trail
6. Lancaster Park – Covered Picnic Shelter
7. Lancaster Park – Pathway Lighting
8. Marina Park – Shade Structures