



# District of Lantzville

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## COMMUNITY AMENITY CONTRIBUTIONS

Approved by Council June 15, 2020

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### PRINCIPLES

1. The Municipality will adhere to the Provincial guidelines for community amenity contributions entitled *Community Amenity Contributions: Balancing Community Planning, Public Benefits and Housing Affordability* (March 2014).
2. In accordance with the Provincial guidelines, community amenity contributions will be negotiated with an applicant on a case-by-case basis. Community amenity contributions are not a fee, charge, tax, or requirement, nor is there a specific minimum contribution.
3. In accordance with the Provincial guidelines, community amenity contributions are for capital projects and are not intended to cover current or future operational costs.
4. The Municipality will not commit to approving a Zoning Bylaw amendment application in exchange for the provision of community amenity contributions. First and foremost, the Municipality will determine whether the proposed amendment is consistent with the Official Community Plan (OCP) and whether the proposed land use is suitable and appropriate. The Municipality will then negotiate, on a case-by-case basis, community amenity contributions in light of the scale of the proposal and anticipated impact on the community.
5. Community amenity contributions will be proportional to the scale of the proposal. Proposals that will result in a larger scale development are anticipated to provide a higher community amenity contribution than proposals that would result in a smaller scale development.
6. Community amenity contributions will, to the extent possible, be based on a link between the impact of the proposal on the community or the Municipality and the amenity being provided. For example, new development will require additional annual public works maintenance resources, which could mean that financial community amenity contributions are allocated to the construction of a public works yard and facility.
7. Community amenity contributions are not intended to discourage applications for Zoning Bylaw amendments.
8. Community amenity contributions for greenfield development proposals are anticipated to be higher than for infill developments and redevelopment proposals.

9. Special Planning Areas designated in the OCP have specific policies concerning onsite amenities to be negotiated at the Zoning Bylaw amendment stage, including parkland provisions and trails.

## **APPLICATION AND PROCESS**

10. Community amenity contributions will be negotiated for all Zoning Bylaw amendment applications, unless exempted.
11. When an owner applies to amend the Zoning Bylaw, staff will discuss community amenity contributions with the owner and will suggest potential amenities based on the OCP policies, community needs, and the scale of the proposal.
12. When an application is brought forward to Council for consideration, the community amenity contributions proposed by the owner will be presented. Council will make the final determination on whether the proposed contributions are acceptable and whether further negotiations are warranted.

## **EXEMPTIONS**

13. Community amenity contributions are generally not anticipated for Zoning Bylaw amendment applications for the following:
  - a) Non-market rental housing
  - b) Housing for people with disabilities
  - c) Seniors supportive housing
  - d) Secondary suites and carriage houses
  - e) Other forms of attainable housing
  - f) Text amendments that would not alter land use or density
14. There may be specific circumstances where a proposal does not fall within one of the exemptions listed above. The exemption list is not intended to preclude Council from choosing not to negotiate for community amenity contributions in any particular circumstance.

## **TIMING & USE OF CONTRIBUTIONS**

15. The community amenity contribution may need to be constructed or physically provided. Alternatively, an equivalent cash-in-lieu of developing, constructing or providing the community amenity on a per parcel, per dwelling unit or per m<sup>2</sup> gross floor area basis may be warranted.
16. Community amenity contributions may be secured through covenants, phased development agreements, or amenity zoning.

17. Financial community amenity contributions will be deposited in Municipal reserve funds for specific purposes.
18. Where negotiated, community amenity contributions must be provided prior to Subdivision Approval or issuance of a Building Permit, as applicable. If an amenity to be provided at the Building Permit stage is non-financial and must be constructed or physically provided, construction or provision of the amenity may take place concurrently with the authorized building construction but must be completed or provided prior to the final inspection or occupancy.

## **COMMUNITY AMENITY CONTRIBUTIONS**

19. For proposed development in Residential designated areas outside of Special Planning Areas and the Foothills Comprehensive Development Plan Area, the target financial community amenity contribution is \$3,000 per new additional parcel or primary dwelling unit that can be achieved as a result of the Zoning Bylaw Amendment. In the case of properties zoned Future Study Area in the Zoning Bylaw No. 180, a minimum average parcel area of 0.2 ha is assumed to be the base density for the purpose of determining “new additional parcels”, unless, prior to adoption of Zoning Bylaw No. 180 (Mach 30, 2020), a property had a larger minimum parcel area.
20. The following list represents potential community amenity contributions:
  - a) Land for community purposes (e.g. fire hall, public works, municipal hall)
  - b) Parkland in excess of the 5% statutory requirement
  - c) Parkland improvements (e.g. land preparation, landscaping, park facilities)
  - d) Trails, walkways and pathways, including signage, benches, and other features
  - e) Public transit improvements
  - f) Community facilities (e.g. fire hall, public works, community hall, municipal hall)
  - g) Community equipment (capital only) (e.g. fire truck)
  - h) Community plazas and gathering spaces
  - i) Beach road end improvements
  - j) Community signage (highway signage, entrance signage, wayfinding signage)
  - k) Community water infrastructure
  - l) Community sewer infrastructure
  - m) Community beautification and public art
  - n) Attainable housing
21. The Memorandum of Understanding between the Municipality and Lone Tree Properties Ltd. dated September 4, 2014 regarding development of the Foothills Comprehensive Development Plan area will continue to guide negotiations for community amenity contributions and a Phased Development Agreement to replace the existing covenant (development agreement).

22. The Municipality will maintain a publicly-available list of community amenity contributions agreed to for Zoning Bylaw amendment applications.

#### ITEMS THAT ARE NOT COMMUNITY AMENITY CONTRIBUTIONS

23. Items that would normally be required through the subdivision or development process are not community amenity contributions. While these items may benefit the community, they may be required regardless of whether the owner applies for a Zoning Bylaw amendment.
- a) 5% statutory parkland dedication
  - b) Sidewalks (onsite, along highway frontage)
  - c) Walkways (onsite, along highway frontage)
  - d) Water, sewer, storm and road infrastructure required as per Bylaw 175
  - e) Underground utilities
  - f) Street trees
  - g) Streetlights
  - h) Landscaping
  - i) Development Permit Guideline requirements
  - j) Environmentally sensitive areas
  - k) Lands subject to natural hazards (except wildfires) or that are other undevelopable
  - l) Municipal fees
  - m) Development Cost Charges
  - n) Offsite improvements required for transportation safety
  - o) Offsite infrastructure upgrades required to service a development

#### DEFINITIONS

**Amenity Zoning** means Zoning Bylaw provisions adopted under Section 482 of the *Local Government Act* in which an owner is entitled to a higher density subject to the provision of amenities.

**Attainable Housing** means housing that has a rent or sale price that constitutes no more than 30% of gross annual income.

**Carriage House** means a secondary dwelling unit located in a secondary building.

**Community Amenity Contributions** are amenity contributions agreed to by the owner and the Municipality as part of the Zoning Bylaw amendment process initiated by the owner, and are intended to benefit the social, cultural, environmental, recreational, governance and infrastructure needs of the community.

**Covenant** means a covenant under Section 219 of the *Land Title Act*.

**Greenfield Development** means subdivision or development of previously undeveloped areas that are not surrounded by predominantly developed areas, including farmland, forestry lands, rural recreation lands and rural lands generally.

**Housing for People with Disabilities** means housing that caters to the needs of people who require assistance due to a disability.

**Infill Development** means new construction or development within a predominantly developed area.

**Natural Hazards** means elements of the natural environment that have the potential to negatively impact a community.

**Phased Development Agreement** means a phased development agreement between the Municipality and an owner under Section 516 of the *Local Government Act*.

**Primary Dwelling Unit** means a dwelling unit in a house, townhouse, rowhouse, or apartment and excludes secondary suites and carriage houses.

**Redevelopment** means development of a previously developed site or replacement of existing buildings with new buildings.

**Secondary Suite** means a secondary dwelling unit located in a house.

**Seniors Supportive Housing** means housing that caters to the needs of seniors and includes assisted living and community care facilities licensed in accordance with the *Community Care and Assisted Living Act*.