

5.4.iii. Policy & Procedure**AMENITY BONUS TOOLS**

Trust Council: March 11, 1995

A: PURPOSE:

1. Amenity bonus tools provide an opportunity for local communities to obtain "amenities" in return for permitting increase in the density of development.

B: REFERENCES:

1. Trust Council Binder : Item H.8.1.c. December 1994
2. *Local Government Act*: Section 904

C: POLICY:

1. Amenities gained through the use of amenity bonus tools shall be consistent with the object of the Islands Trust and the Islands Trust Policy Statement. In particular, these amenities should enhance the preservation and protection of the environment, natural amenities, resources and/or community character.
2. The local trust committees should determine the context for amenity bonus tools during the preparation or revision of Official Community Plans or, where use of amenity bonus tools is proposed outside a period of plan preparation or review, then the Official Community Plan must be amended to permit the use of this tool.

D: PROCEDURE:**1. Official Community Plan Amendments**

OCP amendments to accommodate amenity bonus tools should deal with at least the following matters:

- 1.1. Identification of "amenities" that are required or considered desirable in the area covered by the plan. There is no statutory definition of "amenities" so local trust committee discretion in this area is very broad.
- 1.2. Establishment of an overall permissible density of development for the area covered by the plan.

- 1.3. Consideration of whether the overall permissible density of development of the area covered by the plan would be affected by the provision of amenities. That is, does the provision of the amenity itself mitigate the effect of the density, such that greater overall density can be accommodated if the amenities are provided?
- 1.4. Specification of an outright permitted density at an appropriate level to allow for the operation of an amenity bonus tools.
- 1.5. Establishment of a relationship between the value of amenities to be provided and the value of density bonuses to be granted in at least general terms.

2. Zoning Bylaw Amendments

Within the OCP context established above, zoning bylaws may either be amended on an ad hoc basis to authorize amenity bonuses in respect of particular sites, or a comprehensive zoning amendment building in amenity bonus provisions could be adopted. The latter approach would require that the local trust committee "prezone" land for a density of development that includes the bonus density, or some intermediate density as they see fit. The general steps involved in the preparation of a zoning amendment would be as follows:

- 2.1. Establishment of outright permitted density for each zone. This could be, but need not necessarily be, the same as the density already permitted in the zone, and must correspond to the outright density specified in the OCP.
- 2.2. Establishment of maximum density for each zone inclusive of bonuses, based on the maximum permissible density established in the OCP.
- 2.3. Identification of the amenities the provision of which will "earn" bonus density. The description of the amenity could include a reference to standard terms of trust for land to be given, for example, to a local conservation organization; standard s.175(3) covenant terms of land to be subject to a conservation covenant.
- 2.4. The bylaw should set out, in tabular form if necessary, the relationship between amenities provided and units of bonus density "earned". As a simple example, in a zone permitting commercial uses outright at 1.0 floor space ratio (fsr) the local trust committee might wish to permit an additional 0.1 fsr in respect of each 50 linear feet of waterfront walkway constructed in a local park, up to a maximum of 1.5 fsr.

3. Adjusting and Removing Amenity Bonuses

- 3.1. Regulations establishing amenity bonus tools must be revisited from time to time to ensure that the relationship between local property values and amenity costs remains adequate to stimulate the provision of amenities and to obtain a fair "return" to the community in exchange for the extra density that the community is being obliged to absorb.

- 3.2. Where zoning bylaws are amended to "pre-zone" for amenity bonuses, these bylaws may be further amended to withdraw the bonus if the additional density proves to be excessive or the bylaws have yielded sufficient amenities that no more are required or desirable.
4. Local trust committees exercising s.904 powers should ensure that relevant approving officers and regional district building inspection departments are familiar with the amenity bonus tools and committed to ensuring that amenities have been properly provided to the satisfaction of the local trust committee before development approvals are given. This is so whether amenity bonuses are given on an ad hoc basis or under a "pre-zoning" approach.