

CITY OF STEINBACH

By-Law No. 2127

BEING A BY-LAW of the City of Steinbach to establish capital development fees due to a subdivision, re-zoning, variance or conditional use approval that increases the permitted density of development of residential land or due to the application for and issuance of a development permit to develop a residential structure on residential land where such capital development fees were not previously charged.

WHEREAS Section 143(1) of *The Planning Act* provides as follows:

“A council may, by by-law, set the levies to be paid by applicants to compensate the municipality for the capital costs specified in the by-law that may be incurred by the subdivision of land.”

AND WHEREAS Section 150 of *The Planning Act* provides as follows:

“As a condition of amending a zoning by-law, making a variance order or approving a conditional use ... a Council may, unless this Act provides otherwise, require the owner of the affected property to enter into a development agreement with the ... municipality in respect of the affected property and any contiguous land owned or leased by the owner dealing with one or more of the following matters:

(f) the construction or maintenance - at the owner's expense or partly at the owner's expense - of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;

(g) the payment of a sum of money to the ... municipality in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause;”

AND WHEREAS section 3 of *The Municipal Act*, provides that the purposes of a municipality are (a) to provide good government; (b) to provide services, facilities or other things that council deems necessary or desirable for all or part of the municipality; and (c) to develop and maintain safe and viable communities.

AND WHEREAS sections 250(1), 250(2)(b) and (c), and 252(1) and (2) of the Act address charges related to development in a Municipality, and provide generally as follows:

250(1) A municipality is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following: ...

(b) construct, operate, repair, improve and maintain works and improvements;

(c) acquire, establish, maintain and operate services, facilities and utilities; ...

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including:

- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;...

252(2) A charge referred to in clause (1)(a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.

AND WHEREAS it is deemed expedient and in the public interest to establish levies to compensate the City of Steinbach for costs that are incurred for these purposes:

- (a) on an application for a subdivision, re-zoning, variance or conditional use approval that increases the permitted density of development of residential land; and
(b) when permits for the development of residential land are applied for and issued on lands that have not in the past been charged development fees due to a subdivision, re-zoning, variance or conditional use approval.

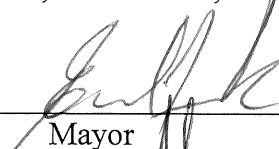
AND WHEREAS the City of Steinbach wants to ensure that all developments in the City of Steinbach are contributing a fair share towards such costs.


NOW THEREFORE the Council of the City of Steinbach, in session duly assembled, enacts as follows:

1. THAT when an applicant applies for a subdivision, re-zoning, variance or conditional use approval that increases the permitted density of development of residential land the City of Steinbach may require the applicant to enter into a development agreement and pay to the City of Steinbach those levies and charges more particularly set out in schedule "A" attached hereto.
2. That where undeveloped land has been previously zoned residential and subdivided to permit increased density of development and no development fees were levied or paid on that land under a development agreement, when it was zoned or subdivided, then on the application for and issuing of a permit for construction of a structure on such residential lands, an applicant shall pay to the City of Steinbach those levies or charges more particularly set out in Schedule "A" attached hereto.
3. THAT all applications for building permits on land where capital development fees were not previously levied, shall be accompanied by the required capital development fees, including, but not limited to, any capital development fees to be paid by a developer as required by this or any other relevant by-laws of the City of Steinbach.
4. THAT the amounts for capital development fees that are received from an applicant shall be placed in the City of Steinbach "Capital Development Reserve Fund" and these fees may be used for projects as outlined on Schedule "A".
5. THAT By-Law 2070 be repealed effective January 1, 2020.
6. THAT this By-Law shall come into force and effect on January 1, 2020.

DONE AND PASSED as a by-law of the City of Steinbach, in Manitoba, this 19th day of November, 2019.

Read a first time this 5th day of November, 2019.
Read a second time this 19th day of November, 2019
Read a third time this 19th day of November, 2019.



Mayor


City Manager

SCHEDULE "A" to By-Law 2127

RESIDENTIAL CAPITAL DEVELOPMENT FEES

Capital Development Fees per Residential Dwelling Unit			
January 1, 2020	Single Family	Two Family	Multi Family
General	\$1,432.00	\$1,432.00	\$1,432.00
Sidewalk	1,571.00	1,078.00	580.00
Transportation	608.00	608.00	608.00
	\$3,611.00	\$3,118.00	\$2,620.00
January 1, 2021	Single Family	Two Family	Multi Family
General	\$1,468.00	\$1,468.00	\$1,468.00
Sidewalk	1,610.00	1,105.00	595.00
Transportation	623.00	623.00	623.00
	\$3,701.00	\$3,196.00	\$2,686.00
January 1, 2022	Single Family	Two Family	Multi Family
General	\$1,505.00	\$1,505.00	\$1,505.00
Sidewalk	1,650.00	1,133.00	610.00
Transportation	639.00	639.00	639.00
	\$3,794.00	\$3,277.00	\$2,754.00
January 1, 2023	Single Family	Two Family	Multi Family
General	\$1,543.00	\$1,543.00	\$1,543.00
Sidewalk	1,691.00	1,161.00	625.00
Transportation	655.00	655.00	655.00
	\$3,889.00	\$3,359.00	\$2,823.00

Projects for which funds may be used:

1. Water and Wastewater facilities
2. Sewer main and water mains
3. Administration costs related to development agreements
4. Engineering costs
5. Storm sewers or Storm water retention projects
6. Upgrading of access roads required as a result of accumulated impact of growth
7. Purchase of maintenance equipment
8. Purchase of fire protection equipment
9. Sidewalks and regional pathways
10. Contribution to over-sizing of sewer and water mains
11. Contribution towards infrastructure with future claw-back provisions