

# CITY OF STEINBACH

## By-Law No. 2128

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 non-residential land or due to the application for and issuance of a development permit to develop a structure on non-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;
- (b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- (c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.

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 when permits for the development of non-residential land are applied for and issued.

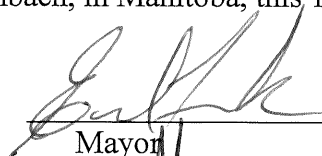
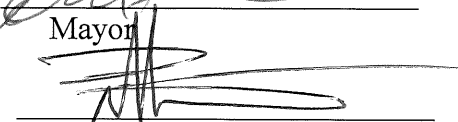
AND WHEREAS the City of Steinbach wants to ensure that all developments in the City of Steinbach are contributing a fair share towards such costs.

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 non-residential land the City of Steinbach may require the applicant to enter into a development agreement that provides that on applying for a permit to build or expand a structure on the non-residential land to pay to the City of Steinbach those levies and charges based on the square footage of the structure or expansion being developed, at such rates as are more particularly set out in schedule "A" attached hereto.
2. THAT when an application for a permit to build or expand a structure, on non-residential land, where there has been no past development agreement entered into, the applicant shall pay to the City of Steinbach those levies or charges based on the square footage of the structure or expansion being developed, at such rates as are more particularly set out in the form attached hereto as Schedule "A".
3. THAT all applications for building permits shall be accompanied by the required fees, including, but not limited to, any development fees to be paid by a developer as required by this or any other relevant by-laws of the City.
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 2071 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.

  
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Mayor  
  
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City Manager

SCHEDULE "A" to By-Law 2128

NON-RESIDENTIAL CAPITAL DEVELOPMENT FEES

Capital Development fees per square foot

Gross floor area of the applicable building or structure.	January 1, 2020	January 1, 2021	January 1, 2022	January 1, 2023
	Per sq foot	Per sq foot	Per sq foot	Per sq foot
Up to 2,000 sq ft.	\$ 1.28	\$ 1.31	\$ 1.35	\$ 1.38
2,000 sq ft. - 10,000 sq ft.	\$ 1.59	\$ 1.63	\$ 1.67	\$ 1.71
10,000 sq ft. - 30,000 sq ft.	\$ 1.90	\$ 1.94	\$ 1.99	\$ 2.04
30,000 sq ft. - 50,000 sq ft.	\$ 2.24	\$ 2.29	\$ 2.35	\$ 2.41
Over 50,000 sq ft.	\$ 2.55	\$ 2.62	\$ 2.68	\$ 2.75

Method to calculate floor area:

The calculated gross floor area of a building shall be the sum of the area that is contained within the external walls of a building, measured for each floor level, excluding space used for elevator or under- ground parking areas.

Projects for which funds may be used:

1. Transportation improvements resulting from the accumulated impact of growth and to fund new access roads to growth areas.
2. Active transportation improvements which demonstrate a potential to decrease vehicular transportation.