

## Addendum to

### **CITY OF BRANDON DEVELOPMENT CHARGE BACKGROUND STUDY – FINAL DRAFT FOR PUBLIC CIRCULATION (APRIL 28, 2017)**

The following draft by-law content:

1. updates the draft by-law that was included in the February 3, 2017 Report, and
2. provides additional detail to the Hybrid approach described in Section 6 of the April 28, 2017

Note: The infrastructure costs and other factors of the formula have not changed. We simply combined the per unit charge approach and the per hectare charge approach that we previously discussed with the public and industry stakeholder to apply partly at the Development Agreement stage of development and partly at the Permit stage of development.

DRAFT FOR PUBLIC DISCUSSION

**CITY OF BRANDON DEVELOPMENT CHARGES**  
**DRAFT BY-LAW CONTENT**

BEING A BY-LAW of The City of Brandon to establish development charges and to be known as the “Development Charges By-law”.

WHEREAS *The Municipal Act*, Sections 232(2) and 311, provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed;

AND WHEREAS the Council of the City of Brandon has given notice and held a public meeting on the \_\_\_ day of June, 2017 to solicit feedback from the public;

NOW THEREFORE, the Council of The City of Brandon, duly assembled, enacts as follows:

**PART I: DEFINITIONS**

1. **DEFINITIONS**  
In this by-law:

“ACT” means *The Municipal Act*, C.C.S.M. c.M225 and amendments thereto.

“ACCESSORY USE” means an activity customarily incidental, related, appropriate and clearly subordinate to the principal use of the site or building.

“BENEFITING AREA” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service.

“CAPITAL COST” means costs incurred or proposed to be incurred by the municipality to

- (a) acquire land or an interest in land, including a leasehold interest;
- (b) improve land;
- (c) acquire, lease, construct or improve buildings and structures;
- (d) acquire, construct or improve facilities including
  - (1) furniture and equipment, and
  - (2) rolling stock; and
- (e) undertake studies in connection with any of the matters in clauses (a) through (d), including the development charge background study required for the provision of services designated in this by-law within or outside the City of Brandon, including interest on borrowing for those expenditures under clauses (a) through (d) that are growth-related.

“COUNCIL” means the Council of the City of Brandon.

“DENSITY, LOW” means detached, semi-detached, duplex and row house dwellings.

“DENSITY, HIGH” means multiple dwellings.

“DEVELOPMENT” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment.

“DEVELOPMENT CHARGE” means a charge imposed with respect to this by-law.

**“DWELLING, DETACHED”** means a building containing only one (1) dwelling unit and includes a mobile or modular home.

**“DWELLING, DUPLEX”** means a building containing two (2) dwelling units with both dwelling units occupying the same site.

**“DWELLING, MULTIPLE”** means a building containing three (3) or more dwelling units, other than a row house dwelling.

**“DWELLING, ROW HOUSE”** means a building with three (3) or more dwelling units joined side by side (or occasionally side to back), such as a townhouse, but not having any other dwellings either above or below. Each unit may or may not occupy its own site.

**“DWELLING, SEMI-DETACHED”** means a building containing two (2) dwelling units with each dwelling unit occupying its own site.

**“DWELLING UNIT”** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.

**“FLOOR AREA”** means the sum of the gross horizontal areas of all the storeys and basements of all buildings and structures on a site, measured from the exterior face of the exterior walls or from the centreline of party walls.

**“GROWTH AREA, EMERGING”** means the areas identified as such in Schedule “C” of this by-law.

**“GROWTH AREA, ESTABLISHED”** means the areas identified as such in Schedule “C” of this by-law.

**“LOCAL SERVICES”** means those services, facilities or things that are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Section 135 of *The Planning Act*.

**“MIXED USE”** means a building or structure of any kind whatsoever used, designed or intended to be used for a mix of residential and non-residential uses.

**“MOBILE HOME”** means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted, and which conforms to the structural standards of *The Buildings and Mobile Homes Act*, C.C.S.M. C. B93 and amendments thereto.

**“MODULAR HOME”** means a portable dwelling unit similar to but distinct from a mobile home, in that it may be folded, collapsed or telescoped when in tow, whose chassis is not designed to accommodate wheels, but which may be extended for additional space.

**“MUNICIPALITY”** means the municipal corporation known as The City of Brandon.

**“NET DEVELOPABLE AREA”** means the area of land in hectares, excluding all lands for

- (a) public or school reserves,
- (b) public streets,
- (c) private roads registered as common elements as defined in *The Condominium Act*, C.C.S.M. c. C170 and amendments thereto,
- (c) land for municipal services, and
- (d) land not suitable for building sites as defined in clause 135.6(d) of *The Planning Act*.

**“NON-RESIDENTIAL USE”** means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses.

**“OWNER”** means as defined in *The Planning Act* which states that, in relation to property, a person who is the owner of a freehold estate in the property, and includes a person who is an owner with another person as joint tenant or tenant in common of a freehold estate, a person who is the registered owner of a unit under *The Condominium Act*, C.C.S.M. c.C170, and a real owner as defined in *The Municipal Assessment Act*, C.C.S.M. c.M226.

**“PLANNING ACT, THE”** means *The Planning Act*, C.C.S.M. c.P80 and amendments thereto.

**“REGULATION”** means any regulation made pursuant to the Act.

**“RESIDENTIAL USE”** means land, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one (1) or more individuals.

**“SERVICES”** (or **“SERVICE”**) means those services designated in Schedule “A” to this by-law.

**“SITE”** means an area of land that is a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a single certificate of title.

**“DEVELOPMENT AGREEMENT”** means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the City of Brandon.

**“ZONING BY-LAW”** means the City of Brandon Zoning By-law.

## **PART II: DESIGNATION OF SERVICES**

2. The categories of services for which development charges are imposed under this by-law are as follows:
  - (a) Transportation;
  - (b) Drainage;
  - (c) Water services; and
  - (d) Wastewater services.
3. The components of the services designated in section 2 of this by-law are described in Schedule “A” of this by-law.

## **PART III: APPLICATION OF BY-LAW RULES**

4. Development charges shall be payable in the amounts set out in this by-law where
  - (a) the lands are located in the areas described in section 5 of this by-law, and
  - (b) the development of the lands requires any of the approvals set out in subsection 7(a) of this by-law.

**DIVISION I: Area to Which By-law Applies**

5. Subject to section 6,
- (a) charges for water treatment and wastewater treatment as per Schedules “B-1” and “B-2” of this by-law apply to all lands within the City of Brandon, and
  - (b) linear infrastructure charges for transportation, water, wastewater, and drainage as per Schedule “B-1” of this by-law apply to the “Emerging Growth Areas” in the City of Brandon as shown in Schedule “C” to this by-law.
6. This by-law shall not apply to lands that are owned by and used for the purposes of the municipality or a local board thereof.

**DIVISION II: Approvals for Development**

7. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires
- (a) the approval of a Plan of Subdivision or Plan of Condominium under The Planning Act, or
  - (b) the issuing of a development permit under the Zoning By-law, in relation to a use, building or structure.

**DIVISION III: Amount of Charges**

8. **Residential Uses**

- (a) The development charges for water treatment and wastewater treatment described in Schedules “B-1” and “B-2” of this by-law shall be imposed on residential uses of lands, buildings or structures, excluding accessory use buildings, and calculated with respect to each of the services according to the type of residential units.
- (b) The network infrastructure development charges for transportation, drainage, and water and wastewater linear infrastructure, described in Schedule “B-1” of this by-law shall be imposed on residential uses of lands, buildings or structures, excluding accessory use buildings, and calculated with respect to each of the services according to the type of residential units and the net developable area of the site.
- (c) The net hectare network development charges described in Schedule “B-1” of this by-law shall not apply to any development, including new buildings and building additions, on an existing developed site.

9. **Non-Residential Uses**

- (a) The development charges for water treatment and wastewater treatment described in Schedules “B-1” “B-2” of this by-law shall be imposed on non-residential uses of lands and buildings, including accessory use buildings, and calculated with respect to each of the services according to the floor area of the building.
- (b) The network infrastructure development charges for transportation, drainage, and water and wastewater linear infrastructure described in Schedule “B-1” of this by-law shall be imposed on non-residential uses of lands and buildings, including accessory use buildings, and calculated with respect to each of the services according to the floor area of the building and the net developable area of the site.

- (c) The net hectare network development charges described in Schedule “B-1” of this by-law shall not apply to any development, including new buildings and building additions, on an existing developed site.

**10. Mixed Uses**

- (a) The development charges for water treatment and wastewater treatment described in Schedules “B-1” and “B-2” of this by-law shall be imposed on mixed uses of lands and buildings, excluding accessory use buildings, and calculated with respect to each of the services according to the type of residential units and the gross floor area of the building used for non-residential uses.
- (b) The network infrastructure development charges for transportation, drainage, and water and wastewater linear infrastructure, described in Schedule “B-1” of this by-law shall be imposed on mixed uses of lands and buildings, excluding accessory use buildings, and calculated with respect to each of the services according to the type of residential units, the gross floor area of the building used for non-residential uses, and the net developable area of the site.
- (c) The net hectare network development charges described in Schedule “B-1” of this by-law shall not apply to any development, including new buildings and building additions, on an existing developed site.

**DIVISION IV: Reduction of Development Charges**

- 11. Notwithstanding any other provision of this by-law, where a building or structure existing on a site was or is to be demolished in whole or in part, or converted from one principal use to another principal use, within sixty (60) months prior to the date of payment of development charges as a result of redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:**

- (a) In the case of a residential building or structure, an amount calculated by multiplying the applicable development charges under section 8 of this by-law by the number of dwelling units according to type, and the net developable site area being demolished or converted to another principal use multiplied by the development charge in place at the time the development is payable;
- (b) In the case of a non-residential building or structure, an amount calculated by multiplying the applicable development charges under section 9 of this by-law by the floor area of the building, and the net developable area being demolished or converted to another principal use multiplied by the development charge in place at the time the development is payable;
- (c) In the case of a mixed use building or structure, an amount calculated by multiplying the applicable development charges under section 10 of this by-law by the floor area of the non-residential use, by the number of residential units according to type, and the net developable site area being demolished or converted to another principal use multiplied by the development charge in place at the time the development is payable; and
- (c) The sum of reductions calculated in subsections 11(a) through (c) of this by-law shall not exceed the amount of the development charges otherwise payable with respect to the redevelopment.

**DIVISION V: Time of Payment of Development Charges**

12. The net hectare network development charges described in Schedule “B-1” of this by-law are payable upon entering into a development agreement with the municipality at the time of subdivision approval.
13. The residential per-unit or non-residential per-square-foot network development charges and treatment development charges described in Schedules “B-1” and “B-2” of this by-law are payable upon issuance of a development permit.
14. If the net hectare network development charges were not paid at the time of subdivision, the net hectare network charges will be payable upon issuance of a development permit in addition to the per-unit or per-square foot network development charges and treatment development charges.

#### DIVISION VI: Transitional Rules

15. Developments with development agreements executed with the municipality prior to this by-law coming into force are exempt from this by-law. However, these developments shall be subject to the development charges in all subsequent development charges by-laws put into force by the municipality. These developments shall receive a credit based on the amount and the rules under the governing by-law.
16. Developments that have received conditional approval for a subdivision or a conditional use at or by the date of this by-law coming into force shall have six (6) months to execute a development agreement, upon which the development shall be subject to the rules detailed in section 12. Failure to execute a development agreement with the municipality will result in the development being subject to the rules and charges in this by-law.

#### PART IV: PAYMENT BY SERVICES

17. Notwithstanding the payments required under section 11, Council, by agreement, may give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this by-law.

#### PART V: INDEXING

18. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on the first anniversary date of this by-law and each anniversary date thereafter in accordance with the Statistics Canada Quarterly Construction Price Statistics, Canada Series.

#### PART VI: SCHEDULES

19. The following schedules of this by-law form an integral part thereof:

Schedule “A” -	Designated Services under This By-law
Schedule “B-1” -	Schedule of Development Charges – Emerging Growth Area
Schedule “B-2” -	Schedule of Development Charges – Established Growth Area
Schedule “C” -	Map of Emerging and Established Growth Areas

#### PART VII: ENACTMENT AND TERM

Draft content for public discussion only.

20. This by-law shall come into full force and take effect on the day following its passage.
21. This by-law shall expire three (3) years from the date of this by-law coming into force, unless this by-law is repealed at an earlier date.

**DRAFT FOR PUBLIC DISCUSSION**

**SCHEDULE "A"**

**OF DEVELOPMENT CHARGES BY-LAW NO. 7175**

**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

**Municipal-wide Services**

**1. Transportation Services**

- **Construction of Street Infrastructure**
  - **Arterial Streets**
  - **Collector Streets**
- **Intersection Improvements**
  - **Signalization**
  - **Roundabouts**

**2. Drainage Services**

- **Storm Sewers**
- **Major Retention Facilities**

**3. Water Services**

- **Linear Infrastructure**
- **Treatment**

**4. Wastewater Services**

- **Linear Infrastructure**
- **Treatment**

**DRAFT FOR PUBLIC DISCUSSION**

**SCHEDULE "B"**  
**OF DEVELOPMENT CHARGES BY-LAW NO. 7175**

**Schedule B-1**  
**By-law No. 7175**  
**Schedule of Development Charges – Emerging Growth Area**

Growth Areas	Residential		Non-residential	DC Per Net Hectare
	DC Per Unit		DC Per Sq.ft.	
	Low/Medium Density DC	High Density DC		
<b>Treatment</b>				
Wastewater	423	274	0.24	-
Water	331	214	0.19	-
<b>Subtotal Treatment</b>	<b>754</b>	<b>488</b>	<b>0.43</b>	<b>-</b>
<b>Network Infrastructure</b>				
Transportation	830	537	0.47	19,590
Wastewater	1,280	828	0.73	30,218
Water	403	261	0.23	9,510
Storm Sewer	118	76	0.07	2,776
<b>Subtotal Network</b>	<b>2,631</b>	<b>1,702</b>	<b>1.50</b>	<b>62,093</b>
<b>Total</b>	<b>3,385</b>	<b>2,190</b>	<b>1.93</b>	<b>62,093</b>

**Schedule B-2**  
**By-law No. 7175**  
**Schedule of Development Charges – Established Growth Area**

Service	Residential DC (per unit)		Non-residential DC (per Sq. Ft.)	
	Low/Medium Density	High Density	Industrial	Commercial/ Institutional
<b>Treatment</b>				
Wastewater	423	274	-	0.24
Water	331	214	-	0.19
<b>Total</b>	<b>754</b>	<b>488</b>	<b>-</b>	<b>0.43</b>

**SCHEDULE "C"**

**OF DEVELOPMENT CHARGES BY-LAW NO. 7175**

**MAP OF EMERGING AND ESTABLISHED GROWTH AREAS**

