

Yellow Highlight = Revisions within By-law 7397 (Amendment No. 1)
Green Highlight = Revisions within By-law 7397 (Amendment No. 1) that are being replaced by revisions within By-law 7406 (Amendment No. 2)
Blue Highlight = Revisions within By-law 7406 (Amendment No. 2)

Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
<u>PREAMBLE</u>	<u>PREAMBLE</u>	<u>PREAMBLE</u>	
WHEREAS The Planning Act, Section 143, provides that a Council may, by by-law, set the levies to be paid by applicants to compensate the municipality for the costs specified in the by-law that may be incurred by the subdivision of land;		Delete in its entirety.	7406: Change made as development charges will no longer be imposed at the time of subdivision or rezoning.
AND WHEREAS <i>The Municipal Act</i> , Sections 232(2), 250 and 252 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 <i>The Municipal Act</i> , Sections 232(2)(d), 250(1), 250(2)(b) and (c), and 252(1) and (2) 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;	WHEREAS <i>The Municipal Act</i> , Sections 232(2)(d), 250(1), 250(2)(b) and (c), and 252(1) and (2) 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;	7397: Change made to further clarify which sections in The Municipal Act are applicable to this by-law. 7406: Change to remove the “AND” as this is now the new first paragraph of the preamble.
AND WHEREAS a development charge background study has been completed which identifies new infrastructure required to service planned growth in the City of Brandon;	AND WHEREAS a development charges background study, capital infrastructure policy, and 20-year development charges capital infrastructure project list have been completed which identifies new infrastructure required to service planned growth in the City of Brandon;		7397: Change made to identify the recent updates done since By-law 7175 was adopted.
AND WHEREAS a public consultation has been completed that summarizes the public and stakeholder consultations held to facilitate public input on the Development Charge By-law;		AND WHEREAS a public consultation has been completed that summarizes the public and stakeholder consultations held to facilitate public input on the Development Charges By-law;	7406: Change made to correct the title of the by-law.
AND WHEREAS the charges imposed by this Bylaw are related to capital costs attributable to projects included in the capital budget and to capital projects consistent to service residential, commercial, industrial, or institutional designated lands in the Brandon and Area Planning District Development Plan;	AND WHEREAS the charges imposed by this Bylaw are related to capital costs attributable to projects included in the capital budget and/or to capital projects consistent to service planned growth as set-forth in the Brandon City Plan or subsequent plan;		7397: Change made to reflect the proposed City Plan which will supersede the Brandon and Area Planning District Development Plan.
		AND WHEREAS <i>The Public Utilities Board Act</i> , Sections 82(1)(b) and 64(2) requires authorization from the Board to impose any rate or charge and that the board may disallow a charge that appears unjust or excessive;	7406: New to by-law include legislation surrounding The Public Utilities Board Act ability to impose development charges on utility related infrastructure.
<u>PART I: DEFINITIONS</u>	<u>PART I: DEFINITIONS</u>	<u>PART I: DEFINITIONS</u>	
“ACT” means <i>The Municipal Act</i>, C.C.S.M. c.M225 and amendments thereto.	Delete in its entirety.		7397: Deleting definition as it does not appear within the by-law.
“ACCESSORY USE” means an activity customarily incidental, related, appropriate and clearly subordinate to the principal use of the site or building.	Delete in its entirety.		7397: Deleting definition as it does not appear within the by-law.
“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.	Delete in its entirety.		7397: Deleting definition as it does not appear within the by-law.

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	“BRANDON CITY PLAN” means the Development Plan for the City of Brandon as set out in The Planning Act.		7397: New definition added.
“BUILDING CODE ACT” means <i>The Buildings and Mobile Homes Act</i> , C.C.S.M, c. B93 and current amendments or any successor thereto.	“BUILDING CODE ACT” means The Buildings Act, C.C.S.M, c. B93 and current amendments or any successor thereto.		7397: Deleting of “and Mobile Homes” as Act title has changed.
“CAPITAL COST” means costs incurred or proposed to be incurred by the City to (a) acquire land or an interest in land, including a leasehold interest; (b) improve land; (c) acquire, lease, construct or improve services designated in Schedule “A” to this by-law; (d) undertake studies in connection with any of the matters in clauses (a) through (c), 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 (c) that are growth-related.	“CAPITAL COST” means costs incurred or proposed to be incurred by the City to (a) acquire land or an interest in land, including a leasehold interest; (b) improve land; (c) acquire, lease, construct or improve services designated in Schedule “A” to this by-law; (d) undertake growth-related studies in connection with any of the matters in clauses (a) through (c), including the development charges background study required for the provision of services designated in this by-law within or outside the City of Brandon; and/or (e) interest on borrowing for those expenditures under clauses (a) through (c) that are growth-related.		7397: Addition to further define the type of studies. Change made to separate out the interest on borrowing.
“DENSITY, HIGH” means multiple dwellings.	“DENSITY, HIGH” means multiple and secondary suite dwellings.		7397: Addition to cover secondary suites.
“DEVELOPMENT CHARGE” means a charge imposed with respect to this by-law.	“DEVELOPMENT CHARGE (S) ” means a charge imposed with respect to this by-law.		7397: Addition to include multiple.
	“DIRECTOR” means the Director of the Engineering Department or their designate.		7397: New definition for Director.
	“DWELLING, SECONDARY SUITE” means a dwelling unit that is self-contained, subsidiary to, and located on the same site as a single detached dwelling and complies with the development standards as set-forth in the Zoning By-law.		7397: New definition for this new type of development.
“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.	“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. Where shared sanitary, cooking, eating and/or living facilities are utilized, each room shall be considered a dwelling unit in facilities including but not limited to dormitories, retirement homes and other supportive housing.		7397: Addition for shared facilities.

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“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.	“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. Floor area within this by-law will be presented in square feet.		7397: Addition to include measurement used for floor area.
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.	“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 Act, C.C.S.M. C. B93 and amendments thereto.		7397: Deleting of “and Mobile Homes” as Act title has changed.
“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, (c) land for municipal services, and (d) land not suitable for building sites as defined in The Planning Act.		Delete in its entirety.	7406: Deleted definition as it no longer appears within the by-law as development charges will no longer be imposed at the time of subdivision or rezoning.
“NETWORK INFRASTRUCTURE” means that infrastructure which is necessary to support planned growth within emerging growth areas, and includes transportation, water distribution , wastewater distribution , and drainage infrastructure.	“NETWORK INFRASTRUCTURE” means that infrastructure which is necessary to support planned growth within emerging growth areas, and includes transportation, water, wastewater, and land drainage network infrastructure.		7397: Change to more accurately define the services within the category of Network Infrastructure. Distribution only applies to water.
	“RESIDENTIAL ACCESSORY BUILDING” means a building which the activity is customarily incidental, related, appropriate and clearly subordinate to the principal use of the site or building.		7397: New definition for this type of building.
“TREATMENT” means that infrastructure which is necessary to support planned growth within established and emerging growth areas, and includes water treatment and wastewater treatment infrastructure.	“TREATMENT INFRASTRUCTURE ” means that infrastructure which is necessary to support planned growth within established and emerging growth areas, and includes water treatment and wastewater treatment infrastructure.		7397: Change to definition term to include “infrastructure”
PART II: DESIGNATION OF SERVICES	PART II: DESIGNATION OF SERVICES	PART II: DESIGNATION OF SERVICES	

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2. Development charges are imposed for the following service categories: (a) Treatment - Wastewater (b) Treatment - Water (c) Network Infrastructure - Transportation (d) Network Infrastructure - Wastewater (e) Network Infrastructure - Water (f) Network Infrastructure – Drainage	2. Development charges are imposed for the following service categories: (a) Treatment Infrastructure - Wastewater (b) Treatment Infrastructure - Water (c) Network Infrastructure - Transportation (d) Network Infrastructure - Wastewater (e) Network Infrastructure - Water (f) Network Infrastructure - Land Drainage		7397: Change to include “Infrastructure” in all categories, as well to label them consistently.
3. The components of the services designed in Section 2 of this by-law are described in Schedule “A” of this by-law.	3. The components of the service categories designated in Section 2 of this by-law are outlined in Schedule “A” to this by-law, and further defined in Schedule “D” to this by-law.		7397: Change to better align with Section 2 and provide additional information defined in Schedule D.
PART III: USE OF DEVELOPMENT CHARGE FUNDS	PART III: USE OF DEVELOPMENT CHARGE FUNDS	PART III: USE OF DEVELOPMENT CHARGE FUNDS	
4. The funds collected by the development charges: (1) will be used to fund new services or upgrade existing services required for planned growth; and (2) will be placed in six separate reserve funds in accordance with the designated servicing categories in Section 2.	4. The funds collected by the development charges: (a) will be used to fund new services, upgrade existing services, or debt finance services required for planned growth; and (b) will be placed in six separate reserve funds in accordance with the designated service categories in Section 2.		7397: Change to include debt finance for services and to align with the numbering convention.
5. Council shall include the services identified for growth in the 10-year capital budget.	5. The applicable services for 20-year planned growth are set forth in the Development Charges Capital Infrastructure Policy and the Development Charges Capital Infrastructure Projects List, as per Schedule “D” and “E” to this by-law.		7397: Change to indicate where the applicable services are defined in supplemental documents.
6. The timing for constructing the services identified for growth in the 10-year capital budget shall be determined by The City of Brandon Growth Strategy.	6. The timing for constructing the applicable services identified for growth in the Development Charges Capital Infrastructure Projects List, as per Schedule “E”, shall be informed by the Brandon City Plan and associated growth strategies, and the state of the reserve funds identified in Subsection 4(b), and available resources of the City.		7397: Change to reflect new growth-related documents, along with the status of reserve funds.
7. Council shall approve the services for planned growth in the annual financial plan.	7. Council, upon recommendation from Administration, shall prioritize the applicable services for 20-year planned growth in the 10-year capital plan and the annual financial plan.”		7397: Change to incorporate 20-year planned growth in the 10-year capital plan.
PART IV: ESTABLISHED AREA CHARGE	PART IV: ESTABLISHED GROWTH AREA CHARGE	PART IV: DEVELOPMENT CHARGES	7397: Change to align title with City Plan. 7406: Change to consolidate Established Growth Area and Emerging Area clauses as development charges will no longer be imposed at the time of subdivision or rezoning.

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8. Development charges for treatment as per Schedules “B-1” of this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Established Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.	8. Development charges for treatment infrastructure and transportation network infrastructure as per Schedule “B-1” to this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Established Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.	8. Development charges for treatment infrastructure and transportation network infrastructure as per Schedule “B-1” to this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Established Growth Area” and “Emerging Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.	7397: Change to include transportation network infrastructure in the Established Growth Area. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
		8.1 Development charges for land drainage, water and wastewater network infrastructure as per Schedule “B-3” to this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Emerging Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.	7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
9. Development charges shall be imposed on the owner for water and wastewater treatment as per Schedule B-1 for payment prior to the issuance of a building permit under the Building Code Act.	9. Development charges shall be imposed on the owner for treatment infrastructure and transportation network infrastructure as per Schedule “B-1” for payment prior to the issuance of a building permit under the <i>Building Code Act</i> .	9. Development charges shall be imposed on the owner for treatment infrastructure and network infrastructure as per Schedules “B-1” and “B-3” for payment prior to the issuance of a building permit under the <i>Building Code Act</i> .	7397: Change to include transportation network infrastructure in the Established Growth Area, and label applicable services and schedule consistently. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
10. Development charges imposed as per Section 9 shall be calculated with respect to each of the services in subsections 2(a) and (b) in accordance with Schedule “B-1” for the following uses: (a) Residential – according to density; (b) Non-Residential – according to floor area ; and (c) Mixed Use – according to density for residential portions of buildings and floor area for non-residential portions of buildings.	10. Development charges imposed as per Section 9 shall be calculated with respect to each of the services in Subsections 2(a), (b), and (c) in accordance with Schedule “B-1” for the following uses: (a) Residential – according to density and number of dwelling units ; (b) Non-Residential – according to Floor Area ; and (c) Mixed Use – according to density and number of dwelling units for residential portions of buildings and Floor Area for non-residential portions of buildings.	10. Development charges imposed as per Section 9 shall be calculated with respect to each of the services in Sections 2 in accordance with Schedules “B-1” and “B-3” for the following uses: (a) Residential – according to density and number of dwelling units; (b) Non-Residential – according to Floor Area; and (c) Mixed Use – according to density and number of dwelling units for residential portions of buildings and Floor Area for non-residential portions of buildings.	7397: Change to include transportation network infrastructure in the Established Growth Area. Change to include “number of dwelling units”. Change to include proper capitalization for a defined term. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
		11.1 Any lands annexed into The City of Brandon shall be included in the “Emerging Growth Area” as shown in Schedule “C” to this by-law.	7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
PART V: EMERGING AREA CHARGE	PART V: EMERGING GROWTH AREA CHARGE	Delete in its entirety.	7397: Change to align title with City Plan. 7406: Change to consolidate Established Growth Area and Emerging Area clauses as development charges will no longer be imposed at the time of subdivision or rezoning.

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12. Development Charges for water and wastewater treatment and network infrastructure charges for transportation, water, wastewater, and drainage as per Schedules “B-2” and “B-3” of this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to the “Emerging Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.	12. Development charges for treatment infrastructure and network infrastructure as per Schedules “B-2” and “B-3” to this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Emerging Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.	Delete in its entirety.	7397: Change to label applicable services consistently and to further define what is subject to development charges. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
13. Any lands annexed into The City of Brandon and designated for residential, commercial, industrial, or institutional development in The Brandon and Area Planning District Development Plan shall be included in the “Emerging Growth Area” as shown in Schedule “C” to this by-law.	13. Any lands annexed into The City of Brandon and designated for residential, commercial, industrial, or institutional development in the Brandon City Plan shall be included in the “Emerging Growth Area” as shown in Schedule “C” to this by-law.	Delete in its entirety.	7397: Change to replace old plan with the Brandon City Plan. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
14. Development charges shall be imposed on the owner for: (a) Network infrastructure (Schedule “B-2”) for payment prior to the issuance of a certificate of approval for a subdivision (plan of subdivision or condominium) or prior to a rezoning receiving third reading under The Planning Act; and (b) Network infrastructure, and Water and Wastewater Treatment (Schedule “B-3”) for payment prior to the issuance of a building permit under The Building Code Act.	14. Development charges shall be imposed on the owner for: (a) Network infrastructure (Schedule “B-2”) for payment prior to the issuance of a certificate of approval for a subdivision (plan of subdivision or condominium) or prior to a rezoning receiving third reading under The Planning Act; and (b) Network infrastructure and treatment infrastructure (Schedule “B-3”) for payment prior to the issuance of a building permit under <i>The Building Code Act</i> .	Delete in its entirety.	7397: Change to label applicable services consistently. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
15. Development charges imposed as per Subsection 14(a) shall be calculated with respect to each of the services in Section 2 (c through f) according to the Net Developable Area of the site in accordance with Schedule B-2. Only the portion of the site which is being intensified (non-residential) or densified (residential) as a result of the subdivision or rezoning shall be included in the development charge calculation.	15. Development charges imposed as per Subsection 14(a) shall be calculated with respect to each of the services in Section 2 (c through f) according to the Net Developable Area of the site in accordance with Schedule “B-2”. Only the portion of the site which is being intensified (non-residential) or densified (residential) as a result of the subdivision or rezoning shall be included in the development charge calculation.	Delete in its entirety.	7397: Change to label the schedule consistently. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
16. If a site is previously subdivided and zoned to allow the proposed development as a permitted or conditional use in the Zoning By-law and no further subdivision or rezoning is required, the development charges in Subsection 14(a) shall not apply.		Delete in its entirety.	7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.

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17. Development charges imposed as per Subsection 14(b) shall be calculated with respect to each of the services in Section 2 (a through f) in accordance with Schedule “B-3” for the following uses: (a) Residential according to Density; (b) Non-Residential according to Floor Area; and (c) Mixed Use according to Density for residential portions of buildings and Floor Area for non-residential portions of buildings.	17. Development charges imposed as per Subsection 14(b) shall be calculated with respect to each of the services in Section 2 in accordance with Schedule “B-3” for the following uses: (a) Residential - according to density and number of dwelling units; (b) Non-Residential - according to Floor Area; and (c) Mixed Use - according to density and number of dwelling units for residential portions of buildings and Floor Area for non-residential portions of buildings.	Delete in its entirety.	7397: Deleting of (a through f) as this information is redundant. Change to remove unnecessary capitalization and to further define the calculation parameters. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
	17.1 Any lands annexed into The City of Brandon shall be included in the “Emerging Growth Area” as shown in Schedule “C” to this by-law.	Delete in its entirety.	7397: New to the by-law to indicate that any annexed land will be considered part of the “Emerging Growth Area”. 7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
18. Development charges shall not apply to residential accessory buildings.		Delete in its entirety.	7406: Change to relocate Emerging Growth Area clauses from Part V to Part IV.
<u>PART VI: REDUCTION OF DEVELOPMENT CHARGES</u>	<u>PART VI: REDUCTION OF DEVELOPMENT CHARGES</u>	<u>PART VI: REDUCTION OF DEVELOPMENT CHARGES</u>	
19. Despite Section 9 and Subsection 14(b), development charges due for payment prior to the issuance of a building permit in Schedules “B1” and “B-3” shall be reduced when new development occurs on a previously developed site where:	19. Despite Section 9 and Subsection 14(b), development charges due for payment prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when new development occurs on a previously developed site where:	19. Despite Section 9, development charges due for payment prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when new development occurs on a previously developed site where:	7397: Change to label the schedule consistently. 7406: Change to reflect the deletion of Part V.
20. The reduction shall be calculated in the same manner as the development charges in Sections 10 and 17 for a building or portion of a building that has been or will be demolished or converted to another use.	20. The reduction for a former residential use shall be calculated in the same manner as the development charges in Sections 10 and 17 for a building or portion of a building that has been or will be demolished or converted to another use.	20. The reduction for a former residential use shall be calculated in the same manner as the development charges in Sections 10 for a building or portion of a building that has been or will be demolished or converted to another use.	7397: Change to reflect “formal residential use”. 7406: Change to reflect the deletion of Part V.
	20.1 The reduction for a former non-residential use shall be applied in accordance with Floor Area as noted on the most recent applicable property tax assessment record(s) for a building or portion of a building that has been or will be demolished or converted to another use.		7397: New to the by-law to better describe how a “former non-residential use” reduction will be applied.

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21. The sum of reductions calculated in Section 19 of this by-law shall: (a) not exceed the amount of the development charges otherwise payable with respect to the redevelopment; and (b) be applied prior to the issuance of a building permit under the Building Code.	21. The sum of reductions calculated in Sections 20 and 20.1 of this by-law shall: (a) not exceed the amount of the development charges otherwise payable with respect to the redevelopment; and (b) be applied prior to the issuance of a building permit under the <i>Building Code Act</i> .		Change to reflect sections for former residential and non-residential uses. Change to correct the title.
	DEVELOPMENT CHARGE OFF-SETTING 21.1 Council at their discretion may adopt separate development charge off-setting by-laws and fund reserves to discount development charges for specific land uses and/or areas of the City.		New to the by-law to allow for off-setting by-laws.
PART VII: TRANSITIONAL RULES	PART VII: TRANSITIONAL RULES	PART VII: TRANSITIONAL RULES	
22. Owners of development sites located in the Emerging and Established growth areas with development agreements executed with the City prior to this by-law coming into force are exempt from the development charges in Sections 9 and 14 until January 1, 2022. After January 1, 2022, developments shall be subject to the development charges in Sections 9 and 14.	Delete in its entirety.		7397: Deleting of transition rule as the timeframe has expired.
23. Despite Section 9 and subsection 14. (b), development charges due for payment after January 1, 2022 and prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when previous development agreement contributions for services in subsections 2. (c) – (f) exceed the Net Developable Area (development agreement) charges in subsection 14. (a). The sum of the reductions shall not exceed the amount of the development charges otherwise payable for the development, and shall be applied prior to the issuance of a building permit under The Building Code Act.	23. Despite Section 9 and Subsection 14(b), development charges due for payment prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when previous development agreement contributions have been paid for services listed in Section 2 and pertain to a project listed in Schedule “E” of this by-law. The reduction will be calculated by the total contributions paid divided by the number and type of residential dwelling units and/or floor area of non-residential development and shall not exceed the amount of the development charges otherwise payable with respect to the development.	23. Despite Section 9, development charges due for payment prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when previous development agreement contributions have been paid for services listed in Section 2 and pertain to a project listed in Schedule “E” of this by-law. The reduction will be calculated by the total contributions paid divided by the number and type of residential dwelling units and/or floor area of non-residential development and shall not exceed the amount of the development charges otherwise payable with respect to the development.	7397: Change to further clarify how a reduction for previously paid development agreement contributions is applied. 7406: Change to reflect updated sections.

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Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
	23.1 For previously approved development sites located in the “Emerging Growth Area” that have paid development charges at the time of development agreement prior to this by-law amendment coming into force, a credit towards transportation and land drainage network infrastructure development charges in Subsection 14(b) will be applied at the time of building permit equal to the total development charges paid at the time of development agreement. The credit will be calculated by the total development charge paid divided by the number and type of residential dwelling units and/or Floor Area of non-residential approved. The credit shall not exceed the amount of network infrastructure development charges otherwise payable with respect to the development.	23.1 For previously approved development sites located in the “Emerging Growth Area” that have paid development charges at the time of development agreement prior to this by-law amendment or B/L 7397 coming into force, a credit towards network infrastructure development charges in Section 9 will be applied at the time of building permit equal to the total development charges paid at the time of development agreement. The credit will be calculated by the total development charge paid divided by the number and type of residential dwelling units and/or Floor Area of non-residential approved. The credit shall not exceed the amount of network infrastructure development charges otherwise payable for the development nor can it be applied to treatment infrastructure.	7397: New to the by-law to allow for a credit towards transportation and land drainage network infrastructure at the time of building permit if previous charges have already been paid at the time of subdivision. 7406: Change to include previous amendment. Change to include all network infrastructure. Change to reflect updated sections. Change to further clarify transitional rules.
<u>PART VIII: PAYMENT BY SERVICES</u>	<u>PART VIII: PAYMENT BY SERVICES</u>	<u>PART VIII: PAYMENT BY SERVICES</u>	
24. Despite the development charges in Sections 9 and 14 , Council, by agreement, may give a credit towards a development charge in exchange for an owner, at the owner’s cost, constructing services identified for growth in the 10-year capital budget .	24. Despite the development charges in Sections 9 and 14, Council, by agreement, may give a credit towards current and future development charges in exchange for an owner, at the owner’s cost, constructing services identified for growth in the 10-year capital plan .	24. Despite the development charges in Section 9, Council, by agreement, may give a credit towards current and future development charges in exchange for an owner, at the owner’s cost, constructing services identified for growth in the 10-year capital plan.	7397: Change to reflect current and future development, as well as capital plan. 7406: Change to reflect the deletion of Part V.
	24.1 The value of the credit in Section 24 is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service category to which the work relates.		7397: New to the by-law to further define how a credit is defined.
<u>PART IX: INDEXING</u>	<u>PART IX: INDEXING</u>	<u>PART IX: INDEXING</u>	
25. Development charges imposed in Schedules “B-1, B-2 and B-3” pursuant to this by-law will be automatically adjusted annually, in accordance with Statistics Canada’s “Consumer Price Index (Manitoba)”.	25. Development charges for treatment infrastructure and water and wastewater network Infrastructure imposed in Schedules “B-1”, B-2 and B-3 pursuant to this by-law will be automatically adjusted annually, in accordance with Statistics Canada’s “Consumer Price Index (Manitoba)”.	Delete in its entirety.	7397: Change to remove transportation and land drainage network infrastructure from consumer price indexing and label the schedules consistently. 7406: Change to remove Statistics Canada’s “Consumer Price Index (Manitoba)” as the indexing tool for water and wastewater treatment and network infrastructure.
	25.1 Development charges for transportation and land drainage network infrastructure imposed in Schedules “B-1”, “B-2” and “B-3” pursuant to this by-law will be automatically adjusted annually, in accordance with Statistics Canada “Building Construction Price Index (Winnipeg, Division Composite)” for non-residential buildings (Statistics Canada. Table 19-10-0276-02 Building construction price Indexes, percentage change, quarterly).	25.1 Development charges imposed in Schedules “B-1”, “B-3”, “B-4” and “B-5” pursuant to this by-law will be automatically adjusted annually, in accordance with Statistics Canada “Building Construction Price Index (Winnipeg, Division Composite)” for non-residential buildings.	7397: New to the by-law to allow for indexing of transportation and land drainage infrastructure using the Building Construction Price Index. 7406: Change to include water and wastewater treatment and network infrastructure under the Building Construction Price Index.

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Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
26. The annual indexed percentage increase (or decrease) for the development charges imposed in Schedules “B-1, B-2 and B-3” shall be equal to the previous year’s Consumer Price Index (Manitoba) percentage increase (or decrease) between September 1 of the current year and September 1st of the previous year. The indexed development charges for the new year will become effective January 1st in the annual City of Brandon Fee Schedule By-law.	26. The annual indexed percentage increase (or decrease) for the development charges imposed in Schedules “B-1”, “B-2” and “B-3” for treatment infrastructure and water and wastewater network infrastructure shall be equal to the previous year’s Consumer Price Index (Manitoba) percentage increase (or decrease) between September 1 of the current year and September 1st of the previous year. The indexed development charges for the new year will become effective January 1st in the annual City of Brandon Fee Schedule By-law.	Delete in its entirety.	7397: Change to remove transportation and land drainage network infrastructure from consumer price indexing and label the schedules consistently. 7406: Change to remove Statistics Canada’s “Consumer Price Index (Manitoba) as the indexing tool for water and wastewater treatment and network infrastructure.
	26.1 The annual indexed percentage increase (or decrease) for the development charges imposed in Schedules “B-1”, “B-2” and “B-3” for transportation and land drainage network infrastructure shall be equal to the “Building Construction Price Index (Winnipeg, Division Composite, non-residential buildings)” percentage increase (or decreases) between Q2 of the current year and Q2 of the previous year. The indexed development charges for the new year will become effective January 1st in the annual City of Brandon Fee Schedule By-law.	26.1 The annual indexed percentage increase (or decrease) for the development charges imposed in Schedules “B-1”, “B-3”, “B-4” and “B-5” shall be equal to the “Building Construction Price Index (Winnipeg, Division Composite, non-residential buildings)” percentage increase (or decreases) between Q2 of the current year and Q2 of the previous year. The indexed development charges for the new year will become effective January 1st in the annual City of Brandon Fee Schedule By-law.	7397: New to the by-law to allow for indexing of transportation and land drainage infrastructure using the Building Construction Price Index. 7406: Change to include water and wastewater treatment and network infrastructure under the Building Construction Price Index.
<u>PART X: CONSULTATIONS</u>	<u>PART X: CONSULTATIONS</u>	<u>PART X: CONSULTATIONS</u>	
27. The City shall consult with development and building industry representatives prior to recommending any amendments to this by-law regarding the application, or the amount of development charges in Schedules “B-1, B-2 and B-3” of this by-law.	27. The City shall consult with development and building industry representatives prior to recommending any amendments to this by-law regarding the application, the amount of development charges in Schedules “B-1”, B-2 and “B-3” of this by-law, or new projects to be included in the Development Charges Capital Infrastructure Projects List in Schedule “E”.	27. The City shall consult with development and building industry representatives prior to recommending any amendments to this by-law regarding the application, the amount of development charges in Schedules “B-1” and “B-3” of this by-law, or new projects to be included in the Development Charges Capital Infrastructure Projects List in Schedule “E”.	7397: Change to label the schedules consistently and to include amendments to the Development Charges Capital Infrastructure Projects List. 7406: Change made as development charges will no longer be imposed at the time of subdivision or rezoning.
28. Before amending the application, or the amount of development charges in Schedules “B-1, B-2 and B-3” of this by-law, Council must hold a public hearing and give notice at least fourteen (14) days before the hearing.	28. Before amending the application, or the amount of development charges in Schedules “B-1”, B-2 and “B-3” of this by-law, Council must hold a public hearing and give notice at least fourteen (14) days before the hearing.	28. Before amending the application, or the amount of development charges in Schedules “B-1” and “B-3” of this by-law, Council must hold a public hearing and give notice at least fourteen (14) days before the hearing.	7397: Change to label the schedules consistently. 7406: Change made as development charges will no longer be imposed at the time of subdivision or rezoning.
	28.1. The City shall publish an annual financial report which will provide an update on the status of the development charges reserves and capital plan projects. The City shall consult with development and building industry representatives following the publishing of the report.		7397: New to the by-law to provide an annual financial report and consultation requirement.
<u>PART XI: COMPLAINTS AND APPEALS</u>	<u>PART XI: COMPLAINTS AND APPEALS</u>	<u>PART XI: COMPLAINTS AND APPEALS</u>	

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Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
29. Development Charges may be appealed to the Planning Commission. The appeal shall: (a) be in writing; (b) include a fee as identified in the annual City of Brandon Fee Schedule By-law; and (c) be filed in writing to the City within 14 days from the date the City sends the determination of the fee under this by-law; and (d) include the reason for the appeal, indicating that:	29. Development Charges may be appealed to the Planning Commission. The appeal shall: (a) be in writing; (b) include a fee as identified in the annual City of Brandon Fee Schedule By-law; (c) be filed in writing to the City Clerks Office within fourteen (14) days from the date the City sends the determination of the fee under this by-law; and (d) include the reason for the appeal, indicating that:		7397: Change to remove the redundant “and”, clarify that it is the Clerks Office an applicant should submit documents to, and writing out “fourteen”.
30. The Planning Commission shall: (a) fix a date, time and place for the appeal hearing; (b) at least fourteen (14) days prior to the hearing, send notice of the hearing to the appellant; and (c) after considering the appeal, the Planning Commission may confirm, vary, substitute or cancel payment of the development charges.	30. The Planning Commission shall: (a) fix a date, time and place for the appeal hearing; (b) at least fourteen (14) days prior to the hearing, send notice of the hearing to the appellant; and (c) after considering the appeal, the Planning Commission may confirm or vary payment of the development charges.		7397: Change to remove substitute and cancel payment as substitute is another form of vary and cancelling payment would not fall under the any of the applicable complaints under 29.d.

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Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
<u>PART XII: SCHEDULES</u> 32. 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 – Established Growth Area – Development Charges prior to Building Permit Schedule “B-2” - Schedule of Development Charges – Emerging Growth Area – Development Charges prior to Subdivision or Rezoning Schedule “B-3” - Schedule of Development Charges – Emerging Growth Area – Development Charges prior to Building Permit Schedule “C” - Map of Established and Emerging Growth Areas	<u>PART XII: SCHEDULES</u> 32. 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 – Established Growth Area – Development Charges prior to Building Permit Schedule “B-2” - Schedule of Development Charges – Emerging Growth Area – Development Charges prior to Subdivision or Rezoning Schedule “B-3” - Schedule of Development Charges – Emerging Growth Area – Development Charges prior to Building Permit Schedule “C” - Map of Established and Emerging Growth Areas Schedule “D” - Development Charges Capital Infrastructure Policy Schedule “E” - Development Charges Capital Infrastructure Projects List	<u>PART XII: SCHEDULES</u> 32. 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 (2025 rates) – City-wide (Established & Emerging Growth Areas) –Development Charges prior to Building Permit Deleted in its entirety. Schedule “B-3” - Schedule of Development Charges (2025 rates) – Emerging Growth Area Only – Development Charges prior to Building Permit Schedule “B-4” - Schedule of High Density Development Charges Phasing (2025 rates) – City-wide (Established & Emerging Growth Areas) Schedule “B-5” - Schedule of High Density Development Charges Phasing (2025 rates) Emerging Growth Area Only Schedule “C” - Map of Established and Emerging Growth Areas Schedule “D” - Development Charges Capital Infrastructure Policy Schedule “E” - Development Charges Capital Infrastructure Projects List	7397: New schedule for Capital Infrastructure Policy. New schedule for Capital Infrastructure Project List. 7406: Change to reflect new City-wide charge. Change made as development charges will no longer be imposed at the time of subdivision or rezoning. Change made to reflect revisions to Schedule “B-1” title. New schedules address phasing of high density, water and wastewater rates.
<u>PART XIII: ENACTMENT AND REVIEW</u>	<u>PART XIII: ENACTMENT AND REVIEW</u>	<u>PART XIII: ENACTMENT AND REVIEW</u>	
33. This by-law shall come into full force and take effect July 1, 2019 . After July 1, 2019 , development charges imposed shall apply to rezoning applications (prior to third reading), subdivision applications (prior to the issuance of a certificate of approval) and building permits (prior to the issuance of a permit).	33. This by-law shall come into full force and take effect 60 calendar days following its passage. From that day forward , development charges imposed shall apply to rezoning applications (prior to third reading), subdivision applications (prior to the issuance of a certificate of approval) and building permits (prior to the issuance of a building or foundation permit, whichever comes first).	33. This by-law shall come into full force and take effect on the date noted on the board order issued by The Public Utilities Board of Manitoba with High Density charges being phased over the first three years of the by-law being in force as per Schedule “B-4” and B-5” . From that day forward, development charges imposed shall apply to building permits (prior to the issuance of a building or foundation permit, whichever comes first).	7397: Change to reflect the date amendment date. Change to include foundation permit. 7406: Change to reflect PUB approval, along with phasing of high density, water and wastewater rates.

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Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
34. The rates in this by-law shall be reviewed every three (3) years following the consultation process in Sections 20 and 21, and does not include the indexing rate increase (or decrease) already provided for in Sections 17 and 18.	34. The rates in this by-law shall be reviewed in detail at minimum every five (5) years in series with updates to treatment and network infrastructure, as described in Schedule “A” to this by-law, required to service 20 years of planned growth as identified in the Brandon City Plan and associated Growth Strategies.		7397: Change to update review requirements from 3 years to 5 years for detailed reviews and that reviews occur in series with updates to Schedule A.
35. The rate review shall include an update to the water, wastewater, drainage and transportation infrastructure required to service the residential, commercial, industrial, or institutional designated lands for development in The Brandon and Area Planning District Development Plan at full buildout.	35. Reviews are to follow the consultation process in Sections 27 through 28.1, and does not include the indexing rate increases (or decrease) already provided for in Sections 25 through 26.1.	35. Reviews are to follow the consultation process in Sections 27 through 28.1, and does not include the indexing rate increases (or decrease) already provided for in Sections 25.1 and 26.1.	7397: Change to reflect similar wording from prior section 34 for consultation process. 7406: Change to reflect updated numbering.
	36. The City will undertake annual internal reviews of the development charge calculations in addition to the detailed calculation review and updates every five (5) years. During annual reviews, if significant increases or decreases in capital costs are observed which would result in a 5% or greater deviation from current development charge rates, a detailed update to the development charges calculations may be undertaken prior to the 5-year period.		7397: New to by-law to indicate that internal annual reviews will be carried out and guidelines for when development charge rates can be adjusted following annual reviews.
	37. Where a new capital project has been identified to be included in the Development Charges Capital Infrastructure Projects List (Schedule “E”) prior to the five (5) year review period, the project may be considered in accordance with Section 6 of this by-law following consultation with development and building industry representatives.		7397: New to by-law to include guidelines for updating development charge rates when a new capital project is identified.
	38. If a capital project identified in Section 37 requires revision to Schedule “E” prior to the five (5) year review period, an update to the development charges calculations will be undertaken at the same time.		7397: New to by-law to include guidelines for updating development charge rates when a new capital project is identified.
	39. If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law shall remain valid.		7397: New to the by-law as general housekeeping.
	40. The Director shall prepare and adopt an administrative procedure to provide direction on how to administer the by-law.		7397: New to the by-law to include the creation of an administrative procedure (standard operating procedure) for administering this by-law.
<u>Attached Schedules</u>	<u>Attached Schedules</u>	<u>Attached Schedules</u>	
Schedule “A”	Replaced with updated version.		7397: Change to align with the new Development Charges Capital Infrastructure Policy

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Existing Development Charges By-law 7175	Proposed additions highlighted in Development Charges By-law 7175		Reason for Change
	By-law No. 7397 (1 st Amendment) Transportation, Land Drainage & Housekeeping	By-law No. 7406 (2 nd Amendment) Water & Wastewater	
Schedule “B-1”	Replaced with updated version.	Replaced with updated version.	7397: Change to reflect revised transportation and land drainage network rates. 7406: Change to reflect revised water and wastewater treatment and network infrastructure rates.
Schedule “B-2”	Replaced with updated version.	Removed in its entirety.	7397: Change to reflect revised transportation and land drainage network rates. 7406: Removed as development charges will no longer be imposed at the time of subdivision or rezoning.
Schedule “B-3”	Replaced with updated version.	Replaced with updated version.	7397: Change to reflect revised transportation and land drainage network rates. 7406: Change to reflect revised water and wastewater treatment and network infrastructure rates.
		Schedule “B-4”	7406: New fee schedule to address the phasing of high density, water and wastewater (city-wide).
		Schedule “B-5”	7406: New fee schedule to address the phasing of high density, water and wastewater (Emerging Growth Area only).
Schedule “C”	Replaced with updated version.		7397: Change to more accurately reflect the annexed land in the south.
	Schedule “D”		7397: New Development Charges Capital Infrastructure Policy to replace the old Local Service Policy.
	Schedule “E”		7397: New Development Charges Capital Infrastructure Projects List to include all the identified growth-related projects to date.