

BY-LAW NO. 7136

BEING A BY-LAW of the City of Brandon to amend Zoning By-law No. 7124 to provide regulations for residential development in the City of Brandon.

WHEREAS the Council of the City of Brandon, in Zoning By-law No. 7124, adopted rules and regulations pertaining to establishing zones within the City and regulating the use of properties within said zones;

AND WHEREAS Section 80(1) of The Planning Act provides that a Zoning By-law may be amended;

AND WHEREAS it is deemed necessary and expedient to amend Zoning By-law No. 7124 to provide regulations for residential development;

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

1. **PART II, DIVISION 3: PARKING** shall be amended as follows:

- a) **TABLE 4: REQUIRED PARKING AND LOADING SPACES** by deleting the Minimum Number of Required Parking Spaces for “Multiple dwellings” and “Row house dwellings with dwelling units not on separate titles” and substituting therefor:

TABLE 4: REQUIRED PARKING AND LOADING SPACES		
<i>Use</i>	<i>Minimum Number of Required Parking Spaces</i>	<i>Minimum Number of Required Loading Spaces</i>
Multiple dwellings	One (1) for every dwelling unit with one (1) or fewer bedrooms and a dwelling unit area of 51.0m ² or less; or One-and-a-half (1.5) for every dwelling unit with two (2) or more bedrooms or a dwelling unit area greater than 51.0m ² , 10% of which shall be unassigned guest parking readily accessible	N/A
Row house dwellings with dwelling units not on separate titles		

[In accordance with the City of Brandon Affordable Housing Strategy, the development of studio and 1-bedroom dwelling units is being encouraged by significantly reducing parking requirements for those smaller types of dwelling units.

The minimum percentage of parking spaces set aside for visitors is being reduced to provide flexibility for developments to accommodate parking needs of both visitors and residents without resorting to enlarging parking areas on a site.]

2. **PART III, DIVISION I: RESIDENTIAL** shall be amended as follows:

- a) **Section 49. RESIDENTIAL ZONES** by deleting the description for the RSD Residential Single Detached Zone in its entirety and substituting therefor:

<i>Code</i>	<i>Zone Name</i>	<i>Description</i>
RSD	Residential Single Detached	Provides for the development of low density detached, semi-detached or duplex dwellings on City serviced sites.

- b) **TABLE 9: RESIDENTIAL USE TABLE** by deleting the uses under “Dwellings” and substituting therefor:

<i>Uses</i>	<i>Zones</i>					
	<i>RLL</i>	<i>RSD</i>	<i>RLD</i>	<i>RMD</i>	<i>RHD</i>	<i>RMH</i>
Dwellings						
• Detached dwellings	P	P	P	P	P	NP
• Semi-detached dwellings	NP	C	P	P	P	NP
• Duplex dwellings	NP	C	P	P	P	NP
• Row house and multiple dwellings						
○ Buildings with four (4) or fewer dwelling units located on a corner site	NP	NP	P	P	P	NP
○ Buildings with four (4) or fewer dwelling units located on an interior site	NP	NP	C	P	P	NP
○ Buildings with five (5) or more dwelling units on a site	NP	NP	NP	P	P	NP
• Mobile/modular homes	NP	NP	NP	NP	NP	P

Uses	Zones					
	RLL	RSD	RLD	RMD	RHD	RMH
• Secondary suites						
○ Attached suites	P	P	P	P	P	NP
○ Garage suites	C	C	C	C	C	NP
○ Detached suites	C	C	C	C	C	NP

[The intent of making semi-detached dwellings and duplex dwellings a conditional use in the RSD Zone is to diversify compatible housing types within existing residential areas.]

The intent of creating sub-categories for row house dwellings and multiple dwellings is to encourage intensification on corner sites, especially in the RLD Zone. Buildings with up to four (4) dwelling units will now be permitted on RLD Zone corner sites. Mid-block intensification in the RLD Zone may still be considered to ensure such development is appropriate within existing residential areas.]

c) By deleting TABLE 10: RESIDENTIAL BULK AND SITING REQUIREMENTS in its entirety and substituting therefor:

Permitted and conditional uses	Minimum								Maximum			
	Site area (m ²)	Site width (m)	Front yard (m) ⁽²⁾⁽³⁾	Side yard (m) ⁽³⁾		Rear yard (m) ⁽³⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from principal building (m)	Height ⁽⁵⁾		Density (units/ha)
				Interior	Corner	Lane	No lane			Height (m)	Storeys	
Detached dwellings in RLL Zone	4,048.0 ⁽⁶⁾	22.8	7.6	4.6	4.6	9.1	9.1	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Detached dwellings in RSD Zone	273.0	9.1	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Detached dwellings in all other zones	232.0	7.6	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Dwellings on separate titles with common party walls	232.0	7.6	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾⁽¹¹⁾	3.0 ⁽¹⁰⁾	7.6	7.6 ⁽¹¹⁾	75.0	N/A	11	2.5	N/A
All other RLL Zone uses	4,048.0 ⁽⁶⁾	22.8	7.6	4.6	4.6	9.1	9.1	75.0	N/A	11	2.5	N/A
All other RSD Zone uses	273.0	9.1	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6	75.0	N/A	11	2.5	N/A
All other RLD Zone uses	232.0	7.6	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6	18.0	N/A	11	2.5	N/A
All other RMD Zone uses	670.0	18.2	6.0 ⁽⁸⁾	3.0 ⁽¹²⁾	3.0 ⁽¹⁰⁾	7.6	7.6	18.0	N/A	14.0 ⁽¹³⁾	3.0 ⁽¹³⁾	86.0
All other RHD Zone uses	930.0	30.4	6.0 ⁽⁸⁾	4.6	4.6	4.6	6.0 ⁽¹⁴⁾	18.0	N/A	43.0	12.0	148.0
Mobile/modular homes in RMH Zones with separate titles	372.0	12.1	4.5	1.2	3.0 ⁽¹⁰⁾	4.5	4.5 ⁽¹⁵⁾	N/A	N/A	5.5	1.5	N/A
Accessory Uses	N/A	N/A	7.6	1.2 ⁽¹¹⁾ (16)(17)	3.0 ⁽¹⁸⁾ (19)	1.5 ⁽²⁰⁾	0.6 ⁽¹⁹⁾	N/A	1.2	4.0 ⁽²¹⁾	N/A	N/A

Notes to Table 10:

- (1) The maximum site coverage of all buildings, including garages and other accessory buildings, is 60%.
- (2) Front yard requirements may be relaxed in accordance with subsection 22(b).
- (3) For group buildings located on one site, see subsection 22(c).
- (4) Where permitted, the cumulative area of the sleeping rooms for a boarding house shall be limited to a maximum of 50% of the gross floor area of the dwelling.
- (5) The maximum building height shall be the lesser of either metres or storeys.
- (6) Or as required by provincial regulations for private sewage disposal systems, whichever is greater.
- (7) Floor area exclusive of basements, cellars, and accessory buildings and structures.
- (8) The required front yard may be reduced to 4.6m for any portion of a building that does not include a garage or a carport.
- (9) Where motor vehicle access is obtained from the front street, one of the required side yards shall be increased to a minimum of 3.0m, clear of all projections, except eaves and gutters, in order to be used as a required parking space. Where the access is to an attached garage or carport, however, the required side yards shall be the same as that required for the principal building.
- (10) The required corner side yard of a reverse corner site shall be a minimum of 4.6m.
- (11) A required side yard or rear yard, on the side having a common party wall, may be reduced to 0.0m, provided the side or rear site line is completely contained within the common party wall.
- (12) The required interior side yard may be reduced to 1.2m if the building contains four (4) or less dwelling units, and is no greater than 11.0m or 2.5 storeys, whichever is less, in height.
- (13) The maximum building height may be increased to 19.0m or 4.0 storeys, whichever is less, for sites with an area greater than 3,500.0m².
- (14) Where the site abuts a RLL or RSD zone, the required rear yard shall be a minimum of 7.6m.
- (15) Where the rear yard is adjacent to a residential zone with a greater required rear yard, the greater required rear yard of the neighboring zone shall apply.
- (16) Except when located to the rear of the principal building on the site and to the rear of the principal building on the nearest adjacent site, in which case the required side yard may be reduced to 0.3m, clear of all projections.
- (17) The minimum required interior side yard for accessory buildings which have direct access onto a lane shall be 1.5m.
- (18) Minimum 4.6m in the RHD Zone.
- (19) When an accessory building or structure is located in the required rear yard of a reverse corner site, the building or structure shall not be located nearer to the street side site line than 80% of the required front yard of the interior site abutting the rear site line of the subject site, nor closer than 1.5m to the rear site line, if there is no lane between the sites.
- (20) The minimum required rear yard for accessory buildings which do not have direct access onto a lane shall be 0.6m.
- (21) An accessory building or structure shall not exceed the height of the principal building or structure.

[Minimum site area and site width requirements in the RSD Zone are being reduced to encourage more compact urban form to reflect the needs of the community.]

To maximize land resources, required interior side yards on RSD and RLD Zone sites shall now be 1.2m, regardless of building height.]

To provide greater flexibility to developers to satisfy the intent of Section 4.2 of the Urban & Landscape Design Standards (Orientation & Entrances to the Street), the required front yard on RSD, RLD, RMD and RHD Zone sites is being reduced for any portion of a building that does not include a garage or carport.

Minimum dwelling unit area requirements on RLD, RMD and RHD Zone sites are being reduced to promote intensification, especially in residential areas around The HUB.

To maximize buildable area on RMD Zone sites, the required rear yard will be 7.6m, whether or not there is a rear lane. Furthermore, where up to four (4) dwelling units are developed and the building height is no greater than 11.0m or 2.5 storeys, the required interior side yard will be reduced from 3.0m to 1.2m.

To promote intensification, larger RMD Zone sites will be allowed to have 4-storey buildings instead of 3-storey buildings.]

3. PART III, DIVISION II: COMMERCIAL shall be amended as follows:

- a) TABLE 12: COMMERCIAL BULK AND SITING REQUIREMENTS by deleting the minimum dwelling unit area (m²) of "38.0" and substituting therefor "18.0".

[Minimum dwelling unit area requirements in commercial zones are being reduced to promote intensification, especially in mixed use areas and commercial areas around The HUB.]

4. PART III, DIVISION III THE HUB: shall be amended as follows:

- a) TABLE 14: THE HUB BULK AND SITING REQUIREMENTS by deleting the minimum dwelling unit area (m²) of "38.0" and substituting therefor "18.0".

[Minimum dwelling unit area requirements in The HUB are being reduced to promote intensification in The HUB.]

5. PART III, DIVISION IV EDUCATIONAL AND INSTITUTIONAL: shall be amended as follows:

- a) TABLE 19: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS by deleting the minimum dwelling unit area (m²) of "38.0" and substituting therefor "18.0".

[Minimum dwelling unit area requirements in the EI Zone are being reduced to promote intensification where there are residential components to institutional uses.]

6. This by-law shall come into full force and take effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this day of A.D. 2016.

MAYOR

CITY CLERK

Read a first time this	day of	A.D. 2016
Read a second time this	day of	A.D. 2016
Read a third time this	day of	A.D. 2016