


TITLE: BY-LAW NO. 7136 TO AMEND THE ZONING BY-LAW FOR RESIDENTIAL DEVELOPMENT APPLICANT: CITY OF BRANDON			
PRESENTER: Robert Zilke BES		Page 1 of 5	
DEPARTMENT: Planning & Building Safety		ATTACHMENTS: A. Draft by-law B. Draft by-law with annotations	
CLEARANCES: Principal Planner		MEETING DATE: April 6 th , 2016	
APPROVALS:			
<i>Original signed by Robert Zilke</i> Community Planner		<i>Original signed by Ryan Nickel</i> Principal Planner	
03/30/16 Date		03/30/16 Date	

REQUEST:

The City of Brandon is applying to amend the existing Zoning By-law No. 7124, to update Table 9: Residential Uses and Table 10: Residential Bulk and Siting Requirements in order to;

- promote an increase in housing types and choices;
- decrease development timelines by reducing the number of variance applications;
- provide flexibility in the placement and type of building while maintaining neighbourhood character; and
- to better address livability and design of new developments.

BACKGROUND:

Development Context

The Planning & Building Safety Department initiated a review of the residential provisions of the Zoning By-law No. 7124 in April 2015 to better implement Policy 10.2.4 of the Development Plan and the provisions in the Affordable Housing Strategy; both of which encourage affordable housing variety in existing neighborhoods. The proposed amendment to the Zoning By-law is the culmination of community outreach efforts and best practices found in other Canadian cities of similar sizes; best practices that aimed at providing flexibility and options for residential development while respecting existing neighbourhood’s character. The proposed changes include provisions regarding building setbacks, parking, allowable unit types and unit size. The proposed amendments will reduce certain variance requests which will result in the decrease in the development process timelines for certain residential infill development.

The public consultation process was facilitated in April, May, and July, 2015, to inform the public about the proposed amendments to the Zoning By-law and to seek feedback from the community. A legal review was completed prior to the application being scheduled for the public hearing and resulted in a few minor wording changes. City Council gave first reading to this By-Law No. 7136 on January 29th, 2016.

ANALYSIS:

The City of Brandon is experiencing a period of growth with approximately 4,000 new residents over the past five years. A portion of these homes to accommodate the growth are located within existing areas within close proximity to existing amenities and services including parks, schools, shopping and transit routes. New housing within existing neighbourhoods is often referred to as “infill.” An infill development provides alternative housing type, style, and size as it may be in a form of an apartment, an attached dwelling, a detached dwelling or even semi-detached. Infill development utilizes existing infrastructure and provides a variety of housing alternatives.

Consistency with the Brandon & Area Planning District Development Plan, 2013

Both policies 2.1(b) and 2.1 (e) set forth in the Development Plan 2013 encourage the provision of adequate supply of affordable housing and the efficient utilization of land by achieving increased residential densities. Furthermore, policy 2.2.3 of the Development Plan 2013 regarding housing affordability encourages the provision of alternative housing types, styles, sizes and tenures in a variety of geographical areas in order to increase the affordable housing stock in City of Brandon.

Consistency with the Zoning By-law No. 7124

The proposed amendments will amend Table 9: Residential Use Table and Table 10: Residential Bulk and Siting Requirements. These proposed regulations will apply to any rezoning, subdivision, variance, conditional use, and development permit approval.

Summary of Proposed Changes to Zoning By-law No. 7124

Intent of Change	Impacted Zone(s)	Proposed Regulations	Existing Regulations
<ul style="list-style-type: none"> Increase options to develop a variety of housing types, while ensuring compatibility with the surrounding area. 	<ul style="list-style-type: none"> RSD 	<ul style="list-style-type: none"> Duplexes and Semi-detached dwellings are conditional uses 	<ul style="list-style-type: none"> Duplexes and Semi-detached dwellings are not permitted
<ul style="list-style-type: none"> To simplify the standard and to increase the buildable area on a property. 	<ul style="list-style-type: none"> RSD & RLD 	<ul style="list-style-type: none"> Side yard is 1.2 m regardless of height 	<ul style="list-style-type: none"> Side yard is 1.2m for a building height of under two storeys. Greater than 2 storeys requires 1.8m
<ul style="list-style-type: none"> Encourage intensification on corner lots Ensures the integrity of the ZBL with less variances 	<ul style="list-style-type: none"> Corner sites in RLD 	<ul style="list-style-type: none"> Four dwelling units are permissible subject to complying with setback and parking requirements 	<ul style="list-style-type: none"> Calculated based on lot area. If the lot did not have sufficient size a

			density variance would be required
<ul style="list-style-type: none"> To review the type of infill in relation to neighbourhood context and community benefit rather than a density calculation 	<ul style="list-style-type: none"> Midblock sites in RLD 	<ul style="list-style-type: none"> Three or more units requires a conditional use application 	<ul style="list-style-type: none"> Calculated based on lot area
<ul style="list-style-type: none"> That the placement of a building be in accordance with the type of use proposed rather than the zone. 	<ul style="list-style-type: none"> Sites in RMD containing up to four dwelling units 	<ul style="list-style-type: none"> Side yard is 1.2m (building must be a maximum 11m or 2.5 storeys) Rear yard is 7.6m (with or without a lane) 	<ul style="list-style-type: none"> Side yard setback of 3m Rear yard setback is 7.6m with a lane and 9.1m with no lane
<ul style="list-style-type: none"> Align height requirement with wood frame construction as identified in Manitoba Building Code. Promote increased amenity areas and building separation. 	<ul style="list-style-type: none"> Sites in RMD with an area of more than 3500m² 	<ul style="list-style-type: none"> Building height 19m or 4 storeys is permitted 	<ul style="list-style-type: none"> Building height 14m or 3 storeys is permitted
<ul style="list-style-type: none"> Encouraging more housing choice to reflect the needs of the community 	<ul style="list-style-type: none"> RSD 	<ul style="list-style-type: none"> Site width is 9.1m (30ft) Site area 273m² 	<ul style="list-style-type: none"> Site width is 12.1m (40ft) Site area 372m²
<ul style="list-style-type: none"> To allow a greater variety of housing types, particularly for lower income levels. 	<ul style="list-style-type: none"> HES , HMU, HT , RLD, RMD, RHD 	<ul style="list-style-type: none"> Minimum dwelling unit size is 18m² 	<ul style="list-style-type: none"> Minimum dwelling unit size is of 38m²
<ul style="list-style-type: none"> Encourage more studio and one (1) bedroom units. This need is outlined in the affordable housing strategy. 	<ul style="list-style-type: none"> Parking for multi-family (3 dwelling units and up 	<ul style="list-style-type: none"> Dwelling units with 1 bedroom or less and a total unit size of 51m² or less: 1/unit. Dwelling units with two bedrooms or more or unit size greater than 51m²: 1.5/unit 10% of the required parking spaces must be unassigned guest parking 	<ul style="list-style-type: none"> 1.5 parking stalls per unit
<ul style="list-style-type: none"> To allow for yard or parking area to the rear of a building. To encourage pedestrian orientated development to the street 	<ul style="list-style-type: none"> RSD, RLD, RMD, RHD 	<ul style="list-style-type: none"> Reduction of minimum required front yard setback to 4.6m for any portion of a building that does not include a garage or carport 	<ul style="list-style-type: none"> Front yard setback of 6m

Consistency with the Brandon’s Affordable Housing Strategy

The proposed infill amendment is consistent with various strategies found within the Affordable Housing Strategy. Specifically, strategy 2(j) which advocates for reduced parking stalls for smaller units, 3(b) decreasing the required lot width to 9.1m(30 ft), 3(d) increasing density on corner lots in the RLD zone, 3(i)

decreasing the minimum side yard setbacks for single and semi-detached homes, and 6(a) allowing for development on smaller lots. The proposed amendments implement these strategies as well as the goals and objectives set forth the Affordable Housing Strategy.

Commenting Agencies

All comments have been addressed and summarized below. No concerns were raised by the commenting agencies/departments.

Notification

Pursuant to Section 168 of The Planning Act, notice of the public hearing regarding this application to amend the Zoning By-law was advertised in the Brandon Sun on March 17th and March 24th.

Public Outreach

As of the writing of this report, the Planning & Building Safety Department has received written comments both in favor and indicating concerns to this application. In preparing this by-law, public input was gathered through the following methods:

- Kick-off informational session – February 25th, 2015
- Public Open House – April 21st, 2015
- Public Open House – May 21st, 2015
- Public Open House – July 29th, 2015

Approximately 50 residents participated in the public events, which included elected officials, special interest group representatives and developers. The outreach process supplied a questionnaire which was filled out by 35 residents. The feedback received from the participants on infill growth was generally positive; the majority of the comments citing the need for increased flexibility to promote housing affordability while respecting existing character of the neighborhoods.

RECOMMENDATIONS:

That the Public Hearing regarding By-law No. 7136 (Z-05-15-B) to provide an update on the regulations for residential development in the City of Brandon Zoning By-law No. 7124 be concluded.

That the Planning Commission recommend By-law 7136 (Z-05-15-B) be approved.