

BY LAW NO. 7212

BEING A BY LAW of the City of Brandon to amend the Zoning By-law No. 7124.

WHEREAS Section 80(1) of The Planning Act provides that a zoning by-law may be amended;

AND WHEREAS the Council of the City of Brandon, in By-law No. 7124, adopted a zoning by law that is generally consistent with the Brandon & Area Planning District Development Plan and any secondary plans in effect in the municipality;

AND WHEREAS it is deemed necessary and expedient to amend Zoning By-law No. 7124 to increase efficiency of land uses and processing development approvals;

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

1. That Part I of Schedule A of By-law No. 7124 be amended as follows:

(a) Add the following immediately after subsection 1(h):

- “1. (i) No use shall otherwise be permitted which is or would reasonably be injurious to the neighbourhood residents, or which would interfere with the reasonable use and enjoyment of their property, due to the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance under common law or any applicable law or by-law.”**

[Clarify that approved uses cannot cause any nuisances to neighbours]

(b) Subsection 6(b) be amended as follows:

- (1) Deleting the definition of “boarding house” in its entirety and substituting therefor:**

“Boarding house—a detached dwelling that is owner occupied, as defined in The Manitoba Building Code adopted under The Buildings and Mobile Homes Act, C.C.S.M. c. B93, in which living accommodation is provided for compensation. A boarding house shall have at least four (4) and no more than eight (8) sleeping units or tenants.”

[Harmonize definition with provisions under The Manitoba Building Code and Residential Tenancies Branch regulations]

- (2) Adding the following immediately after the definition of “cemetery”:**

“Certificate of site completion—a certificate issued to the applicant of a development permit upon completion of all improvements on a site or, for phased developments, a portion of a site, in accordance with the development permit.”

[New term enabling new permitting process where development permits are separated from building permits, making administration of both permits more efficient and simplifying processes by separating permit requirements]

- (3) Adding the following immediately after the definition of “fence”:**

“Fence, security—a fence where materials used for its construction include barbed wire.”

[New term to better accommodate fences with barbed wire components]

1. (b) (4) Adding the following immediately after the definition of “manufacturing, limited”:

“Manufacturing of goods for sale—light manufacturing where goods are produced for sale in an associated commercial use on site. Goods produced for sale on site may also be sold off site. Uses include, but are not limited to, microbreweries, bakeries, and artisan shops.”

[Revise existing term to better deal with commercial uses that have a manufacturing component]

- (5) Deleting the words “a dwelling unit” in the definition of “porch” and substitute with the words “the building”.

[Porches can exist on non-residential buildings, too]

- (c) Delete clause 8(b)(1) in its entirety and substitute therfor:

“8. (b) (1) Radiocommunications facilities, but subject to the “City of Brandon Antenna Systems Protocol” adopted by the City, in compliance with Industry Canada’s Client Procedures Circular 2-0-03, Issue 5 and subsequent amendments; or”

[Update reference to City of Brandon Antenna Systems Protocol, as we are no longer part of CRINS in dealing with radiocommunications facilities]

- (d) Add the following immediately after subsection 8(h):

[Accommodating new permitting process where development permits are separated from building permits, making administration of both permits more efficient and simplifying processes by separating permit requirements]

“8. (h.1) The Director may withhold or refuse issuance of a development permit where the site

- (1) does not comply with this by-law,
- (2) does not comply with any previously issued development permit on the same site, or
- (3) does not have a certificate of site completion for a previously issued development permit on the same site.”

- (e) Delete subsection 8(i) in its entirety and substitute therfor:

[Accommodating new permitting process where development permits are separated from building permits, making administration of both permits more efficient and simplifying processes by separating permit requirements]

“8. (i) Where a development permit is withheld under clause 8(h)(1), 8(h)(2), or subsection 8(h.1), and the applicant does not take measures to enable the development permit to be issued, the development permit shall be cancelled sixty (60) days after the date of which the development permit application was accepted or as otherwise provided for in the Act.”

- (f) Under clause 16(b)(4), delete the words “district or municipality” and substitute therfor the word “City”.

[Clean up terminology oversight from 2016 review]

2. That Part II of Schedule A of By-law No. 7124 be amended as follows:

- (a) Delete subsection 22(b) in its entirety, and renumber the subsequent subsections under section 22.

[Contextual setbacks only occur in residential and commercial areas, moving contextual setback rules into residential and commercial setback regulations as part of setback revisions for residential and commercial zones]

2. (b) Delete all references to “fences and retaining walls” in Tables 1 through 3.

[Fencing regulations consolidated under Section 39]

- (c) Delete all references to “chimneys, bay windows, alcoves, and similar projections”, “overhanging eaves and gutters”, “porches”, and “balconies” in Tables 1 through 3, including Note 1 to Table 1, and substitute respectively therefor:

[Update provisions to reflect changes to residential and commercial setback regulations]

TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YARDS					
	Zones				
	R	C, H	I	EI	PR, OS, A, DR
Balconies:					
• No part of balcony	P	NP	NP	NP	NP
○ Closer than 4.0m to site line	NP	P	P	P	P
○ Projecting no more than 1.5m					
Chimneys, bay windows, alcoves, and similar cantilevered projections—each projection projecting no more than 1.5m, maximum floor area of 4.6m ² ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage	P	P	P	P	P
Overhanging eaves and gutters—eaves projecting no more than 0.6m	P	P	P	P	P
Porches—no part of a porch, except for an additional 0.6m for overhanging eaves and gutters,					
• Closer than 4.6m to site line	P	NP	NP	NP	NP
• Closer than 3.0m to site line	NP	P	P	P	P

TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS					
	Zones				
	R	C, H	I	EI	PR, OS, A, DR
Balconies:					
• No closer than 1.2m to interior site line or 1.5m to corner site line	P	NP	NP	NP	NP
• Projecting no more than 1.5m	P	p ⁽¹⁾	NP	P	P
Chimneys, bay windows, alcoves, and similar cantilevered projections—each projection projecting no more than 1.5m, maximum floor area of 4.6m ² ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage	P	P	P	P	P
Overhanging eaves and gutters:					
• Eaves projecting no more than 0.6m; gutters no closer than 0.3m to site line	p ⁽³⁾	P	NP	NP	NP
• Projecting no more than 1.5m	NP	NP	P	P	P
Porches—no part of a porch, except for an additional 0.6m for overhanging eaves and gutters, closer than 1.5m to corner site line or 1.2m to interior site line	P	P	P	P	P

TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS					
	Zones				
	<i>R</i>	<i>C, H</i>	<i>I</i>	<i>EI</i>	<i>PR, OS, A, DR</i>
Balconies					
• No closer than 6.0m to site line for any dwellings on separate titles except in the RLL Zone	P	NP	NP	NP	NP
• No closer than 1.2m to site line for all other dwelling types	P	NP	NP	NP	NP
• Projecting no more than 1.5m	P	p ⁽¹⁾	NP	P	p ⁽¹⁾
Chimneys, bay windows, alcoves, and similar cantilevered projections—each projection projecting no more than 1.5m, maximum floor area of 4.6m ² ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage	P	P	P	P	P
Overhanging eaves and gutters—eaves projecting no more than 0.6m	P	P	P	P	P

2. (d) Add the following immediately after subsection 26(f):

[Clarify that we do not include accessory buildings in required parking calculations]

“26. (g) Off-street parking is not required for accessory uses, buildings or structures.”

(e) Under subsection 27(e), delete the words “clause 29(d)(2)” and substitute therfor the words “clause 27(d)(2)”.

[Clean up incorrect reference from 2016 review]

(f) Under subsection 27(f), delete the words “subsection 29(e)” and substitute therfor the words “subsection 27(e)”.

[Clean up incorrect reference from 2016 review]

(g) Delete subsection 29(a) in its entirety and substitute therefor:

“29. (a) All accessory off-street parking and loading spaces shall be located on the same site as the use served, and such spaces shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such uses. However, the Director may allow some or all of the required off-street parking to be provided on an alternate site subject to the following criteria:

- (1) At the Director’s discretion, the alternate site is abutting or is directly across the street or lane from the site, or, where the site is located in The HUB, the alternate site is within a reasonable distance of the site;
- (2) At the Director’s discretion, the demand for parking spaces for the uses is not likely to occur at the same time;
- (3) The total supply of parking on the subject and alternate sites meets the minimum parking requirements for both sites;
- (4) The alternate site is available for a time period equal to that of the approved uses;
- (5) A safe and convenient pedestrian connection is provided between the subject and alternate sites;
- (6) The alternative parking arrangement does not detrimentally affect

- the existing neighbourhood character; and
- (7) The alternative parking arrangement shall be secured by way of an easement agreement registered on the titles of both the subject and alternate sites.

[Expand beyond The HUB to the rest of the city the opportunity to provide required parking on a nearby site, allowing for more efficient uses of land and accesses from streets]

- (h) Under subsection 29(b), delete the words “final approval of occupancy” and substitute therfor the words “issuance of a certificate of site completion”.

[Accommodating new permitting process where development permits are separated from building permits, making administration of both permits more efficient and simplifying processes by separating permit requirements]

2. (i) Delete subsections 30(d) and (e) in their entirety.

[Replaced by new subsection 29(a) above, as subsections 30(d) and (e) only referenced The HUB]

- (j) Under subsection 31(e), delete the words “M or EI Zone” and substitute therfor the words “I or EI Zone”.

[Clean up oversight from 2016 review]

- (k) Delete subsection 31(h) in its entirety and substitute therfor:

- “31. (h) An electronic sign as well as any other sign which is animated, flashing, or contains an operating rotating beam or beacon shall not be permitted in an R, CN, CR, PR, OS, DR, or A Zone, as well as any heritage building, site or streetscape.
- (1) Where permitted, such signs shall not be located within 92.0m of the boundary of any R Zone.
- (2) Clause 31(h)(1) shall not apply to an electronic identification sign that is not visible from any R Zone site within 30.0m of the electronic identification sign.
- (3) Clause 31(h)(1) shall not apply to an electronic advertising sign that is not visible from any R Zone site within 92.0m of the electronic advertising sign.

[Allow for reduced minimum distance separation for electronic identifications signs (electronic signs for businesses on the same property), as they are smaller and have a lesser impact to neighbours]

- (l) Delete section 32 in its entirety and substitute therfor:

“32. ELECTRONIC SIGNS

- (a) Clause 31(h)(1) and subsections 33(b) and 33(d) shall not apply to electronic identification sign components displaying only fuel prices on the site of an automotive service station or only time and temperature.
- (b) Where an electronic sign except for an electronic identification sign component described in subsection 32(a) is installed on a site, no bulletin board sign, mobile sign or sandwich board sign shall be permitted on the site.
- (c) An electronic sign shall be equipped with automatic dimming technology which automatically adjusts the sign’s brightness in direct correlation with ambient light conditions so that the electronic is not a nuisance or safety issue as determined by the Director.
- (d) An electronic sign may be single-sided or double-sided.
- (e) All electronic signs shall comply with the latest edition of Transportation Association of Canada’s “Digital and Projected Advertising Displays:

Regulatory and Road Safety Assessment Guidelines”, subject to the approval of the City Engineer.”

[Clarify existing regulations on electronic signs, and relax regulations for electronic identification signs (electronic signs for businesses on the same property), including removing conditional use requirement]

2. (m) Delete section 34 in its entirety and substitute therfor:

“34. ELECTRONIC ADVERTISING SIGNS

- (a) All electronic advertising signs shall require conditional use approval.
- (b) An electronic advertising sign may be located only where advertising signs are permitted in accordance with TABLE 7: SIGN REQUIREMENTS.
- (c) An electronic advertising sign shall only display static images before instantaneously transitioning to another static image. Animation, frame effects, flashing and the appearance of any movement whatsoever shall not be permitted.
- (d) One (1) electronic advertising sign may be located on a site.
 - (1) The electronic advertising sign shall be at least 92.0m from another electronic advertising sign.
 - (2) No electronic advertising sign shall be located on a site that already has an electronic identification sign.
- (e) The maximum sign surface area of an electronic advertising sign shall be 18.6m².

[Transfer more limiting regulations from electronic signs in general to electronic advertising signs only (electronic signs for businesses not on the same property)]

- (n) Add the following immediately after: section 37:

“37.1 MANUFACTURING OF GOODS FOR SALE

Manufacturing of goods for sale shall comply with the following requirements:

- (a) The gross floor area of the use shall be no more than 465.0m²;
- (b) At least 10% of the gross floor area shall be dedicated to an associated commercial use; and
- (c) Notwithstanding subsection 37.1(a), where the gross floor area of the associated commercial use exceeds 930.0m², the manufacturing gross floor area shall be less than the gross floor area of the associated commercial use.”

[Accommodate commercial uses that have a manufacturing component that does not have any nuisance effects on neighbours, such as bakeries and microbreweries]

- (o) Delete section 39 in its entirety and substitute therfor:

“39. FENCES AND RETAINING WALLS

- (a) Fences and retaining walls shall, in any zone, be no more than
 - (1) 1.2m in height in any required front yard, and
 - (2) 1.8m in height in any required side or rear yard.
- (b) Security fences are permitted in a C (except for CN and CR) or I Zone subject to the following:
 - (1) The barbed wire extensions
 - (i) are at least 1.8m above grade,

- (ii) are no more than 2.4m above grade,
 - (iii) shall not project beyond the site,
 - (iv) shall not abut any R Zone site,
 - (v) are not adjacent to any street except a lane, and
 - (vi) are no closer to a front or corner side site line than a principal building, or in any required front or corner side yard, whichever is greater; and
- (2) A landscaped buffer or an alternative design for the security fence is provided for any portion of security fence parallel to and visible from a street but not a lane, unless there is an existing residential use across the lane.
- (c) Electric fences shall only be permitted in IG, IH and A Zones.
- (d) None of the restrictions under this section shall apply to a correctional facility in the EI Zone.”

[Expand permissions for barbed wire fencing in commercial areas, and consolidate height limit provisions from elsewhere in the Zoning By-law]

2. (p) Add the following immediately after section 42:

“42.1 EXTERIOR UTILITY CABINETS

Exterior utility cabinets, where connected to overhead utility facilities in a street, are permitted within the required rear or interior side yard of a site in an R Zone subject to the following:

- (a) Minimum 0.3m setback from a rear or interior side site line, clear of all projections, if the cabinet is no more than 1.8m in height and does not have any horizontal dimension exceeding 1.0m;
- (b) Minimum 1.2m setback from a rear or interior side site line if the cabinet is no more than 1.8m in height and has any horizontal dimension exceeding 1.0m but not exceeding 2.0m; and
- (c) The same setback requirements as a principal building from a front, corner side, or reverse corner side site line, or from all sites lines if the cabinet is more than 1.8m in height or has any horizontal dimension exceeding 2.0m.”

[Allow opportunity for construction of utility cabinets that are accessed either from outside or inside a building]

3. That Part III of Schedule A of By-law No. 7124 be amended as follows:

- (a) In Table 9, delete the “Duplex dwellings” use category in its entirety and substitute therefor:

TABLE 9: RESIDENTIAL USE TABLE						
Uses	Zones					
	RLL	RSD	RLD	RMD	RHD	RMH
Dwellings						
• Duplex dwellings	NP	C	p ⁽¹⁾	P	P	NP

Notes to Table 9:

(1) On a site with a minimum site width of 15.2m, otherwise a conditional use.

[A duplex dwelling is a conditional use where the site is less than 50.0’ wide. This is equivalent to the old density rule that allowed for one dwelling unit for every 25.0’ of frontage.]

3. (b) Delete Table 10 under Section 51 in its entirety and substitute 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 ⁽¹¹⁾	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 ⁽¹¹⁾	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⁾⁽¹²⁾	3.0 ⁽¹⁰⁾	7.6	7.6 ⁽¹¹⁾⁽¹²⁾	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	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	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	3.0 ⁽¹³⁾	3.0 ⁽¹⁰⁾	7.6	7.6	18.0	N/A	14.0 ⁽¹⁴⁾	3.0 ⁽¹⁴⁾	86.0
All other RHD Zone uses	930.0	30.4	6.0	4.6	4.6	4.6	6.0 ⁽¹⁵⁾	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 ⁽¹⁶⁾	N/A	N/A	5.5	1.5	N/A
Accessory Uses	N/A	N/A	7.6	1.2 ⁽¹²⁾⁽¹⁷⁾⁽¹⁸⁾	3.0 ⁽¹⁹⁾⁽²⁰⁾	1.5 ⁽²¹⁾	0.6 ⁽²⁰⁾	N/A	1.2	4.0 ⁽²²⁾	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) For any portion of the principal building that is not a garage or carport, the required front yard may be reduced by up to 25% of the average front yards of buildings on the adjacent sites, but shall be no less than 4.6m.
- (3) For group buildings located on one site, see subsection 22(b).
- (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) Notwithstanding Note 2, where identified in an approved neighbourhood plan and in consultation with utility companies, the required front yard for a site along the side of a street without a sidewalk shall be 4.6m, including a garage or 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. Where identified in an approved neighbourhood plan and in consultation with utility companies, the required corner side yard may be reduced to 2.0m.
- (11) The required yard may be reduced to 6.0m, clear of all projections except for overhanging eaves and gutters, provided that all the required parking and loading spaces are provided elsewhere on the site and site access is exclusively from the front site line.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) Where the site abuts a RLL or RSD zone, the required rear yard shall be a minimum of 7.6m.
- (16) 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.
- (17) 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.
- (18) The minimum required interior side yard for accessory buildings which have direct access onto a lane shall be 1.5m.
- (19) Minimum 4.6m in the RHD Zone.
- (20) 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.
- (21) The minimum required rear yard for accessory buildings which do not have direct access onto a lane shall be 0.6m.
- (22) An accessory building or structure shall not exceed the height of the principal building or structure.

[Revise notes to allow for reduced front yard for low-density developments based on neighbouring context and on sides of streets without sidewalks in new neighbourhoods, and reduced rear yard for detached and semi-detached dwellings in limited circumstances]

(c) In Tables 11, 13, 15, and 17, move “Places of worship” and its associated use permissions under the use category “Assembly places”.

[A place of worship (e.g. church) is an assembly place, consolidating the use under the broader category]

3. (d) Delete “Automotive service stations and storage facilities” and its associated use permissions in their entirety in Tables 11, 13, and 15, and substitute respectively therefor:

TABLE 11: COMMERCIAL USE TABLE					
Uses	Zones				
	CN	CR	CG	CAR	CHW
Automotive/Truck/Farm/Marine					
<ul style="list-style-type: none"> • Automotive service stations <ul style="list-style-type: none"> ○ with no underground fuel storage tanks, or with above-ground fuel storage tanks each less than 5,000L ○ with underground fuel storage tanks, or with above-ground fuel storage tanks each 5,000L or greater 	C	NP	P	P	P
	C	NP	C	C	C

TABLE 13: THE HUB USE TABLE				
Uses	Zones			
	HES	HMU	HTR	
Automotive/Truck/Farm/Marine				
<ul style="list-style-type: none"> • Automotive service stations <ul style="list-style-type: none"> ○ with no underground fuel storage tanks, or with above-ground fuel storage tanks each less than 5,000L ○ with underground fuel storage tanks, or with above-ground fuel storage tanks each 5,000L or greater 	NP	NP	C	
	NP	NP	C	

TABLE 15: INDUSTRIAL USE TABLE			
Uses	Zones		
	IR	IG	IH
Automotive/Truck/Farm/Marine			
<ul style="list-style-type: none"> • Automotive service stations <ul style="list-style-type: none"> ○ with no underground fuel storage tanks, or with above-ground fuel storage tanks each less than 5,000L ○ with underground fuel storage tanks, or with above-ground fuel storage tanks each 5,000L or greater 	P	P	P
	C	C	C

[Harmonize conditional use requirement with provincial licensing requirements for fuel storage tanks]

- (e) Delete “Accessory manufacturing of goods for sale” and its associated use permissions in their entirety in Tables 11, 13, and 15, and substitute respectively therefor:

TABLE 11: COMMERCIAL USE TABLE					
Uses	Zones				
	CN	CR	CG	CAR	CHW
Manufacturing					
<ul style="list-style-type: none"> • Manufacturing of goods for sale 	NP	NP	P	P	C

TABLE 13: THE HUB USE TABLE			
Uses	Zones		
	HES	HMU	HTR
Manufacturing			
<ul style="list-style-type: none"> • Manufacturing of goods for sale 	p ⁽¹⁾	P	P

Notes to Table 13:

- (1) Where alcoholic beverages are produced, only if the associated commercial use includes a tasting room or an eating or drinking place, otherwise a conditional use.

TABLE 15: INDUSTRIAL USE TABLE			
Uses	Zones		
	IR	IG	IH
Commercial			
<ul style="list-style-type: none"> • Manufacturing of goods for sale 	P	P	C

[Accommodate commercial uses that have a manufacturing component that does not have any nuisance effects on neighbours, such as bakeries and microbreweries]

3. (f) In Table 11, delete the “Transportation” use category in its entirety and substitute therefor:

TABLE 11: COMMERCIAL USE TABLE					
Uses	Zones				
	CN	CR	CG	CAR	CHW
Transportation					
• Bus terminals	NP	NP	P	P	P
• Taxi and courier services, including parking and repair	NP	NP	C	C	NP
• Truck terminals	NP	NP	NP	C	P

[Clean up transposition error from 2016 review, reverting to what existed in the 2001 edition]

- (g) Delete Table 12 under Section 55 in its entirety and substitute therefor:

TABLE 12: COMMERCIAL BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Minimum									Maximum	
	Site area (m ²)	Site width (m)	Front yard (m) ⁽¹⁾⁽²⁾	Side yard (m) ⁽¹⁾⁽²⁾		Rear yard (m) ⁽¹⁾⁽²⁾		Dwelling unit area (m ²) ⁽³⁾	Distance from principal building (m)	Height ⁽⁴⁾	
				Interior	Corner	Lane	No lane			Height (m)	Storeys
Uses in CN Zones	232.0	7.6	6.0 ⁽⁵⁾	1.5	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁸⁾	18.0	N/A	11.0	2.5
Row house and multiple dwellings, and special needs housing, in CG Zones	781.0	21.0	6.0 ⁽⁵⁾	4.6	4.6	7.6	9.1	18.0	N/A	14.0	3.0
All other uses in CG Zones	139.0	4.6	0.0	0.0 ⁽⁹⁾	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁸⁾	18.0	N/A	14.0	3.0
Uses in CR Zones	232.0	7.6	6.0 ⁽⁵⁾	1.5	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁸⁾	18.0	N/A	9.0	2.0
Uses in CAR Zones	372.0	12.1	3.0	1.5	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁸⁾	18.0	N/A	11.0	2.5
Uses in CHW Zones	465.0	15.2	12.1	1.5	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁸⁾	N/A	N/A	11.0	2.5
Accessory uses	N/A	N/A	⁽¹⁰⁾⁽¹¹⁾	⁽¹⁰⁾⁽¹¹⁾	⁽¹⁰⁾⁽¹¹⁾	1.5 ⁽¹¹⁾⁽¹²⁾	0.6 ⁽¹¹⁾⁽¹²⁾	18.0	2.4	⁽¹³⁾	N/A

Notes to Table 12:

- (1) For sites abutting an R Zone site, see also section 23.
- (2) For group buildings located on one site, see subsection 22(b).
- (3) Where dwelling units are permitted or approved conditional uses.
- (4) The maximum building height shall be the lesser of either metres or storeys.
- (5) For any portion of the principal building that is not a garage or carport, the required front yard may be reduced by up to 25% of the average front yards of the adjacent sites, but shall be no less than 4.6m.
- (6) The minimum side yard on the street side of a reverse corner site abutting an R Zone shall be 4.6m.
- (7) Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 1.5m if all the required parking and loading spaces are provided elsewhere on the site.
- (8) Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 3.0m if all the required parking and loading spaces are provided elsewhere on the site.
- (9) Where a side yard is provided, it shall be not less than 1.5m.
- (10) The minimum interior side yard requirements for permitted accessory buildings and structures shall be the same as the minimum interior side yard requirements for the principal building on the site, and accessory buildings and structures shall be located no closer to any front or corner side site line than the principal building, unless otherwise provided for herein:
 - a) In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1m;
 - b) In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5m; and
 - c) Notwithstanding anything else contained herein, in the case of a freestanding canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0.0m.
- (11) Accessory buildings and structures may be attached to the principal building by means of a breezeway, extended roof, or similar structure. In each case, the accessory building or structure shall be considered as being a part of the principal building, and, notwithstanding anything else contained herein, the yard requirements for the principal building shall apply, except in the case of a canopy extending over the fuel pumps of an automotive service station or a canopy covering a walkway from the street to the principal building, where the minimum front and side yard requirements for the canopy shall be 0.0m.
- (12) Where permitted, a dwelling or mobile/modular home supportive of a permitted principal use shall have a minimum rear yard requirement of 6.0 m where there is a lane to the rear of the site and 7.6 m where there is no lane to the rear of the site.
- (13) An accessory building or structure shall not exceed the height of the principal building or structure.

[Allow for reduced front yards for residential uses based on neighbouring context, and provide building placement flexibility for properties in the CAR Commercial Arterial Zone]

3. (h) Delete Table 16 under Section 62 in its entirety and substitute therefor:

TABLE 16: INDUSTRIAL BULK AND SITING REQUIREMENTS									
Permitted and conditional uses	Minimum							Maximum	
	Site area (m ²)	Site width (m)	Front yard (m) ⁽¹⁾⁽²⁾	Side yard (m) ⁽¹⁾⁽²⁾		Rear yard (m) ⁽¹⁾⁽²⁾		Distance from principal building (m)	Height (m)
				Interior	Corner	Lane	No lane		
Uses in IR Zones	558.0	15.2	3.0	1.5	3.0	1.5	3.0	N/A	14.0
Uses in IG Zones	697.0	22.8	6.0	3.0	3.0	1.5	3.0	N/A	31.0
Uses in IH Zones	4048.0	30.4	6.0	3.0	3.0	7.6	9.1	N/A	46.0
Accessory uses	N/A	N/A	⁽³⁾	⁽³⁾	⁽³⁾	1.5	3.0	3.0	⁽⁴⁾

Notes to Table 16:

- (1) For sites abutting an R Zone site, see also section 23.
- (2) For group buildings located on one site, see subsection 22(b).
- (3) The minimum interior side yard requirements for permitted accessory buildings and structures shall be the same as the minimum interior side yard requirements for the principal building on the site, and accessory buildings and structures shall be located no closer to any front or corner side site line than the principal building, unless otherwise provided for herein:
 - a) In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1m;
 - b) In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5m; and
 - c) Notwithstanding anything else contained herein, in the case of a freestanding canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0.0m.
- (4) An accessory building or structure shall not exceed the height of the principal building or structure.

[Provide building placement flexibility for properties in industrial zones]

(i) Delete Table 18 under Section 65 in its entirety and substitute therefor:

TABLE 18: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Minimum									Maximum	
	Site area (m ²)	Site width (m)	Front yard (m) ⁽¹⁾⁽²⁾	Side yard (m) ⁽¹⁾⁽²⁾		Rear yard (m) ⁽¹⁾⁽²⁾		Dwelling unit area (m ²) ⁽³⁾	Distance from principal building (m)	Height ⁽⁴⁾	
				Interior	Corner	Lane	No lane			Height (m)	Storeys
Schools, universities and community colleges	⁽⁵⁾	⁽⁵⁾	0.3 ⁽⁶⁾	0.0 ⁽⁶⁾	0.3 ⁽⁶⁾	0.3 ⁽⁶⁾	0.3 ⁽⁶⁾	18.0	N/A	⁽⁷⁾	N/A
Other uses in EI Zones	670.0	18.2	3.0	3.0	3.0	6.0	7.6	18.0	N/A	18.0	5.0
Accessory uses	N/A	N/A	⁽⁸⁾	⁽⁸⁾	⁽⁸⁾	1.5	0.6	18.0	2.4	⁽⁹⁾	N/A

Notes to Table 18:

- (1) For sites abutting an R Zone site, see also section 23.
- (2) For group buildings located on one site, see subsection 22(b).
- (3) Where dwelling units are permitted or approved conditional uses.
- (4) The maximum building height shall be the lesser of either metres or storeys.
- (5) The site area and site width for a school, community college, or university campus shall be determined by Council, except where specific reference is made in this section.
- (6) Yard requirements for a school, community college, or university campus shall apply only to above-grade construction or installation, and shall in no way limit below-grade construction or installation.
- (7) There is no height limit, except where a building or structure is located adjacent to a street, in which case the height shall not exceed the sum of the required yard and the width of the street. Where the building or structure is located adjacent to two (2) streets, the wider street shall be used to establish the height.
- (8) The minimum front and side yard requirements for permitted accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal use, building, or structure.
- (9) An accessory building or structure shall not exceed the height of the principal building or structure.

[Provide building placement flexibility for properties in the EI Zone]

(j) Delete Table 20 under Section 68 in its entirety and substitute therefor:

TABLE 20: OPEN SPACES BULK AND SITING REQUIREMENTS										
Permitted and conditional uses	Minimum							Maximum		
	Site area (ha)	Site width (m)	Front yard (m) ⁽¹⁾	Side yard (m) ⁽¹⁾		Rear yard (m) ⁽¹⁾		Distance from principal building (m)	Height ⁽²⁾	
				Interior	Corner	Lane	No lane		Height (m)	Storeys
Uses in A Zones	16.0	91.4	38.1	4.6	38.1	7.6	7.6	N/A	14.0	3.0
Uses in DR Zones	16.0	91.4	38.1	4.6	38.1	7.6	7.6	N/A	14.0	3.0
Uses in OS Zones	N/A	N/A	3.0	3.0	3.0	6.0	7.6	N/A	11.0	2.5
Uses in PR Zones	N/A	N/A	3.0	3.0	3.0	6.0	7.6	N/A	11.0	2.5
Accessory uses	N/A	N/A	⁽³⁾	⁽³⁾	⁽³⁾	1.5	1.5	7.6 ⁽⁴⁾	⁽⁵⁾	N/A

Notes to Table 20:

- (1) For group buildings located on one site, see subsection 22(b).
- (2) The maximum building height shall be the lesser of either metres or storeys.
- (3) The minimum front and side yard requirements for permitted accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal use, building, or structure.
- (4) Minimum 3.0m in PR and OS Zones.
- (5) An accessory building or structure shall not exceed the height of the principal building or structure.

[Provide building placement flexibility for properties in OS and PR Zones, mostly City properties such as parks]

4. That Schedule C of By-law No. 7124 be amended as follows:

(a) Delete subsection 1.2(d) in its entirety and substitute therfor:

“1.2 (d) The extent of compliance with the provisions herein shall be at the determination of the Director based on the type of application, and the intensity and density of the use proposed.”

[Clarify the scope in which development must comply with the standards]

(b) Delete subsection 1.4(a) in its entirety and substitute therfor:

“1.4 (a) The Director shall complete the urban design review for any development permit. Pursuant to clause 71(3)(e) of the Act, an applicant may request the Planning Commission complete an urban design review instead of the Director. Any urban design review of the Planning Commission may be appealed to City Council.”

[Clarify how the urban design review process works]

(c) Under Part 2, adding the following immediately after the definition of “landscaped islands”:

“Large site or large development – refers to any site with a gross floor area of 4,645.0m² or greater.”

[Clarify what constitutes a large site for purposes of meeting the urban and landscape design standards]

(d) Delete subsection 3.1(g) in its entirety and substitute therfor:

“3.1 (g) Visible and secure bicycle parking is encouraged for all developments, and should be provided for all large development sites.”

[Clarify standard on providing bicycle parking on site]

(e) Delete subsection 3.3(d) in its entirety and substitute therfor:

“3.3 (d) Drive-through facilities should be designed to locate stacking lanes out of view from the principal street. When a stacking lane is located between a building and a street-facing site line, the stacking lane shall be separated from the street-facing site line by a landscaped area in accordance with Subsection 5.4(a).”

[Clarify standard on buffering drive-through facilities from streets]

(f) Delete subsection 3.4(e) in its entirety and substitute therfor:

“3.4 (e) Hardsurfaced parking areas should be clearly defined with curbing.”

[Remove minimum setback for curbing, allow flexibility for setback depending on site circumstances]

(g) Rename “3.6 Refuse & Utilities” to “3.6 Refuse”.

(h) Delete subsection 3.6(e) in its entirety and substitute therfor:

“3.6 (e) When refuse collection for multiple dwellings is from a rear lane, the refuse area is encouraged to be located directly adjacent to the rear lane. Where a site is adjacent to the refuse collection route (i.e. side of lane where pickup occurs), the refuse area is encouraged to run parallel to the lane, providing direct access to collection vehicles.

(f) For residential sites where private yards are not included, the development of accessory buildings or storage rooms in principal buildings

or dwelling units for personal storage is encouraged.”

[Clarify location of refuse facilities on sites, and remove provisions about mechanical and utility equipment]

4. (i) Adding the following immediately after subsection 3.9(d):

“3.9 (e) Wayfinding signs are encouraged to improve vehicle and pedestrian movement.”

[Encourage sites to include wayfinding signage]

(j) Add the following immediately after subsection 3.10(e):

“3.10 (f) Vehicle intrusion barriers, such as bollards, may be placed on a site to minimize safety related conflicts, and should complement the architectural elements of the principal building.”

[Provide design direction regarding barriers preventing vehicular safety conflicts, such as collisions with pedestrians or gas meters]

(k) Delete subsection 3.11(b) in its entirety and substitute therfor:

“3.11 (b) Lighting fixtures should be located along all private roads and provide lighting equivalent to a public street. Pedestrian scale lighting is encouraged along primary pedestrian routes and activity areas.”

[Clarify private road design standards regarding lighting, as private roads must also be built similar to a public street standard under subsection 47(d) and (e) of the Zoning By-law]

(l) Delete subsection 4.1(a) in its entirety and substitute therfor:

“4.1 (a) Where the proposed building is larger and taller than adjacent buildings, a transition in building height, increased setback, or a less impactful roof type should be considered (e.g. hipped roof instead of gable roof).”

[Clarify direction on addressing height differences between new and existing buildings]

(m) Delete subsection 4.1(d) in its entirety and substitute therfor:

“4.1 (d) In accordance with the bulk and siting requirements, buildings in the RSD and RLD Zones should maintain a similar front yard setback with adjacent buildings.”

[Clarify direction on addressing front yards between new and existing buildings in residential neighbourhoods]

(n) Delete subsection 4.3(h) in its entirety and substitute therfor:

“4.3 (h) Multiple dwellings should be designed so that each unit is distinguishable through architectural detailing and materials.”

[Clarify direction on addressing the design of clusters of multiple dwellings]

(o) Delete subsection 4.4(a) in its entirety and substitute therfor:

“4.4 (a) In accordance with the bulk and siting requirements, sites within or adjacent to residential low density zoned areas should be designed to

- locate buildings to minimize any loss of privacy or sunlight on the private yard space of adjacent sites, and
- locate and orient decks, balconies and rooftop patios to minimize privacy concerns of adjacent sites.

[Clarify direction on addressing privacy]

4. (p) Delete subsection 4.5(d) in its entirety.

[Delete discouragement of contrasting material and colour schemes, many buildings incorporate variety of materials (e.g. stucco and stone façades)]

(q) Delete subsection 5.1(a) in its entirety and substitute therfor:

“5.1 (a) Areas of a site visible from a street and not required for vehicle circulation, parking, loading or recreational amenity should be developed as landscaped areas.”

[Focus landscaping on areas of a site visible from a street,]

(r) Delete subsection 5.1(f) in its entirety and substitute therfor:

“5.1 (f) Crushed rock or other aggregate surfaces located adjacent to a public walkway, typically as part of edge landscaping, shall include a barrier (e.g. curbing) to ensure the rock does not spill onto the sidewalk.

(g) Tree planting is encouraged as an equivalency to shrub planting to reduce long term maintenance requirements and increase tree canopy cover in the City.”

[Clarify landscaping standards, addressing issue of rocks spilling from landscaped areas onto public walkways, and encouraging tree plantings instead of shrubs]

(s) Delete subsection 5.2(a) in its entirety and substitute therfor:

“5.2 (a) Open space buffers should be provided between potentially incompatible uses to reduce the impact of adjacent uses, including:

- Residential sites and commercial or industrial developments (minimum 3.0m);
- Residential sites and major arterial streets, provincial highways, or railway corridors (minimum 9.0m); and
- Row house and multiple dwellings with three or more storeys where the site adjoins a low density residential development (minimum 3.0m).

[Clarify standards for buffering between sites]

(t) Add the following immediately after subsection 5.5(c):

“5.5 (d) Boulevard trees are required along all public streets and private roadways.”

[Clarify private road design standards regarding tree plantings, as private roads must also be built similar to a public street standard under subsection 47(d) and (e) of the Zoning By-law]

(u) Delete section 6.1 in its entirety and substitute therfor:

“6.1 ACCEPTABLE TREES

This table may be updated by the Director without an amendment to the Zoning By-law to maintain currency of appropriate species, such as disease resistance.

Tree Type/Common Name	Suitability				
	General site landscaping	Greenspaces	Wet areas, shorelines	Buffers	Street Boulevards
Deciduous shade trees					
Baron Boxelder Maple	✓	✓			✓
Prairie Rouge Red Maple	✓	✓			✓
Silver Maple	✓	✓	✓		✓
Silver Cloud Maple	✓	✓			✓
Inferno Sugar Maple	✓	✓			✓
Lord Selkirk Sugar Maple	✓	✓			✓

Tree Type/Common Name	Suitability				
	General site landscaping	Greenspaces	Wet areas, shorelines	Buffers	Street Boulevards
Unity Sugar Maple	✓	✓			✓
Regal Celebration Freeman Maple	✓	✓			✓
Ohio Buckeye	✓	✓			✓
Autumn Splendor Buckeye	✓	✓			✓
Prairie Horizon Alder	✓	✓			✓
Paper Birch	✓	✓			✓
Prairie Dream Birch	✓	✓			✓
Parkland Pillar Birch	✓	✓			✓
Delta Hackberry	✓	✓			✓
Northern Acclaim Honeylocust	✓	✓			✓
Butternut		✓			
Black Walnut		✓			
Ironwood	✓	✓			✓
Cork Tree	✓	✓			✓
Skyfest Cottonwood		✓	✓		
Trembling Aspen	✓				✓
Assiniboine Poplar				✓	
Balsam Poplar			✓	✓	
Prairie Sky Poplar				✓	
Sundancer Poplar	✓	✓		✓	
Bur Oak	✓				✓
Shooting Star Oak	✓		✓		✓
Admiration Oak	✓				✓
Sericea White Willow			✓	✓	
Laurel Willow			✓	✓	
Prairie Cascade Willow	✓		✓		✓
American Linden	✓				✓
True North Linden	✓				✓
Golden Cascade Littleleaf Linden	✓				✓
Greenspire Littleleaf Linden	✓				✓
Harvest Gold Linden	✓				✓
Dropmore Linden	✓				✓
Glenleven Linden	✓				✓
Deciduous flowering trees					
Amur Maple	✓	✓			✓
Royal Crown Amur Maple	✓	✓			✓
Ruby Slippers Amur Maple	✓	✓			✓
Hot Wings Tatarian Maple	✓	✓			✓
Spring Snow Siberian Crabapple	✓	✓			✓
Starlite Siberian Crabapple	✓	✓			✓
Emerald Spire Rosybloom	✓	✓			✓
Purple Spire Rosybloom	✓	✓			✓
Gladiator Rosybloom	✓	✓			✓
Royal Mist Rosybloom	✓	✓			✓
Goldspur Amur Cherry	✓	✓			✓
Klondike Amur Cherry	✓	✓			✓
Ming Cherry	✓	✓			✓
Princess Kay Canada Plum	✓	✓			✓
Mayday Tree	✓	✓		✓	✓
Navigator Pear	✓	✓			✓
Golden Eclipse Tree Lilac	✓	✓			✓
Ivory Pillar Lilac	✓	✓			✓
Ivory Silk Lilac	✓	✓			✓
Coniferous trees					
White Spruce	✓	✓		✓	
Baby Blue Spruce	✓	✓		✓	
Black Hills Spruce	✓	✓		✓	
Colorado Blue Spruce	✓	✓		✓	
Black Spruce	✓	✓		✓	
Larch	✓	✓			

Tree Type/Common Name	Suitability				
	General site landscaping	Greenspaces	Wet areas, shorelines	Buffers	Street Boulevards
Balsam Fir	✓	✓			
Mountain Pine	✓	✓		✓	
Scotch Pine	✓	✓		✓	
Skybound Cedar	✓	✓		✓	
Techny Cedar	✓	✓		✓	

[Update list of acceptable trees for planting in Brandon, and allow list to be updated more quickly to deal with changes with significant consequences, such as pest infestations and disease control]

5. 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. 2018.

_____ MAYOR

_____ CITY CLERK

Read a first time this day of A.D. 2018
 Read a second time this day of A.D. 2018
 Read a third time this day of A.D. 2018