

BY LAW NO. 7304

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) deleting in subsection 2. (j) the words “the other” and substituting therefor the words “all gender expressions”;

[Updating terminology]

(b) subsection 6. (b) by:

- (1) deleting the definition “Community resource centre” in its entirety;

[Community resource centres can be classified as offices, removing duplication]

- (2) adding the following immediately after the definition of “Dwelling unit”:

“Electric vehicle charging station – equipment to transfer electrical power to a battery or other energy storage device in an electric vehicle. In accordance with the SAE J1772 standard, there are four levels of electric vehicle charging stations:

- 1) Level 1 – also known as slow charging, up to 120V AC
- 2) Level 2 – also known as medium charging, up to 240V AC
- 3) Levels 3 and 4 – also known as fast charging or DC fast charging, using DC equipment with higher power ratings”;

[Accommodating new technology appearing in Brandon’s urban fabric]

- (3) deleting in the term “ Sign, advertising”, the word “advertising” and substituting therefor the words “off-premises”;

- (4) deleting in the term “Sign, electronic advertising” the word “advertising” and substituting therefor the words “off-premises”;

- (5) deleting in the term “Sign, electronic identification” the word “identification” and substituting therefor the words “on-premises”;

- (6) deleting in the term “Sign, identification” the word “identification” and substituting therefor the words “on-premises”;

- (7) deleting the term “Special needs housing” in its entirety and substituting the following therefor:

“Special needs housing – the use of any dwelling unit to provide for one

or more persons who require specific services to support them in maintaining their home and their personal well-being.”

1. (b) (8) Amending the term “Office” by deleting the words “and travel agencies” and substituting therefor the words “, travel agencies, and community resource centres”;

[Updating terminology]

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

- (a) subsection 26. (a) Table 4: Required Parking and Loading Spaces by:
 - (1) deleting “community resource centre” under *Use*;
 - (2) deleting the words “one (1) for every 20 students of a residential school” in the minimum parking requirements for the *Use - Places of worship*;

[Removing duplicate requirements. Community resource centres are like offices. School parking requirements already exist.]

- (b) deleting in subsections 31.(a)(1), (e), (f) and (h)(2), subsections 32.(a) and (b), Section 33, subsections 33.(a), 33.(a)(1) (b), (c)(2), (c)(3) and(d), and subsection 34(d)(2), the word “identification” and substituting therefor the words “on-premises”;
- (c) deleting in subsections 31.(b), (h)(3) and (n), subsection 33.(c)(3), Section 34, and subsections 34.(a), (b), (c), (d), (d)(1) and (e) the word “advertising” and substituting therefor the words “off-premises”;

[Updating terminology]

- (d) Section 31, Table 7: Sign Requirements as follows:
 - (1) deleting the word “Identification” and substituting therefor the words “On-premises”;
 - (2) adding under *Sign Type - Identification sign for neighbourhoods or subdivisions*, the word: “public” immediately before the word “neighbourhoods” and by deleting the letter “R” and substituting therefor the word “All” immediately before the word “Zones”;
 - (3) adding the following immediately after “On-premises sign for public neighbourhoods or subdivisions”:

On-premises sign for private residential subdivisions or multiple-building developments	R and C Zones	Maximum 3.0m ²	Maximum 2.0m	Minimum 1.5m from site line
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[Clarify between signs on public streets and private streets within private developments]

- (4) deleting under *Sign Type* the word “Advertising” and substituting the words “Off-premises”;
- (5) deleting in *Notes to Table 7* the word “identification” and substituting therefor the words “on-premises”.

[Updating terminology]

- (e) adding in subsection 36.(e) the words “working on the property where the home-based business is located” immediately after the word “partner”;

[Provide clarity on home-based business limitations]

- (f) Adding the following immediately after Section 38:

“38.1 ELECTRIC VEHICLE CHARGING STATIONS

- (a) Levels 1 and 2 electric vehicle charging stations are permitted as accessory uses in all zones, and may be placed to charge electric vehicles parked in required parking spaces.
- (b) Levels 3 and 4 electric vehicle charging stations are permitted where automotive service stations are also permitted, either as an accessory use or as part of an automotive service station.
 - (1) Where installed as an accessory use, Levels 3 and 4 electric vehicle charging stations may be placed to charge electric vehicles parked in required parking spaces.”;

[Accommodating new technology appearing in Brandon’s urban fabric]

- 2. (g) Adding the following immediately after subsection 39.(d):

“39. (e) Notwithstanding Subsection 39.(a), where a corner or reverse corner site has a detached or semi-detached dwelling, said dwelling’s front entrance faces the corner or reverse corner side yard, and, if applicable, the driveway to the dwelling’s required parking space is from the corner or reverse corner side yard, the maximum height of a fence in the site’s required front yard, except within the required **corner or reverse corner side yard, shall be 1.8m, and the maximum height of a fence in the site’s required corner or reverse corner side yard shall be 1.2m.”.**

[Provide flexibility for lawfully non-conforming corner and reverse corner sites where front entrances may face side yards]

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

- (a) Section 51, Table 10: Residential Bulk and Siting Requirements by:

- (1) deleting in Table 10 the “Accessory Use” category in its entirety and substituting therefor the following:

Accessory Uses ⁽¹⁶⁾	N/A	N/A	7.6	1.2 ⁽¹¹⁾ (17)(18)	3.0 ⁽¹⁹⁾ (20)	1.5 ⁽²¹⁾	0.6 ⁽²⁰⁾	N/A	1.2	4.0	N/A	N/A
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- (2) adding immediately after Note 15 the following:

“(16) No accessory building or structure shall exceed the height and site coverage of the **principle principal building on the same site.”;**

- (3) deleting Note 22 in its entirety;

[Clarify limitations on accessory buildings and structures relative to principal residential buildings]

- (b) Section 54, Table 11: Commercial Use Regulation, by deleting “community resource centre” and its associated use permissions in their entirety;

[Community resource centres can be classified as offices, removing duplication]

- (c) deleting Section 55, Table 12: Commercial Bulk and Siting Requirements in its entirety and substituting the following 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 ⁽¹⁰⁾	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	14.0 ⁽¹⁰⁾	3.0
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	14.0 ⁽¹⁰⁾	3.0
Accessory uses	N/A	N/A	⁽¹¹⁾⁽¹²⁾	⁽¹¹⁾⁽¹²⁾	⁽¹¹⁾⁽¹²⁾	1.5 ⁽¹²⁾⁽¹³⁾	0.6 ⁽¹²⁾⁽¹³⁾	18.0	2.4	⁽¹⁴⁾	N/A

3. (d) add in the *Notes* to Table 12 immediately after Note 9 the following:

“(10) 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.”;

[Updating CAR and CHW Zone provisions to allow for more intense developments that may already be developed in the CG and RMD Zones]

- (e) deleting in subsections 56. (c)(1) and 56.(c)(2) the word “identification” and substituting therefor the words “on-premises”;
- (e) adding in subsection 56. (c)(3) the words “on-premises” immediately after the word “fascia”;

[Updating terminology]

- (f) deleting in Section 58, Table 13: Downtown Use Table “Community resource centres” from *Uses* and the associated use permissions in their entirety;
- (g) deleting in Section 64, Table 17: Educational and Institutional Use “Community resource centre” and its associated use permission in its entirety.

[Community resource centres can be classified as offices, removing duplication]

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

- (a) adding to the third bullet of subsection 3.1 the following words “, parking areas,” immediately prior to the words “and greenspaces”;
- (b) deleting subsection 3.2 b) in its entirety and substituting the following therefor:

“3.2 b) Common shared amenity spaces should be provided for larger multiple-dwelling developments (e.g. multiple building apartment

complexes) that are proportionate in size to the scale of the development. These amenity spaces should be located centrally to the site or in a prominent location such as a street corner or principal building entrance (Figure 2).

Private amenity spaces (e.g. balconies, covered decks) are encouraged for multiple dwelling developments with common entrances (e.g. 12-unit apartment building).

Private amenity spaces (e.g. covered decks, porches, patios) should be provided for each dwelling unit in multiple-dwellings with at-grade private entrances (e.g. one-storey triplex).”;

(c) adding the following immediately after subsection 3.3 g):

“3.3 h) Sites with vehicle access from a lane with less than 6.0m width should accommodate vehicle turning from the lane by lengthening the parking space or angling the access driveway relative to the lane.”;

(d) adding to subsection 3.4 d) the following words “, as well as to facilitate vehicle turning movements” immediately after the words “emergency access”;

[Clarify applicability of site design standards]

(e) adding the following immediately after subsection 3.5 d):

“3.5 e) Public and semi-public spaces should be designed as accessible spaces in accordance with The Accessibility for Manitobans Act and its associated regulations.”;

[Clarify provincial legislative connection regarding accessibility]

(f) adding to the third bullet in subsection 5.2 a) the following words “and there is a significant difference in building height, size, or massing (minimum 2.0m)” immediately after the words “residential development”.

[Clarify buffer standards between less compatible uses]

5. All sections, subsections, paragraphs, clauses, terms and notes shall be renumbered or reordered as required by the amendments above.

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. 2021.

	MAYOR			CITY CLERK
Read a first time this	7 th	day of	June	A.D. 2021
Read a second time this		day of		A.D. 2021
Read a third time this		day of		A.D. 2021