


TITLE: BY-LAWS NO. 7304 AND 7305 TO UPDATE THE ZONING BY-LAW APPLICANT: CITY OF BRANDON (ANDREW MOK)		
MEETING DATE: August 4, 2021		Page 1 of 6
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7304 B. By-law No. 7305 C. By-law No. 7304—Annotated D. By-law No. 7305—Annotated E. Change comparison table F. Letter of intent	
PRESENTER: Andrew Mok, BES RPP MCIP	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

By-law No. 7304

That the Planning Commission recommend City Council approve By-law No. 7304 (Z-06-21) to update the Zoning By-law to increase efficiency of land uses and processing development approvals, subject to the following amendments:

1. Adding the following immediately after Subsection 1(b)(7) of this by-law:
“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”;”
2. Amending Subsection 2(o) of this by-law be adding immediately after the words **“except within the required”**, the following, **“corner or”**; and
3. Amending Subsection 3(a) of this by-law by deleting the word **“principle”** and substituting therefor the word **“principal”**.

By-law No. 7305

That the Planning Commission recommend City Council approve By-law No. 7305 (Z-06-21) to rezone multiple properties across the City of Brandon, subject to the deletion of Subsection 1(s) (rezoning of 1515 – 6th Street) in its entirety.

BACKGROUND:***Request***

The applicant, Andrew Mok of the City of Brandon (“the City”), is proposing to amend the Zoning By-law as part of its annual update to improve regulatory efficiency and customer service by simplifying or clarifying regulations, as well as updating the zoning to various properties across the city by restoring property rights in light of historical zoning or due to recently adopted or updated secondary plans.

History

City Council adopted the current Zoning By-law in 2016. Amendments are necessary from time to time. This round of updates is to improve efficiencies by

- Simplifying or clarifying regulations
 - Over time, City administration identified from day-to-day interactions with customers the need to update regulations to
 - Make them easier to understand
 - Reduce the likelihood of otherwise unnecessary variances
- Rezoning properties to be consistent with recent plans, and restoring property rights on sites whose zones are not consistent with the legally established uses on those sites
 - Most of the properties listed for rezoning are places of worship in residential zones
 - Several places of worship encountered lost opportunities when they learned that accommodating other complementary uses, such as day care facilities, required conditional use approval, whereas places of worship already in the Educational & Institutional Zone only required building permits
 - Some properties are incorrectly zoned despite adhering to previously approved area concepts and issued building permits
 - Some properties are being rezoned to better match the intents of secondary plans, such as the North Brandon Gateway Secondary Plan and the Assiniboine Gardens Secondary Plan

ANALYSIS:

Attachments C and D are annotated versions of By-laws No. 7304 and 7305 respectively, providing explanations of each amendment, while Attachment F is a table of change comparisons. Under the broader scope of improved customer service, the City is proposing text changes for the following reasons:

- Harmonize existing terminologies
 - Minimize confusion due to use of terms different from those typically found in industries or higher levels of government
- Rebalance commercial development intensity limitations
 - Current rules in higher-intensity commercial zones are paradoxically more stringent than in some lower-intensity commercial zones, and market realities see different building forms today compared to previous decades
- Providing clarity on how certain Zoning By-law provisions and the Urban & Landscape Design Standards will apply on developments and sites

Reasons for rezoning properties are split by Sections of By-law No. 7305.

Section 1

- All sites in this section are long-established purpose-built places of worship in residential zones
- 1983 Zoning By-law No. 5128 permitted places of worship in R3 through R6 Zones (conditional use in R1 and R2), but 2001 Zoning By-law No. 6642 compressed the R Zone districts, making places of worship conditional uses in all R Zones
- Ancillary uses such as nursery schools and day cares are also conditional uses in R Zones
- Rezoning to EI provides a more level playing field to all places of worship in obtaining necessary approvals for ancillary uses and expansions of places of worship, as some places of worship are already in Educational & Institutional (EI), Commercial (C), or Downtown (D) Zones

Section 2

- Site originally rezoned in 2008 under impression there was to be a linear greenspace through this site
- Greenspace did not branch out here, site subdivided and developed as a detached dwelling (not Public Reserve), with building permit issued in 2017
- Rezoning ensures consistency with nearby RSD sites

Section 3

- Sites designated as Employment Lands in the Assiniboine Gardens Secondary Plan, which Council adopted in 2020, and implementation calls for rezoning of this area this year
- 19th Street North already developed to an urban standard with underground services to enable commercial redevelopment
- Existing dwelling units already lawfully non-conforming, rezoning to CAR does not change lawful non-conforming status nor existing property rights

Section 4

- Site is the City-owned Black Property in the North Brandon Gateway Secondary Plan (NBGSP) area
- Existing zoning is not consistent with and existed prior to adoption of the NBGSP
- City not ready to develop this site, therefore rezoning site to DR will minimize development speculation

Section 5

- City-owned site southeast of the 1st Street North/Veterans Way intersection
- Site is to be developed as an activity greenspace, establishing an outdoor sports field complex in accordance with the Greenspace Master Plan, adopted in 2015, and the Recreation Facilities Master Plan, adopted in 2019
- Rezoning of site to PR today allows City to process future development of this site more effectively, as not all recreational uses are permitted in the current Open Space (OS) and Agricultural (A) Zones

Consistency with the Development Plan

- Policy 1.6.2(h)—Closest reference to ensure development of new technologies within the urban fabric, such as electric vehicle charging stations, are accommodated in appropriate locations across the City
- Policies 3.2.4 and 3.2.5—Urban arterial and highway commercial developments in the Commercial Arterial (CAR) and Commercial Highway (CHW) Zones respectively cater to larger markets or require larger properties, and are therefore more intensive than other commercial zones such as Commercial General (CG)
 - City already allows up to three storeys in the CG Zone and four storeys in the Residential Moderate Density (RMD) Zone
 - Some commercial developments, such as hotels, are returning to taller building designs now
- Policies 5.2.1 and 5.2.3—Smaller scale institutions and cultural facilities like places of worship can be located anywhere in the City provided the scale and type of development are reasonably compatible, but should be located next to arterial or collector streets

- All places of worship being rezoned are at least several decades old and in established neighbourhoods
- All proposed zoning district changes for properties under this application consistent with Map 1: Urban Land Use
- All other proposed text changes only clarify intents, not changing them, therefore they do not deviate from the overall policies of the Development Plan

Consistency with the Assiniboine River Corridor Master Plan (ARCMP)

- Only the rezoning of 320, 340, 350, and 354 – 19th Street North applies in this case
- Map A—The ARCMP identifies lands in the 300-block of 19th Street North as part of the western edge of the Employment Lands designated area
- Policy 2.2.2—Employment Lands on or near 18th Street North should be commercial in nature

Consistency with the North Brandon Gateway Secondary Plan (NBGSP)

- Only the rezoning of 100 Black Street (City owned property) applies in this case
- Schedule A—Site mostly designated as Residential Low Density, with Mixed Use along the northern and eastern edges, and an opportunity for a Residential Moderate Density site in the south
- Existing configuration of Residential Single Detached (RSD) and CAR Zones inconsistent with the NBGSP
- Site also not yet ready to accommodate development due to servicing limitations in this area
- Downzoning to Development Reserve (DR) ensures land is not developed prematurely or inconsistent with the NBGSP, and mitigates unnecessary land speculation
 - Site is large enough under the Zoning By-law to be rezoned as DR

Commenting Agencies

The Planning & Buildings Department received the following comments.

City of Brandon

The City recommended providing clarity under the definition of “Office” to reassure not-for-profit organizations that fit under the “community resource centre” land use still fit as offices. The City also identified inconsistencies in two of the proposed amendments (Subsections 2(o) and 3(a) of By-law No. 7304). The Planning & Buildings Department recommends the adoption of both amendments within By-law No. 7304.

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice was also posted on the subject property and advertised in the Brandon Sun on July 22, 2021 and July 29, 2021.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant sent letters to owners of properties proposed to be rezoned, informing them of the City's intent and their ability to reach out to the applicant for more information or to express any concerns. One of the places of worship, located at 1515 – 6th Street, after some discussion with the applicant requested they keep their existing Residential Moderate Density Zone to allow for different long-term options for their site. The City is therefore recommending that property, identified under Subsection 1(s) of By-law No. 7305, be struck off the list of properties to be rezoned.

As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.