

BY LAW NO. 7334

BEING A BY LAW of the City of Brandon to amend both the Downtown Brandon Secondary Plan By-law No. 7238 and the Zoning By-law No. 7124.

WHEREAS Section 64 of The Planning Act, C.C.S.M. c.P80 provides that a secondary plan by-law may be amended;

AND WHEREAS the Council of the City of Brandon, in By-law No. 7238, adopted the Downtown Brandon Secondary Plan to provide long-term policy direction on the growth of the downtown Brandon area;

AND 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 both the Downtown Brandon Secondary Plan and the Zoning By-law to provide more flexibility in residential development in keeping with the intent of the Downtown Brandon Secondary Plan;

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

1. That the Downtown Brandon Secondary Plan By-law No. 7238 be amended as follows:

- (a) Deleting in Subsection 6.1.2(b) the word “shall” and substituting therefor the word “should”.**

[Residential uses should still be located above the first storey, but amending this policy will allow for opportunities for limited residential development on the first storey in the Central Business Character Area.]

2. That Table 13 under Part III, Division 3, Section 58 of Schedule A of By-law No. 7124 be amended as follows:

- (a) Deleting in the “Dwellings” category in its entirety and substituting therefor the following:**

| TABLE 13: DOWNTOWN USE TABLE | | |
|--|------------------|---------------------|
| Uses | Zones | |
| | DCB | DMU |
| Dwellings | | |
| • Dwelling units | | |
| ○ 1 st storey and basement, new buildings | p ⁽¹⁾ | p ⁽¹⁾⁽²⁾ |
| ○ 1 st storey and basement, existing buildings | NP | p ⁽²⁾ |
| ○ 2 nd storey and above | P | P |
| • Live work units | P | P |
| • Row house and multiple dwellings | | |
| ○ New buildings | NP | p ⁽¹⁾⁽²⁾ |
| ○ Existing buildings | NP | p ⁽²⁾ |
| • Row house and multiple dwellings as part of a commercial development | | |
| ○ New buildings | p ⁽¹⁾ | p ⁽¹⁾⁽²⁾ |
| ○ Existing buildings | NP | p ⁽²⁾ |

[Adding new use sub-classifications to differentiate between new and existing buildings for the downtown area to accommodate residential uses on a portion of the first storey.]

- (b) Renumbering the note reference for “Manufacturing of goods for sale” under the Downtown Central Business (DCB) Zone from “2” to “3”; and
- (c) Deleting the Notes to Table 13 in their entirety and substituting therefor the following:

Notes to Table 13:

- (1) *The maximum total floor area of the dwelling units shall not exceed 50% of the total floor area of the 1st storey, and the dwelling units shall be located in the rear of the building to allow portions of the building directly facing a street (front or side yard) to be developed for non-residential uses.*
- (2) *Where a site is adjacent to a Commercial Corridor as identified in The Downtown Brandon Secondary Plan, standalone residential on the first storey shall be a conditional use.*
- (3) *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.*

[Renumbering notes due to a new note to indicate only new buildings may have dwelling units on the first storey if only in the rear of the first storey and taking up no more than 50% of the first storey.]

3. 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. 2022.

| MAYOR | | CITY CLERK |
|-------------------------|--------|------------|
| Read a first time this | day of | A.D. 2022 |
| Read a second time this | day of | A.D. 2022 |
| Read a third time this | day of | A.D. 2022 |