

**BY LAW NO. 7383**

**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 the City of Brandon successfully applied for federal government funding under the Housing Accelerator Fund on the premise the City will reduce regulatory barriers to enable the development of additional housing;**

**AND WHEREAS it is deemed necessary and expedient to amend Zoning By-law No. 7124 to enable development of additional housing without processing additional 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 Section 3 the zone class “RSD Residential Single Detached”;**
- (b) adding in Subsection 6(b) the following definition immediately after the definition for “Dwelling unit”:**

**Dwelling unit, affordable—a dwelling unit that is affordable as defined in the City of Brandon Affordable Housing Incentive Program By-law.**

- (c) deleting in Subsection 6(b) the definition “Special needs housing” in its entirety and substituting the following therefor:**

**Supportive housing—a primarily residential facility designed to accommodate individuals requiring varying levels of support for their daily needs, encompassing social, physical, and mental health assistance, often providing on-site or off-site services like counseling, education, and healthcare and staff supervision as needed.**

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

- (a) deleting the parking requirements for “Detached dwellings”, “Duplex dwellings”, “Mobile and modular homes”, “Row house dwellings with each dwelling unit on separate titles”, “Secondary suites”, “Semi-detached dwellings”, “Multiple dwellings”, “Row house dwellings with dwelling units not on separate titles”, “Boarding houses”, and “Special needs housing” in Table 4 under Subsection 26(a) and substituting therefor as follows:

<b>TABLE 4: REQUIRED PARKING AND LOADING SPACES [excerpt]</b>		
<i>Use</i>	<i>Minimum Number of Required Parking Spaces</i>	<i>Minimum Number of Required Loading Spaces</i>
Multiple dwellings	0.5 for every dwelling unit with one (1) or fewer bedrooms and a dwelling unit area of 56.0m <sup>2</sup> or less; or 1.0 for every dwelling unit with two (2) or more bedrooms or a dwelling unit area greater than 56.0m <sup>2</sup> ; 1.0 parking space/affordable dwelling unit, regardless of unit area or number of bedrooms	N/A
Row house dwellings with dwelling units not on separate titles		
Boarding houses	One (1) for every four (4) residents, owner and/or employees	
Supportive housing		

- (b) deleting Subsection 27(e) in its entirety and substituting the following therefor:

27(e) Notwithstanding clause 27(d)(2), where a parking space in R Zones is accessed directly from a street by means of a driveway, the site may have no more than two (2) parking spaces in the front yard, including required parking spaces, or have parking take up to 50% of the front yard area, whichever is lesser.

- (c) deleting Subsection 27(f) in its entirety;

- (d) deleting Subsection 30(a) in its entirety and substituting the following therefor:

30(a) Notwithstanding TABLE 4: REQUIRED PARKING AND LOADING SPACES, accessory off-street parking is not required for any use in D Zones.

- (e) deleting Subsection 30(b) in its entirety and substituting the following therefor”:

30(b) Notwithstanding subsection 30(a), accessible parking must still be included within parking facilities in accordance with TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES based on the number of parking spaces provided within the facility.

- (f) deleting Subsection 35(d) in its entirety; and

- (g) deleting under Subsection 35(f) the word “conditional”, and substituting therefor the word “permitted”.

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

(a) deleting in Section 49 the zone class “RSD Residential Single Detached” and its description;

(b) in TABLE 9: RESIDENTIAL USE TABLE under Section 50:

(1) deleting the RSD column in its entirety;

(2) deleting Note 1, associated with duplex dwellings in the RLD Zone, in its entirety;

(3) deleting “Buildings with four (4) or fewer dwelling units located on a corner site”, “Buildings with four (4) or fewer dwelling units located on an interior site”, and their associated permissions, and substituting therefor the following with the following note:

TABLE 9: RESIDENTIAL USE TABLE [excerpt]					
Uses	Zones				
	RLL	RLD	RMD	RHD	RMH
○ Buildings with three (3) or four (4) dwelling units	NP	P <sup>(1)</sup>	P	P	NP

**Notes to Table 9:**

(1) Minimum 12.1m site width required for buildings with three (3) dwelling units, minimum 15.2m site width required for buildings with four (4) dwelling units.

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

TABLE 9: RESIDENTIAL USE TABLE [excerpt]					
Uses	Zones				
	RLL	RLD	RMD	RHD	RMH
Supportive housing					
• Four (4) or fewer persons per dwelling unit	P	P	P	P	P
• Five (5) or more persons per dwelling unit	C	C	C	C	C

(c) deleting TABLE 10: RESIDENTIAL BULK AND SITING REQUIREMENTS under Section 51 and its Notes in their entirety and substituting therefor the following:

TABLE 10: RESIDENTIAL BULK AND SITING REQUIREMENTS <sup>(1)</sup>												
Permitted and conditional uses	Minimum								Maximum			
	Site area (m <sup>2</sup> )	Site width (m)	Front yard (m) <sup>(2)(3)</sup>	Side yard (m) <sup>(3)</sup>		Rear yard (m) <sup>(3)</sup>		Dwelling unit area (m <sup>2</sup> ) <sup>(4)</sup>	Distance from principal building (m)	Height <sup>(5)</sup>		Density (units/ha)
				Interior	Corner	Lane	No lane			Height (m)	Storeys	
Detached dwellings in RLL Zone	4,048.0 <sup>(6)</sup>	22.8	7.6	4.6	4.6	9.1	9.1	75.0 <sup>(7)</sup>	N/A	11	2.5	N/A
Detached dwellings in all other zones	232.0	7.6	6.0	1.2 <sup>(8)</sup>	3.0 <sup>(9)</sup>	7.6	7.6 <sup>(10)</sup>	75.0 <sup>(7)</sup>	N/A	11	2.5	N/A
Dwellings on separate titles with common party walls	232.0	7.6	6.0	1.2 <sup>(8)(11)</sup>	3.0 <sup>(9)</sup>	7.6	7.6 <sup>(10)(11)</sup>	75.0	N/A	11	2.5	N/A
All other RLL Zone uses	4,048.0 <sup>(6)</sup>	22.8	7.6	4.6	4.6	9.1	9.1	75.0	N/A	11	2.5	N/A
All other RLD Zone uses	232.0	7.6	6.0	1.2 <sup>(8)</sup>	3.0 <sup>(9)</sup>	7.6 <sup>(12)</sup>	7.6 <sup>(12)</sup>	18.0	N/A	11	2.5	N/A
All other RMD Zone uses	670.0	18.2	6.0	3.0 <sup>(13)</sup>	3.0 <sup>(9)</sup>	7.6	7.6	18.0	N/A	14.0 <sup>(14)</sup>	3.0 <sup>(14)</sup>	86.0
All other RHD Zone uses	930.0	30.4	6.0	4.6	4.6	4.6	6.0 <sup>(15)</sup>	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 <sup>(9)</sup>	4.5	4.5 <sup>(16)</sup>	N/A	N/A	5.5	1.5	N/A
Accessory Uses <sup>(17)</sup>	N/A	N/A	7.6	1.2 <sup>(11)(18)(19)</sup>	3.0 <sup>(20)(21)</sup>	1.5 <sup>(22)</sup>	0.6 <sup>(21)</sup>	N/A	1.2	4.0	N/A	N/A

**Notes to Table 10:**

- (1) The maximum site coverage of all buildings, including garages and other accessory buildings, is 40%.**
- (2) For any portion of the principal building on a RLD site 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. For any portion of the principal building on a RMD or RHD site that is not a garage or carport, the required front yard may be reduced to 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) 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.**
- (9) 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.**
- (10) 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.**
- (11) 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.**
- (12) Where a two-storey principal building is proposed on a site, and adjacent sites have rear yards less than 12.1m, the required rear yard of a site, except for a pie-shaped interior site, shall increase to 25% of said average rear yard, but may be no more than 12.1m.**
- (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 3,500.0m<sup>2</sup>.**
- (15) Where the site abuts a RLL 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) No accessory building or structure shall exceed the height and site coverage of the principal building on the same site.**
- (18) 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.**
- (19) The minimum required interior side yard for accessory buildings that have direct access onto a lane shall be 1.5m.**
- (20) Minimum 4.6m in the RHD Zone.**
- (21) 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.**
- (22) The minimum required rear yard for accessory buildings which do not have**

direct access onto a lane shall be 0.6m.

3. (d) adding the following immediately after Section 51:

**51.1 DENSITY BONUSING IN THE RMD ZONE**

Notwithstanding Table 10 under Section 51, a RMD Zone site may exceed the maximum density in accordance with Table 10.1: DENSITY BONUS BASED ON PROPORTION OF ONE-BEDROOM DWELLING UNITS OR AFFORDABLE DWELLING UNITS should the site include one-bedroom dwelling units or affordable dwelling units.

<b>TABLE 10.1: DENSITY BONUS BASED ON PROPORTION OF ONE-BEDROOM DWELLING UNITS OR AFFORDABLE DWELLING UNITS</b>	
<b>% of Total Dwelling Units</b>	<b>Density Bonus</b>
10% or less	5%
11% to 20%	10%
21% to 30%	15%
31% to 40%	20%
41% to 50%	25%
51% to 60%	30%
61% to 70%	35%
71% to 80%	40%
81% to 90%	45%
91% to 100%	50%

- (e) deleting in TABLE 11: COMMERCIAL USE TABLE under Section 54 “Special needs housing” in its entirety and substituting therefor the following:

<b>TABLE 11: COMMERCIAL USE TABLE [excerpt]</b>					
<i>Uses</i>	<i>Zones</i>				
	<i>CN</i>	<i>CR</i>	<i>CG</i>	<i>CAR</i>	<i>CHW</i>
Supportive housing					
• Four (4) or fewer persons per dwelling unit	C	NP	P	NP	NP
• Five (5) or more persons per dwelling unit	C	NP	C	NP	NP

- (f) deleting in TABLE 13: DOWNTOWN USE TABLE under Section 58 “Special needs housing” in its entirety and substituting therefor the following:

<b>TABLE 13: DOWNTOWN USE TABLE [excerpt]</b>		
<i>Uses</i>	<i>Zones</i>	
	<i>DCB</i>	<i>DMU</i>
Supportive housing		
• Four (4) or fewer persons per dwelling unit	C	P
• Five (5) or more persons per dwelling unit	C	C

4. That Schedule B of By-law No. 7124 be amended by reclassifying all lands currently zoned RSD Residential Single Detached to RLD Residential Low Density;
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. 2024.

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**MAYOR**

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**CITY CLERK**

**Read a first time this                      day of                      A.D. 2024**

**Read a second time this                      day of                      A.D. 2024**

**Read a third time this                      day of                      A.D. 2024**