

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”;

[RSD Zone, with few exceptions, is very restrictive in terms of types of housing that can be built, yet detached housing, a form of low-density housing, can be built in most other residential zones, including the RLD Residential Low Density Zone]

(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.

[Tying regulations to make it easier to develop affordable housing tied to a new Affordable Housing Incentive Program, and therefore referencing the definition to the program’s enabling 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.

[Updating language to be more inclusive to accommodate residents requiring various needs and supports]

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:

TABLE 4: REQUIRED PARKING AND LOADING SPACES [excerpt]		
<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 ² or less; or 1.0 for every dwelling unit with two (2) or more bedrooms or a dwelling unit area greater than 56.0m ² ; 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		
Supportive housing	One (1) for every four (4) residents, owner and/or employees	

[Reducing City’s imposing minimum on-site parking requirements, also in line with future City Plan’s direction for encouraging diversity of transportation modes. Builders still allowed to add parking on site]

2. (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.

[Allow creative front-street-access-only housing designs while maintaining limitations to ensure front yard green amenities]

- (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.

[Bringing consistency to parking requirements for all uses in all downtown 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.

[Ensuring availability of accessible parking spaces should a downtown development still propose a new parking area]

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

[Regulatory duplication, parking already required under Table 4]

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

[All secondary suites will now be permitted, additional design requirements in place to address detached and garage secondary suites]

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;

[RSD Zone, with few exceptions, is very restrictive in terms of types of housing that can be built, yet detached housing, a form of low-density housing, can be built in most other residential zones, including the RLD Residential Low Density Zone]

- (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;

[New reduced building site coverage and increased rear yard restriction proposed as Notes 1 and 12 respectively under Table 10 (see following page) will ensure duplex dwellings on narrower lots are constructed in appropriate context with their neighbours]

- (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 ⁽¹⁾	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.

[Replacing conditional use approval for three- and four-unit dwellings on interior sites with new Note 1 under Table 9, as well as revised Note 1 and new Note 12 under Table 10, to ensure construction in appropriate context with neighbours]

- (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

[Replacing “special needs housing” with “supportive housing”, and updating permission threshold in accordance with the new Manitoba Building Code]

3. (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 ⁽¹⁾												
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 all other zones	232.0	7.6	6.0	1.2 ⁽⁸⁾	3.0 ⁽⁹⁾	7.6	7.6 ⁽¹⁰⁾	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Dwellings on separate titles with common party walls	232.0	7.6	6.0	1.2 ⁽⁸⁾⁽¹¹⁾	3.0 ⁽⁹⁾	7.6	7.6 ⁽¹⁰⁾⁽¹¹⁾	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 RLD Zone uses	232.0	7.6	6.0	1.2 ⁽⁸⁾	3.0 ⁽⁹⁾	7.6 ⁽¹²⁾	7.6 ⁽¹²⁾	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 ⁽⁹⁾	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 ⁽⁹⁾	4.5	4.5 ⁽¹⁶⁾	N/A	N/A	5.5	1.5	N/A
Accessory Uses ⁽¹⁷⁾	N/A	N/A	7.6	1.2 ⁽¹¹⁾⁽¹⁸⁾⁽¹⁹⁾	3.0 ⁽²⁰⁾⁽²¹⁾	1.5 ⁽²²⁾	0.6 ⁽²¹⁾	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 3,500.0m².*
- (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.*

[Removing all references to the RSD Zone as such zone will no longer exist. However, reducing maximum site coverage of a building from 60% to 40% to maintain yard spaces for on-site residents and to better mitigate drainage off site. Also adding new Note 12 requiring an increased rear yard for new tall developments where neighbours also have deep rear yards to ensure more contextually appropriate infill development]

- 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.

TABLE 10.1: DENSITY BONUS BASED ON PROPORTION OF ONE-BEDROOM DWELLING UNITS OR AFFORDABLE DWELLING UNITS	
% of Total Dwelling Units	Density Bonus
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%

[New provision to provide a development incentive for any residential developments in the RMD Zone that provide either smaller dwelling units (comparatively lower impacts than larger dwelling units), as well as for any RMD Zone developments that are eligible for the City's new Affordable Housing Incentive Program]

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

TABLE 11: COMMERCIAL USE TABLE [excerpt]					
Uses	Zones				
	CN	CR	CG	CAR	CHW
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

[Replacing “special needs housing” with “supportive housing”, and updating permission threshold in accordance with the new Manitoba Building Code]

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

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

[Replacing “special needs housing” with “supportive housing”, and updating permission threshold in accordance with the new Manitoba Building Code]

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;

[Consistent with proposed elimination of RSD Zone from the Zoning By-law. RLD Zone still allows for construction of detached dwellings, a form of low-density residential use]

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.

MAYOR

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