

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:

TABLE 4: REQUIRED PARKING AND LOADING SPACES [<i>excerpt</i>]		
<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	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:

Uses	Zones				
	RLL	RLD	RMD	RHD	RMH
o 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.

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

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:

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.

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%

- (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

- (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

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.

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

Attachment C (By-law No. 7383)—Zoning By-law Change Comparison

Zoning By-law—List of Amendments (Change Comparison)—By-law No. 7383		
Section	Existing	Proposed
3	“RSD Residential Single Detached” part of the list of zones	Delete RSD Zone
6(b)	New	Dwelling unit, affordable—a dwelling unit that is affordable as defined in the City of Brandon Affordable Housing Incentive Program By-law.
	Existing definition: 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.	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.
26(a) (Table 4)	Minimum one (1) parking space/dwelling unit with one (1) or fewer bedrooms and a dwelling unit area of 51.0m ² or less; or one-and-a-half (1.5) parking spaces/dwelling unit with two (2) or more bedrooms or a dwelling unit area greater than 51.0m ² , 10% of which shall be unassigned guest parking readily accessible for multiple dwellings and row house dwellings with dwelling units not on separate titles	For multiple dwellings and row house dwellings with dwelling units not on separate titles, minimum 0.5 parking space/dwelling unit with one (1) or fewer bedrooms and a dwelling unit area of 56.0m² or less; or minimum 1.0 parking space/dwelling unit with two (2) or more bedrooms or a dwelling unit area greater than 56.0m² ; 1.0 parking space/affordable dwelling unit, regardless of size or number of bedrooms
	For boarding houses, minimum one (1) parking space/three (3) sleeping rooms, one (1) parking space for owner	Minimum one (1) parking space for every four residents/staff
	For special needs housing, minimum one (1) parking space/three (3) residents or staff	
27(e)	Notwithstanding clause 27(d)(2), parking is not permitted in any area between a front site line and a principal building in R Zones, except in a non-required parking space on a driveway used to gain direct access to a required parking space, garage or carport of a detached, semi-detached or row house dwelling.	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.
27(f)	Notwithstanding subsection 27(e), one (1) additional non-required parking space extended from a driveway may be developed in a required front yard of a detached dwelling or a dwelling accessed from a private road.	[Delete]

Zoning By-law—List of Amendments (Change Comparison)—By-law No. 7383

Section	Existing	Proposed
30(a)	Notwithstanding TABLE 4: REQUIRED PARKING AND LOADING SPACES, accessory off-street parking in D Zones shall be provided in accordance with the following: (1) Off-street parking is not required for all uses in the DCB Zone; (2) Off-street parking is not required for all non-residential uses in the DMU Zone; and (3) A minimum of one (1) off-street parking space shall be provided for each residential dwelling unit developed in a new building in the DMU Zone, but off-street parking is not required for developing dwelling units in an existing building in the DMU Zone.	Notwithstanding TABLE 4: REQUIRED PARKING AND LOADING SPACES, accessory off-street parking is not required for any use in D Zones.
30(b)	Where parking requirements are exempt under subsection 30(a), accessible parking must be included within parking facilities in accordance with TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES.	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.
35(d)	Sites containing a secondary suite shall provide a minimum of two (2) off-street parking spaces.	[Delete]
35(f)	Where listed in the tables as a conditional use, garage suites and detached suites shall conform to[...]	Where listed in the tables as a permitted use, garage suites and detached suites shall conform to[...]
49	“RSD Residential Single Detached” part of the list of zones	Delete RSD Zone
50 (Table 9)	RSD part of Residential Use Table	Delete RSD column
	Buildings with four (4) or fewer dwelling units located on a corner site—“P” in RLD, RMD, and RHD	Delete both and replace with “Buildings with three (3) or four (4) dwelling units”—“P” in RLD (with note requiring minimum 12.1m site width for three dwelling units and minimum 15.2m site width for four dwelling units), RMD, and RHD
	Buildings with four (4) or fewer dwelling units located on an interior site—“C” in RLD; “P” in RMD and RHD	
	Special needs housing: three or less permitted, four or more conditional use	Supportive housing: four or less permitted, five or more conditional use
	Note 1: Duplex permitted in RLD Zone on corner site or site with 15.2m minimum width, otherwise conditional use	[Delete, no conditional use required for duplex dwellings on narrower sites, context appropriate rear yard will apply instead]
51 (Table 10)	Table has one line for “Detached dwellings in RSD Zone” and one for “All other RSD Zone uses”	Delete both lines
	Required rear yard, both lane and no lane, for “All other RLD Zone uses”—7.6m	New note for this rear yard requirement: Where a two-storey principal building is proposed on a site, and adjacent sites have an average rear yard greater 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.

Zoning By-law—List of Amendments (Change Comparison)—By-law No. 7383

Section	Existing	Proposed																								
	Note 1: The maximum site coverage of all buildings, including garages and other accessory buildings, is 60%.	Revised Note 1: The maximum site coverage of all principal buildings is 40%.																								
	Note 2: For any portion of the principal building on a RSD or 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.	Delete “RSD or”																								
	Note 14: Where the site abuts a RLL or RSD zone, the required rear yard shall be a minimum of 7.6m.	Delete “or RSD”																								
51.1	New	<p>New provision and table to allow for density bonus for one-bedroom dwelling units or affordable dwelling units on a RMD site, above existing density limitations</p> <table border="1"> <thead> <tr> <th colspan="2">TABLE 10.1: DENSITY BONUS BASED ON PROPORTION OF ONE-BEDROOM DWELLING UNITS OR AFFORDABLE DWELLING UNITS</th> </tr> <tr> <th>% of Total Dwelling Units</th> <th>Density Bonus</th> </tr> </thead> <tbody> <tr> <td>10% or less</td> <td>5%</td> </tr> <tr> <td>11% to 20%</td> <td>10%</td> </tr> <tr> <td>21% to 30%</td> <td>15%</td> </tr> <tr> <td>31% to 40%</td> <td>20%</td> </tr> <tr> <td>41% to 50%</td> <td>25%</td> </tr> <tr> <td>51% to 60%</td> <td>30%</td> </tr> <tr> <td>61% to 70%</td> <td>35%</td> </tr> <tr> <td>71% to 80%</td> <td>40%</td> </tr> <tr> <td>81% to 90%</td> <td>45%</td> </tr> <tr> <td>91% to 100%</td> <td>50%</td> </tr> </tbody> </table>	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%
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%																									
54 (Table 11)	Special needs housing: three or less permitted, four or more conditional use	Supportive housing: four or less permitted, five or more conditional use																								
58 (Table 13)	Special needs housing: three or less permitted, four or more conditional use	Supportive housing: four or less permitted, five or more conditional use																								

Zoning Map—List of Amendments—By-law No. 7383

Location(s)	Existing	Proposed
Various residential areas across the city	RSD Residential Single Detached	RLD Residential Low Density

March 7, 2024

RE: Letter of Intent—Zoning By-law Update to Enable Housing Development
Housing Accelerator Fund Initiative (By-law No. 7383)

Brandon, MB

On behalf of the City of Brandon (“the City”), I am applying to amend the Zoning By-law No. 7124 (“Zoning By-law”) to accelerate development of housing across the City.

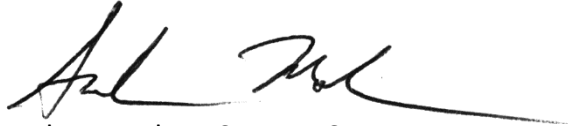
Earlier this year, the federal government conditionally approved the City’s application for funding under the Housing Accelerator Fund. As part of the funding approval, the City is to update the Zoning By-law’s regulations pertaining to housing to remove barriers that are limiting opportunities for housing development across the City. The City of Brandon is proposing the following key changes in the Zoning By-law:

- Combining the RSD Residential Single Detached Zone with the RLD Residential Low Density Zone
 - Detached housing is a form of low-density housing already permitted in the RLD Zone
 - However, the RSD Zone restricts, with few exceptions, construction only to detached dwellings not supported by technical reasons, such as Provincial requirements for septic field systems, as in the case of the RLL Residential Large Lot Zone, or different construction methods and therefore Manitoba Building Code implications, as in the case of the RMH Residential Mobile/Modular Home Zone
 - RLD Zone already allows construction of detached dwellings, as well as other low-density residential uses like semi-detached and row house dwellings, and, recognizing that infill housing developments have the potential to impact existing residential neighbours, the City is also proposing some additional rules to ensure infill housing developments are contextually more considerate of their neighbours
- Reducing parking requirements for residential uses
 - Parking requirements existed due to the historic mentality of building communities for cars rather than for people. The current ratios are arbitrary.
 - Minimum parking requirement is a significant constraint to the development of housing within our community
 - This change is also consistent with feedback the City received in 2022 and 2023 to draft the City Plan to reduce dependency on private vehicles for moving residents, as well as feedback received from various community groups such as Real Estate Board, Chamber of Commerce, CARM and the development industry regarding constraints to meeting the housing demand.
- Reducing forms of housing requiring conditional use or variance approvals

- This change is also consistent with the City's ongoing efforts to streamline government operations in processing applications
- However, recognizing that infill housing developments have the potential to impact existing residential neighbours, the City is also proposing some additional rules to ensure infill housing developments are contextually more considerate of their neighbours
- Enabling development of more affordable housing
 - Where housing projects include smaller dwelling units or qualify for a new Brandon Affordable Housing Incentive Program, such projects may have density bonuses allowing for more dwelling units on the site above the density limits of the RMD Residential Moderate Density Zone

Thank you.

Sincerely,



Andrew Mok, BES RPP MCIP
Senior Planner



Attachment E: Housing Accelerator Fund Action Plan

Brandon City Council, January 22, 2024

Initiative No 1. – Zoning Accelerated

Zoning by-law amendments to modify development standards to reduce public hearings triggered through conditional use or variance processes, including:

- Allowing up to four-plex dwellings as permitted on residential low density zoned interior lots subject to specific lot size, building height, and building setback standards
- Reducing parking requirements for affordable and transitional housing developments
- Increasing the size of one bedroom unit that qualifies for parking reduction to one space per unit

Modifying these standards which commonly trigger conditional use and variance requests (i.e. public hearings) will decrease processing timelines while providing developers/builders greater certainty. The amendments will apply to missing middle housing options and the new parking standards for affordable and transitional housing will increase affordable housing options in the city.

Initiative No. 2 – Housing Liaison

This initiative supports accelerated supply of affordable housing throughout the community and downtown market housing as necessitated by the housing land assembly and housing incentive actions. The housing liaison function will serve to foster relationships with both non-profit and for profit housing providers to meet strategic housing goals for affordable and downtown housing.

In addition to administering housing incentives and programs, the function will serve as a liaison with other City departments as they evaluate and execute potential projects. This role could include clarifying requirements, facilitate problem solving and assisting with community outreach. The function will be formalized by the extension of an existing term housing and wellness programmer position into a full time permanent position and cross training with other employees.

Initiative No 3 - Density Bonus

This initiative will incentivize the creation of smaller one bedroom units and affordable housing units. The proposed density bonus will increase the number of allowable units in RMD zones proportionally as more one bedroom or affordable units are provided.

The affordable density bonus is intended to reduce the market gap for developers to build affordable units. The density bonus along with the related decrease in parking and incentive program should accelerate uptake of affordable housing construction.

As per the Housing Needs Assessment few one bedroom units have been constructed in Brandon over the last 20 years. One person households make up approximately 45% of renter households within the City while bachelor and one bedroom units make up 25% of rental housing supply.

Initiative No. 4 - Growing our established areas

The City of Brandon has been engaging our residents on our new City Plan since May 2022 and one of the key themes is “Growing City” which included discussions on a vision for inclusive mixed housing neighborhoods. One of the items that has come up through the engagement is the need for greater clarity around where increased density should be supported through rezoning and/or conditional use processes. The current policies in the plan are general and do not provide staff and developers clear direction on areas where increased density is more appropriate. This has created frustration and confusion from applicants on what locations will be supported for increases in density.

The proposed initiative will clearly identify policies and criteria to support intensification and increased density with consideration for proximity to transit, active transportation, greenspace, schools, commercial areas, major institutions, major roadways, and lot location on block (corner vs interior). To meet aggressive HAF housing targets, residential corridors will be evaluated for highest and best use concurrently with infrastructure analysis to support larger scale (three and four storey) missing middle housing.

Associated infrastructure analysis and capital budgeting will also be required to ensure the alignment of land use and infrastructure planning.

Initiative No. 5 - Housing Incentive

Providing a predictable housing incentive that aligns with both downtown and affordable housing goals will accelerate housing in both these areas. The initiative will include the creation of a new housing incentive by-law and supporting policy to provide as of right tax off-setting grants and cash incentives for affordable housing throughout the city, and market housing downtown.

The affordable housing incentive will provide differing levels of tax off-setting and cash incentives based on the type (bedrooms) and affordability level of units proposed. The affordable housing incentive will also consider incentives for the retention of aging out existing affordable units at affordable rental rates.

The downtown incentive will provide differing levels of tax off-setting and cash incentives based on the type (bedrooms) and location of development within the downtown. The intent is to evaluate the market gap/risk to development in specific areas and create an incentive package to bridge the gap.

Initiative No. 6 – Development Charge Timing

As part of the Cities overall development charges update the timing of the development charge will be explored. Currently 50% of the development charge is paid at the time of execution of development agreement when a property is zoned and/or subdivided for development. It is a common request from developers to phase contributions at the time of development agreement to preserve cash flow until they are closer to receiving revenue from the sale of lots and/or the construction of buildings.

This initiative will explore the timing of development charges and make a change to defer a greater portion of the charge to a time closer to where the developer is receiving revenue. Options to be explored include phasing the contribution at the time of development agreement (e.g. payment of charge prior to registration of subdivision, payment of charge prior to construction of first lift of asphalt and receipt of construction completion certificate or deferring full charge to the time of building permit.

Initiative No. 7 – Housing Land Assembly

City owned land is an essential tool to facilitate housing opportunities for market housing downtown and affordable housing throughout the city. Historically, the majority of moderate density affordable housing projects have been developed with the City contributing land and funding coming from other levels of government to support not-for profit and for-profit builders to construct and operate affordable housing. Over the years the City has followed our land transaction policy and disposed of the majority of our land holdings for affordable housing. With few holdings left we have limited capacity to continue providing land to facilitate affordable housing opportunities for housing providers in our community.

The housing land assembly initiative will allow the City to increase our prioritization for land acquisition of lands for both affordable housing throughout the City and market housing downtown to align with our new housing incentive and accelerate growth in both these areas. The HAF funding will allow staff to actively pursue land assembly opportunities for both downtown and affordable purposes including acquisition, building demolition, environmental cleanup and infrastructure upgrades to bring land to a shovel ready state. As the City is not a builder, these lands will be made available to not-for profit and for profit groups to develop through market and request for proposal processes. This initiative will be tied to the funding from the HAF program, unless other funding is received from other levels of government.

Attachment F

Housing Accelerator Fund Best Practices

City of Brandon (City) has reviewed the 10 housing accelerator fund best practices and advises how they are already being addressed and how they could be included as part of our housing accelerator initiatives should opportunities arise:

1. End exclusionary zoning

Best Practice: Stop low-density zoning and regulation that excludes housing types such as affordable and social housing in residential areas.

City Response: City Zoning By-law does not exclude affordable housing and most social housing types (residential care, custodial homes) of a certain size are already permitted in all residential areas.

Best Practice: Encourage high density by allowing mixed-use development and high-density residential as-of-right within proximity to urban cores and transit corridors.

City Response: City Zoning By-law allows mixed use development of up to four storeys on most commercial corridors, further intensification of corridors including as-of-right moderate density missing middle housing will be explored under the “Growing our established areas” initiative.

Best Practice: This includes adopting by-laws to adopt more as-of-right zoning measures, from the number of units to storeys.

City Response: City will explore as of right zoning for up-to four units as part of our “Zoning Accelerated” initiative. Entitlement and height requirements along corridors will be reviewed under the “Growing our established areas” initiative.

2. Best Practice: Make municipally owned lands available for housing through strategies such as disposition, acquisition and/or pre-development.

City Response: Current land transaction policy provides affordable housing priority for all municipal land. “Housing land assembly” initiative will further the effectiveness of this policy by purchasing and assembling land for future housing opportunities. The City will be enhancing this initiative for affordable housing by working with partners to create development concepts and zone sites for affordable housing types.

3. Best Practice: Increase process efficiency by implementing new technologies or software to speed up development approvals, such as e-permitting.

City Response: City has on-line permitting system including plans review. This initiative has been ongoing and we will continue to explore improvements to our on-line system.

4. Best Practice: Prioritized/enhanced development approval process for rental and affordable housing.

City Response: City of Brandon has existing two week review targets for all building permit types. We will continue to support housing providers in navigating our approval and permitting processes.

5. **Best Practice: Comprehensive review of development charges and fee schedules** including waivers, with a focus on permits associated with affordable housing.

City Response: “Development Charge Timing” initiative will review the timing of the development charge to defer a greater portion of the charge to a time closer to when the developer is receiving revenue from the sale of lots or homes. In addition the City will explore creating development charge off-setting reserves for affordable housing and market housing downtown to potentially be funded initially through HAF.

6. **Reduce or eliminate parking standards** to increase project viability, density and reduce carbon footprint.

City Response: New parking standards for affordable and one bedroom units are included in our “Zoning Accelerated” action. Further analysis will be considered including an overall reduction in parking for residential uses city wide with a focus on our downtown.

7. **Eliminate restrictions** related to height, setbacks, building floor area and others to allow a greater variety in housing types, including accessory dwelling units.

City Response: City previously updated zoning by-law to include more flexibility for building placement and height, including eliminating most standards within our downtown area. Built form standards will be reviewed within the “Zoning Accelerated” initiative.

8. **Develop affordable housing community improvement plans** or strategies/plans for the rapid deployment of affordable housing.

City Response: City has existing affordable housing strategy that aims to facilitate affordable housing in our community. Our HAF submission includes both an as of right “Housing incentive” initiative and “Housing land assembly initiative” to increase the supply of affordable housing in our community.

9. **Design and implement guidelines** or pre-approved building plans for missing middle housing or specific accessory dwelling unit types such as laneway housing or garden suites.

City Response: City has existing handouts and building guidelines for accessory dwellings. Pre-approved building plans were not contemplated in any of our initiatives but we are open to conversations with CMHC staff to learn more and see how they could help increase housing supply in Brandon.

- 10. Develop grant programs** encouraging the development of housing types that align with the Housing Accelerator Fund such as missing middle, row homes, purpose-built rental and/or that promote new/innovative construction techniques (modular, pre-fab, mass timber construction, etc.).

City Response: City submission includes an as of right “housing incentive” initiative to promote market housing downtown and affordable housing throughout the City. These incentives will provide a framework were other housing incentives could be explored.