

BY LAW NO. 7239

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 it is deemed necessary and expedient to amend Zoning By-law No. 7124 to be consistent with the amended Downtown Brandon Secondary Plan;

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

1. That Schedule A of By-law No. 7124 be amended as follows:

(a) Delete Subsection 2(d) in its entirety and substitute therefor:

“2. (d) Whenever the terms R Zone, C Zone, D Zone or I Zone are used, they shall be deemed to refer only to residential, commercial, downtown or industrial zones respectively.”

(b) Delete all HUB Zones referenced in Section 3 and substitute therefor:

<i>Zone Code</i>	<i>Zone Name</i>
DCB	Downtown Central Business
DMU	Downtown Mixed Use

[Updating downtown area zone codes, referring to “Downtown” instead of “The HUB”]

(c) Amend Subsection 6(b) as follows:

(1) Delete the definition of “bus terminal” in its entirety and substituting therefor:

“Bus terminal—a use where City buses or commercial carriers pick up or drop off passengers, and shall include passenger and accessory freight loading areas, and information and ticket sales offices.”

[Zoning By-law was silent about the existing Downtown Transit terminal, revised definition accommodates it]

(2) Delete the definition of “pawn shop” in its entirety and substituting therefor:

“Pawn shop—a commercial establishment where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public.”

[Clarifying definition of “pawn shop”, as original intent was to regulate it more strictly in the downtown area]

(3) Delete the definition of “wholesale commercial” in its entirety.

[Definition of “wholesale commercial” no longer relevant in the Zoning By-law]

(d) Amend Tables 1 through 3 under Section 24 by replacing the “H” Zone code with the “D” Zone code.

(e) Delete “H Zones” in Subsection 27(i) and substitute with “D Zones”.

[Updating downtown area zone codes, referring to “Downtown” instead of “The HUB”]

(f) Delete Clause 29(a)(1) in its entirety and substitute therefor:

“29. (a) (1) At the Director’s discretion, the alternate site is abutting or is directly across the street or lane from the site, or, where the site is located in a D Zone, the alternate site is within 400m walking distance of the site;”

[Quantifying walking distance of alternate downtown parking site for clarity, equivalent to five minutes’ walk for an average person]

(g) Delete Section 30 in its entirety and substitute therefor:

“30. DOWNTOWN PARKING REQUIREMENTS

- (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.
- (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.
- (c) Drive-through facilities shall not be permitted in D Zones.
- (d) Notwithstanding Subsection 30(a), where a proposed use generates over fifty (50) parking spaces, according to Table 4, that cannot be provided on site, the Director may require a parking management study to demonstrate solutions to the additional parking demand and mitigate negative impacts on the area parking supply.”

[Updating downtown area zone codes, and allowing the City to have the option to address potential parking issues in the large-scale downtown developments]

- (h) Delete “Identification sign, freestanding—H Zones”, “Identification sign, fascia—H Zones”, “Advertising sign, freestanding”, “Projecting signs”, “Awning signs”, and Note 4 from Table 7 under Subsection 31(b) and substitute respectively therefor:

TABLE 7: SIGN REQUIREMENTS (excerpt)				
<i>Sign Type</i>	<i>Zones</i>	<i>Total Sign Surface Area</i>	<i>Height</i>	<i>Location</i>
Identification sign, freestanding	D Zones	Maximum 7.0m ² , maximum 3.0m ² for multiple dwellings in the DMU Zone	Maximum 2.5m	0.0m setback ⁽⁴⁾
Identification sign, fascia	D Zones	Maximum 20% of the area of the building face, maximum 3.0m ² for multiple dwellings in the DMU Zone	Not to exceed 1.0m above the parapet or roof line	Maximum 0.3m extension from building face
Advertising sign, freestanding	CG, CAR, CHW and I Zones	Maximum 92.0m ²	Maximum 13.0m	Not permitted in any required yard
Projecting signs	C (except CG) and I Zones	Maximum 12.0m ²	Minimum 2.6m, maximum 12.0m, not to exceed 1m above parapet or roof line ⁽⁷⁾	No portion of a projecting sign shall project beyond the site lines
	CG and D Zones			If permitted, no portion of a projecting sign shall encroach more than 3.6m into a street, or have a horizontal clearance of less than 0.6m from that portion of a street used by vehicular traffic
Awning signs	C (except CG), I, PR and OS Zones	Maximum 20% of the area of the building face, not exceeding 1.5m ² for each 1.0m of total length of awning	On awning or canopy	No portion of an awning sign shall project beyond the site lines
	CG and D Zones			If permitted, no portion of an awning sign shall encroach more than 3.6m into a street, or have a horizontal clearance of less than 0.6m from that portion of a street used by vehicular traffic

Notes to Table 7: (excerpt)

(4) Freestanding signs shall also adhere to Note 2 of TABLE 14: DOWNTOWN BULK AND SITING REQUIREMENTS.

[Updating downtown area zone codes, and updating downtown signage provisions to ensure consistency with the Downtown Brandon Secondary Plan]

- (i) Delete “H Zone” in Subsection 31(f) and substitute with “D Zone”.
- (j) Delete “H, I and EI Zones” in Subsection 33(a) and substitute with “D, I and EI Zones”.

[Updating downtown area zone codes, referring to “Downtown” instead of “The HUB”]

- (k) Delete Division 3 under Part III in its entirety and substitute therefor:

DIVISION 3: DOWNTOWN

57. DOWNTOWN ZONES

The following downtown zones are hereby established:

<i>Code</i>	<i>Zone Name</i>	<i>Description</i>
DCB	Downtown Central Business	Provides sites in the downtown core for a mixture of specialty retail, entertainment, restaurant, and personal service uses to enable a vibrant pedestrian oriented street life
DMU	Downtown Mixed Use	Provides sites surrounding the Central Business area for a mixture of high density residential uses and commercial uses generally focusing on commerce and employment such as traditional retail, offices, institutional, and personal services

[Downtown area will now have two zones instead of three]

58. DOWNTOWN USE REGULATIONS

TABLE 13: DOWNTOWN USE TABLE lists all uses in the following manner:

- P = Permitted;
- C = Conditional use; and
- NP = Not permitted.

TABLE 13: DOWNTOWN USE TABLE		
<i>Uses</i>	<i>Zones</i>	
	<i>DCB</i>	<i>DMU</i>
Animal—Veterinary clinics	NP	C
Arts and cultural centres	P	P
Assembly places		
• Community centres and halls	P	P
• Convention and exhibition centre	C	C
• Funeral homes	NP	C
• Outdoor stadiums and sports complexes	C	C
• Places of worship	NP	P
Banks	P	P
Child care—home and group day care		
• 1 st storey	C	P
• 2 nd storey and above	P	P
Commercial		
• Auction markets	NP	C
• Commercial establishments—under 4,645.0m ² gross floor area	P	P
• Commercial establishments—4,645.0m ² gross floor area and over	C	C
• Farmer’s markets	P	P
• Pawn shops	NP	C
• Personal services	P	P
Community resource centres	P	P
Communications		
• Radio and television studios	P	P
• Radiocommunications facility	P	P
Dwellings		
• Dwelling units		

TABLE 13: DOWNTOWN USE TABLE		
Uses	Zones	
	DCB	DMU
<ul style="list-style-type: none"> ○ 1st storey and basement ○ 2nd storey and above ● Live work units ● Row house and multiple dwellings ● Row house and multiple dwellings as part of a commercial development 	NP P P NP P	p ⁽¹⁾ P P p ⁽¹⁾ P
Eating and drinking places <ul style="list-style-type: none"> ● Restaurants ● Bars, night clubs and taverns 	P P	P P
Hotels and motels	P	P
Laboratories	NP	C
Manufacturing <ul style="list-style-type: none"> ● Manufacturing of goods for sale ● Outdoor assembly of goods for sale 	p ⁽²⁾ NP	P NP
Offices, including government offices	P	P
Parking facilities <ul style="list-style-type: none"> ● Surface lots ● Above-ground structures ● Below-ground structures 	NP C P	C C P
Personal care, retirement and convalescent homes	NP	P
Recreation <ul style="list-style-type: none"> ● Amusement and billiard parlours, bowling alleys ● Indoor recreation facilities ● Outdoor recreation facilities ● Parks and playgrounds 	P P NP P	P P C P
Recycling—collection depot	NP	P
Schools <ul style="list-style-type: none"> ● Business and technical schools, training centres, universities and community colleges ● Kindergartens and nurseries 	P C	P P
Special needs housing <ul style="list-style-type: none"> ● Three (3) or fewer persons per dwelling unit ● Four (4) or more persons per dwelling unit 	C C	P C
Storage <ul style="list-style-type: none"> ● Outdoor storage ● Warehouses and storage facilities—basement 	NP NP	NP P
Transportation <ul style="list-style-type: none"> ● Bus terminals ● Truck terminals 	C NP	P NP
Utilities and services <ul style="list-style-type: none"> ● Police and fire stations ● Reservoirs and water towers ● Utilities and public works ● Water treatment plants 	NP NP C NP	P NP P NP

Notes to Table 13:

- (1) *Where a site is adjacent to a Commercial Corridor as identified in The Downtown Brandon Secondary Plan, this use shall be a conditional use.*
- (2) *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.*

[Use table updated to reflect downtown having two zones instead of three, and to broaden permitted uses consistent with the Downtown Brandon Secondary Plan]

59. DOWNTOWN BULK AND SITING REQUIREMENTS

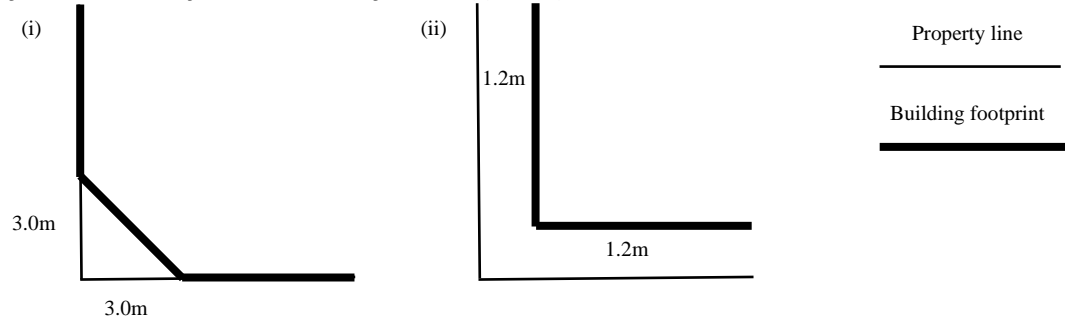
Development in all downtown zones shall conform to the bulk and siting requirements set out in TABLE 14: DOWNTOWN BULK AND SITING REQUIREMENTS.

TABLE 14: DOWNTOWN BULK AND SITING REQUIREMENTS

Permitted and conditional uses		Site area (m ²)	Site width (m)	Front yard (m) ⁽¹⁾⁽²⁾	Side yard (m) ⁽¹⁾		Rear yard (m) ⁽¹⁾		Dwelling unit area (m ²) ⁽³⁾	Distance from principal building (m)	Height ⁽⁴⁾		Density (units/ha)
					Interior	Corner ⁽²⁾	Lane	No lane			Height (m)	Storeys	
Uses in DCB and DMU Zones	Min.	232.0	7.6	0.0	0.0 ⁽⁶⁾	0.0	0.0 ⁽⁷⁾	0.0 ⁽⁸⁾	18.0	N/A	N/A	2.0 ⁽⁹⁾	N/A
	Max.	N/A	N/A	3.0 ⁽⁵⁾	N/A	3.0 ⁽⁵⁾	N/A	N/A	N/A	N/A	N/A	46.0	14.0
Row house and multiple dwellings in DMU Zones	Min.	781.0	21.0	0.0	0.0 ⁽⁶⁾	0.0	6.0	7.6	18.0	N/A	N/A	2.0	86 ⁽¹⁰⁾
	Max.	N/A	N/A	3.0 ⁽⁵⁾	N/A	3.0 ⁽⁵⁾	N/A	N/A	N/A	N/A	N/A	46.0	14.0
Accessory uses	Min.	N/A	N/A	⁽¹³⁾⁽¹⁴⁾	⁽¹³⁾⁽¹⁴⁾	⁽¹³⁾⁽¹⁴⁾	1.5 ⁽¹⁴⁾	0.6 ⁽¹⁴⁾	N/A	2.4	N/A	N/A	N/A
	Max.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A ⁽¹⁵⁾	N/A	N/A

Notes to Table 14:

- (1) For group buildings located on one site, the minimum distance separation between buildings shall be 6.0m.
- (2) Notwithstanding the other regulations in this table, corner lots shall have minimum front and side yard setbacks of either (i) or (ii), illustrated below.



- (3) Where dwelling units are permitted or approved conditional uses.
- (4) The maximum building height shall be the lesser of either metres or storeys.
- (5) Buildings may have a setback beyond the maximum distance if the space is used as a public/semi-public amenity area such as an outdoor café, pocket park, arcade, courtyard, square, or plaza.
- (6) Where a side yard is provided, it shall be not less than 1.5m.
- (7) Where a dwelling unit is contained within a commercial building, the required rear yard shall be 6.0m.
- (8) Where a dwelling unit is contained within a commercial building, the required rear yard shall be 7.6m.
- (9) Notwithstanding this minimum building height requirement, one (1) storey is allowed for sites on the north side of Pacific Avenue.
- (10) If the minimum density calculation results in an odd number of units, the calculation may be rounded down to the nearest even number of units.
- (11) Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 1.5m if all the required parking and loading spaces are provided elsewhere on the site.
- (12) Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 3.0m if all the required parking and loading spaces are provided elsewhere on the site.
- (13) The minimum interior side yard requirements for permitted accessory buildings and structures shall be the same as the minimum interior side yard requirements for the principal building on the site, and accessory buildings and structures shall be located no closer to any front or corner side site line than the principal building, unless otherwise provided for herein:
 - a) In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1m;
 - b) In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5m; and
 - c) Notwithstanding anything else contained herein, in the case of a freestanding canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0.0m.
- (14) Accessory buildings and structures may be attached to the principal building by means of a breezeway, extended roof, or similar structure. In each case, the accessory building or structure shall be considered as being a part of the principal building, and, notwithstanding anything else contained herein, the yard requirements for the principal building shall apply, except in the case of a canopy extending over the fuel pumps of an automotive service station or a canopy covering a walkway from the street to the principal building, where the minimum front and side yard requirements for the canopy shall be 0.0m.

- (15) *An accessory building or structure shall not exceed the height of the principal building or structure.*

[Bulk and siting requirements table updated to reflect downtown having two zones instead of three]

- (l) Delete Subsection 71(c) in its entirety and substitute therefor:

“71. (c) Commercial or industrial buildings or structures that are not serviced by rail shall not be permitted in the following areas:

- (1) Within 15.0m of the railway right-of-way where the track speed is more than 65km/h;
- (2) Within 12.2m of the railway right-of-way where the track speed is 65km/h or less;
- (3) Within 9.1m of the railway right-of-way where the track speed is 40km/h or less;
- (4) Within 4.5m of the railway right-of-way for uses other than a through track; and
- (5) Within 3.0m of the railway right-of-way for buildings or structures to the north of Pacific Avenue in the Downtown Brandon Secondary Plan area, where the reduction in the required setback is mitigated by a grade separation of at least 2.5m between the building or structure and the nearest railway track. The minimum grade separation may be met on site through the construction of an engineered crash berm or wall.”

[Sites north of Pacific Avenue may be closer to the CP Railway right-of-way under certain conditions in accordance with the Downtown Brandon Secondary Plan]

2. That Section 1.4 of Schedule C of By-law No. 7124 be deleted in its entirety and substituted therefor:

“1.4 REVIEW AND APPEALS

- a) The Director shall complete the urban design review for any development permit.
- b) The Director may solicit an advisory committee or design professionals for recommendations on design proposals.
- c) Pursuant to clause 71(3)(e) of the Act, an applicant may request the Planning Commission complete an urban design review instead of the Director. Any urban design review of the Planning Commission may be appealed to City Council.”

[In accordance with the Downtown Brandon Secondary Plan, allow the City the option to seek recommendations from an advisory committee or design professionals regarding urban design of developments, such as architects or the Brandon Municipal Heritage Advisory Committee]

3. The lands identified on the map attached hereto as Schedule “A” of this by-law as hereby reclassified:

FROM: HES HUB Entertainment and Shopping Zone

TO: DCB Downtown Central Business Zone

and

FROM: HES HUB Entertainment and Shopping Zone, HMU HUB Mixed Use Zone, HTR HUB Transitional Zone and PR Park and Recreation Zone

TO: DMU Downtown Mixed Use Zone

[Replacing zones in the downtown area in accordance with the Downtown Brandon Secondary Plan]

4. Schedule B of By-law No. 7124 is hereby amended in accordance with Section 3 of this by-law.

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 in regular session assembled this day of
A.D. 2019.

MAYOR

CITY CLERK

Read a first time this 6th day of May A.D. 2019.
Read a second time this day of A.D. 2019.
Read a third time this day of A.D. 2019.