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Date April 20, 2021 **Report No.** 2021-308

To Chair and Members
Committee of the Whole – Community Development

From Nicole Wilmot, Director of Planning
People, Legislated Services and Planning

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Technical Amendment to Site Plan Control By-law No. 90-2018 to Add 43 East Avenue as a Property Subject to Site Plan Control [Financial Impact – None]**

3.0 Recommendation

- A. THAT Report 2021-308, titled “Technical Amendment to Site Plan Control By-law No. 90-2018 to Add 43 East Avenue as a Property Subject to Site Plan Control,” BE RECEIVED; and
- B. THAT a By-law to amend Site Plan Control By-law No. 90-2018 to add 43 East Avenue to Schedule “A” BE PRESENTED to City Council for adoption.

4.0 Executive Summary

On April 25, 2017, Site Plan Control By-law No. 50-2001 was amended by By-law No. 67-2017 to add 43 East Avenue to Schedule “A”, which identifies specific properties where Site Plan approval is required for all classes of development, including those otherwise exempt (e.g., single detached dwellings, semi-detached dwelling, duplexes). Site Plan Control was considered to be

appropriate to address concerns raised by the Brantford Heritage Committee that the contextual value and character of the older neighbourhood may be impacted through the demolition and redevelopment of 43 East Avenue. At that time Council also provided direction to afford the Brantford Heritage Committee with the opportunity to review a future development proposal for 43 East Avenue through the Site Plan Control process.

On June 26, 2018, Council adopted a new Site Plan Control By-law No. 90-2018, which repealed and replaced the previous Site Plan Control By-law No. 50-2001. The specific properties identified in Schedule “A” of By-law No. 50-2001 were carried forward to the new By-law; however 43 East Avenue was unintentionally eliminated from Schedule “A” in error. Therefore, Staff is recommending a technical amendment to the Site Plan Control By-law to address this error and implement Council’s previous direction from 2017.

5.0 Purpose and Overview

The purpose of this Report is to inform Council about an error in Site Plan Control By-Law No. 90-2018. 43 East Avenue is inadvertently missing from Schedule “A” to the By-law, which delineates specific properties where Site Plan approval is required for all classes of development. This Report recommends a technical amendment to the By-law to rectify this error.

6.0 Background

Site Plan Control is a development tool authorized under Section 41 of the *Planning Act*. It allows municipalities to require the approval of plans for development proposed within an area of Site Plan Control as designated by the municipality. These plans are required to show the location of all buildings, structures, facilities, and works to be provided, the massing and conceptual design of proposed buildings, the relationship between the proposed buildings and adjacent buildings, streets and public exterior areas, matters of exterior design, sustainable streetscape design elements, and accessible facilities for persons with disabilities.

On March 5, 2001, Brantford City Council adopted By-law No. 50-2001 under Section 41 of the *Planning Act* to designate the entire City of Brantford as an area of Site Plan Control and to outline the classes of development subject to the Site Plan process. By-law No. 50-2001 was amended a number of times to identify specific properties on Schedule “A” to the By-law, which subjected all classes of development proposed on those properties to the Site Plan process,

including those otherwise exempt from Site Plan Control (e.g., single detached dwellings, semi-detached dwelling, duplexes).

On April 25, 2017, Site Plan Control By-law No. 50-2001 was amended by By-law No. 67-2017 to add 43 East Avenue to Schedule “A”, following consideration of a Demolition Control application for the property. Site Plan Control was considered to be appropriate to address concerns around the contextual value of the property raised by the Brantford Heritage Committee and to ensure that future redevelopment of the property would be compatible with the surrounding neighbourhood. At that time Council also provided direction to afford the Brantford Heritage Committee with the opportunity to review a future development proposal for 43 East Avenue through the Site Plan Control process. Council’s resolution is included below:

- A. *“THAT Staff Report CD2017-038, relating to the Demolition Control Application for 43 East Avenue, submitted by ABT Quality Homes Inc. on January 30, 2017, BE RECEIVED;*
- B. *THAT the Demolition Control Application for 43 East Avenue BE APPROVED;*
- C. *THAT Site Plan Control By-law (By-law No. 50-2001) BE AMENDED to declare 43 East Avenue as a Site Plan Control Area, pursuant to Section 41 of the Planning Act, R.S.O. 1990; and*
- D. *THAT the Brantford Heritage Committee be afforded the opportunity to review the redevelopment proposal.”*

In 2018, Staff completed a review of the Site Plan Control By-law 50-2001, and recommended modifications to the By-law to better implement the policies of the City of Brantford Official Plan, eliminate inappropriate Site Plan Control exemptions, and to improve efficiency in the development approval process. As a result of this review, on June 26, 2018, Council adopted a new Site Plan Control By-law No. 90-2018, attached as **Appendix A** to this Report, which repealed and replaced the previous Site Plan Control By-law No. 50-2001. The specific properties identified in Schedule “A” of By-law No. 50-2001 were carried forward to the new By-law; however in error, 43 East Avenue was unintentionally eliminated from Schedule “A” in the new Site Plan Control By-law No. 90-2018. Planning Staff recently became aware of this error after receiving an inquiry from the property owner’s agent. Therefore, a technical amendment to the Site Plan Control By-law is required to address this error and implement Council’s previous direction from 2017 included above.

7.0 Corporate Policy Context

This Report is consistent with Desired Outcome #1 of Council's Priorities for 2021-2022: All neighbourhoods in the City are safe, vibrant, attractive, and inclusive. The City's Site Plan Control process is used to ensure new development has a high quality design that is attractive, functional, safe, and compatible with the surrounding neighbourhood.

8.0 Input From Other Sources

Planning Staff consulted with Legal and Real Estate Services Staff in the preparation of this Report and the amending By-law.

9.0 Analysis

In 2017, the Brantford Heritage Committee raised concerns the demolition and redevelopment of 43 East Avenue may impact the contextual value and character of the older neighbourhood. The neighbourhood character of the area surrounding 43 East Avenue is supported by an array of architectural styles, building vintages, and dwelling types, including single-detached, semi-detached and multi-unit dwellings, as well as commercial building. It should be noted that 43 East Avenue is not a designated or listed heritage property on the City's Heritage Register, and it is not adjacent to any designated or listed properties, or any properties recommended for listing on the Heritage Register as part of the next phase of the Heritage Register project. The intent of requiring Site Plan Control for 43 East Avenue was to ensure there was opportunity for Staff and the Brantford Heritage Committee to review the redevelopment proposal for the property and ensure compatibility with the surrounding neighbourhood.

As previously noted, the property at 43 East Avenue is not currently referenced on Schedule "A" to the Site Plan Control By-law No. 90-2018 due to an error. Therefore the classes of development noted in Section 9 of the By-law, which include low density dwellings such as single detached dwellings, semi-detached dwellings, and duplex dwellings, may be undertaken without requiring approval of a Site Plan Control application (i.e., only a Building Permit application would be required). This means that the Brantford Heritage Committee would not have an opportunity to review a redevelopment proposal for the property. Therefore, Planning Staff is recommending a technical amendment to the Site Plan Control By-law to address this error and implement Council's previous direction from 2017 included in Section 6.0 of this Report.

10.0 Financial Implications

There are no financial implications to the City arising from this Report.

11.0 Conclusion

43 East Avenue is inadvertently missing from Schedule “A” to Site Plan Control By-Law No. 90-2018, which identifies specific properties where Site Plan approval is required for all classes of development. Planning Staff recommends a technical amendment to the By-law to address this error. This will also ensure that the Brantford Heritage Committee has an opportunity to review the Site Plan application in accordance with Council’s direction from 2017.



Nicole Wilmot, MCIP, RPP
Director of Planning
People, Legislated Services and Planning

Prepared By:

Victoria Coates, MCIP, RPP
Intermediate Planner
People, Legislated Services and Planning

Attachments

Appendix A – Site Plan Control By-law No. 90-2018

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☒ yes ☐ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☒ yes ☐ no