

February 22, 2022

Committee of the Whole – Planning and Administration Report #2022-02-08

REPORT TO: Mayor and Members  
City Council

Your Committee of the Whole – Planning and Administration submits the following recommendations from its meeting held on February 8, 2022:

**12.3.1 2022 Municipal Election Planning, Legislation Update, Compliance Audit Committee Plan and Corporate Use of Resources in an Election Policy Update [Financial Impact – None], 2022-16**

- A. THAT Report 2022-16 titled “2022 Municipal Election Planning, Legislation Update, Compliance Audit Committee Plan and Corporate Use of Resources in an Election Policy Update” BE RECEIVED; and
- B. THAT the Clerk BE DELEGATED THE AUTHORITY to solicit and select Members of the Municipal Election Compliance Audit Committee, and prepare the necessary By-law for presentation in advance of the October 1, 2022 deadline; and
- C. THAT the necessary By-law to amend By-law 70-2010, Being a By-law to adopt various City of Brantford Policies, by repealing and replacing Council Policy - 004 (Use of Corporate Resources for Election Purposes) as attached as Appendix A BE PRESENTED to City Council for adoption.

**12.3.2 Short Term Accommodation – Parking Requirements [Financial Impacts: None], 2022-145**

- A. THAT Report 2022-145 entitled Short Term Accommodation – Parking Requirements BE RECEIVED; and
- B. THAT the parking requirement regarding each primary driveway being able to accommodate a vehicle per bedroom rented BE STRUCK as a parameter from the Short Term Rental Accommodation registry program as approved in March of 2021 (Report 2021-165); and
- C. THAT the necessary By-law to amend Chapter 326, Business Licensing of the City of Brantford Municipal Code to add Schedule A-15- Short Term Rental Accommodation, BE PRESENTED to City Council for adoption.

**12.3.3 Proposed Amendments to Chapter 206 - Animal Control [Financial Impact - None], 2022-33**

THAT the following BE REFERRED back to Staff for further information regarding requiring permission from neighbouring properties to qualify for a license to keep chickens:

- A. THAT Report 2022-33, Proposed Amendments to Chapter 206 – Animal Control, BE RECEIVED; and

- B. THAT staff BE DIRECTED to present a by-law to amend Chapter 206 – Animal Control, to include:
  - i. regulations pertaining to the keeping, harbouring, and possessing of chickens;
  - ii. a permit process pertaining to the keeping, harbouring, and possessing of chickens; and
  - iii. amendments to the definition of kennel to align with the definition of kennel as approved in the City of Brantford Zoning By-Law 160-90, as defined in Report No. 2022-33; and
- C. THAT staff BE DIRECTED to present a by-law to amend By-Law 52-2021, being a by-law to Fix Fees and Charges collected by the City of Brantford, to include the proposed inspection fee of \$100.

**12.3.4 Proposed Amendments to Chapter 478 – Signs – Outdoor – Other Advertising Devices, Additional Information [Financial Impact - None], 2022-127**

- A. That Report 2022-127, Proposed Amendments to Chapter 478 – Signs – Outdoor – Other Advertising Devices, Additional Information, BE RECEIVED as information; and
- B. THAT staff BE DIRECTED to present a by-law to amend Chapter 478 – Signs – Outdoor – Other Advertising Devices, to include:
  - i. the definition of digital sign
  - ii. regulations pertaining to brightness, dwell time, and transition time
  - iii. existing signs that meet the definition of a digital sign be required to comply with digital sign regulations
  - iv. the definition of electronic message display to differentiate from the definition of a digital sign
  - v. reducing the separation distance between an illuminated sign and signalized intersection or crosswalk from 50 m to 30 m.
  - vi. a minimum dwell time of 8 seconds.

**12.3.5 Enactment of a By-law to Regulate in Respect of the Fortification of and Protective Elements Applied to Land [Financial Impact – None], 2022-120**

- A. THAT Report 2022-120, “Enactment of a By-law to Regulate in Respect of the Fortification of and Protective Elements Applied to Land”, BE RECEIVED; and

- B. THAT By-law 164-2007, being a By-law to regulate the fortification of land and protective elements applied to land and to prohibit excessive fortification of land and excessive protective elements being applied to land in relation to the use of land within the City of Brantford, BE REPEALED; and
- C. THAT the necessary By-law to Regulate in Respect of the Fortification of and Protective Elements Applied to Land BE PRESENTED to City Council for adoption; and
- D. THAT Staff BE DIRECTED to include the following in the by-law:
  - i. Surveillance equipment shall not include video cameras or “night vision” systems that capture sidewalks or roadways adjacent to the Lands, where there is no reasonable expectation of privacy.

### **12.3.6 Building Construction Process Review Task Force Report 01-20-22**

#### **1. Development Approvals Process (DAP) Review: Phase 1 Implementation Plan [Financial Impact – None], 2022-74**

- A. THAT Report 2022-74, “Development Approvals Process Review: Phase 1 Implementation Plan”, BE RECEIVED; and
- B. THAT Staff BE DIRECTED to develop a Terms of Reference to hire a consultant to complete a Planning and Development Application and Service Fee Review for Council consideration; and
- C. THAT Staff BE DIRECTED to undertake a review of the Site Plan, Site Alteration and Security Release processes to implement the “As Should Be” recommendations contained in the final DAP report, and report back to the Task Force and Council with recommendations by the end of Q2 2022; and
- D. THAT Staff BE DIRECTED to develop a Standard Operating Procedure and Planning Application Manual as part of their work plan for 2022; and
- E. THAT Staff BE DIRECTED to solicit a proposal from North Lake Design Lab to develop a work plan, schedule and budget to configure all the required Planning functions in AMANDA for consideration by the Task Force and Council; and
- F. THAT Staff BE DIRECTED to report back to the Task Force and Council with an annual implementation update; and
- G. THAT a copy of this report BE FORWARDED to the development community who participated in the public comment process as well as the Brantford-Brant Chamber of Commerce; and

- H. THAT Staff BE DIRECTED to procure the Cloudpermit Building Module and associated implementation costs and that these costs BE FUNDED from the Building Department Operating Budget.

## 2. Security Release Process

WHEREAS, Builders and Developers are the lifeblood of the City of Brantford in job creation and significant property tax revenues; and

WHEREAS, Builders and Developers are required to provide the City with securities to ensure new construction comply with all building standards; and

WHEREAS, Developments can vary in size and scope for Residential, Commercial and Industrial projects; and

WHEREAS, securities deposited with the City correspond to the size of the development from thousands to millions of dollars; and

WHEREAS, Builders and Developers pay interest to the lender as well as guaranteeing the security with a corresponding amount with their bank; and

WHEREAS, the current process with the City is to hold the full amount of the security until all aspects of the project are completed to the satisfaction of the building inspector; and

WHEREAS, the project completion sign off may occur long after the building is completed; and

WHEREAS, a new process is required to provide our valued business partners with a fairer system to return their securities at set stages of project completion; and

WHEREAS, another option may be to set an upper limit on the security amount;

NOW THEREFORE BE IT RESOLVED THAT Staff BE DIRECTED to report back to the Building Construction Process Review Task Force with recommendations and answers on the following:

- A. How can the City refund partial payments at completion of key stages of the project?
- B. What are the key stages of a project?
- C. What is the feasibility of setting a dollar cap on securities rather than the full amount of the project?

- D. Investigations into allowing builders and developers to post performance labour and materials bonds;
- E. What barriers, if any, exist that prevent timely building inspections?
- F. What is the average time it takes to return securities after a project has been approved by the building inspector?
- G. That the Task Force chair invites comments from a sample of local Builders and developers for their input.

### **12.3.7 Coyote Sightings**

WHEREAS there have been numerous sightings of coyotes in the city; and

WHEREAS citizens are concerned about the potential danger of coyotes attacking small children, pets and related risk of rabies; and

WHEREAS the City is limited in our ability to track the increasing numbers of coyotes;

NOW THEREFORE BE IT RESOLVED THAT Staff BE DIRECTED to:

- A. Develop a service request whereby members of the community can notify the City of coyote sightings and suspected deaths of deer and small animals in the city via an online submission form on the City's website, to determine how widespread sightings are over a 3 month period; and
- B. Contact the Ministry of Natural Resources (MNR) to request their support in tracking/tagging and managing the coyote population in the City; and
- C. Develop a public awareness/education campaign to promote the new reporting tool and to provide tips for residents regarding how to respond and react to potential close contact with coyotes in their neighborhoods, and;
- D. Upon completion of the data collection, provide Council and the MNR with a memo outlining the findings.

### **12.3.8 Dissolve the OLT (Ontario Land Tribunal)**

THAT the following BE DEFERRED two cycles:

WHEREAS Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

WHEREAS an Official Plan is developed through months of public consultation to ensure that future planning and development will meet the specific needs of The Corporation of the City of Brantford; and

WHEREAS our Official Plan includes intensification policies that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

WHEREAS our Official Plan is ultimately approved by the province; and

WHEREAS it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Brantford Official Plan; and

WHEREAS it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Brantford Official Plan; and

WHEREAS municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of the City of Brantford; and

WHEREAS the OLT has the authority to make a final decision on planning matters based on a standard of “best planning outcome” and not strictly whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and

WHEREAS all decisions—save planning decisions—made by Municipal Council are subject to appeal by judicial review and such appeals are limited to questions of law and/or process; and

WHEREAS Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

WHEREAS towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and often futile OLT hearings; and

WHEREAS lengthy, costly OLT hearings act as a barrier to the development of attainable housing;

**NOW THEREFORE BE IT RESOLVED:**

- A. THAT the City of Brantford REQUESTS that the Government of Ontario dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and

- B. THAT a copy of this Motion BE SENT to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario, the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
- C. THAT a copy of this Motion BE SENT to the Association of Municipalities of Ontario (AMO), Chamber of Commerce, Home Owners Association, BREA and all Ontario municipalities for their consideration.

### **12.3.9 Police Station Task Force**

WHEREAS in 2020 the City of Brantford engaged Colliers to review previous assessments to reconfirm Brantford Police Station needs and to investigate options available to accommodate future growth; and

WHEREAS Colliers was reengaged later in 2020 to investigate in more detail the expansion on the current location; and

WHEREAS, based on the above, the City of Brantford has approved a total capital budget of \$39,000,000; and

WHEREAS staff reports 2021-47 – Update on Brantford Police Services Facility Accommodations Plans and 2021-321 – Brantford Police Services Facility Redevelopment Funding Sources have been presented to and approved by Council and the Police Services Board; and

WHEREAS the City of Brantford has had success in establishing accommodation steering committees in the past with the Wayne Gretzky Sports Complex, New City Hall and Walter Gretzky Golf Centre;

NOW THEREFORE BE IT RESOLVED:

- A. THAT a Task Force BE ESTABLISHED and named the Police Station Task Force; and
- B. THAT the following three members of Council BE APPOINTED to the Police Station Task Force
  - i. Councillor Dan McCreary
  - ii. Councillor Greg Martin
  - iii. Councillor Vanderstelt; and
- C. THAT the Brantford Police Services Board BE REQUESTED to appoint the Brantford Police Services Board Chair mark Littell to the Police Station Task Force; and
- D. THAT the Task Force BE SUPPORTED by:

- i. City of Brantford staff liaisons, selected by the Chief Administrative Officer, who will provide technical and operational advice, and staff assistance; and
  - ii. The City Clerk, or designate, to assist with agenda preparation, minute taking, and meeting preparations; and
  - iii. Other staff as needed to support the mandate and deliverables of the Task Force; and
- E. THAT the Brantford Police Services Board BE REQUESTED to designate staff to support the Police Station Task Force; and
- F. THAT the mandate of the Polices Station Task Force is to provide advice and recommendations to City Council regarding the Brantford Police Services Facility Redevelopment project; and
- G. THAT the Task Force report to the Committee of the Whole – Operations; and
- H. THAT the term of the Task Force BE ESTABLISHED until such a time as the Task Force, recommends its disbandment having achieved its mandate.

Respectfully Submitted,

Councillor Antoski, Chair