

Staff Report



Development Services Department

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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: October 30, 2023

SUBMITTED BY: Mike Seiling, Chief Building Official, 519-741-2200 ext. 7669

PREPARED BY: Mike Seiling, Chief Building Official, 519-741-2200 ext. 7669

WARD(S) INVOLVED: N/A

DATE OF REPORT: October 13, 2023

REPORT NO.: DSD-2023-476

SUBJECT: 2023 Building By-law Update

RECOMMENDATION:

That Chapter 710 (Building) of the City of Kitchener Municipal Code be repealed and replaced with Appendix A of Development Services Department report DSD-2023-476; and further,

That the Building Enterprise fund a new full time equivalent (FTE) in the Planning Division to support the Zoning compliance as outlined in report DSD-2023-476.

REPORT HIGHLIGHTS:

- The purpose of this report is to update and refresh the existing Building Bylaw, that was last approved by Council in 2005.
- The report includes a recommendation to fund a new full time equivalent (FTE) employee in the Planning Division to complete the zoning compliance required as part of the building permit issuance for low rise residential projects, which will be funded out of the Building Enterprise.
- This report supports the delivery of core services.

BACKGROUND:

The Building Bylaw has not been updated since 2005 and this report intends to amend the Chapter to current legislation and building practices.

REPORT:

The Building Enterprise enforces the requirements set out in the Building Code Act and Ontario Building Code (OBC). The OBC mostly contains technical requirements to ensure buildings are safe for life, fire and health systems plus barrier free accessible and energy efficiency. A municipality may create a Building Bylaw. The Building Bylaw sets out

administrative requirements that are not included in the Ontario Building Code (OBC) such as types of permits, document requirements, permit categories and fees/ refunds.

The Building Bylaw has not been refreshed or updated since its original approval in 2005 save and except for annual permit fee adjustments. This Building Bylaw update is primarily a housekeeping exercise with no major changes proposed. For example, code references have been updated and schedules will be updated or deleted. A tracked changes copy of the bylaw amendments is attached as Appendix A.

The one (1) new full time equivalent employee proposed in the Planning Division, (Planning Technician) will complete the zoning compliance required as part of the building permit issuance for low rise residential projects. The zoning compliance is part of the building permit issuance process and is currently completed by Municipal Building Officials in the Building Division. The zoning compliance review has become more complex and challenging which can result in delays in building permit issuance for some residential projects. In 2022, the City processed 2634 low rise residential permits and in 2023 year-to-date, the City processed 727 permits of the same type. The timing of this change will set the City for success because staff expects permit levels to resume to the 5 year trend of high permit activity, and potentially higher as soon as mortgage rates stabilize. Further development trends, customer expectations and the complexity of verifying zoning compliance requires a dedicated zoning specialist. A dedicated specialist will verify zoning compliance including interactions with the customer to support permit issuance quicker than present time frames. City staff are experiencing an increase in the complexity of interpreting the zoning bylaw and additional time to explain the changes necessary to the owner to allow permit issuance. The zoning review time per application varies from 15 min for a new single detached dwelling to 1+hrs when infill or customer explanation and changes are required. A dedicated Planning staff expert who will review and confirm zoning compliance will provide service efficiency and support the implementation of Bill 23 More Homes Built Faster Act. The funding for the new FTE is from the Building Enterprise.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation to hire 1 new FTE in the Planning Division with full funding will require funding for \$8,984.00 in 2023 (pro-rated over 1 month) from the Building Enterprise Operating Budget. A recommended hire date of December 1, 2023 is proposed and the Building Enterprise will include the full cost of the FTE as part of the 2024 budget. The Building Bylaw has no financial implication to the City of Kitchener.

COMMUNITY ENGAGEMENT:

The Building Bylaw update and 1 new FTE Planning Technician in the Planning Division was shared and discussed with the Waterloo Region Home Builder's Association, Kitchener Development Liaison Committee (KDLC) at 2 meetings (Jan. 2023 & June 2023). The KDLC

members did not object to these two recommendations. This report has been added to the agenda of the KDLC meeting scheduled for Oct. 20, 2023.

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

There are no previous reports/authorities related to this matter.

APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

Attachment A – By-law including proposed amendments

Attachment B - Chapter 710 (Building) Amended By-law