

The Corporation of the City of Kenora

By-Law Number 191 - 2019

A By-law to Amend Zoning By-law 101-2015 of the City of Kenora

Whereas Subsection 24(2) of the *Planning Act*, R.S.O. 1990, c.P.13 “the *Planning Act*” provides that if a Council has adopted an amendment to an official plan, the Council may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the Official plan but will conform with it if the amendment comes into effect;

And Whereas prior to the enactment of this By-law the Council of The Corporation of the City of Kenora adopted Amendment Number 19-03 to the Official Plan for the City of Kenora;

And Whereas this By-law will conform with the said Official Plan if such amendment comes into effect;

And Whereas the Council may, in accordance with Section 36 of the *Planning Act*, in a By-law passed under Section 34 of the *Planning Act*, by use of the holding symbol “h” specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law;

And Whereas the Council has determined that development of certain lands governed by this By-law should not proceed until the condition set out in this By-law is satisfied and that it is appropriate to use the holding symbol in conjunction with the said lands as hereinbefore provided;

And Whereas it is advisable and expedient to amend the Corporation’s Zoning By-law Number 101 – 2015 as hereinafter provided;

Now Therefore the Council of The Corporation of The Corporation of the City of Kenora hereby enacts as follows:

1. Notwithstanding the designation thereof in Schedule “A” to Zoning By-law 101 - 2015 of The Corporation of the City of Kenora, the lands as illustrated in Exhibit 1 to this amending By-law are removed from the Future Development (FD), Heavy Industrial (MH) and Residential Second Density (R2[h]) Zones, as applicable, and designated as within the General Commercial, Exception (GC[50]), Light Industrial (ML), Light Industrial, Exception (ML[46]) and Residential Third Density, Holding (R3[h]) Zones, all in accordance with the said Exhibit 1.
2. In the case of the lands rezoned to the General Commercial, Exception Zone (GC[50]), the minimum front yard shall be 10 m and the minimum exterior side yard shall be 10 m.
3. In the case of the lands rezoned to the Light Industrial, Exception Zone (ML[46]), for the buildings existing as at the date of passage hereof, the minimum front yard shall be reduced from 6 m to 1.6 m; the minimum exterior side yard on the Southerly side shall be reduced from 6 m to 1.7 m; and the minimum exterior side yard on the Northerly side shall be reduced from 6 m to 2.4 m.

4. (1) In the case of the lands rezoned to the Residential Third Density, Holding Zone (R3[h]), the “h” holding symbol may be removed when:
 - (a) a Record of Site Condition for purposes of residential use is submitted and approved by the Ministry of the Environment, Conservation and Parks;
 - (b) supporting studies, including a Transportation Impact Study; a Servicing Study relating to water, sanitary sewer and storm sewer requirements; a Noise and Vibration Study; and planning rationale are submitted and approved by the City; and
 - (c) an Agreement is entered into with The Corporation of the City of Kenora on terms and conditions satisfactory to the City, for the implementation of measures recommended in the Record of Site Condition and studies referred to in Clauses (a) and (b) of this Subsection.
- (2) Until the “h” symbol is removed from the lands referred to in Subsection (1) of this Section in accordance with Section 36 of the *Planning Act*, the following provisions shall apply:
 - (a) Permitted uses – Every use of lands and every erection of buildings and structures is prohibited except uses, buildings and structures legally existing on the day of passage of this By-law.
 - (b) This Section does not apply to prevent:
 - i. the strengthening or restoration to a safe condition of an existing building or structure or the alteration or repair of an existing building or structure, provided such alteration or repair will not increase the height, size or volume of such building or structure or change the use thereof; and
 - ii. repairs or alterations to an existing building or structure as may be necessary to comply with a lawful order of any statutory authority having jurisdiction over such building or structure or the use thereof.
5. Section 5 of By-law 101-2015 is amended by adding the following to the list of exceptions set out therein.

[46] Lands governed by amending By-law 191-2019 require a reduced front yard of 1.6, a reduced southerly exterior side yard of 1.7 m and a reduced northerly exterior side yard of 2.4 m in the case of existing buildings as provided in the said By-law.

[50] Lands governed by amending By-law 191-2019 require a minimum front yard of 10 m and a minimum exterior side yard of 10 m as provided in the said By-law.
6. This By-law will conform with the Official Plan of the City of Kenora when the Amendment thereto adopted by By-law 190-2019 comes into effect.
7. The City Clerk is authorized and directed to give notice of the passing of this By-law in accordance with the *Planning Act*.

8. This By-law shall come into force and take effect on the date of its final passing, subject to the provisions of Subsection 24(21) and Section 34 of the *Planning Act*.

By-Law Read a First and Second Time this 17th day of December, 2019

By-Law Read a Third Time and Finally Passed this 17th day of December, 2019

The Corporation of the City of Kenora:-

Daniel Reynard, Mayor

Heather Pihulak, City Clerk

EXHIBIT 1 TO BY-LAW 191-2019

