



City of Kenora
Committee of the Whole Agenda
Tuesday, June 7, 2016
9:00 a.m.
City Hall Council Chambers

A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its June 14, 2016 meeting:-

- Withdraw funds from the Land Planning Reserve in the amount of \$7,000.00 to offset the cost of an OMB appeal
- Amend the 2016 Operating & Capital Budget to apply the additional funds from the Partnership Donations in the amount of \$10,000 to offset the cost of Fire Training Aids

B. Declaration of Pecuniary Interest & the General Nature Thereof

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.

C. Confirmation of Previous Committee Minutes

Motion:

That the Minutes from the last regular Committee of the Whole Meeting held May 10, 2016 and Special Committee of the Whole minutes held May 5, 2016 be confirmed as written and filed.

D. Deputations/Presentations

- Denise Miault – Accessibility Advisory Committee Update
- Judy Underwood – Kenora Urban Trails Committee Update
 - Gina Clark – Centre for Addiction & Mental Health
 - Graham Chase – OMB Appeal

E. Reports:

1. Corporate Services & Strategic Initiatives

Item Subject

Pages

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- 1.1. AMO Board Nomination
 - 1.2. 2016 Municipal Insurance Renewal
 - 1.3. Section 357s

2. Fire & Emergency Services

Item	Subject	Pages
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2.1 Fire Training Aids Budget Amendment

3. Operations & Infrastructure

Item	Subject	Pages
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3.1 Lakeview Drive Rate of Speed

4. Community & Development Services

Item	Subject	Pages
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4.1 A03-16 Decision of Planning Advisory Committee – OMB Appeal

4.2 Z01-16 Emergency Shelter

4.3 NCIR Funding Application – Community Improvement Plans

4.4 FedNor Funding Application – Kenora Rowing Club

Other:

Next Meeting

- Tuesday, July 5, 2016

Motion - Adjourn to Closed Meeting:

That this meeting be now declared closed at _____ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- i) Proposed or Pending Acquisition or Disposition of Land (1 matter)
- ii) Personal Matter about an Identifiable Individual (2 matters)

Adjournment.



DEPUTATION REQUEST FORM

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3. State your name prior to speaking, and
4. Provide a copy of materials used in your presentation, if any, to the City Clerk for the official record (either in advance or at the time of the deputation).

City Clerk's Contact Information:

By Mail: 1 Main Street South, Kenora, ON P9N 3X2

By fax: 807-467-2009

E-mail: hkasprick@kenora.ca

Name: (person making deputation)	Organization You Represent: (if applicable)
Denise Miault	Accessibility Advisory Committee
(please print)	
Mailing Address: 135 RABBIT LAKE RD	Telephone Number: 807-548-1687
Email Address: dmiault@nils.ca	Postal Code: P9N 4L1
Other Persons Presenting with You on this topic? (on behalf of same organization)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
If yes, Other Names: _____	
Topic – include brief statement of issue or purpose for Deputation:	
• Please see Protocol Notes on Page 2	
an update on committee activities	
I wish to appear before	<input type="checkbox"/> Council <input checked="" type="checkbox"/> Committee of the Whole
	<input type="checkbox"/> Other
On the Meeting date: June 7, 2016	
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Do you have material to leave with Council following your deputation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(If yes, please give to Clerk upon arrival to meeting)	
Signature Required: <u>Denise Miault</u>	
(Must be signed by applicant to go forward)	

...2

Deputation Protocol

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✓ *Check below:*

I have never spoken on this issue before.

I have spoken on this issue before and the new information I wish to present is as follows:-

{Committee of the Whole/Property & Planning Meeting}

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By Mail: 1 Main Street South, Kenora, ON P9N 3X2

By fax: 807-467-2009

E-mail: hkasprick@kenora.ca

Name: <small>(person making deputation)</small> <u>Judy Underwood</u>	Organization You Represent: <small>(if applicable)</small> <u>Kenora Urban Trails Committee</u> <small>(please print)</small>
Mailing Address: _____ Telephone Number: <u>468-3147</u>	
Email Address: _____ Postal Code: _____	
Other Persons Presenting with You on this topic? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <small>(on behalf of same organization)</small> If yes, Other Names: <u>other committee members</u>	
Topic – include brief statement of issue or purpose for Deputation: <small>• Please see Protocol Notes on Page 2</small> <u>an update on committee activities</u>	
I wish to appear before <input type="checkbox"/> Council <input checked="" type="checkbox"/> Committee of the Whole <input type="checkbox"/> Other	
On the Meeting date: <u>June 7, 2016</u>	
<p style="text-align: center;">Please Note:</p> <p style="text-align: center;"><small>Most meetings are video-taped and reported on by both the local newspaper and radio stations. Subsequently your deputation will form part of the public record in the minutes which are circulated widely and posted on the City's portal on the internet. By appearing before Council/Committee and signing this form, you hereby understand that information pertaining to you and your deputation will be publicized.</small></p>	
Do you have material to leave with Council following your deputation? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(If yes, please give to Clerk upon arrival to meeting)</small>	
Signature Required: <u>Judy Underwood</u> <small>(Must be signed by applicant to go forward)</small>	

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Update to council to keep them informed as part of our workplan

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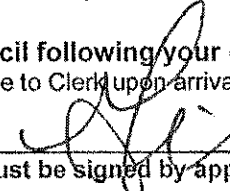
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By Mail: 1 Main Street South, Kenora, ON P9N 3X2

By fax: 807-467-2009

E-mail: hkasprick@kenora.ca

Name: (person making deputation) <u>Gina Clark</u>	Organization You Represent: (if applicable) <u>Centre for Addiction & Mental Health</u>
(please print)	
Mailing Address: <u>227 2nd St. S</u>	Telephone Number: <u>468-1429</u>
Email Address: <u>gina.clark@camh.ca</u>	Postal Code: <u>P9N1G1</u>
Other Persons Presenting with You on this topic? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (on behalf of same organization) If yes, Other Names: <u>Sheri Norlen, Michelle Ott</u>	
Topic – include brief statement of issue or purpose for Deputation: • Please see Protocol Notes on Page 2 <u>Work of Youth Justice Service Collaborative - trauma-informed work to-date. Invitation to council to attend trauma policy workshop.</u>	
I wish to appear before <input type="checkbox"/> Council <input checked="" type="checkbox"/> Committee of the Whole <input type="checkbox"/> Other	
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E-mail: hkasprick@kenora.ca

Name: (person making deputation)		Organization You Represent: (if applicable)	
Graham Chaze		None	
(please print)			
Mailing Address: 81 Dewey Drive		Telephone Number: 807 407 5253	
Email Address: graham.chaze@gmail.com		Postal Code: P9N 2X7	
Other Persons Presenting with You on this topic? (on behalf of same organization)		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
If yes, Other Names: _____			
Topic – include brief statement of issue or purpose for Deputation:			
• Please see Protocol Notes on Page 2			
Recommendation to Council re: OMB Appeal - A03-16 Fettes			
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May 21, 2016

City Council Committee Report

To: Mayor & Council

Fr: Heather Kasprick, City Clerk

Re: AMO Appointment

Recommendation:

That Council supports the appointment of Mayor David S. Canfield to the Association of Municipalities of Ontario (AMO) Board of Directors for a term of two years, 2016 to 2018.

Background:

A call for nominations was received for appointment to the AMO Board of Directors for a two year term from 2016 to 2018. Mayor Canfield has been a member on this Board for the past two years and represents not only the City of Kenora but NOMA as President of the NOMA board.

Mayor Canfield seeks reappointment to this Board and all nominations require a Council resolution supporting the nomination.

Budget: None

Communication Plan/Notice By-law Requirements:

Copy of Council Resolution and Application to be sent to AMO by June 24

Strategic Plan or other Guiding Document:

Administrative



May 31, 2016

City Council Committee Report

TO: Mayor and Council

FR: Bruce Graham, Risk Management and Loss Prevention Officer

RE: Municipal Insurance Renewal

Recommendation:

That Mayor and Council accept the renewal proposal for Municipal Insurance as presented by Gillons (formerly Lake of the Woods Insurance) and BFL Canada in the amount of \$322,820.75 excluding taxes.

Background:

At the request of Council, an RFP for the provision of Municipal Insurance and Risk Management Services was issued on March 17, 2014.

The successful respondent to the RFP was Lake of the Woods Insurance (now Gillons) with insurance provided by BFL Canada and they have been handling the City's insurance from July 1, 2014 to present.

It was a provision of the RFP that "Based on satisfactory performance and service, subsequent renewals may be granted."

It is my opinion that Gillons and BFL Canada have provided satisfactory performance and service and therefore a renewal with them is justified.

The renewal price of \$322,820.75 represents a renewal for the City's general insurance in the amount of \$316,926.75 and a renewal of the Volunteer Firefighter insurance in the amount of \$5,894.00.

The \$316,926.75 premium for the general insurance represents an increase of just less than 5% over the premiums for the July 2015 to July 2016 term.

There is about a 5% increase in our General Liability insurance line premium which accounts for approximately 50% of the overall premium increase. This increase reflects market trends. The remainder of the increase is due to premium increases in our Owned Automobile line and our Property line.

There are no claims related premium increases.

The Volunteer Firefighter Insurance premium remains unchanged from last year.

Budget: The municipal insurance costs have been included in the 2016 budget.

Communication Plan/Notice By-law Requirements:

Upon approval by council, the appropriate renewal documents will be signed.

Strategic Plan or Other Guiding Documents:

Goal #1: Develop Our Economy

1-2 The City will forge strong, dynamic working relationships with the Kenora business community.

The Gillons office in Kenora and is a very active part of the local business community.

Goal #2: Strengthen Our Foundations

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

By maintaining adequate insurance coverage we are ensuring that our assets are protected from loss.



May 30, 2016

City Council Committee Report

To: Mayor and Council

Fr: Michelle Saunders, Tax Collector

Re: Tax Appeals under Section 357 of the Municipal Act, 2001

Recommendation:

That Council hereby approves Section 357 tax adjustments with potential refunds totaling \$9,117.02.

Background:

The cancellation and refund of taxes are dealt with by Council under Section 357 of the Municipal Act. They typically relate to properties that have had an assessment reduction due to a change in assessment classification, fire, demolition, substantially damaged or repair preventing normal use.

Budget/Finance Implications:

The municipal share of the tax reduction relating to the Section 357 adjustment is \$8,500.61.

Communication Plan/Notice By-law Requirements:

Property owners receiving a Section 357 adjustment will be notified in writing of the applicable refund amount.

Strategic Plan or other Guiding Document:

Legislative requirement.



May 19, 2016

City Council Committee Report

To: Mayor and Council

Fr: Todd Skene, Fire and Emergency Services Manager

Re: Addition of Partnership Donations to Fire Capital Budget

Recommendation:

That Council hereby approves an additional allocation of \$10,000 to be funded through Partnership Donations for the purchase of Fire Training Aids; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2016 Operating & Capital Budget at its June 14, 2016 meeting to apply the additional funds from the Partnership Donations in the amount of \$10,000 to offset the cost of this purchase; and further

That Council gives three readings to a by-law to amend the 2016 budget for this purpose.

Background:

The City of Kenora Fire and Emergency Services (CKFES) works closely with many local businesses and government agencies in the delivery of fire and emergency service training, and as a result has developed strong partnerships.

During recent fire extinguisher training, with two of our partners, the CKFES discussed a Fire Extinguisher Training Demonstration Kit that was being purchase as part of our Fire Training Aid Capital Budget. As a result, two partners stated that they would like to contribute funds towards the fire extinguisher demonstration kit.

The CKFES current program allows for fire extinguisher training only during the warmer months as it must be performed outside with live fire and actual fire extinguisher. The addition of the partnership donations will allow the CKFES to purchase a digital fire extinguisher training kit. This digital trainer can be utilized indoors and outdoors thus extending our fire extinguisher training and prevention program to a year round program and to a larger client base.

Budget: Current Capital Budget - Fire Training Aids - \$ 10,000.00

Communication Plan/Notice By-law Requirements:

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

Strategic Plan or Other Guiding Document:

The City of Kenora Strategic Plan 2015-2020

Developing our Economy

1.2 Forge Strong dynamic working relationships with the business community.
Providing fire prevention and safety training.

Infrastructure 2-4 Continuous improvement to the public realm. Provide Fire Prevention and Life Safety education to the public.

Focus on Our People

3-13 Continue to build and strengthen relationships with our First Nation partners. – Deliver fire extinguisher training to local First Nations.

Organizational Review Recommendations

Revenue Generation - Identify opportunities to utilize the City's new fire hall and regional training facility as a revenue generating opportunity. The fire extinguisher training provided by the CKFES is at a per person cost. The purchase of the digital fire extinguisher training kit will expand the training year round, to a larger client base and increase revenue.



May 30, 2016

City Council Committee Report

To: Mayor and Council

Fr: Richard Perchuk, Operations & Infrastructure Manager

Re: Lakeview Drive to Bernier Drive Rate of Speed

Recommendation:

Council Discussion as per Councillor McMillan's Notice of Motion May 17, 2016.

Background:

As per the Notice of Motion, dated May 17th, 2016, at a regular meeting of Council, this Report is to provide background information on Councillor McMillan's Notice of Motion to approve a rate of speed of 50 kms per hour on Lakeview Drive from Bernier Drive to Nethercutt Drive. Further time is requested for consultation with cyclists, and to obtain a cost estimate to install a bicycle path adjacent to the sidewalk along the south side of Lakeview Drive.

In July 2015 the City provided for parking along the south side of Lakeview Drive from the roundabout to McLeod Park and reduced the speed limit from 50 kms per hour to 40 kms per hour on Lakeview Drive from Bernier Drive to Nethercutt Drive. The total length of roadway on Lakeview Drive is less than 900 metres. The main reason for the reduction of speed was to make the area safer for both motorists and cyclists traveling along Lakeview Drive.

The City Traffic Regulation By-law 180-2015 contains 30 streets with a posted 40 km per hour rate of speed.

Traveling time at both rates of speed was calculated as follows:

At a speed of 40 km/hr

You will travel 667 metres/minute

To travel 900 m = 1.35 minutes or 81 seconds

At a speed of 50 km/hr

You will travel 833 metres/minute

To travel 900 m = 1.08 minutes or 65 seconds

The difference in speed between 40 km/hr and 50 km/hr to travel 900 metres is only 16 seconds.

It would seem that the issue the public has with the 40 km/hr rate of speed is the extra time required to travel the distance versus traveling at the higher 50 km/hr rate of speed and yet there is only a 16 second difference.

The reason the slower rate of speed supports a safer area is it allows motorists more time to react to pedestrians, cyclists and motorists using the parking lane, while negotiating Lakeview Drive.

The section of Lakeview Drive between the roundabout and McLeod Park is in need of reconstruction due to deterioration of concrete curbs and asphalt surface. I would suggest that consideration of a new bike lane be postponed until the roadway section is reconstructed in the future.

Budget/Finance Implications: N/A

Communication Plan/Notice By-law Requirements: N/A

Distribution: R. Perchuk, J. Hawley, M. Vogrig, K. Koralalage

Strategic Plan or other Guiding Document:

Goal #2: Strengthen Our Foundations

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

2-4 The City will act as the catalyst for continuous improvements to the public realm.



May 30, 2016

City Council Committee Report

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: A03/16 Fettes Decision of Kenora Planning Advisory Committee – Appeal to OMB

Recommendation:

That the Council of the Corporation of the City of Kenora appeals the decision of the Kenora Planning Advisory Committee for application for Minor Variance A03/16 Fettes and the approval does not meet the criteria of the four tests which the reasons outlined in the report of the Planning Administrator, dated 30 May 2016; and further

That Council hereby approves an additional allocation of \$7,000.00 to be funded through the Land Planning Reserve for the professional fees associated with the Ontario Municipal Board hearing; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2016 Operating & Capital Budget at its June 14, 2016 meeting to withdraw funds from the Land Planning Reserve in the amount of \$7,000.00 to offset the cost of this appeal; and further

That Council give three readings to a by-law to amend the 2016 budget for this purpose.

Background:

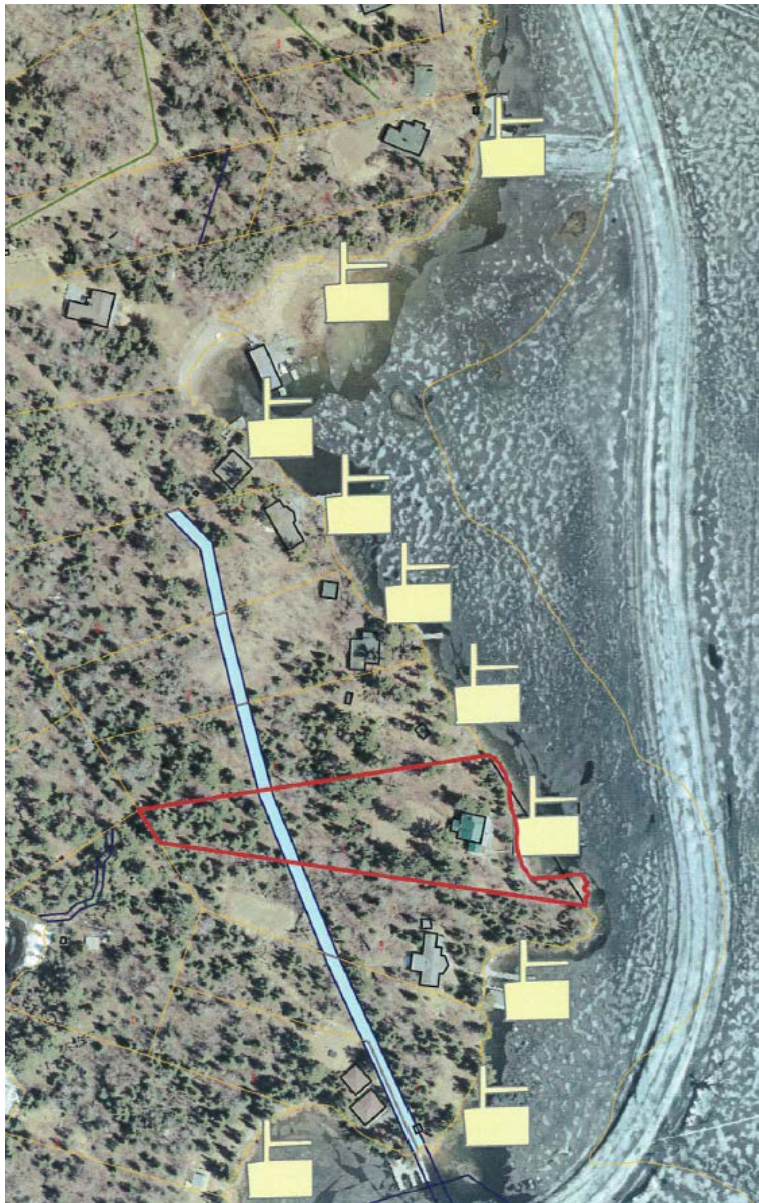
On March 7, 2016 the City of Kenora Building Department issued a voluntary compliance letter to the owners at 614 Coney Island, PLAN 3M868 LOT 20 PCL 37870, indicating that it had come to the attention of the Building Department that the owner(s) may be in violation of the Building By-law 100-2005, the Building Code Act, S.O. 1992, c. 23, Section 8.-(1) Building Permits, and the City of Kenora Zoning By-law 101-2015.

The contractor representing the Owner contacted The City of Kenora Staff, confirming that development was taking place on lands known as 614 Coney Island; on March 16th, 2016 in written correspondence from the Contractor representing the owners, the City confirmed that shoreline development has ceased, and started the process of application for minor variance, as such, a stop work order was not determined necessary as voluntary compliance was initiated.

The current owners acquired the property in April 2015; the application for minor variance indicates the parcel also included an existing accessory shoreline deck, dock and boat port, grossing over 649.7 m² combined. No permits exist on file for these improvements. These improvements have since been demolished.

City of Kenora aerial photography from 2004 shows a dock of approximately 32 m². There are not permits on file for the construction of this dock and therefore the structures cannot be considered to be legally non-complying to the zoning by-law.

The Kenora Planning Advisory Committee first heard the application on 19 April 2016; the staff recommendation was that a decision be tabled, and not be made that night because a site visit was not possible; the ice was not out at the time, nor safe enough to access the property. Staff and all members of the PAC visited the site before the next meeting on 17 May 2016. Staff visited the property twice. Photos have been circulated.



** Illustration ** City of Kenora Staff rendering of potential impact to shoreline if the same size/scale docks would be permitted, along the shoreline of neighbouring properties.

It is my opinion that the application does not meet the criteria of the four tests, per the Ontario Planning Act:

- 1) The effect of approval does not meet the general intent of the City of Kenora Official Plan, 2015, as amended as follows:

Section 3.13.3- Docks and Shoreline Development

Proposed development along shoreline shall be governed by the policies of Section 3.13.1 (Hazard Lands), in addition to following policies for docks, waterfront and marina structures on property abutting water:

- iv) be constructed and placed so as to minimize the impact on natural vegetation, and topography and shall not have a negative impact on natural heritage features such as fish habitat, wildlife habitat, habitat of endangered and threatened species, and wetlands.

The development began before the impact could be assessed. When the Environmental Impact Statement was received, it provided mitigation measures which would reduce the impact. The impact to possible spawning habitat still exists; it may be reduced by following the

recommendations of the biologist. The no net impact solution involves the City of Kenora, through a site plan agreement, being responsible for oversight.

Section 3.15.5 Compatibility Criteria

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.

Compatibility of new developments, and in particular the shoreline development of the subject property, shall be assessed on criteria including but not limited to:

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design.

The proposed development does not consider this policy. The proposed size of the dock/gazebo is not in character with the marine accessory structures in the neighbourhood (docks/boathouses).

- 2) The effect of approval does not meet the intent of the City of Kenora Zoning By-law No. 101-2015;

The Zoning By-law No. 101-2015, as amended, permits the construction of accessory structures to a maximum size of 80 m². The proposed gazebo and shoreline dock components, of the proposed development, exceeds the provisions of the zoning by-law within section: 3.34.1. The size and massing of these two components, impairs the intent of the zoning by-law, which aims to diminish the impact of development on neighboring lots, visual amenity, separation for privacy and compatibility with surrounding uses.

- 3) Proposed variance is not minor in nature

The proposed shoreline deck and gazebo exceed the provisions of Zoning By-law No. 101-2015; the size and massing of these two components, impairs the intent of the zoning by-law, which aims to diminish the impact of development on neighboring lots, visual amenity, separation for privacy and compatibility with surrounding uses. The gazebo and shoreline deck are not compatible among the scale, rhythm and massing of surrounding developments, as such shall not be considered minor;

The planning reports, which are attachments to this report, are for 19 April 2016 and 17 May 2016. The full explanation of the four tests is included in each report.

Budget: Approximately \$7000.00

Communication Plan/Notice By-law Requirements: Notice by agenda of Committee of the Whole, Council, Manager of Community and Development Services, Clerk's Office, Chief Building Official, Planner, Kenora Planning Advisory Committee.

Strategic Plan or other Guiding Document:

Strengthen our Foundation

- Promote environmental sustainability
- "Stewards of the Lake" and "Stewards of the Land"

Planning Act

City of Kenora Official Plan (2015)

Staff Report
City of Kenora Planning Advisory Committee

April 19th, 2016

Application for Minor Variance A03/16 Fettes, Aleshka

Introduction

The application for a minor variance made by Gregory Fettes and Carmyn Aleshka, Owners, for property described as 614 Coney Island, PLAN 23M868 LOT 20 PCL 37870, seeking relief from Zoning By-law 101-2015 Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of 269.2 m² to permit the construction of a 349.2 m² shoreline deck. Additionally, relief from Section 3.34.1(c) (vii) of the City of Kenora Zoning By-law 101-2015, specifies that docks shall not exceed 80m², measured independently of any other accessory building, use or structure. The applicant also seeks a 15.8 m² variance to permit a 95.8 m² dock. The effect of approval would be to permit shoreline development including a gazebo, deck, dock, marine storage and boat port in compliance with the provisions of the zoning by-law.

Existing Conditions:

- Existing RR- Rural Residential lot, approximately .77 ha in size;
- Frontage: 72.5 m, Depth: 199 m
- Located on Coney Island, water access only
- The following Building permits are on file:
 - May 1989 Construct summer camp
 - April 2002 Two-Storey Timber addition to existing basement
 - September 2005 Addition to seasonal cottage
- The existing structures include a seasonal cottage of approximately 3500 sq. ft. in size. City of Kenora property files indicate a Building permit in May 1989 to construct a seasonal cottage, and additional permits in May 2002 to construct a 33' x 37' two story addition, and in September 2005 for removal of interior partition walls and the addition of a porch.

Background Information:

On March 7, 2016 the City of Kenora Building Department issued a voluntary compliance letter to the owners at 614 Coney Island, PLAN 3M868 LOT 20 PCL 37870, indicating that it had come to the attention of the Building Department that the owner(s) may be in violation of the Building By-law 100-2005, the Building Code Act, S.O. 1992, c. 23, Section 8.-(1) Building Permits, and the City of Kenora Zoning By-law 101-2015.

The contractor representing the Owner contacted The City of Kenora Staff, confirming that development was taking place on lands known as 614 Coney Island; on March 16th, 2016 in written correspondence from the Contractor representing the owners, the City confirmed that shoreline development has ceased, and started the process of application for minor variance, as such, a stop work order was not determined necessary as voluntary compliance was initiated.

The current owners acquired the property in April 2015; the application for minor variance indicates the parcel also included an existing accessory shoreline deck, dock and boat port, grossing over 649.7 m² combined. No permits exist on file for these improvements. These improvements have since been demolished.

City of Kenora aerial photography from 2004 shows a dock of approximately 32 m². There are not permits on file for the construction of this dock.

City of Kenora aerial photography taken from 2014 indicates a dock (approximately 32.0m² in size) and a boat port (approximately 110 m² in size). There are not associated City of Kenora issued building permits on file for these improvements.



Description of Proposal

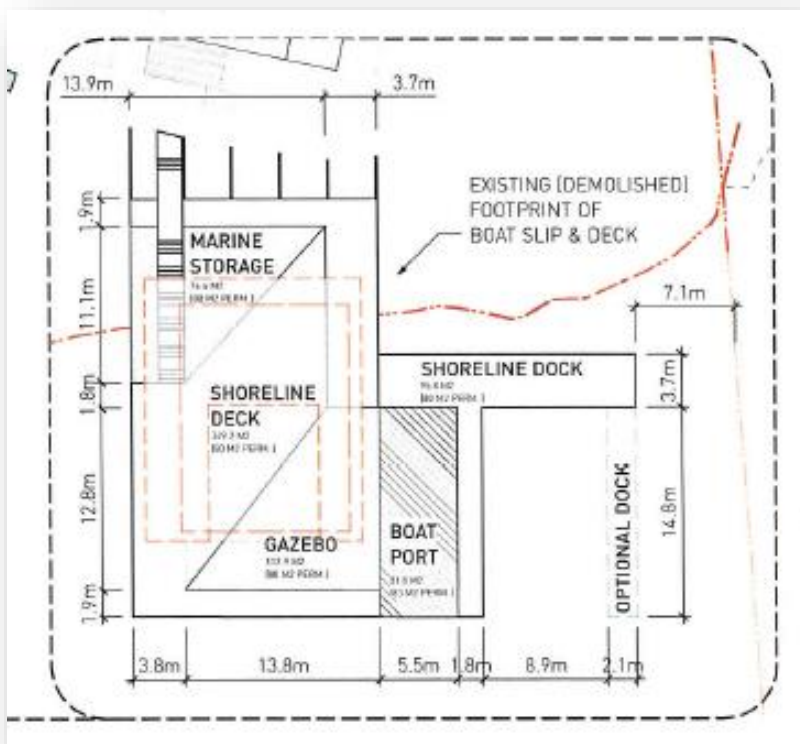
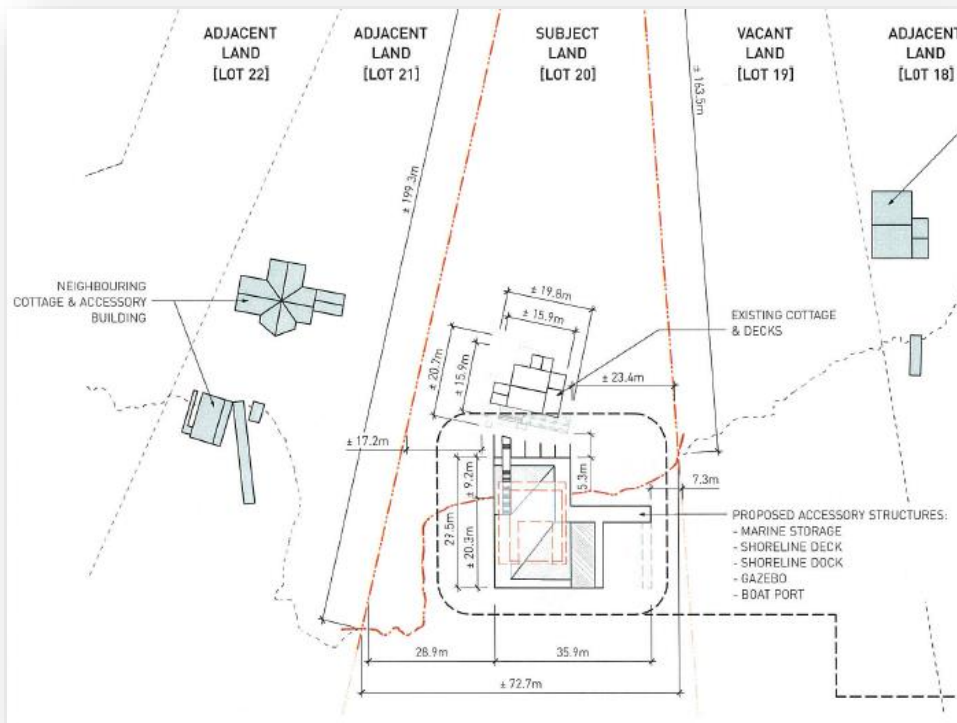
The applicant is proposing to construct an accessory gazebo 112.9 m² gross floor area (GFA), an accessory shoreline deck 349.2 m² GFA, an accessory shoreline dock 95.8 m² GFA, a marine storage accessory structure, 76.6 m² GFA, and a Boat Port 81.78 m² GFA in size.

The applicant is seeking relief from Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of 269.2 m² to permit the construction of a 349.2 m² shoreline deck.

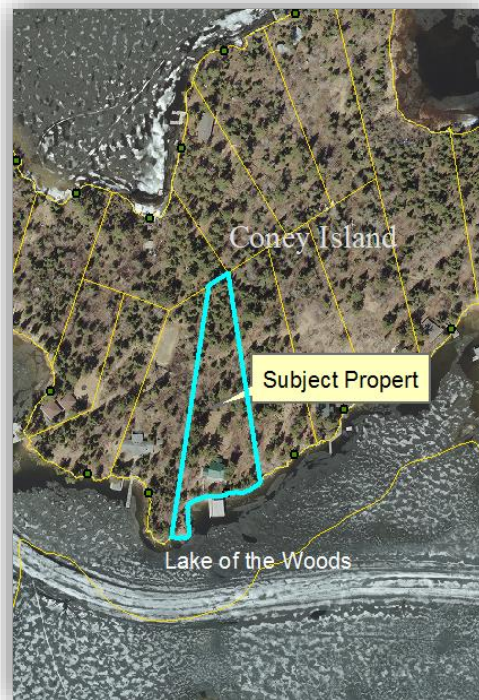
Additionally, the applicant seeks relief from Section 3.34.1(c) (vii), which specifies that docks shall not exceed 80m², measured independently of any other accessory building, use or structure. The applicant seeks a 15.8 m² variance to permit a 95.8 m² dock.

The effect of approval would be to permit shoreline development including an accessory gazebo 112.9 m² gross floor area (GFA) in size, an accessory shoreline deck 349.2 m² GFA, an accessory shoreline dock 95.8 m² GFA, a marine storage accessory structure, 76.6 m² GFA, and a Boat Port 81.78 m² GFA in size. The total area of the shoreline development including all accessory structures and uses would be 716.3 m² GFA in size.

Site Plan



Location of Subject property



Adjacent Land Uses

Adjacent properties are Rural Residential, low density single-detached, seasonal and/or permanent housing types. Most neighboring properties are developed along the shores of Lake of the Woods, inclusive of accessory structures including boat houses, boat ports, and docks.

Provincial Policy Statement (2014)

The application has regard for the PPS (2014) as there is no extension of municipal services required and there have been no identified effects on natural heritage areas.

City of Kenora Official Plan (2015)

The Official Plan designation of the subject lands is RU- Rural Area. The Official Plan includes a list of Guiding Principles, including policy directions, objectives, and implementation measure. Some of the development policies that apply to subject property are the following:

Section 3.13.3- Docks and Shoreline Development

Proposed development along shoreline shall be governed by the policies of Section 3.13.1 (Hazard Lands), in addition to following policies for docks, waterfront and marina structures on property abutting water:

- I. be subject to the policies of the MNRF, the Canadian Coast Guard, Fisheries and Oceans, and the City of Kenora, and where such structures are to be on Crown Land covered by water, the comments of adjacent land owners.
- II. be designed, constructed and maintained in a manner which contributes to the amenity of the City.
- III. be capable of withstanding damaging storms, ice, and high water conditions.
- IV. not contain sanitary facilities, pressurized water systems or dwelling units.
- V. be located so as not to interfere with navigation or aids to navigation.

- VI. be constructed and placed so as to minimize the impact on natural vegetation, and topography and shall not have a negative impact on natural heritage features such as fish habitat, wildlife habitat, habitat of endangered and threatened species, and wetlands.

Section 3.15.5 Compatibility Criteria

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.

Compatibility of new developments, and in particular the shoreline development of the subject property, shall be assessed on criteria including but not limited to:

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;
- c) **Shadowing:** shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas;
- d) **Lighting:** the potential for light spill-over or glare onto adjacent light-sensitive areas must be minimized;

5.1 Natural Heritage

The City shall encourage development to demonstrate sustainable design concepts, such as designing with nature as a commitment to environmental protection for future generations. Natural heritage consists of an overall natural heritage system, which consists of natural heritage features and areas, which are linked by natural corridors, which are important to maintain biological and geological diversity, natural functions, and viable populations of indigenous species and ecosystems. The applicants shall be required to prepare an Environmental Impact Statement (EIS), outlined within section 8.8 of the Official Plan, which demonstrates that there will be no negative impacts to fish habitat and will form a condition of approval.

The subject property is accessed via water, only, and given the time of the year, spring melt, and unusable winter ice road, Staff and Committee members are unable to visit the subject property. As such, the planning report cannot speak to the proposed development and its compatibility with regards to height and massing of surrounding properties, as well, weather the application complements the character of the surrounding neighbourhood without the benefit of an on-site visit.

Zoning By-law No. 101-2015

Section 1.10- Application of Building permits

The application is in violation of section 1.10, which indicates that building permits are required, per the *Ontario Building Code Act* and *Ontario Building Code*. City of Kenora Building files do not include permits issued for shoreline development, below are the building permits on file:

- May 1989 Construct summer camp
- April 2002 Two-Storey Timber addition to existing basement
- September 2005 Addition to seasonal cottage

3.21 Non-Conforming/Non-Complying Uses

The provision of the section 3.21.1- Non-complying building structures does not apply to the proposed application, as per the provisions of section 1.10- application of building permits; permits were not applied for or issued for shoreline improvements on the subject property.

Section 4.5- Rural Residential Provisions

The proposed development is on a single lot, on Coney Island. The subject property is zoned Rural Residential, The subject property has a shoreline frontage of approximately 72.5 m. and an area of .77 ha. Section 4.5 of the zoning by-law recommends a minimum 61m frontage and a minimum lot area of 1.0 ha in the Rural Residential zone. As per section 3.9 of the zoning by-law, the subject lot is undersized, however deemed to meet the lot area requirement of the Rural Residential zone as it existed at the time of final passing of the by-law. As such, development may be permitted provided that the development meets all other requirements of zoning by-law regarding that zone.

The total lot size 0.77 ha (7221 m²), the provisions of Section 3.34.1 (vi) indicates that an Accessory buildings, uses or structures are permitted in any zone, provided that Accessory buildings, uses or structures are permitted in any zone, provided that such accessory building, use or structure shall not exceed 10% coverage of the total lot area. The by-law as it reads, would allow for maximum lot coverage for accessory buildings, uses or structures at 722.1 m². The combined area of the proposed shoreline development including all accessory structures and uses would be 716.3 m² GFA in size, inclusive of an accessory gazebo 112.9 m² gross floor area (GFA) in size, an accessory shoreline deck 349.2 m² GFA, an accessory shoreline dock 95.8 m² GFA, a marine storage accessory structure, 76.6 m² GFA, and a Boat Port 81.78 m² GFA in size.

Section 3.34.1- Accessory Buildings, Uses or Structures

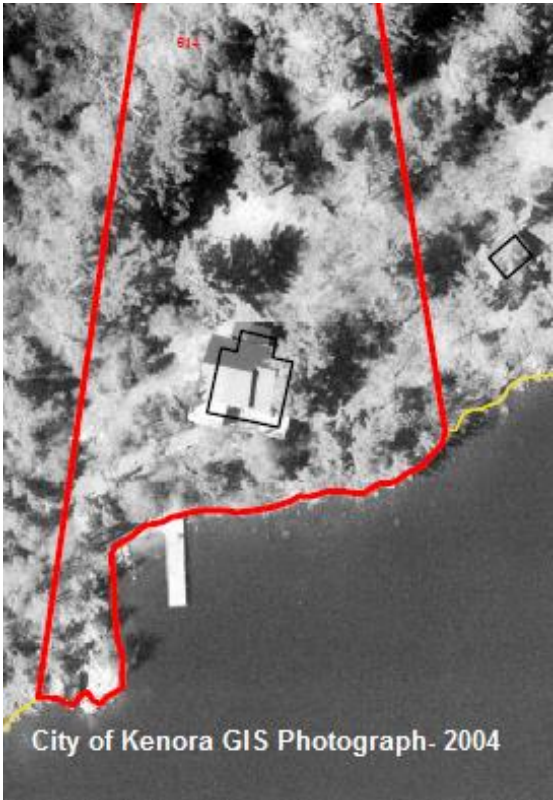
The applicant is seeking relief from Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of 269.2 m² to permit the construction of a 349.2 m² shoreline deck.

Additionally, the applicant seeks relief from Section 3.34.1(c) (vii), which requires that docks shall not exceed 80m², measured independently of any other accessory building, use or structure. The applicant seeks a 15.8 m² variance to permit a 95.8 m² dock.

The effect of approval would be to permit shoreline development including an accessory gazebo 112.9 m² gross floor area (GFA) in size, an accessory shoreline deck 349.2 m² GFA, an accessory shoreline dock 95.8 m² GFA, a marine storage accessory structure, 76.6 m² GFA, and a Boat Port 81.78 m² GFA in size. The total area of the shoreline development including all accessory structures and uses would be 716.3 m² GFA in size.

The tests for appropriateness and whether or not the application is minor shall be assessed on the impact on surrounding uses, and the suitability of the development for the site. The subject property is accessed via water, only, given the time of the year, and limited access to the subject property, the application cannot be assessed on the compatibility criteria without the benefit of an on-site visit. As at April 19th, 2016 an on-site visit will not be feasible. Therefore, the planning report cannot speak to the nature of the proposed development and the effect of the minor variance on adjacent neighbouring properties. The intent of the provisions for Accessory buildings, uses or structures within Section 3.34.1 guide shoreline development and maintain visual amenity, separation for privacy and compatibility with surrounding uses.

Comments from Circulation:

Planning Department	The site cannot be assessed with respect to the four tests without a site inspection Fishery assessment required
Roads Department	No comments received.
Building Department	<p>From a Building Permit perspective;</p> <ul style="list-style-type: none"> - There was no boathouse and only 1 dock in 2004 (see 2004 GIS attached); - There are no "City" building permits for marine structures in the property file; - Construction has begun without the benefit of a Kenora Building permit. <p>From a planning perspective;</p> <ul style="list-style-type: none"> - It should be confirmed that referenced existing structures were legally constructed, as mentioned above there were no Kenora Building Permits for marine structures found in the property file however approval may have been acquired by another agency e.g. MNR (note section 7) - Is the request Minor? Coney Island has many frontages similar to 614 Coney; approving this request may set a precedent for meeting 1 of the four tests being Minor; - Reference to owning the adjoining lots to the west is irrelevant as they are separate pieces of property; - Is the request Desirable? The purpose of a Rural Residential Zone is to allow for the development of low density single-detached, seasonal or permanent housing and compatible uses in a rural setting. Reference is made to Section 7 of the application, it is the writers opinion that rationale for variance doesn't match the purpose of a RR zone. <div data-bbox="540 1167 1089 1961" style="text-align: center;">  <p>City of Kenora GIS Photograph- 2004</p> </div>

Sewer & Water Department	No concerns.
Kenora Hydro	No concern.
Kenora Fire and Emergency Services	Kenora Fire has no issues with the replacement of this old boat house. Does this application go to Kenora MNRF to ensure that it is built to the new standards? (No second story) .
Heritage Kenora	No comments received
Engineering Department	No issues.

Public Comments

As pf todays date- non received (April 14th, 2016)

Agency Comments

Ministry of Natural Resources and Forest- Kevin Keith, Lands and Water Specialist	<p>Re: Sec. 13 - Our original permit has been rescinded due to the project not being constructed according to the application submitted. We would be prepared to consider a new application dependent on the City authorizations and appropriate neighbour notification. A Land Use Permit issued pursuant to the Public Lands Act would then issue for the boat port and dock. I have attached our latest Dock and Boathouse Application and would ask that you provide this to the applicant for our updated review of the project.</p> <p>Although there is no cross section provided in the architectural drawings – a gazebo is now indicated on the floor plan having an area of 112.9 sq.m. This was not included in the application submitted to MNRF dated February 1, 2016 and we understood it to be a trellis roof for shaded seating. It is uncertain if this is on the lower or upper deck. Gazebos are not a free use of Crown land and will require a Land Use Permit as occupational authority with the payment of an annual rental fee. We would require clarification of this and request drawings showing the floor plan and cross section with all dimensions for our review and approval. Our policy for gazebos on Lake of the Woods provides for a maximum size of 24 square metres and we are therefore not supportive of approving a variance to permit the proposed 112.9 sq. m. gazebo. Further, the attached photo shows the former boat port which was the basis for the replacement in addition to docks located to the right in the photo, as a basis for our Work Permit issuance.</p> <p>Regarding item 1 in the Planning Rationale, we wish to clarify that our permit was issued on the basis of replacing existing structures (boat port and docks). The plans have altered significantly with both the shifting of the structure southward and the addition of 349.2 m² of decking and a gazebo. There also appears to be plumbing and a washroom facility located within the structure in the area identified for marine storage within 20 m of the water's edge and appears to be contrary to the OP General Provisions Sec. 3.30 b) i). MNRF does not support plumbing facilities in shoreline structures.</p> <p>Our calculations of the total gross floor area under proposed structures on page 13 indicates a total combined area of 716.3 sq. m..</p> <p>Having participated in the review of the City draft official plan and being supportive of the by-laws respecting the 83 sq.m. for shoreline structures / boathouses in addition to the 80 sq. m. for docks and decking, we find the variance request for 553 addition sq. m. to be excessive and we cannot support the application.</p>
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General intent and purpose of the City's Official Plan (2010)

Accessory buildings, structures and uses abutting a watercourse are characteristic of development in the neighbourhood (section 3.15). However, the proposed development shall be assessed against the compatibility criteria (Section 3.15.5) and an onsite visit will be required to determine any foreseen undue adverse impact on surrounding properties.

The applicants shall be required to prepare an Environmental Impact Statement (EIS), outlined within section 8.8 of the Official Plan, which demonstrates that there will be no negative impacts to fish habitat and will form a condition of approval.

General intent and purpose of the Zoning By-law No. 160-2010

The Zoning By-law permits the construction of accessory structures and uses to a maximum size of 80 m², only one of a boathouse or boat port is permitted, which shall not exceed 83 m² in area, measured independently of any other accessory building, use, or structure, and docks shall not exceed 80 m², measured independently of any other accessory building, use, or structure. The proposed shoreline development exceeds the provisions of the zoning by-law within section: 3.34.1. The maintenance of the intent of the zoning by-law will be assessed on impact to neighboring lots, visual amenity, separation for privacy and compatibility with surrounding uses.

Appropriate and Desirable Development of the Land

Shoreline development which complies with the provisions of the zoning-by law shall deemed appropriate and desirable. Although surrounding properties are improved with accessory buildings, structures and uses along Lake of the Woods, the appropriateness and whether or not the application is minor shall be assessed on the impact on surrounding uses, and the suitability of the development for the site which will be conditional upon an onsite visit.

Proposed variance is minor in nature

An onsite visit will be required to comment on whether the application meets the intent of the Official Plan and Zoning By-law, is characteristic of the neighbourhood, impact on neighbouring properties, and whether or not it is deemed minor in nature.

Recommendation:

That the Kenora Planning Advisory Committee table a decision until the 17th of May, 2016 and dependent upon ice out, with respect to Application for Minor Variance A03/16 Fettes, Aleshka, property described as 614 Coney Island, PLAN 23M868 LOT 20 PCL 37870, seeking relief from Zoning By-law 101-2015 Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of

269.2 m² to permit the construction of a 349.2 m² shoreline deck. Additionally, relief from Section 3.34.1 (c) (vii) of the City of Kenora Zoning By-law 101-2015, specifies that docks shall not exceed 80m², measured independently of any other accessory building, use or structure.

Section 45 of the Planning Act, R.S.O 1990, indicates that an application to a committee of adjustment for a minor variance must; be minor in nature, be desirable for the appropriate use of the land, building or structure, and in the opinion of the committee maintain the general intent and purpose of the zoning by-law and official plan. An on-site visit will be required in order for the committee to comply with the requirements of the Act.

It is recommended that the applicant commission an Environmental Impact Statement (EIS) for fishery habitat assessment in order to provide the Planning Advisory Committee with satisfactory evidence that there is no impact on Natural Heritage Values.

**Staff Report
City of Kenora Planning Advisory Committee**

May 17th, 2016

Amended Application for Minor Variance A03/16 Fettes, Aleshka

Introduction

The application for a minor variance made by Gregory Fettes and Carmyn Aleshka, Owners, for property described as 614 Coney Island, PLAN 23M868 LOT 20 PCL 37870, seeking relief from Zoning By-law 101-2015 Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 20 m² variance from this section of the by-law, in order to construct a gazebo 100 m² in size, and a variance of 215 m² to permit the construction of a 295 m² shoreline deck. The effect of approval would be to permit shoreline development including a gazebo, deck, dock, marine storage and boat port in compliance with the provisions of the zoning by-law.

Existing Conditions:

- Existing RR- Rural Residential lot, approximately .77 ha in size;
- Frontage: 72.5 m, Depth: 199 m
- Located on Coney Island, water access only
- The following Building permits are on file:
 - May 1989 Construct summer camp
 - April 2002 Two-Storey Timber addition to existing basement
 - September 2005 Addition to seasonal cottage
- The existing structures include a seasonal cottage of approximately 3500 sq. ft. in size. City of Kenora property files indicate a Building permit in May 1989 to construct a seasonal cottage, and additional permits in May 2002 to construct a 33' x 37' two story addition, and in September 2005 for removal of interior partition walls and the addition of a porch.

Background Information:

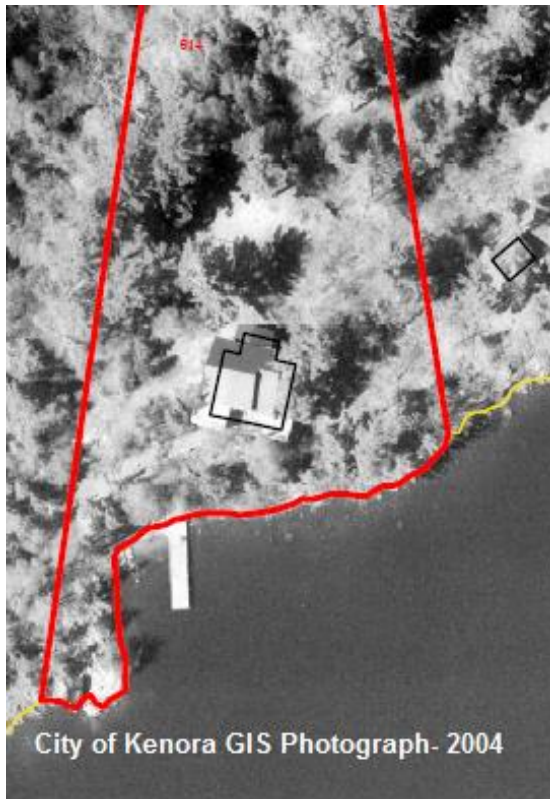
On March 7, 2016 the City of Kenora Building Department issued a voluntary compliance letter to the owners at 614 Coney Island, PLAN 3M868 LOT 20 PCL 37870, indicating that it had come to the attention of the Building Department that the owner(s) may be in violation of the Building By-law 100-2005, the Building Code Act, S.O. 1992, c. 23, Section 8.-(1) Building Permits, and the City of Kenora Zoning By-law 101-2015.

The contractor representing the Owner contacted The City of Kenora Staff, confirming that development was taking place on lands known as 614 Coney Island; on March 16th, 2016 in written correspondence from the Contractor representing the owners, the City confirmed that shoreline development has ceased, and started the process of application for minor variance, as such, a stop work order was not determined necessary as voluntary compliance was initiated.

The current owners acquired the property in April 2015; the application for minor variance indicates the parcel also included an existing accessory shoreline deck, dock and boat port, grossing over 649.7 m² combined. No permits exist on file for these improvements. These improvements have since been demolished.

City of Kenora aerial photography from 2004 shows a dock of approximately 32 m². There are no permits on file for the construction of this dock.

City of Kenora aerial photography taken from 2014 indicates a dock (approximately 32.0m² in size) and a boat port (approximately 110 m² in size). There are not associated City of Kenora issued building permits on file for these improvements.



Description of Proposal

In an application to the Planning Advisory Committee on the April 19th, 2016 meeting agenda, he applicant was proposing to construct an accessory gazebo 112.9 m² gross floor area (GFA), an accessory shoreline deck 349.2 m² GFA, an accessory shoreline dock 95.8 m² GFA, a marine storage accessory structure, 76.6 m² GFA, and a Boat Port 81.78 m² GFA in size.

Originally, the applicant is seeking relief from Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicant was seeking a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of 269.2 m² to permit the construction of a 349.2 m² shoreline deck.

Additionally, the applicant was seeking relief from Section 3.34.1 (c) (vii), which specifies that docks shall not exceed 80m², measured independently of any other accessory building, use or structure. The applicant sought a 15.8 m² variance to permit a 95.8 m² dock.

Original Proposal		
	Proposed Size (m ²)	Variance Required (m ²)
Marine Storage	77	Complies
Boat Port	82	Complies
Gazebo	113	33
Shoreline Deck	349	269
Shoreline Dock	96	12

The effect of approval would have been to permit shoreline development including an accessory gazebo 112.9 m² gross floor area (GFA) in size, an accessory shoreline deck 349.2 m² GFA, an accessory shoreline dock 95.8 m² GFA, a marine storage accessory structure, 76.6 m² GFA, and a Boat Port 81.78 m² GFA in size. The total area of the shoreline development including all accessory structures and uses would be 716.3 m² GFA in size.

The application was heard at the April 19th, 2016 Planning Advisory Committee and the following recommendation was approved:

**Moved by: Ray Pearson
Recommendation:**

Seconded by: Chris Price

That the Kenora Planning Advisory Committee table a decision until the 17th of May, 2016 and dependent upon ice out, with respect to Application for Minor Variance A03/16 Fettes, Aleshka, property described as 614 Coney Island, PLAN 23M868 LOT 20 PCL 37870, seeking relief from Zoning By-law 101-2015 Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 32.9 m² variance from this section of the by-law, in order to construct a gazebo 112.9 m² in size, and a variance of .269.2 m² to permit the construction of a 349.2 m² shoreline deck. Additionally, relief from Section 3.34.1 (c) (vii) of the City of Kenora Zoning By-law 101-2015, specifies that docks shall not exceed 80m², measured independently of any other accessory building, use or structure.

Section 45 of the Planning Act, R.S.O 1990, indicates that an application to a Committee of adjustment for a minor variance must; be minor in nature, be desirable for the appropriate use of the land, building or structure, and in the opinion of the Committee maintain the general intent

and purpose of the Zoning By-law and Official Plan. An on-site visit will be required in order for the Committee to comply with the requirements of the Act.

It is recommended that the applicant commission an Environmental Impact Statement (EIS) for fishery habitat assessment in order to provide the Planning Advisory Committee with satisfactory evidence that there is no impact on Natural Heritage Values.

Amended Application

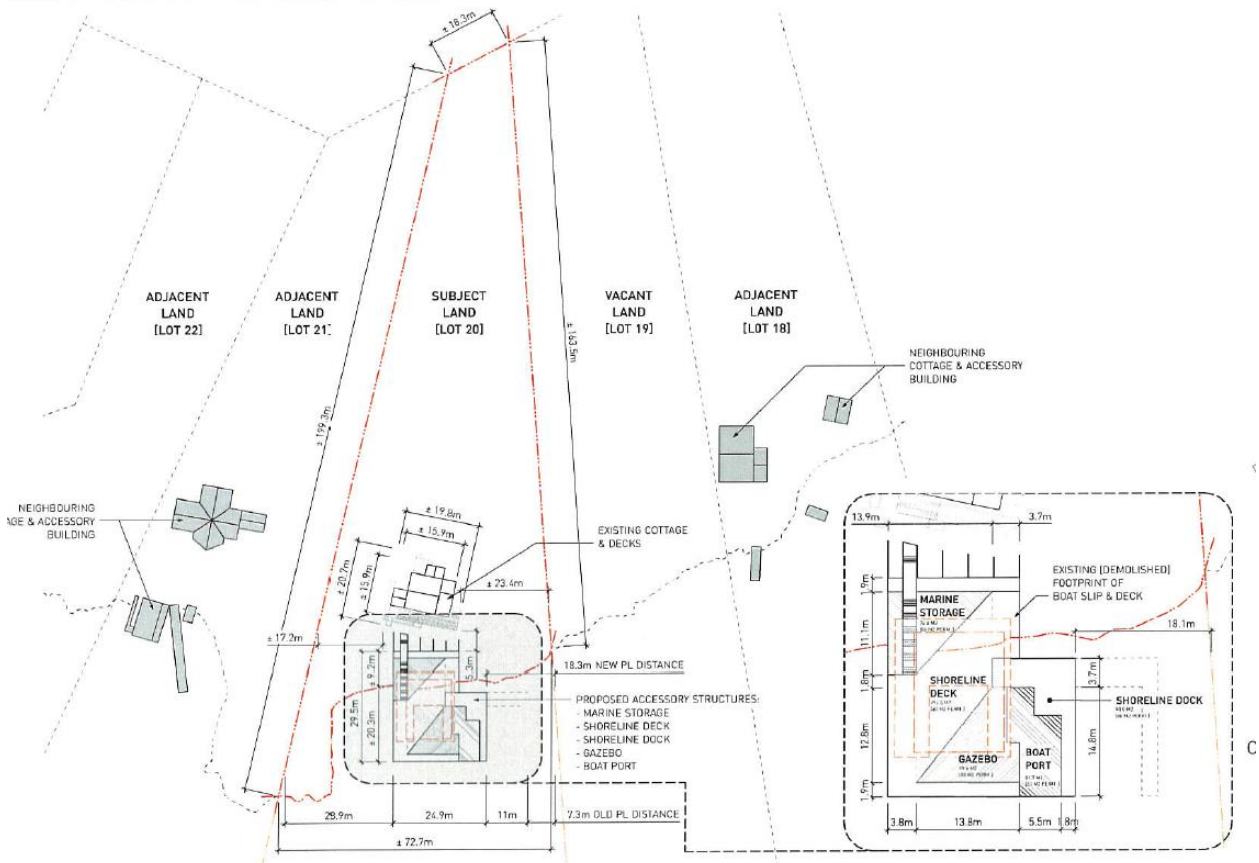
On May 5th, 2016 the City of Kenora Planning Department received an amended application with revised drawings were received from Colin Neufeld, Architect, the plans were recirculated to the Planning Advisory Committee, and internal and external departments for comments.

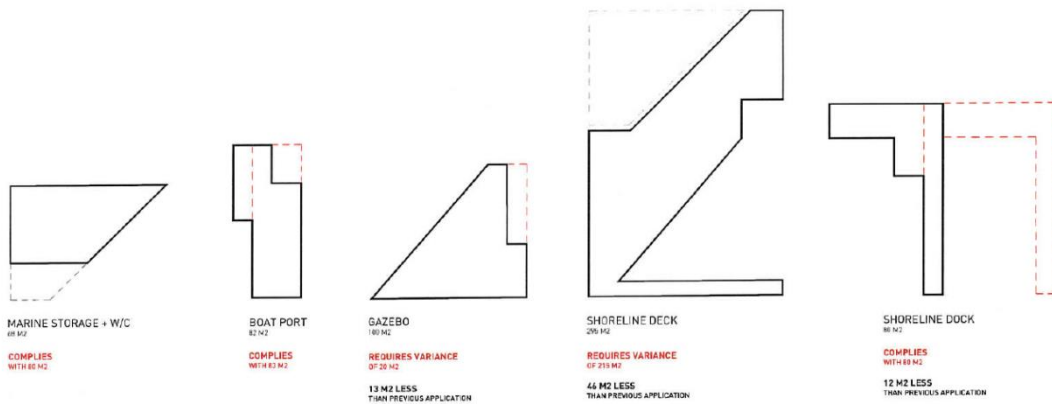
The revised plans include a reduced size to the gazebo, a reduced shoreline deck, and removal of a portion of the shoreline dock.

In the revised application, the new proposal was as follows:

	Original Proposal		Revised Proposal	
	Proposed Size (m ²)	Variance Required (m ²)	Proposed Size (m ²)	Variance Required (m ²)
Marine Storage	77	Complies	68	Complies
Boat Port	82	Complies	82	Complies
Gazebo	113	33	100	20
Shoreline Deck	349	269	295	215
Shoreline Dock	96	12	80	Complies

Revised Site Plan





MODIFIED COMPONENTS

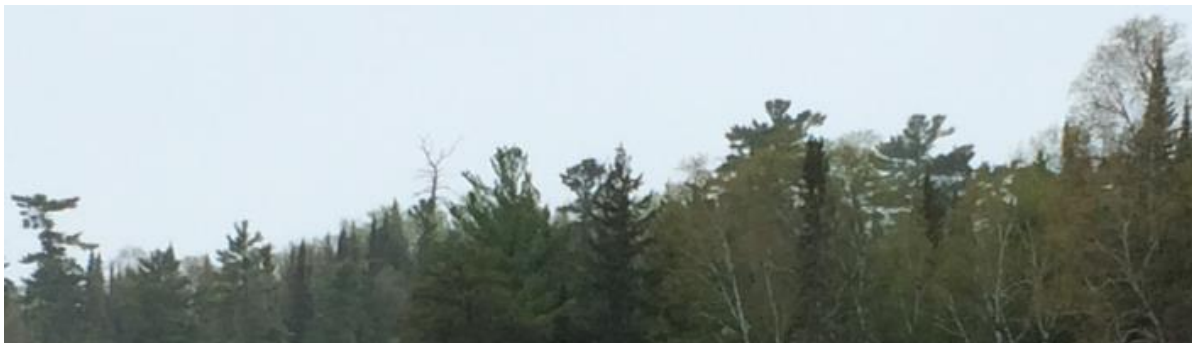
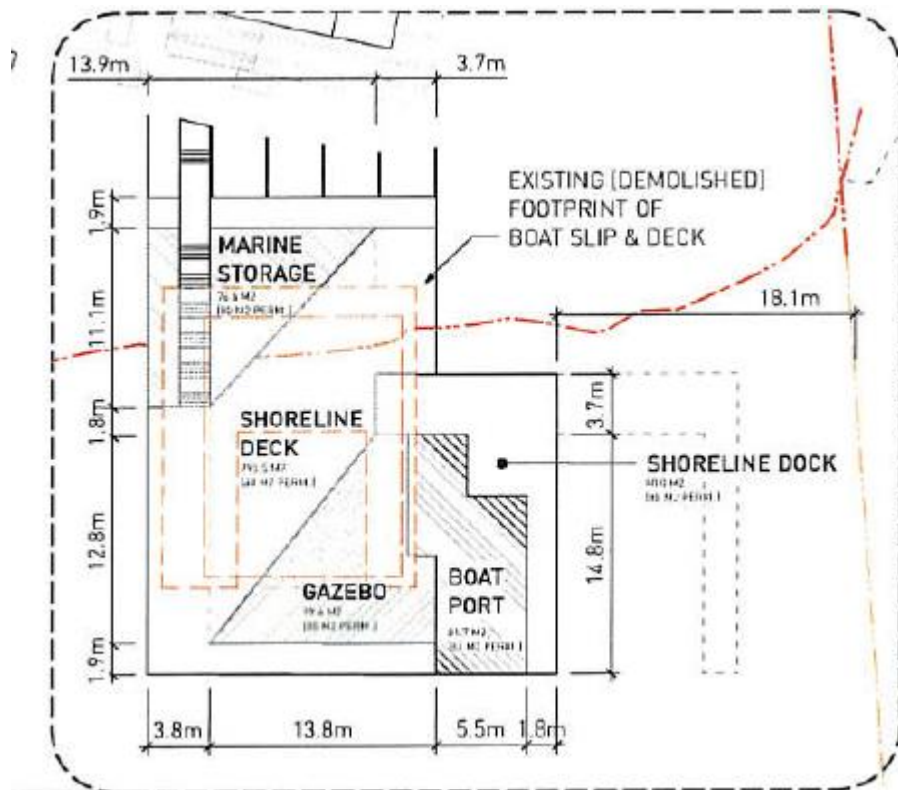


Photo Taken May 11, 2016, City of Kenora Site Visit



Photo Taken May 11, 2016, City of Kenora Site Visit

Adjacent Land Uses

Adjacent properties are Rural Residential, low density single-detached, seasonal and/or permanent housing types. Most neighboring properties are developed along the shores of Lake of the Woods, inclusive of accessory structures such as boat houses, boat ports, and docks, shoreline decks and marine storage sheds.

Provincial Policy Statement (2014)

The application (amended) has regard for the PPS (2014) as there is no extension of municipal services required and there have been no identified effects on natural heritage areas.

City of Kenora Official Plan (2015)

The Official Plan designation of the subject lands is RU- Rural Area. The Official Plan includes a list of Guiding Principles, including policy directions, objectives, and implementation measure which guides development within the City of Kenora. Some of the development policies that apply to subject property are the following:

Section 3.13.3- Docks and Shoreline Development

Proposed development along shoreline shall be governed by the policies of Section 3.13.1 (Hazard Lands), in addition to following policies for docks, waterfront and marina structures on property abutting water, some of the applicable policies which shall be considered in this application are as follows:

- I. be designed, constructed and maintained in a manner which contributes to the amenity of the City.
- II. be capable of withstanding damaging storms, ice, and high water conditions.
- III. not contain sanitary facilities, pressurized water systems or dwelling units.
- IV. be located so as not to interfere with navigation or aids to navigation.
- V. be constructed and placed so as to minimize the impact on natural vegetation, and topography and shall not have a negative impact on natural heritage features such as fish habitat, wildlife habitat, habitat of endangered and threatened species, and wetlands.

The amended application indicates the removal of the sanitary facility which was originally located within the marine storage shed. As well, the applicant has commissioned an Environmental Impact Study by Ryan Haines, Biologist, Kenora Consultants, the findings of that report have not been made available as of today's date: May 12, 2016.

Section 3.15.5 Compatibility Criteria

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.

Compatibility of new developments, and in particular the shoreline development of the subject property, shall be assessed on criteria including but not limited to :

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;
- c) **Shadowing:** shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas;
- d) **Lighting:** the potential for light spill-over or glare onto adjacent light-sensitive areas must be minimized;

The proposed development, although not considered architecturally similar to existing buildings within the vicinity, the aesthetic and overall look of the proposed development shall not be

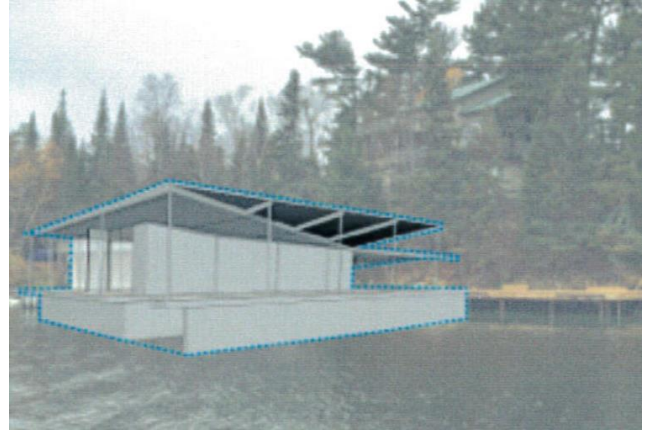
considered a adverse impact on the surrounding properties. However, the proposed development shall be considered amongst the scale, rhythm and massing of surrounding developments. Many adjacent parcels contain shoreline development built within the provisions of the Kenora zoning by-law, the proposed development, totals approximately 625 m² in size, although certain sections of the design are compliant, the proposed shoreline deck at 295 m² and the Gazebo at 100 m² exceed the provisions of the zoning by-law as well, are not consistent with development along the nearby shorelines.

Neighbourhood Shoreline Development



Photos Taken May 11, 2016, City of Kenora Site Visit, or provided by Coney Island residents.

Proposed Shoreline Development



Referenced from the Amended application received on May 5th, 2016

5.1 Natural Heritage

The City shall encourage development to demonstrate sustainable design concepts, such as designing with nature as a commitment to environmental protection for future generations. As a recommendation of the April 19, 2016 Planning Advisory Committee, the applicants shall submit an Environmental Impact Statement (EIS), as outlined within section 8.8 of the Official Plan, which demonstrates that there will be no negative impacts to fish habitat and will form a condition of approval. The owner has commissioned Ryan Haines; Kenora Resource Consultants to perform a scoped fish habitat assessment, the findings of that report have not been made available as of today's date, May 12, 2016.

Zoning By-law No. 101-2015

Section 1.10- Application of Building permits

The application is in violation of section 1.10, which indicates that building permits are required, per the *Ontario Building Code Act* and *Ontario Building Code*. City of Kenora Building files do not include permits issued for shoreline development, below are the building permits on file:

- May 1989 Construct summer camp
- April 2002 Two-Storey Timber addition to existing basement
- September 2005 Addition to seasonal cottage

3.21 Non-Conforming/Non-Complying Uses

The provision of the section 3.21.1- Non-complying building structures does not apply to the proposed application, as per the provisions of section 1.10- application of building permits; permits were not applied for or issued for shoreline improvements on the subject property.

Section 4.5- Rural Residential Provisions

The proposed development is on a single lot, on Coney Island. The subject property is zoned Rural Residential, The subject property has a shoreline frontage of approximately 72.5 m. and an area of .77 ha. Section 4.5 of the zoning by-law recommends a minimum 61m frontage and a minimum lot area of 1.0 ha in the Rural Residential zone. As per section 3.9 of the zoning by-law, the subject lot is undersized, however deemed to meet the lot area requirement of the Rural Residential zone as it existed at the time of final passing of the by-law. As such, development may be permitted provided that the development meets all other requirements of zoning by-law regarding that zone including lot coverage and side yard setback.

Section 3.34.1- Accessory Buildings, Uses or Structures

The applicant is seeking relief from Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a

20.0 m² variance from this section of the by-law, in order to construct a gazebo 100.0 m² in size, and a variance of 215 m² to permit the construction of a 295.0 m² shoreline deck.

The effect of approval would be to permit shoreline development including an accessory gazebo 100 m² gross floor area (GFA) in size, an accessory shoreline deck 295 m² GFA, an accessory shoreline dock 80 m² GFA, a marine storage accessory structure, 68 m² GFA, and a Boat Port 82 m² GFA in size. The total area of the shoreline development including all accessory structures and uses would be 625 m² GFA in size.

Effect of Approval		
	Proposed Size (m ²)	Variance Required (m ²)
Marine Storage	68	Complies
Boat Port	82	Complies
Gazebo	100	20
Shoreline Deck	295	215
Shoreline Dock	80	Complies

Shoreline Deck versus Dock

The definition of deck from the within the Kenora zoning by-law 101-2015 is as follows:

Deck

A structure without a roof, having a foundation to hold it erect, the floor which at any point of the perimeter is more than 600 mm above adjacent grade, either accessible from within the building or from outside when at grade and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground, but shall not include a landing or step.

As such, a shoreline deck shall be a structure without a roof, having a foundation to hold it erect, the floor which at any point of the perimeter is more than 600 mm above adjacent grade along the shoreline, with or without direct access to the ground, but shall not include a landing or step. The Kenora Zoning By-law does not include a definition for a shoreline deck; however each application shall be assessed on the definition of a deck versus a dock and the use of the structure and its location relative to the shoreline.

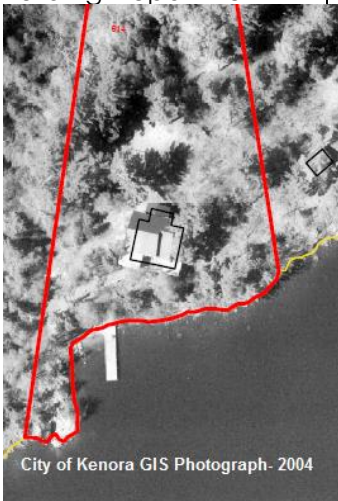
The application has made application for a 215 m² variance to approve a shoreline deck 295 m² in size. The majority of this structure is located over the water with a foundation adjacent the Crown land reserve. Certain components of the proposed shoreline development are considered to be shoreline deck; however staff was not able to determine this measurement from the submitted drawings. Development with foundation adjacent the Crown land reserve and above the water shall be considered dock.

The tests for appropriateness and whether or not the application is minor shall be assessed on the impact on surrounding uses, and the suitability of the development for the site. The Marine storage

component, the boat port and the shoreline dock are components of the development with comply with the provision of the zoning by-law section 3.34.1, however, the Gazebo at 100 m² and the shoreline deck at 295 m² exceed the provisions of the by-law. The proposal is not in keeping with the scale, rhythm and massing of the neighbouring parcels, as such cannot be deemed compatible. The intent of the provisions for Accessory buildings, uses or structures within Section 3.34.1 guide shoreline development and maintain visual amenity, separation for privacy and compatibility with surrounding uses.

Comments from Circulation: There were no additional comments received after internal circulation of the revised application.

Planning Department	
Roads Department	No comments received.
Building Department	<p>From a Building Permit perspective;</p> <ul style="list-style-type: none"> - There was no boathouse and only 1 dock in 2004 (see 2004 GIS attached); - There are no "City" building permits for marine structures in the property file; - Construction has begun without the benefit of a Kenora Building permit. <p>From a planning perspective;</p> <ul style="list-style-type: none"> - It should be confirmed that referenced existing structures were legally constructed, as mentioned above there were no Kenora Building Permits for marine structures found in the property file however approval may have been acquired by another agency e.g. MNR (note section 7) - Is the request Minor? Coney Island has many frontages similar to 614 Coney; approving this request may set a precedent for meeting. Considering that the applicant is maximizing the size of each component, the massing at the shoreline will not be characteristic of the neighbourhood; - Reference to owning the adjoining lots to the west is irrelevant as they are separate pieces of property; - Is the request Desirable? The purpose of a Rural Residential Zone is to allow for the development of low density single-detached, seasonal or permanent housing and compatible uses in a rural setting. Reference is made to Section 7 of the application, it is the writer's opinion that rational for variance does not meet the purpose and intent of the provisions for marine accessories, or the policies for shoreline development - The component labelled "shoreline deck" is in fact mostly located over the water and therefore would be considered a dock. There are no other docks in the neighbourhood which are similar. - The findings and mitigation measures recommended by the biologist will help to determine impact.
Sewer & Water Department	No concerns.
Kenora Hydro	No concern.



Kenora Fire and Emergency Services	Kenora Fire has no issues with the replacement of this old boat house. Does this application go to Kenora MNRF to ensure that it is built to the new standards? (No second story) .
Heritage Kenora	No comments received
Engineering Department	No issues.

Agency Comments: Mr. Kevin Keith provided updated comments on Wednesday May 11th, 2016

Ministry of Natural Resources and Forest	<p>Received May 11th, 2016</p> <p>Please accept the following comments in respect of the “minor variance” application submitted by Greg and Carmyn Fettes for the shoreline development proposal fronting the above noted property on Coney Island.</p> <p>The Ministry of Natural Resources & Forestry (MNRF) is in receipt of revised drawings for the development proposal submitted by Colin Neufeld of 5468796 Architecture Inc. dated April 28, 2016. We were somewhat surprised at the magnitude of the works in considering the original application submitted for a Public Lands Act Work Permit/Land Use Permit indicated the works were strictly “replacement of existing” boat port and docks. A 324.2 sq.m. deck (3,488 sq.ft.) was not specified in the application nor was a gazebo.</p> <p>We wish to clarify that docks and single storey boathouses constructed directly in front of the owners upland waterfront property and used strictly for the mooring and storage of vessels has traditionally been a free use of Crown land (they now require occupational authority in the form of a Land Use Permit). Any additional development over Crown land beyond these uses has required MNRF prior approval and additional occupational authority for that exclusive use of Crown land. MNRF does not permit living accommodations over Crown lakebed but will consider applications to construct gazebo structures on either decks or boathouses subject to our environmental review and will permit screened structures up to 24 sq.m. maximum. This figure was derived from the Clearwater Bay Development Guidelines and subsequently administered equally and consistently across the Kenora District, and was conveyed to Mr. Neufeld. We therefore do not support the gazebo as shown on the revised plans as 99m2 and indicated to be 112m2 in the City Notice of Variance application. The MNRF is not prepared to approve this structure as designed.</p> <p>Regarding fisheries values, we understand that the City intends to recommend a fishery assessment of the shoreline fronting the property and we would therefore ask to have the opportunity to review the assessment report prior to offering final comments relating to fisheries habitat.</p> <p>Thank you for the opportunity to comment on this application.</p> <p>Sincerely,</p> <p><i>Kevin Keith</i> Lands and Waters Specialist Ministry of Natural Resources & Forestry</p>
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Kenora District



Original Comments received on April 12th, 2016

Re: Sec. 13 - Our original permit has been rescinded due to the project not being constructed according to the application submitted. We would be prepared to consider a new application dependent on the City authorizations and appropriate neighbour notification. A Land Use Permit issued pursuant to the Public Lands Act would then issue for the boat port and dock. I have attached our latest Dock and Boathouse Application and would ask that you provide this to the applicant for our updated review of the project.

Although there is no cross section provided in the architectural drawings – a gazebo is now indicated on the floor plan having an area of 112.9 sq.m. This was not included in the application submitted to MNRF dated February 1, 2016 and we understood it to be a trellis roof for shaded seating. It is uncertain if this is on the lower or upper deck. Gazebos are not a free use of Crown land and will require a Land Use Permit as occupational authority with the payment of an annual rental fee. We would require clarification of this and request drawings showing the floor plan and cross section with all dimensions for our review and approval. Our policy for gazebos on Lake of the Woods provides for a maximum size of 24 square metres and we are therefore not supportive of approving a variance to permit the proposed 112.9 sq. m. gazebo. Further, the attached photo shows the former boat port which was the basis for the replacement in addition to docks located to the right in the photo, as a basis for our Work Permit issuance.

Regarding item 1 in the Planning Rationale, we wish to clarify that our permit was issued on the basis of replacing existing structures (boat port and docks). The plans have altered significantly with both the shifting of the structure southward and the addition of 349.2 m² of decking and a gazebo. There also appears to be plumbing and a washroom facility located within the structure in the area identified for marine storage within 20 m of the water's edge and appears to be contrary to the OP General Provisions Sec. 3.30 b) i). MNRF does not support plumbing facilities in shoreline structures.

Our calculations of the total gross floor area under proposed structures on page 13 indicates a total combined area of 716.3 sq. m..

Having participated in the review of the City draft official plan and being supportive of the by-laws respecting the 83 sq.m. for shoreline structures / boathouses in addition to the 80 sq. m. for docks and decking, we find the variance request for 553 addition sq. m. to be excessive and we cannot support the application.

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General intent and purpose of the City's Official Plan (2010)

Accessory buildings, structures and uses abutting a watercourse are characteristic of development in the neighbourhood (section 3.15). However, the proposed development of a gazebo measuring 100 m² and a shoreline deck measuring 295 m² are not compatible with respect to size and massing of neighbouring parcels, and it is in the opinion of the planning department that these structures may cause undue adverse impact on surrounding properties. (Section 3.15.5)

As a condition of approval the applicant is required to submit an Environmental Impact Statement (EIS), as outlined within section 8.8 of the Official Plan, which demonstrates that there will be no negative impacts to fish habitat and will form a condition of approval. Staff is under the impression that the owner has commissioned Mr. Ryan Haines of Kenora Resource Consultants; however we have not received a report as of May 12th, 2016.

General intent and purpose of the Zoning By-law No. 160-2010

The Zoning By-law permits the construction of accessory structures and uses to a maximum size of 80 m². The proposed gazebo and shoreline dock components of the proposed development exceeds the provisions of the zoning by-law within section: 3.34.1. The size and massing of these two components, impairs the intent of the zoning by-law, which aims to diminish the impact to neighboring lots, visual amenity, separation for privacy and compatibility with surrounding uses.

Appropriate and Desirable Development of the Land

Certain components within the application comply with the provisions of the zoning-by law and shall be deemed appropriate and desirable. Surrounding properties on Coney Island are also improved with shoreline accessory buildings, deck, docks, boat houses and boat ports; however, as indicated within the photos of these adjacent lots, these developments maintain and are built within the provision of the zoning by-law. The appropriateness of the proposed development and whether or not the application is considered minor shall be assessed on the foreseen impact on surrounding uses. The proposed shoreline deck and gazebo exceed the provisions of the zoning by-law and are not compatible among the scale, rhythm and massing of surrounding developments, as such shall not be considered minor.

Proposed variance is minor in nature

The proposed shoreline deck and gazebo exceed the provisions of the zoning by-law; the size and massing of these two components, impairs the intent of the zoning by-law, which aims to diminish the impact to neighboring lots, visual amenity, separation for privacy and compatibility with surrounding uses. The gazebo and shoreline deck are not compatible among the scale, rhythm and massing of surrounding developments, as such shall not be considered minor.

Recommendation:

That the Kenora Planning Advisory Committee refuses Application for Minor Variance A03/16 Fettes, Aleshka, property described as 614 Coney Island, PLAN 23M868 LOT 20 PCL 37870, seeking relief from Zoning By-law 101-2015 Section 3.34.1 (c) (v) which stipulates that an accessory building or structure that abuts a navigable waterway shall not exceed 80m² in size. The applicants seek a 20 m² variance from this section of the by-law, in order to construct a gazebo 100 m² in size, and a variance of 215 m² to permit the construction of a 295 m² shoreline deck, as the application does not meet the intent of the zoning by-law, is not considered appropriate and desirable development of the land, nor is the application considered minor in nature as outlined within the planning report.

Staff Report to City Council
10 May, 2016 – Committee of the Whole

Proposed Zoning By-law Amendment Z01/16 Emergency Shelters

Background

Definition per Zoning By-law 101-2015

Emergency Shelter

An establishment providing temporary accommodation to individuals who are in immediate need of emergency accommodation and food, and may include ancillary health care, counselling and social support services

This proposed amendment is City-initiated, and in response to a proponent who would like to establish an emergency shelter in the downtown area. The City of Kenora Council directed staff to prepare a zoning by-law amendment to consider a change to Section 3.14 – Group Homes and Emergency Shelters to allow emergency shelters to be located in the General Commercial (GC) and Institutional (I) zones, in order to recognize that this use is often co-located with other institutional facilities. In addition, the original intent of the proposed Zoning By-law amendment was to delete emergency shelters as a use from the Residential – First Density (R1) and Residential – Second Density (R2) zones, and in the RR – Rural Residential zone. The proposed Zoning By-law Amendment would be applied City-wide, in the applicable zones. Group home provisions will remain status quo.

The Kenora Planning Advisory Committee has reviewed the planning report and discussed the matter, at their regular meeting on January 19, 2015 and their meeting of April 19, 2016. Their recommendation is to maintain the current zoning provisions, for the location of emergency shelters and add the accessory use in the GC and I zones. That recommendation is found below.

Provincial Policy Statement (PPS 2014)

Several policies from the 2014 PPS would apply. Policy 1.1.1 (a) promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term. Policy 1.1.1 (b) states that an appropriate range and mix of residential, employment, institutional, and other uses should be accommodated to meet long-term needs.

“Public service facilities” are defined in the PPS as “lands, building and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.” Policy 1.6.5 of the policies states that public service facilities should be “co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.”

The proposed rezoning is consistent with the policies of the 2014 Provincial Policy Statement.

City of Kenora Official Plan 2015 (OP)

The City of Kenora’s Official Plan 2015 sets out a vision and guiding principles; two of those principles apply to this application: Principle 1, in Section 2.2.1 promotes sustainable development to enhance the quality of life for present and future generations. Principle 6 in Section 2.2.6 encourages new development to provide for a mix of uses in planning for complete communities.

Section 3.4 addresses community and neighbourhood design and specifically states that the plan promotes the development of complete communities and neighbourhoods throughout Kenora, which include a range of uses to meet the residential, employment, shopping, and recreational needs of residents. Where appropriate, establishing community hubs allows the co-location of public service facilities to provide convenient, integrated, and cost-effective services

Section 4.1 – Established Area includes residential, commercial, existing industrial and institutional uses that presently exist in the City. Institutional uses are permitted in the Established Area. In addition, Section 4.2 – Residential Development Area also permits all housing types, and institutional uses. It should be noted that the Official Plan does not include a specific land use designation for institutions since they are typically located in residential areas, as well as commercial areas, to provide for and enable the development of complete communities.

Section 4.3.2 Harbourtown Centre

The Harbourtown Centre designation represents the downtown area of the City, and is considered to be an extremely important component of the commercial and recreational land use system of the City of Kenora. It is the intent of this Plan that this area contains major concentrations of commerce, finance, tourism, entertainment, recreation, residential and business activities, and provides a dynamic commercial core, for the residents of and visitors to, the City of Kenora.

4.3.1 Permitted Uses

- a) Commercial, entertainment, recreation and residential uses shall be permitted. Colocation of public services facilities is encouraged for convenience, cost-effectiveness, service integration, and promotion of active transportation.
- b) Multi-unit residential development in conjunction with commercial uses shall be encouraged in the Harbourtown Centre where the street level is used for commercial purposes.

The objectives for this land use designation were developed to promote and reinforce the Harbourtown Centre as a destination for commercial and tourism-related development.

Section 4.4 – Commercial Development Area, specifically Policy 4.4.1(c) permits residential land uses on a limited basis in existing buildings and structures suitable for residential use. New residential development in the Commercial Development Area shall not be permitted.

Furthermore, Section 3.12 Group Homes contains policies specifically for this type of use, and is silent on emergency shelters.

The proposed Zoning By-law amendment conforms to the City of Kenora Official Plan policies and provides an opportunity for the continued and order development of a community hub which provides support for the neighbourhood residents in which the emergency shelter will be located.

Zoning By-law 101-2015

The City of Kenora’s Zoning By-law was adopted by Council on December 15, 2015 and is in force. The definition of an emergency shelter in the zoning by-law is “establishment providing temporary accommodations to individuals who are in immediate need of emergency accommodation and food, and may include ancillary health care, counselling and social support services.”

The definition of a group home is a “supervised residential use building for a maximum of ten persons, exclusive of staff who live as a group in a single household living arrangement, and where the residents require support or supervision on a daily basis, but excludes correctional facilities and emergency shelters”. Section 3.14 Group Homes and Emergency Shelters provides general provisions for these two different uses.

Currently these uses are permitted in the R1, R2, R3, RR and RU zones subject to the following provisions:

- a) A group home or emergency shelter shall occupy a dwelling unit that is permitted in the zone;
- b) When a residential use building is converted to a group home or emergency shelter, the group home or emergency shelter must occupy the whole of the building including all attached units within the building.

The proposed rezoning would change which zones an emergency shelter would be permitted and in what circumstances. Therefore, the proposed changes to Section 3.14 would be as follows:

Section 3.14 Group Homes and Emergency Shelters – Reviewed by the Kenora Planning Advisory Committee and provided the basis for their recommendation

3.14.1 Group homes and emergency shelters are permitted in the R1, R2, R3, RR, and RU zones subject to the following provisions:

A group home or emergency shelter shall occupy a dwelling unit that is permitted in the zone; When a residential use building is converted to a group home or emergency shelter, the group home or emergency shelter must occupy the whole of the building including all attached units within the building.

3.14.2 Group homes and Emergency shelters are permitted in the ~~R1, R2~~, R3, ~~RR~~ and RU, ~~GC and I~~ zones subject to the following provisions:

- a) ~~An group home or~~ emergency shelter shall occupy a dwelling unit that is permitted in the zone;
- b) When a residential use building is converted to a ~~group home or~~ emergency shelter, the group home or emergency shelter must occupy the whole of the building including all attached units within the building.
- c) When permitted in the GC and I zone, an emergency shelter shall only be permitted as an accessory use to an office, clinic, place of assembly, or recreation facility use.

The proposed rezoning, to allow an emergency shelter to be located in the General Commercial and I – Institutional zone, accessory uses to offices, clinics, places of assembly and recreation facilities, meets the general intent and purpose of the Zoning By-law. The purpose of the General Commercial Zone is to allow for a wide range of uses and services to meet the needs of residents, businesses and tourists. In addition, the proposed rezoning meets the general intent and purpose of the Institutional Zone, which allows for the development of public and privately owned facilities of an institutional or community service nature. The addition of the use, as an accessory to offices, clinics, places of assembly and recreation facilities provides the foundation for the co-location of public services, which are supportive of the emergency shelter use.

Comments received from external agencies (per the Ontario Planning Act) – None to date, 20 April, 2016

Comments received at Statutory Public Meeting – 9 February, 2016

Nan Normand, 308 Second Street South, Kenora, spoke in favour of the amendment. She was speaking on behalf of “Making Kenora Home”. She thanked Council for all of the work they have done to bring this zoning amendment forward. The City has stepped up and this is part of the process and she wants to thank Council. “Making Kenora Home” is in favour of the amendment.

Yvonne Bearbull of 923 11th Avenue North, Kenora thanked everyone for being here for the issue of the emergency shelter. On behalf of the Fellowship Centre and patrons that they serve, she is present to speak in favour of the amendment. She expressed that it was not an easy decision for the Board to close the shelter. It has saved a lot of lives for when people need a place to go, a warm place to be, the shelter has been there. There is so much more work to be done for people on the street that the Fellowship Centre is in support of the zoning amendment. More services need to be made available for the people that are facing so many challenges.

Patti Fairfield, 1301 Railway Street, Kenora, thanked Council for considering this zoning amendment. She is speaking on behalf of Nechee Friendship Centre and they are working on an agreement with the Kenora District Services Board on taking over the emergency shelter. We need to have an emergency centre and it is very important and it needs to have it in the downtown core. To be outside the downtown area is unrealistic. They are in support of the zoning amendment, on behalf of the Nechee Friendship Centre.

Jeff Kurtz, 339 Second Street South, Kenora spoke in opposition to the amendment. Mr. Kurtz is a property owner on Second Street South and lives on Second Street South as well. He is not opposed to general commercial zoning for emergency shelters and understands that the shelter definitely needs to be downtown, but the location downtown is important. As a business owner trying to move business to downtown, he is concerned about the location of the shelter in the BIZ area. We have community improvement plan and the City provides money to businesses who want to improve the look of their downtown business. He is not in opposition to the amendment in full, only the location is his opposition. He would like Council to consider keeping the Main Street and Second Street South BIZ area for more shopping and dining as we continue to build the great work that has been done to date. Considering site plan control Council could look at reserving Second and Main as more of a “destination” area. Mr. Kurtz

requested Council to make that a consideration and keep the Harbourn Centre as a destination and be careful where these developments go.

Deputations were made at the Council meeting, held 16 February, 2016:

Kelvin Chicago-Boucher

In the early '90's, Mr. Boucher-Chicago was the President of the Nechee Friendship Centre and it was located at the time on Main Street where the Bijou Restaurant now stands. At that time, many people objected to the visibility of "street people" on Main Street due to the central downtown location of the Centre. When the Lafreniere Building was purchased, the intent was to provide the shelter for the homeless people away from the downtown core, only to have the Fellowship Centre open its door within the year, thus killing the original objective of the Nechee Friendship Centre. Now 15 years later, the growing crisis of the homeless is still very visible, regardless of all the government subsidies and programs. These aboriginal people are not homeless. They all have a status card and have a First Nation they reside on but come into the City to use their monies they receive monthly.

For the last 7 years, an assembly known as Treaty 3 Grassroots Citizens Coalition Group has made an attempt to promote a solution, however, they feel their attempts continue to be ignored. Mr. Boucher-Chicago feels the problem will not go away until there is true compassion for the street person. Solution to the problem is called a traditional lifestyle. The people that prosper the most are the people who deliver those programs.

Les Livingston – Emergency Shelter

Les Livingston was here today representing the Big Graphic of 1220 9th Street North along with Michelle Livingston who owns Island Girl located at 307 Second Street South. There is talk about a homeless shelter in the retail area of Second Street South. Mr. Livingston questioned why the downtown businesses are so quiet on this issue? How does this shelter really help? The downtown businesses already deal with shoplifting and vagrancy at high levels and now the shelter will be on their doorstep. The City has spent millions of dollars to create a retail environment to appeal to a tourist crowd and local shoppers. Tourists are fickle people. They have discretionary income and will spend where they want. If they don't like the look of an area, they will not come so our efforts at improving the business district are in vain. A business like Island Girl depends heavily on tourist and local business and Michelle has worked incredibly hard over the past three years to establish a credible business. She does not want her hard efforts to be diminished by a homeless shelter on her doorstep. This will impede her efforts and cause harm to her business.

Mr. Livingston also had permission to speak on behalf of Ted at No Frills. He is personally disgusted with the situation at his store. He said even he would not want to shop there. There are changes that he is looking to make at his store immediately to try to help the situation as much as possible. He plans to eliminate the coins from the shopping carts, effectively giving less reason for shoppers to be approached for their money from the carts. He plans to put his own security guard right in the store as the Kenora Shoppers Mall security guards do not do enough to help the situation there and he will also keep a log of all medical calls, police calls, etc daily.

Mr. Livingston did not review the history of the Nechee Friendship Centre as it was covered in the previous deputation. He did however note that our homeless crisis is an addictions problem not a native problem. He suggested that we sell Anicinabe park to an organization for \$1.00 and build a treatment centre/homeless retreat. There is a historical connection with First Nations in our area to this land. Perhaps that connection can be leveraged to actually save some of the people.

Council tabled its decision on the matter at the Council meeting held on 16 February, and directed staff to gather more background information on the matter. Staff organized and coordinated guided focus group sessions and individual interviews and facilitated an open house. The open house was held on 14 April 2016, in the Rotary Room at the Kenora Recreation Centre, from 5 pm to approximately 6:45 pm. There were three presentations made by 1) Tara Rickaby, Planning Administrator, who reviewed the existing conditions and the rationale behind the proposed amendment to the zoning by-law; 2) members of the Kenora Substance Abuse and Mental Health Task force, who presented background information respecting harm reduction, enforcement and housing and highlighted the Kenora Community Safety and Well-being Plan (2015); and Henry Wall, CAO of the Kenora District Services Board who provided background information with respect to the use and operation of emergency shelters in Kenora and the district. Attendees (approximately 75) then had the opportunity to ask questions and make comment.

The comments and questions at the Open House were varied. Predominantly they surrounded:

- 1) General funding and operation of an emergency shelter and the requisite supportive programming
- 2) The acknowledgement that an emergency shelter is required, in Kenora
- 3) That more robust funding should be provided by both the Provincial and Federal governments;
- 4) That, in order to accommodate the needs of emergency shelter clients, the shelter needs to be located in the downtown area; and
- 5) That the location of an emergency shelter, in the Harbourtown Centre area, where there has been significant public and private investment, is not appropriate.

Kenora Planning Advisory Committee (PAC) – 19 Jan 2016

The PAC reviewed the planning report and discussed the merits of maintaining the current zoning provisions, for emergency shelters, but adding the use, as an accessory use, in the GC and I zones. The Official Plan objective, to support mixed-use neighbourhoods supports the concept, while accommodating the needs of a range of people.

The Committee also agreed that group home provisions should be maintained per the current zoning by-law provisions.

Kenora Planning Advisory Committee (PAC) – April 19, 2016

The recommendation, by the Planning Administrator, was unchanged, based on the information provided through focus group sessions and the open house and submissions received as a result of the consultation process.

The Committee reviewed the applicable policies of the City's Official Plan. Members discussed the fit within the Established Area and some concerns were raised with respect to the Harbourtown Centre as a tourist destination and the impact that the location of the emergency shelter, in a location other than where it is currently located, could have.

The information provided by the professionals, at the open house, who are working towards reducing harm, homelessness and substance abuse was considered.

Moved by: Graham Chaze Seconded by: Robert Kitowski

That the Kenora Planning Advisory Committee, recommends that the Council of the City of Kenora approves Z01/16 Emergency Shelters, to amend the zoning by-law as follows:

Section 3.14 Group Homes and Emergency Shelters (PAC recommendations shown in yellow highlight)

~~3.14.1 Group homes and emergency shelters~~ are permitted in the R1, R2, R3, RR, and RU zones subject to the following provisions:

- a) A group home ~~or emergency shelter~~ shall occupy a dwelling unit that is permitted in the zone;
- b) When a residential use building, which is permitted in the zone, is converted to a group home ~~or emergency shelter~~, the group home ~~or emergency shelter~~ must occupy the whole of the building including all attached units within the building.

~~3.14.2 Group homes and~~ Emergency shelters are permitted in the R1, R2, R3, RR and RU, GC and I zones subject to the following provisions:

- a) ~~An group home or~~ An emergency shelter shall occupy a dwelling unit that is permitted in the zone;
- b) When a residential use building, which is permitted in the zone, is converted to ~~an group home or~~ emergency shelter, ~~the group home or~~ the emergency shelter must occupy the whole of the building including all attached units within the building.
- c) ~~When permitted in the GC and I zone, an emergency shelter shall only be permitted as an accessory use to an office, clinic, place of assembly, or recreation facility use.~~

Planning Recommendation – 10 May 2016:

That, in order to provide adequate consideration of the staff findings background/report and additional information including deputations and delegations, the Council of the Corporation of the City of Kenora

will consider the recommendation to approve application for Zoning By-law Amendment Z02/16 Emergency Shelter at the June 14, 2016 regular meeting, and amending Zoning By-law No. 101-2015 to permit emergency shelters in the GC – General Commercial Zone and the I – Institutional Zone, as uses accessory to offices, clinics, places of assembly and recreational facilities. The effect of approval would be to provide flexibility to co-locate an emergency shelter in facilities which offer services which support the use and its clients,



May 25, 2016

City Council Committee Report

TO: Mayor and Council

FR: Tara Rickaby, Planning Administrator

RE: Community Improvement Plan(s) Update – NCIR funding request

Recommendation:

That the Council of the City of Kenora direct staff to submit an application for funding to the Northern Community Investment Readiness (NCIR) program for the purpose of expanding and updating two Community Improvement Plans; and further

That the City of Kenora confirms its financial commitment of up to \$6,250 for the project; and further

That Council hereby approves any cost overruns associated with the project.

Background:

The Northern Communities Investment Readiness (NCIR) initiative promotes and supports a strong investment attraction climate in Northern Ontario. It assists northern communities to develop the tools and capability to attract, receive and successfully explore investment opportunities. The program offers conditional contributions to northern communities, First Nations, and economic development corporations for activities that improve a community's or region's investment readiness; or for activities that have the potential to result in an investment being made in a community or region.

The recommendation is specifically worded to accommodate the funder's requirements.

In 2016, the City of Kenora approved a request for extraordinary funding for the update of two of the City's Community Improvement Plans (CIPs) to attract external investment and promote further growth and development in the Harbourtown Centre and former Mill site areas of the community. Updating the CIPs would be beneficial for the public, investors, etc to know that the City is active in CIPs and these are the areas where there are existing CIPs.

The Harbourtown Centre CIP was initially developed to promote façade improvements, signage, landscaping, gooseneck lighting and awnings in the downtown core. The CIP has been subscribed to by 40 businesses in the downtown to date. The purpose of this expansion will be to consider the addition of graduated taxation and housing incentives.

The Former Mill Site CIP was developed for the mill site in order to encourage private sector re-development and construction to revitalize the brownfield site. The

recommendation is to develop an expanded geographic area to include the whole parcel and not just the former mill site and add housing incentives.

Two additional elements to the Harbourtown Centre CIP are proposed; to include stepped taxation and housing incentives, however the boundaries would not change.

If the funding application is approved, the next step will be to put out a request for proposals for a planning firm to work with City staff to prepare the map and the Official Plan Amendment (for the boundary expansion).

Budget Implications: City contributions to the project will be up to \$6,250 which is included in the ____ 2016 budget. Total cost of project is \$20,000 with NCIR funding request of \$15,000

Communication Plan/Notice By-law Requirements:

Community & Development Services Manager, Planning, Economic Development, Finance, Communications

Relevance to Kenora's Vision 20/20 Strategic Plan and City of Kenora Official Plan, 2015:

This project supports the City of Kenora's Vision 20/20 Strategic Plan to enable affordable housing.

Principle 2.2.1 Sustainable development

Principle 2.2.3 Affordable housing

Principle 2.2.6 Complete communities



May 26, 2016

City Council Committee Report

To: Mayor & Council

**Fr: Melissa Shaw, Planning Assistant
Heather Gropp, Tourism Development Officer**

Re: Rowing Club Facilities Funding Application

Recommendation:

That Council directs administration to apply to FedNor in the amount of \$489,500 (\$184,750 FedNor Contribution) for improvements to the Kenora Rowing Club facilities and access to the building via Rabbit Lake Trail in preparation for the 2017 Canada Games.

Background:

Council endorsed a staff recommendation presented at the Committee of the Whole meeting Tuesday, Jan, 14, 2014 to approve in principal the proposal put forward by the Kenora Rowing Club, the Manitoba Rowing Association and 2017 Host Society of the Canada Summer Games.

Canada Games 2017 CEO Jeff Hnatiuk and co-chair Hubert Mesman met with members of Council, City staff, and Kenora Rowing Club representatives at Lake of the Woods Discovery Centre on Wednesday, September 16, 2015. Their presentation focused on the impact the games will have the City of Kenora. The Games' 50th Anniversary in 2017 provides a unique opportunity to celebrate the Games' historic accomplishments, when the City of Kenora will host over 300 athletes, 16 officials and hundreds of spectators for the rowing events to be held at the Rabbit Lake Rowing Club venue over five days, from July 28- August 5, 2017.

There are considerable preparations that any community must endeavor to take when hosting a national caliber event, such as the Canada Summer Games. The 2017 Canada Summer Games Host Society (Winnipeg) Committee has provided the Kenora Rowing Club (KRC) with a Budget \$264,500 for site specific improvements to the venue. Provincial funding grants will allow the opportunity to leverage these funds to ensure that our facilities are not merely adequate, but rather exceptional as a host community. Many of the improvements included in this request will not only benefit the Kenora Rowing Club but also they will serve as a legacy for the community and will be enjoyed by our citizens on a future basis. The infrastructure will enhance our offerings as a 365 day destination/lifestyle community.

The Kenora Rowing Club is a small not-for-profit volunteer based organization, with limited financial resources, their ability to be the proponent on such a large scale proposal is limited. Given the mutual benefit and significant synergies between the Kenora Rowing Club and the City of Kenora on this project, the request is for approval that the City of Kenora takes the lead in the development of the FedNor funding application using their \$264,500 as matching funds. A similar request for an NOHFC application was made in February 2016. Both NOHFC and FedNor applications have been developed and have been given the go ahead to proceed to Phase II.

Initial discussions with FedNor staff have indicated that both this project and the direction to have the City as the proponent are favorable.

As a result of this project going forward the following improvements will be made:

- A network of new docks used by the KRC for regattas will be worked into the development and design of the extension of the Rabbit Lake Trail, as fishing pier/ bird watching location and to provide educational resources.
- The extension of a 1.5 km (approx.) accessible trail, off the existing Rotary Way. The development of this trail extension will provide alternative spectator site, increased visibility of the rowing route, and most paramount to the games, will serve as an alternative emergency access route for the venue start line and rowing course.
- Improved paving and drainage immediately around the Kenora Rowing Club site to ensure a uniform seamless top layer for venue, spectator, and athlete access. The paving will mitigate current safety issues for athletes and venue users during the games given the current uneven nature of the surface. The paving will connect The Rowing venue with the existing asphalt at the entrance of Garrow Park to an accessible paved trailhead.
- Improved Club Room into a 3 season training center

The Kenora Rowing Club is situated on a 51.68 acre parcel of City land, known as Garrow Park. The lands are inclusive of Garrow Beach, public washrooms, tennis courts and the trailheads for the Kenora Rotary Way, and Rabbit Lake trail networks.

Kenora Rowing club entered into a 49 year lease agreement with the City of Kenora, (Bylaw No. 12-2002), to operate the premise and building at Rabbit Lake as an International Regatta Site. The lease amount is \$1.00 with the tenant responsible for improvements to the building, Utilities and the taxes. Under the provisions of Part 2 under the lease agreement, the City shall be responsible for road grading on the 2.65 acres of land surrounding the KRC building, which includes approximately 600 feet of shoreline.

It is important to maintain the continuity and accessibility of corridors and adjacent land uses; Garrow Park, Garrow Beach, Kenora Urban Trails. As outlined in the Official Plan section 2.2.8 *Kenora shall provide a range of mobile transportation modes that are accessible for persons of all ages and abilities by connecting people and place through coordinated land use, urban design and transportation planning efforts.* A means to accomplishing this is the objective of *prioritizing public streets, infrastructure, trails, and pathways to facilitate and increase community connectivity and active transportation.* The FedNor funding application by means of the Canada Games Host Societies (Winnipeg) monetary contribution of \$264,500 as matching funds will enable the City to act as a catalyst for the outlined improvements to the public realm. The Rowing Club has generously partnered with the City of Kenora to ensure that the \$264,500 contribution from the Canada Host Society for the 2017 Summer Games is maximized and provides the City with the opportunity to make additional contributions in order to leverage \$132,000 in provincial funding.

As part of the FEDNOR funding application, The City of Kenora is making an in-kind contribution of \$118,385 to support the project by paving the adjacent Birchwood Crescent. These enhancements will dramatically improve the entrance to the venue and increase the paved loop of the Rabbit Lake Trail. Post games, this improvement will serve as a legacy for the community and will be enjoyed by our citizens as an accessible recreational trail bringing together elements of wellness, fitness, and natural and cultural heritage appreciation. There is no cash contribution by the City of Kenora being committed as part of this application.

In addition to this, the City of Kenora is being requested to include the paving requirements of the Kenora Rowing Club Facility (attached) in their 2016 paving contract. Initial estimates from the Kenora Rowing Club have come in at \$125,000 from Pioneer Construction (attached). A requirement of approval will be determination of where the commitment is being allocated within the 2016 Budget. This project, if approved will be tendered in collaboration with the 2016 Paving Contract and subject to the City of Kenora's Procurement Policy.

The improvements outlined as part of this project are considerable and will significantly benefit both the Kenora Rowing Club and the City of Kenora leaving our community with a tremendous gift; one that supports the development of our parks and recreation areas which will provide direct return from economic benefit and tourism-related business. Without this partnership and contributions, many of these projects would not be able to be realized for some time.

Budget:

Inclusion of the proposed paving of the Kenora Rowing Club's identified areas in the 2016 paving tender, being identified as dependent on funding.

\$506,988 already committed in the 2016 Budget and tender awarded by Council related to in-kind contribution for the Paving of Birchwood Crescent.

Communication Plan/Notice By-law Requirements:

Kenora Rowing Club, Kenora Urban Trails Committee, Tourism, Planning, Parks and Facilities, Operations, Engineering, Corporate Services, Filing

Strategic Plan or other Guiding Document:

1-10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours

1-11 The City will support Kenora's "North America's Premier Boating Destination" Brand implementation strategy

1-12 The City will support promote and expand the tourism industry. In recognition of the growing importance of tourism within the economy, Kenora will pursue the recruitment and facilitation of a new event(s) which celebrates Kenora as a thriving and dynamic year-round destination

2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life

2-10 The City will continue to explore opportunities to develop and improve our beaches, parks & trails