



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #101-2015
(Re: Z01/16 Emergency Shelters)

Tuesday, February 9, 2016
City Council Chambers
At 11:00 a.m.

Present: Councillor R. McMillan, Acting Mayor
Councillor D. Reynard
Councillor L. Roussin
Councillor S. Smith
Councillor C. Wasacase
Karen Brown, CAO
Tara Rickaby, Planning Administrator
Melissa Shaw, Planning Assistant
Heather Kasprick, City Clerk

Regrets: Mayor David Canfield
Councillor M. Goss

Acting Mayor Rory McMillan opened the meeting and indicated that the public meeting is being held by the Council of the City of Kenora in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law No. 101-2015.

The Chair asked the Clerk to confirm that sufficient notice was given by publishing notices in the Kenora Daily Miner and News, being a newspaper that, in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law would apply that it would give the public reasonable notice of the public meeting notice was also provided on the City portal. H. Kasprick, City Clerk, advised the notices pertaining to these public meetings were provided in accordance with Planning Act requirements.

The Chair indicated that if anyone wishes to receive written notice of the adoption of the By-laws is to leave their name and address with the Clerk, after the meeting.

The Chair explained that an appeal may be made to Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the

objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, with the City Clerk.

The Chair stated that the Planning Administrator will provide the background information on the City-initiated amendment after which anyone who wishes to speak either for or against the application will be given the opportunity to do so, and a record will be kept of all comments.

Planning Administrator Tara Rickaby explained the City-Initiated Change:

Tara Rickaby provided a definition of an emergency shelter, per Zoning By-law 101-2015. It is defined as 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, per Council direction, December, 2015 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, 2016. Their recommendation is to maintain the current zoning provisions, for the location of emergency shelters in residential zones, and add the accessory use in the GC and I zones. That recommendation is found below.

Rationale:

Emergency shelters commonly locate within commercial areas which are easily accessible by patrons and are often located in buildings that also contain the support services needed to assist patrons (typically office / commercial buildings). As such, permitting emergency shelters within the GC Zone would recognize the normal circumstances under which these uses often occur. Additionally, it is recommended that this use also be permitted in the I-Institutional Zone, to recognize that emergency shelters are often co-located with institutional facilities such as places of worship, such as churches, or recreational facilities, like the YMCA. Again this change would recognize that the normal circumstances under which an emergency shelter is most likely to occur.

In order to maintain the predominance of commercial uses in the GC Zone and to ensure that emergency shelters are accompanied by required support services, it is recommended that they only be permitted as an accessory use to an office, clinic, place of assembly, or recreation facility use in the GC Zone.

It is noted that in cases where an emergency shelter is permitted in commercial or

institutional development, it is subject to the site plan control process. In addition, any new or re-development is subject to the provisions of the Ontario Building Code and Ontario Fire Code.

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 neighborhoods 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.

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 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 4.4 – 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.

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 ZBL is an “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) 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.

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 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.

Planning Recommendation

(Based on Kenora Planning Advisory Committee recommendation):

That Council of the Corporation of the City of Kenora amends Zoning By-law No. 101-2015 to permit Emergency Shelters in the GC- General Commercial and I – Institutional zone, as an accessory use to an office, clinic, place of assembly or recreational use facility; ~~and To remove Emergency Shelters as permitted uses in the R1, R2 and RR zones.~~

~~To remove emergency shelters as permitted uses in the R1 – Residential Single Density, R2 – Residential Second Density and RR – Rural Residential zones.~~

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:

- c) A group home or emergency shelter shall occupy a dwelling unit that is permitted in the zone;
- d) 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:

- d) ~~An group home or~~ **An** emergency shelter shall occupy a dwelling unit that is permitted in the zone;
- e) When a residential use building, **which is permitted in the zone**, is converted to **an** ~~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.

- f) 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.

Comments received from outside agencies (circulated per Ontario Planning Act), January 15, 2016: None, as of February 8, 2016

Comments received from inter-department circulation: None as of February 8, 2016.

Comments received from public: Nothing in writing as of February 8, 2016.

Acting Mayor McMillan asked if anyone wished to speak in favour of the amendment.

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.

Acting Mayor McMillan asked if anyone wished to speak in opposition of the amendment.

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 town Centre as a destination and be careful where these developments go.

Acting Mayor McMillan asked if there were any questions.

Councillor Roussin strongly believes in providing for the homeless and shelters for people in need. He doesn't object to the zoning in the general commercial being a change to allow that in general commercial area. The location within that area is a concern to him. He stated that he came to Kenora in 1972 and has had involvement in homelessness and street people downtown. Since he came here he has not seen any change in the service provided and any improvement for the quality of life for these people. He has witnessed people coming out early in the morning, and they go to the shelter on Water Street to go there for their services and then at that point for rest of the day it seems like they have nowhere to go or nothing to do to take up their day. If we are a concerned community individuals living in this community, we need to ask ourselves are we really providing them with the right opportunities to better themselves and have more of a social atmosphere for them to participate in. We have an opportunity with the focus from the Federal, Provincial governments on emergency shelters and we should do this right, rather than just allowing the facility to relocate from one place to another downtown. We need to fund it correctly so the people who are there to run it and provide the services have what they need, and the ones in need have some sort of space and facilities where they can go to socialize and relax so they do not have to be on the street. They need to have a place to go to be warm during the day, watch tv, play sports and games. Currently, they have no place to spend their time in the day and evenings. That issue has been going on since Councillor Roussin has been here (1972). Relocating from one facility to another without proper facilities for them to grow as individuals and socialize in the community then this is just a short term goal. With the interest now from the Federal and Provincial governments in addressing these facilities, now is the time. It doesn't have to be far removed, a short 15-20 minute walk.

Jeff Kurtz added to his initial comments. Mr. Kurtz commented that it doesn't refer to a specific location but it would generally allow it in any commercial space in the downtown. Can we please look at this with some site plan control to not allow it in the BIZ area. It should be with commercial, we just need to protect the two spaces (Main and Second) that we have deemed to be our tourist destination.

Councillor Wasacase commented that the process is important in the life of the people here. History has shown that the biggest marches that have taken place have been in Kenora. A lot of action has been taken as a result of these marches. Come to the Fellowship Centre any time and any day. There is a lot going on there. The same goes with Seven Generations and Nechee Friendship Centre. There are a lot of positives and a lot of actions and training for the people. There is a transitional group that continues to continually move onto other things. There are success they have had at the Fellowship Center where people take classes and work. Our leadership has to spend more time at the Fellowship Centre and talking with the people that we as a group of people and make a move that makes this happen. There is a positive approach that is happening and moving a lot of people. There are challenges with regards to that as there are always people feeling there is a better plan. It is good and it is working because native people are involved with that. The native people bring a lot of money into Kenora. Movement amongst

themselves of what they want to happen in life. We get a large number of people come in from the north. Courts bring them in from the north or they are released from jail but there is no way to get them back home. Staff work hard to get them to their communities but more work needs to be done with the Federal and Provincial governments to get them home. That segment needs to be refined a lot more but we have a history of growth, positive growth, and we want to keep that going. There is a working opportunity with the police and institutions on trying to make people move. Councillor Wasacase is strongly for the amendment.

The Kenora BIZ left a letter with the Clerk, forming part of the public hearing, as part of the official record. The letter outlines them requesting Council to continue to involve the Kenora BIZ in consultations with any interested parties that intend to locate an emergency shelter within the Harbourtown BIZ area and allow them to assist in exploring all options and finding a location that is suitable for all stakeholders.

Mr. Rod Bergman left his name with the Clerk to receive a copy of the bylaw and/or any further notices.

Acting Mayor McMillan asked whether or not there was anyone else to speak to the application.

Hearing nothing, he the declared the Public Meeting closed at 11:34 a.m.



February 9, 2016

Mayor Dave Canfield & Councilors
City of Kenora
1 Main Street South
Kenora, ON P9N 1P1

RE: PUBLIC MEETING FOR AN AMENDMENT TO ZONING BY-LAW No. 101 -2015 SECTION 34 OF THE PLANNING ACT, RSO 1990

Dear Mayor and Council,

On behalf of the members of Harbourtown Biz, we are submitting this letter for the record regarding the proposed by-law amendment to allow Group Homes and Emergency Shelters to be located in the General Commercial (GC) and Institutional (I) zones as an accessory use to an office, clinic, place of assembly, or recreation facility use.

The Harbourtown BIZ directors understand that there is a strong need for an Emergency Shelter in Kenora located in close proximity to other essential services. Our mandate is to promote our designated area as a business and shopping destination, as well as to provide improvement, beautification and maintenance to city owned lands and buildings in the area. Recent improvements to Kenora's downtown including Main and Second Streets, to facilitate better parking and pedestrian traffic, have greatly improved the appearance of the area.

We believe that a healthy and vibrant downtown business area consists of a mix of retail businesses, restaurants, financial institutions, public spaces, tourist attractions, private and government offices and residential buildings. With the proposed by-law amendment and subsequent re-location of a shelter to downtown, this is the perfect opportunity to act on the proactive strategy for integrated services proposed by the Kenora Substance Abuse and Mental Health Task Force. This can be the first step towards long-term planning to integrate the Emergency Shelter, Morningstar Centre, Managed Alcohol Program and other essential health programs and services into an all-access facility.

We respectfully request that Harbourtown Biz continue to be involved in consultations with any interested parties that intend to locate an emergency shelter within the Harbourtown Biz area to assist in exploring all options and finding a location that is suitable for all stakeholders.

Sincerely,

Harbourtown Biz Executive
Darell Plummer
Carla Devlin-Scott
Shelley McCool

cc: Dan Reynard