



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-19-11 874 & 876 River Drive)
Tuesday, January 14, 2020
12:00 p.m.

Introduction/Summation of Intent:

The purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planning Department, any members of Council will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planning Department's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes. There is also a sign in sheet for interested members of the public at the back of the room.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

Notice was given by publishing in the Daily Miner and News which 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 amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

An appeal may be made to the Local Planning Appeal Tribunal 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, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planning Department will provide a summation of the report and recommendation, 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.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planning Staff.

If anyone has a cell phone please either turn it off or use the vibrate option only.

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planning Department Report/Rationale

- Planning Department, to describe the details of the planning application.

3. Express Interest

Any person may express his or her views of the amendment and a record will be kept of all comments.

- a) Is there any member of the public who wishes to speak in favour of the amendment?
- b) Is there any member of the public who wishes to speak in opposition of the amendment?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.



December 23, 2019

Council Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Melissa Shaw, Planning Analyst**

File Nos.: D14-19-11

Re: Application for Zoning By-law Amendment

Location: 876 and 874 River Drive, Kenora, ON

Owner: K-Sports Marine Inc.

Agent: Tara Rickaby (TMER Consulting Kenora)

1. Introduction

An Application for a Zoning By-law Amendment (ZBLA) as it pertains to the City of Kenora Zoning By-law, Council Adoption December 15, 2015 (By-law No. 101-2015), was submitted to the City of Kenora ("the City") by K-Sports Marine Inc., Owner.

The ZBLA is for lands located at 876 River Drive, general area known as "K-Sports Marine" on Laurensens Creek; PINs 42168-0029, 42168-0028, 42168-0027

The application is to change the zoning of the subject property from R2- Residential Second Density, EP- Environmental Protection and HL- Hazard Land Zone, to TR- Tourist Recreational, EP- Environmental Protection and HL- Hazard Lands, Exception [48] for the lands identified in the key map.

The effect of approval would bring existing legal non-conforming use as a marina into conformity with the Kenora Zoning By-law 101-2015, and would allow for the development of a 557 m² recreational vehicle showroom with a reduced rear yard setback of 3.43 m.

Refer to Figure 1 on page 2 to view an image of the location.

Figure 1 – Aerial Photo, 2017



2. Description of Proposal

K-Sports has been in operation as a marina and recreational vehicle and boat sales and service business in excess of fifty (50) years, the current uses is considered legally non-conforming to the R2- Residential Second Density zone provisions within the Kenora Zoning By-law 101-2015.

In July of 2019, K-Sports Marine Inc., purchased the property described as Part 1 on Plan 223R 3102, located at 874 River Drive, Kenora, ON; located on the southwest corner of the K-Sports property, the acquisition was strategic in an effort to support operations and construct a new showroom. The current owner acknowledges that a merger agreement shall be entered into upon approval.

The subject lands are fully serviced and subject to an easement in favour of the City of Kenora for Sewer and Water. The location of this easement runs across the subject property in an east-west direction; approximately 28 meters north of River Drive. The easement is approximately 3.0 metres in width, refer to parts 4 and 9 of 23R-3102 in Figure 2 on page 3.

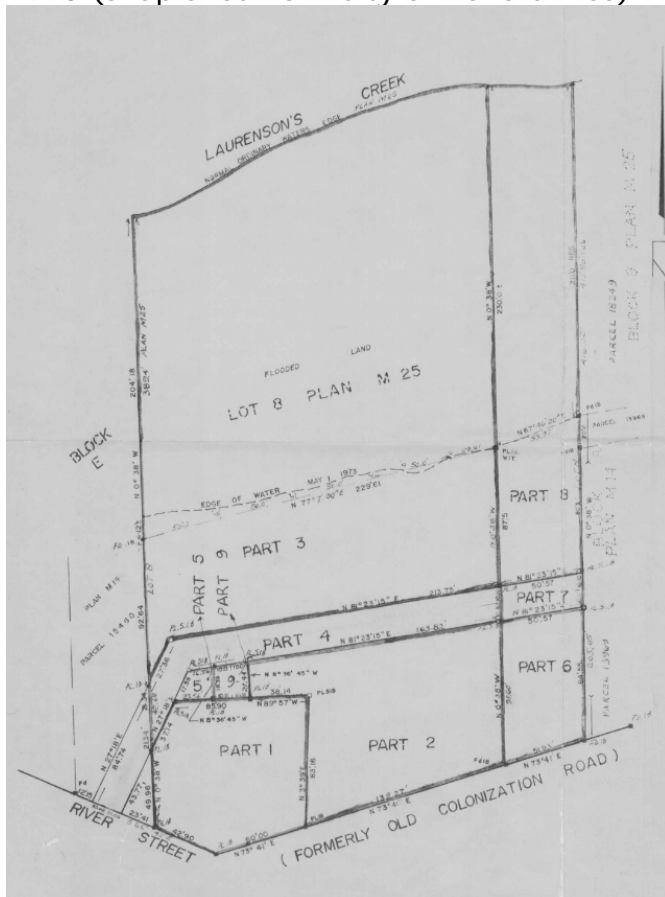
The Easement Agreement prevents the placement of any buildings upon the easement without written consent of the City. Enlargement or an extension to the existing non-complying main building to the west of the subject property, which currently houses a showroom, office storage and workshop, is not feasible due to the location of the easement. The application for an amendment to the Zoning By-law includes Exception [48] to allow for the development of a newly proposed 557 m² showroom for boats and recreational vehicles (ATVs), with a reduced rear yard setback of 3.43 m.

Future development of the property will be subject to Site Plan Control and/or Development Agreements and/or studies as required.

The following supporting documentation was submitted as part of the ZBLA applications:

- Planning Rationale (Zoning Amendment) (TMER Consulting, Kenora, October, 2019)
- K-Sports Site Sketch (Rugged Geomatics,)
- K-Sports Scoped Environmental Impact Statement (KRC, July 2018)
- Phase I Environmental Site Assessment (DST Consulting Engineering Inc., February 2002)

Figure 2 –City of Kenora Easement over parts 4 and 9 of 23R-3102, November 19, 1973 (snap shot from City of Kenora files)



3. Existing Conditions and Site History

The property is approximately 0.45 ha in size, and located adjacent to River Drive and fronting on Laurensens Creek. It is currently legally non-conforming since it is located within a residential area, and adjacent to Laurensen's Creek which is a provincially significant wetland. It is zoned Residential Density 2 (R2) Zone and Environmental Protection (EP), and also subject to Hazard Land policies and regulations.

Three buildings are present on the property at 876 River Drive: the main building, located on the west end of the subject property; a single story garage/cold storage structure; and a small storage shed. The subject property contains a parking area for vehicles and boat storage, docks, a boat ramp and shipping containers for storage. One building is present at 874 River Drive, being a residential single-detached dwelling, and a chain-link fence wraps around the perimeter of the property.

The property has approximately 90 metres of frontage and a depth of approximately 110 metres. Part of the ownership includes the bed of the lake being the bay inside the points of land on the east and west.

On March 19, 2019 the Planning Advisory Committee gave approval for permission application D13-19-05 with respect to 876 River Drive, seeking relief from Section 3.21.1 (a) ii. – Which requires that a situation of legal nonconformance/ compliance not be increased. Approval of the application allowed for the situation of legal non-conformance, being the existing use of the property as a Marina in a R2-Residential Second Density zone, to be increased as a result of the construction of a cold storage addition to an existing marine accessory building with a setback of 7.16 m to the high watermark. The approval was conditional upon recommendations contained within the Scoped Environmental Impact Statement (KRC, July, 2015) to reduce the environmental impact of the property on the adjacent wetland.

As part of the approval of D13-19-05, the Agent and Owner presented that shipping containers are a legal non-complying use for the zone as they have been in existence for over 20 years. The application however, states that the structures shall be removed, as approval was given to expand the warehouse. As per 2014 GIS aerial photography, Two (2) seacans located directly south of the existing garage on the eastern lot line were in existence prior to the 2014 photo and may be considered as legally non-complying. The addition of seacans can be seen in the 2017 aerial photos, located west of the 1 story building, wood siding which shall be considered non-complying use to the provisions of the by-law, removal will be dealt with through Site Plan Control.

Figure 3- Aerial Photo, 2014 versus Aerial Photo, 2017



As of the date of this report, there has been no building permit application for the addition of cold storage to the existing garage.

Historically, parking overflow has utilized City right-of-way along River Drive. As a result of internal comments (page 12) and concerns that were identified by the Kenora Building Department, Roads Department and Fire and Emergency Services. These comments were immediately communicated to the Owner through the Agent. As per a site visit on December 11, 2019, there were no vehicles parked on River Drive; all staff and customer parking was contained within the same lot as the use for which they are provided as per the parking provision within the Zoning By-law.

4. Site Visit

On December 11, 2019 I completed a site visit, to view existing uses and the area of proposed development.

Photo 1 – View of the parking area and existing warehouse and shop in the background



Photo 2 – View of the Garage and seacans



Photo 3- View of ingress/egress off River Drive, parking well contained on the subject property.



Photo 5 and 6- 874 River Drive, location of future proposed 557 m² showroom.





5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS), 2014

The expansion of an existing building to support tourism and recreational marine uses is consistent with the Provincial Policy Statement. Applications for development adjacent to sensitive features are permissible where supporting documentation can be provided to ensure no negative impact to the feature that is being protected.

The application is consistent with several policies, and following are noteworthy:

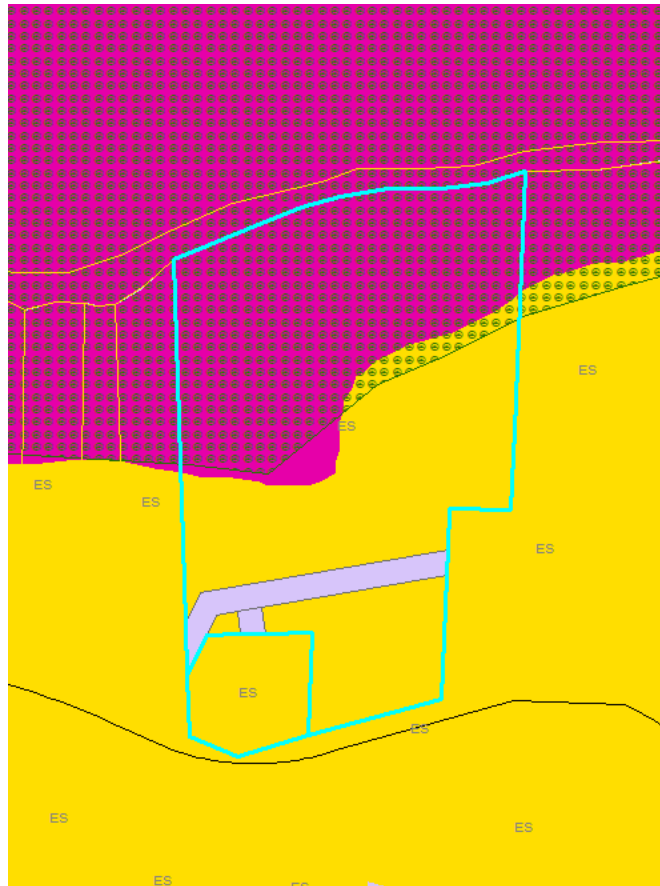
Policy 1.1. Managing and directing land use to achieve efficient and resilient development and land use patterns;

1.1.1. Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation.

City of Kenora Official Plan (2015)

Figure 3 – Official Plan Mapping



The property is designated Established Area (ES), under Section 4.1 of the Official Plan (2015). The Established Area of the City includes residential, commercial, existing industrial and institutional uses that presently exist in the City. The designation of lands as Established Area indicates that there will be little change in these areas over the lifetime of this Plan. The current uses as a Marina shall be permitted in the Established Area designation, existing uses although legal non-conforming are protected through Section 8.31.1 of the OP.

8.3.1 Non-conforming Uses

- a) *Legally existing uses that do not comply with the land use designations outlined in this Plan may be zoned to permit the continuation of the use and may provide for limited expansion provided that the development policies of this Plan are met.*
- b) *Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.*

Natural Heritage Features are also represented displayed as Fish Spawning Habitat and Provincially Significant Wetland with the Official Plan designation on the subject property. Section 4.10, 4.10.1 and Section 5.1 and 5.1.4 of the OP provides additional

requirements where development or site alteration is proposed within 120m of a Provincially Significant Wetland and Fish Spawning and Nursery Area.

4.10 Wetlands and Provincially Significant Wetlands

Wetlands are essential components of ecosystems that contribute to the high quality of the environment. Wetlands control and store surface water to assist in flood control, function as sediment traps to improve water quality, provide habitat for a variety of plant and animal species, and function as recharge areas for groundwater resources. It is the policy of this Plan to protect wetlands and their critical functions. The Ministry of Natural Resources and Forestry evaluates the biological, social, hydrological and special features of wetlands to determine their relative significance in Ontario and identifies certain areas as Provincially Significant Wetlands.

4.10.1 Provincially Significant Wetlands Policies

- a) The Provincially Significant Wetlands known as the Mink Bay wetland complex, and the Laurenson's Lake/Creek wetland complex are illustrated on Schedule "A", to this Plan.*
- b) Development and site alteration shall not be permitted within this area identified unless an EIS demonstrates that there will be no negative impact on the Provincially Significant Wetlands.*
- c) Where development or site alteration is proposed within 120 m adjacent to the boundaries of the Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex, the proponent shall provide the City with an Environmental Impact Statement (EIS), prepared by a qualified professional and in accordance with the Environmental Impact Statements section of this Plan which demonstrates that there will be no negative impacts on the wetland or its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 m from significant portions of the Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex, may also require an Environmental Impact Statement.*
- d) Any change or interference within or adjacent to Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex may require a permit from the MNRF.*
- e) Minor changes to the boundaries of the Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex, shall not require an amendment to the Official Plan. Notwithstanding the foregoing, this Plan shall be amended to designate new areas as Provincially Significant Wetlands, to extend wetlands to include complexes, or to remove wetlands from the designation. In the period between the identification of changes to wetland boundaries by the MNRF and amendment to this Plan, the policies of this section will apply to the Provincially Significant Wetlands as identified by the MNRF. The approval of the Ministry of Natural Resources and Forestry is required for any refinements other than minor adjustments to the boundary of a Provincially Significant Wetland.*
- f) Where the Provincially Significant Wetland areas are in private ownership, public use and access to these lands for any purpose is not permitted without the consent of the owner.*

- g) The Mink Bay wetland complex and the Laurenson's Lake/Creek wetland complex and the adjacent lands shall be zoned as Provincially Significant Wetland in the City's Zoning By-law.*

5.1 Natural Heritage

In accordance with the Council-approved Environmental Policy, the City recognizes the importance of the natural environment to its citizens. The City may create a culture of environmental awareness and encourage and enable its citizens, visitors, and businesses to adopt lifestyles of the lowest possible environmental impact while maintaining a sustainable quality of life. As such, 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 diversity and connectivity of natural features and the long-term ecological function and biodiversity of the City's natural heritage systems shall be maintained, restored, or improved, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features. Natural heritage features and areas include the following elements:

- **Fish habitat** which means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life cycle processes.

5.1.4 Fish Spawning and Nursery Area

- a) Important habitat and natural values are constantly changing and currently values mapping is likely incomplete. As these habitats and values, including the habitats of endangered and threatened species, change the schedules of this Plan will be updated based on information from the Ministry of Natural Resources and Forestry.*

As these changes are usually minor in nature, formal amendments to this Plan will not be required.

- b) Development or site alteration shall not be permitted within areas identified as Fish Spawning and Nursery Area shown on Schedule "A" unless an EIS demonstrates that there will be no negative impact on the Fish Spawning and Nursery Area or its ecological function.*
- c) Where development or site alteration is proposed within 120 m of a Fish Spawning and Nursery Area, the development should be designed to ensure that there are no negative impacts on the adjacent land, which shall also include land adjacent to all watercourses and waterbodies. The City shall require the proponent to prepare a Fisheries Assessment and an Environmental Impact Statement (EIS) in accordance with the Environmental Impact Statements section of this Plan to be submitted with any development application. The EIS must be completed by a qualified professional. The report shall identify the features of the Fish Spawning and Nursery Area, the nature of the proposed development, the potential impacts that the development may*

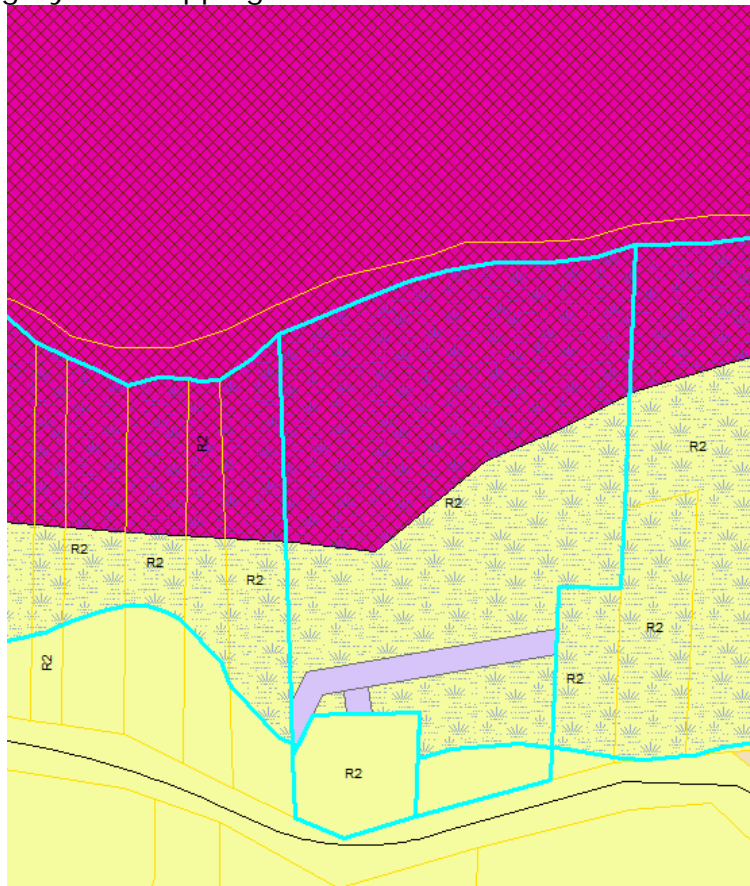
have on the Fish Spawning and Nursery Area and the mitigation measures required to prevent adverse impacts on the Fish Spawning and Nursery Area.

Policy 8.9 provides direction on the completion of Environmental Impact Statements, Policy 8.9.1 enables the submission of a scoped EIS:

In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot), or one that barely encroaches within the adjacent lands zone, municipal planning staff can exercise discretion and request that the proponent prepare a scoped EIS. This typically involves a simple checklist approach of planning issues that only addresses the key issues identified at the initial assessment stage.

City of Kenora Zoning by-law (2015)

Figure 4- Zoning By-law Mapping



The property is zoned R2- Residential Second Density 2; however, the use is deemed to be legally non-conforming to the By-law as an existing Marina with marine facilities located in close proximity to the water.

Section 3.21 of the By-law provides regulation for Non-complying buildings and Non-conforming uses.

3.21.1 Non-Complying Building and Structures

a) Reconstruction, Enlargement and Extension

ii. A legal non-complying building or structure may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.

3.21.2 Non-Conforming Uses

a) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot or any existing building for any purpose prohibited by this By-law if such lot or building was legally used for such purpose on the date of the passing of this By-law and provided that the lot or building continues to be used for that purpose.

Section 3.30 of the By-law provides direction for development adjacent to water:

3.30 Setback from Watercourses and Waterbodies

The following provisions shall apply to all setbacks from watercourses, waterbodies, and shore reserves and subject to the setbacks established in each zone.

a) Subject to subsection (c), despite the provisions of the underlying zone, the minimum setbacks set forth in subsection (b) must be provided to provide a margin of safety from hazards associated with flooding and unstable slopes and to help protect the environmental quality of watercourses and water bodies.


b) Except for flood or erosion control works, or a public bridge or a marine facility, no building or structure, including any part of a sewage system, which does not require a plan of subdivision, or Site Plan Control approval, shall be located closer than:

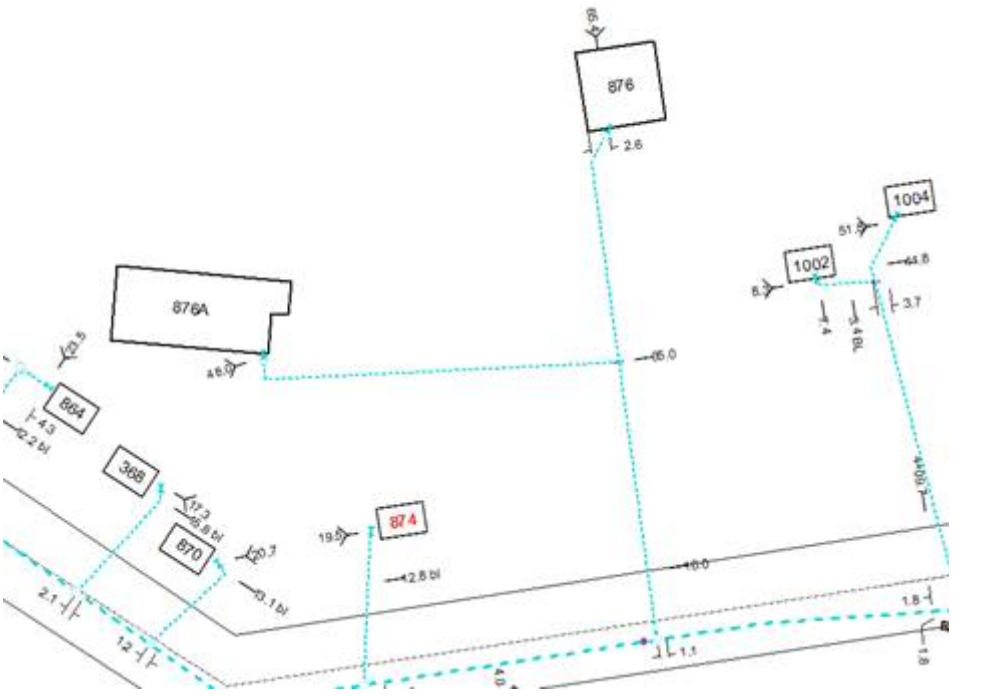
- i. 20 m to the normal high water mark of any watercourse or water body, or*
- ii. 15 m to the top of the bank of any watercourse or water body, whichever is greater.*

6. Results of Interdepartmental and Agency Circulation

Building Department	The Building Department offers the following; <ul style="list-style-type: none">- Is there adequate off street parking for ALL existing and purposed uses?- Do they rent docking spaces?- The 7 parking spaces at the south property line appear to be insufficient in size; as shown on the site plan, they appear to project into the ingress, egress and interior roadway. The site plan should indicate the roadways for vehicular movement within the property (they may also want to consider fire department access).
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	<ul style="list-style-type: none"> - May I suggest that the TR-Zone permitted uses be Site Specific i.e. Marine sales and service, lawn care equipment, atv/snow machine sales and service [apparently there is a new use which should be included (courier service)]. - With the change of Zoning and new Commercial development; will the area be required to be buffered to protect the adjacent residential uses? - November 5, 2019 <p>As commented earlier, is there adequate off street parking for all existing and proposed uses? Based on the below response by Ms. Rickaby, the off street parking is currently inadequate and will continue to be; likely worse than it is now in the busy season. The site plan should indicate the required parking spaces.</p> <ul style="list-style-type: none"> - November 28, 2019
<p>Water and Wastewater Division</p>	<p>There are no issues other than sewer main crossing across lot A through the north of lot B. Though it looks like City has easement on this sewer main we however can't allow any structure over it.</p> <ul style="list-style-type: none"> - November 7, 2019
<p>Engineering Department</p>	<p>If there is a planned building expansion the applicant should be aware that there is an existing sanitary sewer that goes through the property between the existing main building and Lot B. Therefore it needs to be confirmed there is a registered easement for this sanitary main and if not then a registered easement should be requested. I believe there already is a registered plan surveyed for the easement purpose.</p> <ul style="list-style-type: none"> - November 11, 2019
<p>Roads Department</p>	<p>After discussion with yourself and with some of the operators the main concern is the on street parking from the K-Sports employees which they have been doing for years. The operators say it does create a problem when plowing snow as they are required to carry the snow further which is then built up on the corner when they are parked there. This also creates another hazard for them when vehicles are coming from the east around the sharp corner as they are required to move out into the opposing lane to stay away from the parked vehicles when plowing. The Roads Department recommends that they start parking in their own lot instead of on the street. This area is also done by a contractor that the city hires but I haven't reached out to him to see if he has had any issues there when plowing.</p> <p>With the demolition of the home on lot B, will they continue to use that entrance or just remain using their existing entrance and exits?</p> <ul style="list-style-type: none"> - November 19, 2019 <p>After discussion with the Roads Team Lead, the Roads Department recommends that they no longer park on the street as</p>

	<p>it is a safety hazard year round, especially in the winter. As a business owner they should be able to create adequate parking inside their lot.</p> <p>- November 28, 2019</p>
Fire and Emergency	<p>Kenora Fire has no concerns with the Zoning change to the identified property. Fire Department access should not be impeded with the proposed building. My only concern at this point is that more employees will be forced out onto River Drive for parking. This area is very congested at times and could impede Fire Department access and other city departments (snow plowing) from doing their jobs.</p> <p>With the addition of this new site they should also develop proper employee parking areas.</p> <p>- November 19, 2019</p> <p>I fully agree with the comments provided by the Kenora Roads Division</p> <p>- November 28, 2019</p>
MNRF	<p><u>SUBJECT: File # D14-19-11:</u></p> <p>Thank you for your November 4, 2019 invitation to comment on the K-Sports Application for Zoning By-law Amendment (File # D14-19-11).</p> <p>The Kenora District of the Ministry of Natural Resources and Forestry has reviewed the package provided. The proposed zoning by-law amendment poses a low risk to natural heritage features, therefore the MNRF has no concerns with this application.</p> <p>Thank you again for the opportunity to provide comment on this application. Please advise us of your decision in this matter.</p> <p>Sincerely,</p>  <p>Jessica Malone-Daniher Kenora District Planner</p> <p>- November 25, 2019</p>

<p>Union Gas</p>	 <p>Verbally confirmed there is no concern, as the lines will not cross over private property with a merger agreement in place. - November 19, 2019</p>
<p>Synergy</p>	<p>Email reminder sent on November 19, 2019, no comments received</p>
<p>LWCB</p>	<p>Email reminder sent to Matt Dewolfe on November 19, 2019, no comment received.</p>

7. Environmental Impact Statement

As required through Policy of the Official Plan, a scoped Environmental Impact Statement (EIS) was submitted with the application for Zoning By-law Amendment.

The report evaluated the potential for negative impacts to the wetland in consideration of development proposal. Although the EIS recommends construction measures for a storage building, the recommended techniques shall be utilized in future proposed development on the subject land.

In summary, the EIS provided the following conclusions:

5.0 SUMMARY

It is felt that, given the historical and current uses of the subject property, the proposed storage building could reduce the environmental impact of the property on the adjacent wetland area. To achieve this reduced impact, it is recommended that the following conditions be met as part of the construction of the storage building:

- 1) Eaves troughs designed to handle a one in ten year rain event be installed and maintained for the existing and newly constructed storage buildings. These eaves troughs will direct water from the roof lines directly into the wetland area.
- 2) A minimum 5 m riparian buffer be established along the entire north facing shoreline adjacent to the newly constructed storage building.
- 3) The floor height of the new constructed storage building be a minimum of 323.9 m above sea level.

8. Public Comments

A public meeting is scheduled to be held by Council on January 14, 2020. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on December 5th, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on December 5th, 2019, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on December 17, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.

As of the date of this report (January 2, 2019), no public comments have been received.

9. Evaluation

K-Sports Marina has been in operation as a marina and recreational vehicle and boat sales and service business in excess of fifty (50) years, an amendment to the Zoning By-law from R2- Residential Second Density, EP- Environmental Protection and HL- Hazard Land Zone, to TR- Tourist Recreational, EP- Environmental Protection and HL- Hazard Lands will allow for a rezoning for the current use which is legally non-conforming to the provisions within the Kenora Zoning By-law 101-2015 and will enable resolution of some non-complying storage use of shipping containers and identified parking concerns. Exception [48] for reduced rear yard setback will allow for and encourage new development of a 557 m² recreational vehicle show room to support the City's vision within Official Plan policy to provide for a mix of uses in planning for complete communities.

In accordance with the Official Plan, a Scoped Environmental Impact Assessment has been supplied in support for proposed development on the subject property which is adjacent to Fish Spawning Habitat. The applicant has retained a qualified professional who has supplied a recommendation conditional on the incorporation of specific design items to ensure no negative impacts are created on newly proposed development.

Recommendations for building technique shall be utilized on new construction as well as the installation of a 5m riparian buffer. Details of specific design items, along with a Storm Water Management Plan will be reviewed and approved within Site Plan Control.

10. Budget

Application fees were received for the proposed ZBLA.

11. Risk Analysis

Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

12. Communication Plan/Notice By-law Requirements

Notice of Complete Application and Public Meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of the Whole, and Council were provided as per the Notice By-law.

13. Strategic Plan or Other Guiding Document:

The Official Plan provides criteria for the evaluation of Applications for Zoning By-law Amendments

14. Recommendation

As the Manger of Development Services it is my opinion, that the Application for Zoning By-law Amendment, File No. D14-19-11 to change the zoning of the subject property from R2- Residential Second Density, EP- Environmental Protection and HL- Hazard Land Zone, to TR- Tourist Recreational, EP- Environmental Protection and HL- Hazard Lands, Exception [48] for the lands identified in the key map, be approved, in lieu of public comments that may yet to be received.

The effect of approval would bring existing legal non-conforming use as a marina into conformity with the Kenora Zoning By-law 101-2015, and would allow for the development of a 557 m² recreational vehicle showroom with a reduced rear yard setback of 3.43 m.

Adam Smith,
Manager Development services

Prepared by: Melissa Shaw, Planning Analyst

Attachments

- Complete Application for Zoning By-law Amendment and Notice of Complete Application and Public Meeting
- Draft Planning Advisory Committee Meeting Minutes – December 17th, 2019
- PAC Resolution
- Redacted Public Comments Received as of January 2nd, 2020



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-19-11
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, January 14, 2020 at 12:00 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, January 28, 2020 at 12:00 p.m.

You are also invited to attend The Kenora Planning Advisory Committee (PAC) regular meeting, who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Meeting

When: Tuesday, December 17th, 2019 @ 3:30 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Purpose and Effect: is to change the zoning of the subject property from R2- Residential Second Density, EP- Environmental Protection and HL- Hazard Land Zone, to TR- Tourist Recreational, EP- Environmental Protection and HL- Hazard Lands, Exception [48] for the lands identified in the key map. The effect of approval would bring existing legal non-conforming use as a marina into conformity with the Kenora Zoning By-law 101-2015, and would allow for the development of a 557 m² recreational vehicle showroom with a reduced rear yard setback of 3.89 m.

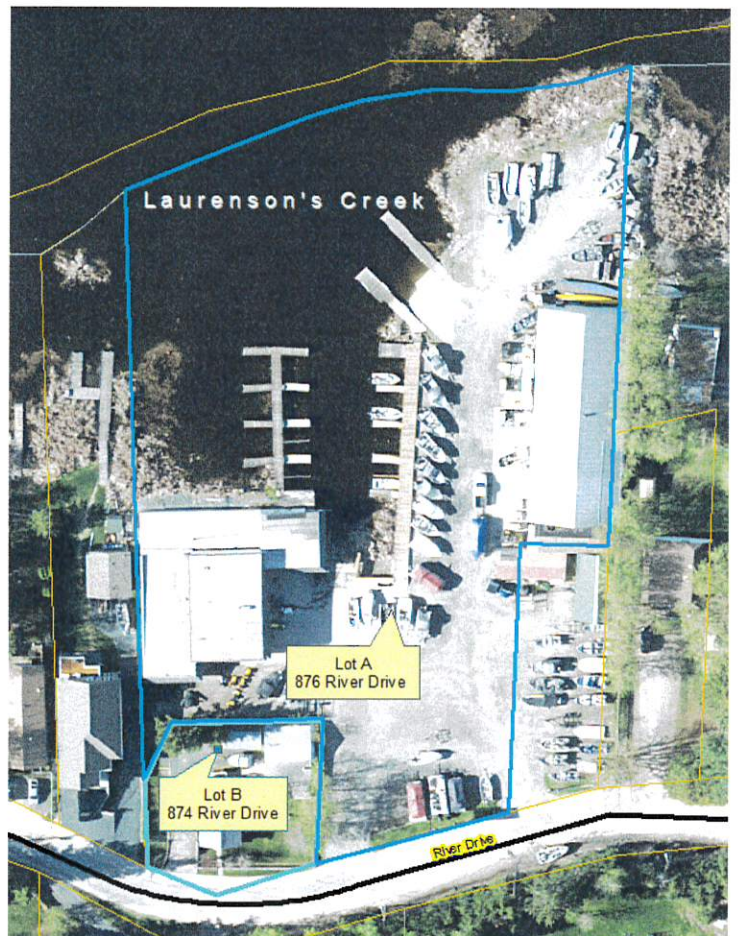
Location of Property: 874 River Drive and 876 River Drive, Kenora, Ontario. Locally known as 'K-Sports Marine.'

Public Meeting:

Input on the proposed amendment is encouraged. You can provide input by speaking at the PAC or Statutory Public Meeting, and you are not required to register in advance to speak. You may also provide your comments in writing. If you are aware of any person interested in or affected by the application who has not received a copy of this notice you are requested to inform that person of this meeting.

If possible, written submissions are requested to be made before December 17th, 2019 and directed to:

Ms. Melissa Shaw, Planning Analyst
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2 Email: mshaw@kenora.ca



Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Local Planning Appeal Tribunal.
- the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this amendment to the Zoning By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Zoning By-Law Amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Melissa Shaw, Planning Analyst, if you require more information: Tel: 807-467-2292 or Email: mshaw@kenora.ca
Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 5th Day of December, 2019.