



A G E N D A

**Public Statutory Meeting
as per the requirements of the Planning Act
R.S.O 1990, c.P13, s. 34**

**Wednesday, April 12, 2023
12:00 p.m.**

City Hall Council Chambers

Public Access Livestream at: <https://kenora.civicweb.net/Portal/>

Land Acknowledgement – Councillor Manson

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. Applications Being Considered:

- a) Zoning Bylaw Amendment: D14-23-03
Civic Address: 1439 Railway Street
Legal Description:
Registered Owner: Pinnacle Kenora Holding Corp.
Agent: MHBC Planning
- b) Official Plan Amendment: D09-23-01
Civic Address: City wide (to bring the Official Plan policies into compliance with Bill 23: More Homes More Choices Act)
Legal Description: City wide
Registered Owner: n/a
Applicant: City of Kenora
- c) Official Plan Amendment: D14-23-02
Civic Address: City wide (to replace existing definition and regulations for secondary dwellings with a definition and regulations for additional residential units)
Legal Description: City wide
Registered Owner: n/a
Applicant: City of Kenora

Applicant Presentation(s)

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

2. City Planner Report/Rationale

- City Planner to describe the details of the planning application(s).

3. Public Comment

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

4. Questions of Council (no decision)

5. Close of Public Meeting

Meeting is to be declared closed following all comments/questions



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-23-01
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: Wednesday, April 12th, 2023, at 12:00 noon.

Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

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 Wednesday, April 19th, 2023 at 5:00 p.m.

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

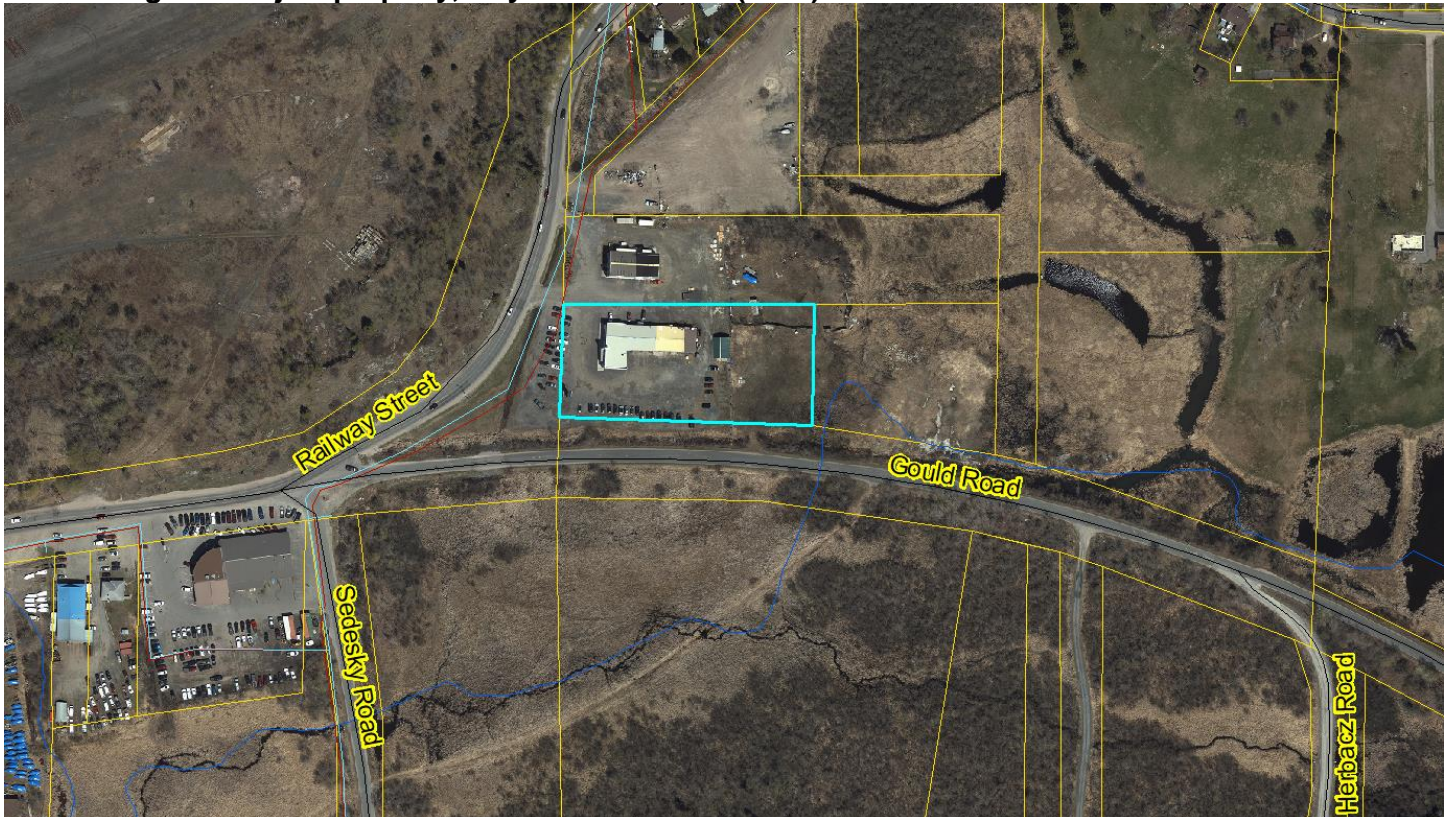
PAC Open House

When: Tuesday, March 21st, 2023 at 6:00 p.m.

Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at planning@kenora.ca.

Aerial image of subject property, City of Kenora GIS (2019)



Be Advised that the Corporation of the City of Kenora considered the Application for an Amendment to the Zoning By-law to be complete on February 21st, 2023.

Location of Property: 1439 Railway Street North, Kenora, ON; PART BLOCK R PLAN M149; PART LOT Q PLAN M149, PART 6, 23R14618 TOGETHER WITH AN EASEMENT OVER PARTS 1, 2, 3 & 4, 23R14618 AS IN KN88114 CITY OF KENORA; as identified in the key map above.

Purpose: to amend the current zoning of the subject property, designated as “ML” Light Industrial Zone, “HL” Hazard Land Zone, and “EP” Environmental Protection Zone, by removing the “HL” Hazard Land Zone.

Effect of Approval: to permit the relocation and development of a larger car dealership building on the subject property.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, April 7th, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Number: **D14-23-03**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the PAC Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, March 17th, 2023 and quote File Number: **D14-23-03**. To register by phone please call: 807-467-2152.
- c. **Register to Speak at the Statutory Public Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, April 7th, 2023 and quote File Number: **D14-23-03**. To register by phone please call: 807-467-2152.

Failure To Make Oral Or Written Submission: If a person or a 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 amendment is passed:

- a. 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 Ontario Land Tribunal.
- b. the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land 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 Zoning By-Law Amendment 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 Alberic Marginet, Associate Planner, if you require more information: Tel: 807-467-2152 or Email: planning@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 24th of February, 2023



April 12, 2023

Staff Report

File No.: D14-23-03
To: City of Kenora Planning Advisory Committee
Fr: Kevan Sumner, City Planner
Re: Application for Zoning By-law Amendment
Location: 1439 Railway Street
Owner: Pinnacle Kenora Holding Corp.
Agent: MHBC Planning

Recommendation

That the Application for Zoning By-law Amendment, File No. D14-23-03, to remove the "HL" Hazard Land Zone from the subject property should be approved in part, for removal of the HL zone from the portion of the property illustrated in Figure 7 of the Planning Report, and further

That the remaining "HL" Hazard Land Zone should be amended to "HL[56]" Hazard Land, Exception Zone with permitted site-specific use of non-habitable accessory storage buildings, in which no chemical storage is to be permitted, and further

That Council gives three readings to a by-law to that effect.

1. Introduction

An application has been received to change the zoning of the subject property (Figure 1) from "ML" Light Industrial Zone, "EP" Environmental Protection Zone overlay, and "HL" Hazard Land Zone overlay, to "ML" Light Industrial Zone and, "EP" Environmental Protection Zone overlay, by removing the "HL" Hazard Land Zone overlay from the property.

2. Description of Proposal

The property owner wishes to amend the zoning to permit the redevelopment of the property with a new, larger commercial structure (car dealership). The "HL" Hazard land zone does not permit any new development of the site, and therefore the agent is proposing to remove the HL zone from the property to enable the project to proceed.

The agent has submitted a site plan and lot grading plan (Figures 2 and 3). These plans indicate plans to construct a new building at a central location on the lot. The lot will be re-graded to bring the floor of the building to an elevation of 324.6m CGVD28 datum. The grading and redevelopment of the lot will avoid the wetland area on the eastern edge of the property.

The agent has also provided an Environmental Impact Statement (EIS) addressing the proximity of the proposed development to the Laurenson's Creek Provincially Significant Wetland.



Figure 1: Aerial image indicating the location of the subject property (2022).

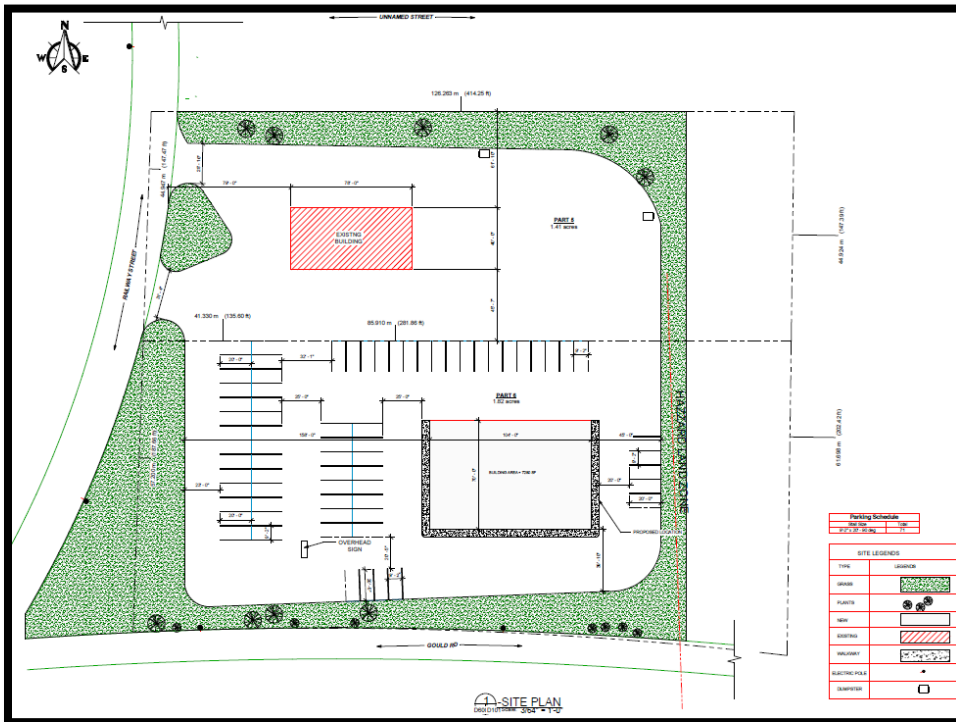


Figure 2: Detail from Site Plan submitted by applicant (original attached).

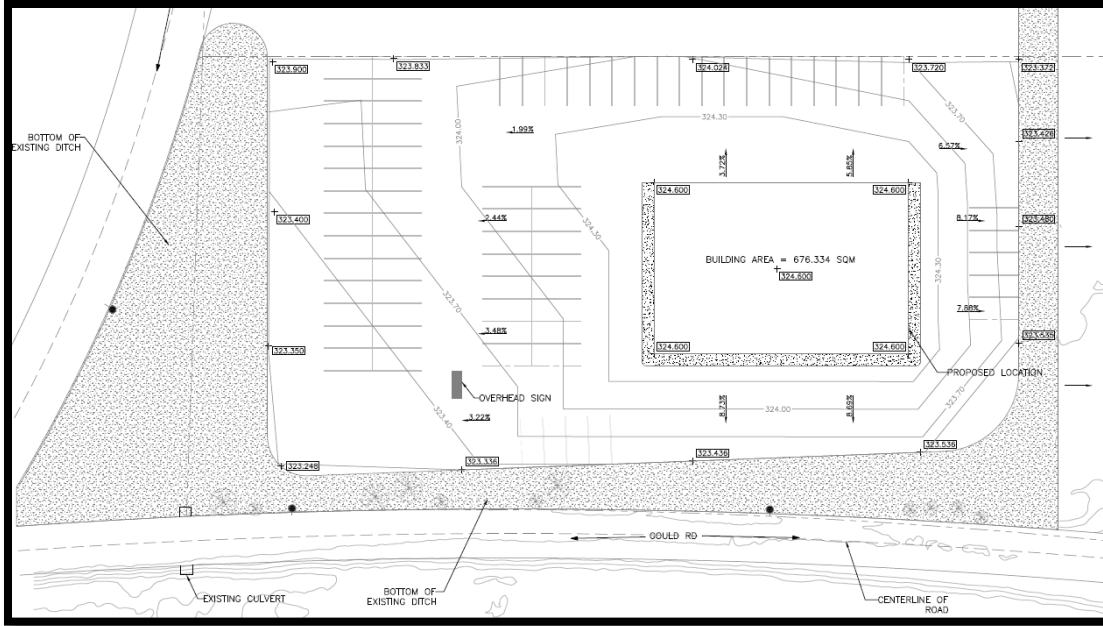


Figure 3: Detail from Drainage Plan submitted by applicant (original attached).

3. Existing Conditions

The property has an area of approximately 0.74ha and currently has a single large commercial building containing the existing car dealership. It is serviced with municipal water and sewer. It has frontage on both Railway Street and Gould Road, with indirect access to Railway Street. The property is adjacent to the Laurenson’s Creek wetlands, and large portions of the property appear to be of lower elevation than the flood levels of Lake of the Woods (324.60m CGVD28), which is connected directly to the wetlands via Laurenson’s Creek. The impact of high water levels on the property can be seen in the 2022 aerial image of the property (Figure 1) denoted by the blackened areas in the northwest and southwest corners of the property.

4. Site Visit

On March 7, 2023, I conducted a site visit and took the following photo.



Figure 4 – Panoramic photo of the property from Gould Road.

5. Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The PPS encourages redevelopment within settlement areas, and that land use patterns include a mix of land uses which efficiently use land and resources, are appropriate for and efficiently use available infrastructure, and support redevelopment (Section 1.1.3 Settlement Areas).

The PPS stipulates that development and site alteration is not permitted on significant areas of natural interest, and shall not be permitted on adjacent lands to a natural heritage feature unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological function (Policies 1.2.5 and 2.1.8).

The PPS allows that development and site alteration may be permitted in those portions of hazard lands where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where it is demonstrated that: development and site alteration is carried out in accordance with relevant standards; vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts will result (Policy 3.1.7).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Commercial Development Area, with the easternmost portion of the property being identified as being within a Provincially Significant Wetland (Laurenson's Creek Wetland Complex) (Figure 5).

Section 4.4 of the Plan states that the continued development or retail commercial uses shall be promoted in order to serve the residents of the City of Kenora, Northwestern Ontario, western Canada and the Midwestern United States. Permitted uses in the Commercial Development Area are to primarily serve vehicular traffic, with permitted uses including, but not limited to, automobile service stations and sales agencies.

Policies regarding provincially significant wetlands are set out in section 4.10.1. Development and site alteration are not permitted within the wetland complex unless an Environmental Impact Statement (EIS) demonstrates that there will be no negative impact on the wetlands. Where development or site alteration is proposed within 120m adjacent to the boundaries of the wetland complex, the proponent must provide the City with an EIS, prepared by a qualified professional and in accordance with the EIS section of the Official Plan, which demonstrates that there will be no negative impacts on the wetland or its ecological function. Any changes may also require a permit from the Ministry of Natural Resources and Forestry.

More general hazard land policies may be found in section 3.13.1 of the Plan. Development and site alteration, including the erection and/or construction of buildings or structures, and the placement or removal of fill, may be permitted, subject to rezoing, where there is no defined floodway and it can be demonstrated that the proposal meets the same criteria as set out in section 3.1.7 of the PPS (noted above).

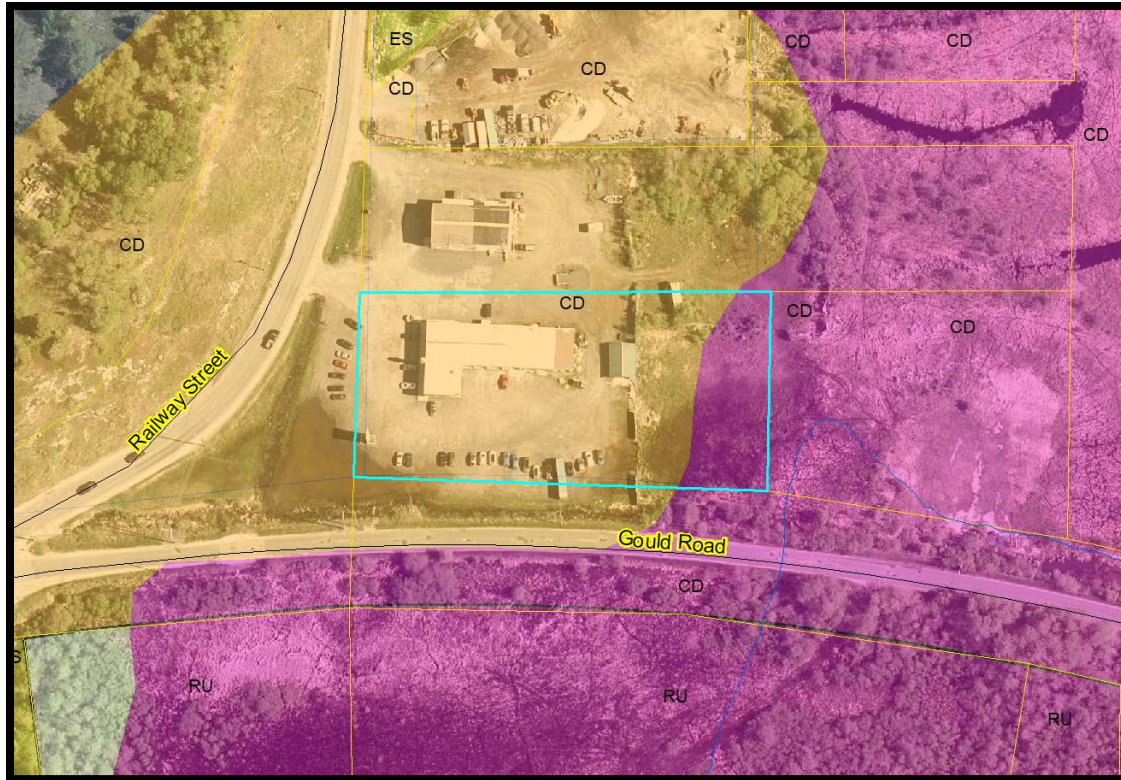


Figure 5 – Official Plan Mapping

c) Zoning By-law No. 101-2015

The property is currently zoned “ML” Light Industrial Zone, with “HL” Hazard Land and “EP” Environmental Protection Overlay Zones, The HL zone covers all but the easternmost edge of the property, including all of the area of the proposed redevelopment. The EP zone covers the eastern portion of the property, outside of the area being redeveloped (Figure 6).

The ML zone allows for a wide range of low-impact light industrial land uses as well as complementary commercial uses. An automobile dealership is a permitted use in the ML zone.

The EP zone provides protection to areas which have historical and natural significance, and is applied to land that is designated as Provincially Significant Wetland in the Official Plan. An EP area may only be used as a wildlife conservation reserve and no buildings or structures are permitted. The cutting, removal or burning of tree and other natural vegetation is prohibited, as is the placement or removal of topsoil.

The HL zone identifies lands which are susceptible to flooding or erosion, or any other physical characteristic which could cause harm to persons or lead to the deterioration of buildings and structures. An automobile dealership is not a permitted use in the HL zone. Uses are restricted to wildlife conservation reserves, docks, farms, parks, and parking lots or other accessory non-structural uses. The placement or removal of fill in the HL zone is subject to engineering studies demonstrating minimal risk of environmental damage and/or the reduction of potential hazards for which the land is designated. No habitable building or structure may have a window or other opening

on the Lake of the Woods where the elevation is below 324.6m CGVD28 datum. This zoning amendment is required to remove the HL zone from the property, so that the automobile dealership may be permitted under the remaining ML zone.

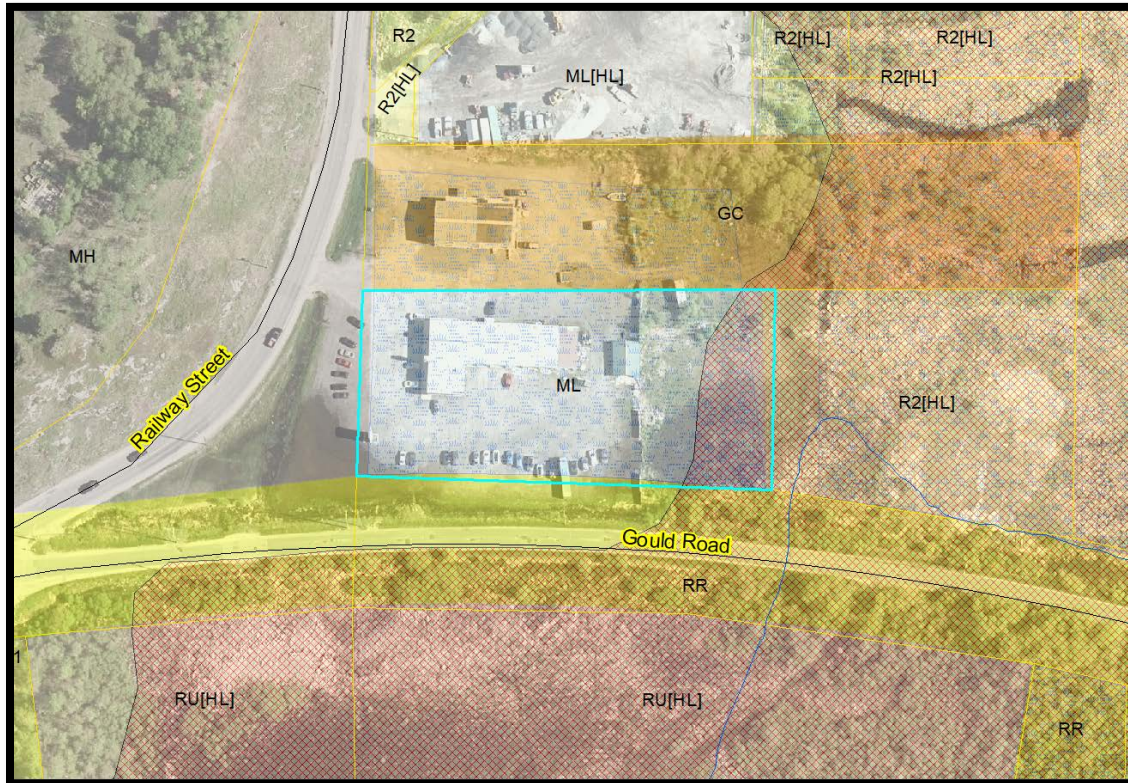


Figure 6 –Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on February 24th, 2023. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns with the re-zoning based on any new building elevation being at or above the hazard flood elevation. Recommend that Site Plan Control be used on this development before issuing a building permit as the drainage plan leaves questions regarding existing elevations versus design. In the front where cars for sale will be parked, it may be of interest to further increase the elevation of the south west corner of the property.
Economic Development	No concerns
Fire & Emergency Services	No concerns
Roads	No concerns
Water / Wastewater	Sewer and water must be upgraded to accommodate the new build, and must not build over the sewer and water

	main. Records indicate there is currently a grinder that pumps over to the sewer of the neighbouring building.
Synergy North	No concerns

7. Public Comments

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated to property owners within 120 metres, was published in the Municipal Memo of the Newspaper on March 2nd, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation for the application to Council at the meeting on March 21st, 2023. The minutes and relevant resolution from this meeting are attached. Please note that the Planning Advisory Committee supported the recommendation not to remove the HL zone from only a portion of the property, and to include the site-specific provision for unoccupied storage buildings to be located in the HL zone, so long as there was no chemical storage in those buildings.

As of the date of this report, no comments have been received from the public.

8. Evaluation

The "HL" zone restricts the City of Kenora from approving any permits for new buildings or structures on the property, and permits the placement or removal of fill only when appropriate engineering studies have been completed. Permitted uses are severely limited.

A new automobile dealership would not be permitted, but the existing dealership is considered to be a legally non-conforming use, meaning it was legally permitted at the time of construction and may continue to exist on the property regardless of subsequent zoning changes. Legal non-conforming uses are regulated under section 3.21.2 of the Zoning By-law. The existing building could be restored or reconstructed if damaged in its current location, as long as the height, size, volume, and lot coverage are not increased, but a new building must comply with all current zoning regulations.

The Environmental Impact Statement and lot grading plan submitted with the application give assurance that the lot may be re-graded and a new building constructed above the flood elevation without impacting the neighbouring wetland. However, significant portions of the property will remain below the flood level. Removing the HL zone entirely, as requested, would remove the HL restrictions that prevent development below the flood level. It is therefore being recommended that the HL zone only be removed from the portion of the property containing the proposed dwelling, and the immediate surrounding area, as illustrated in Figure 7. This will allow some flexibility in the final grading and design while maintaining the HL zoning and limiting the use of remaining lower elevation portions of the property to parking.

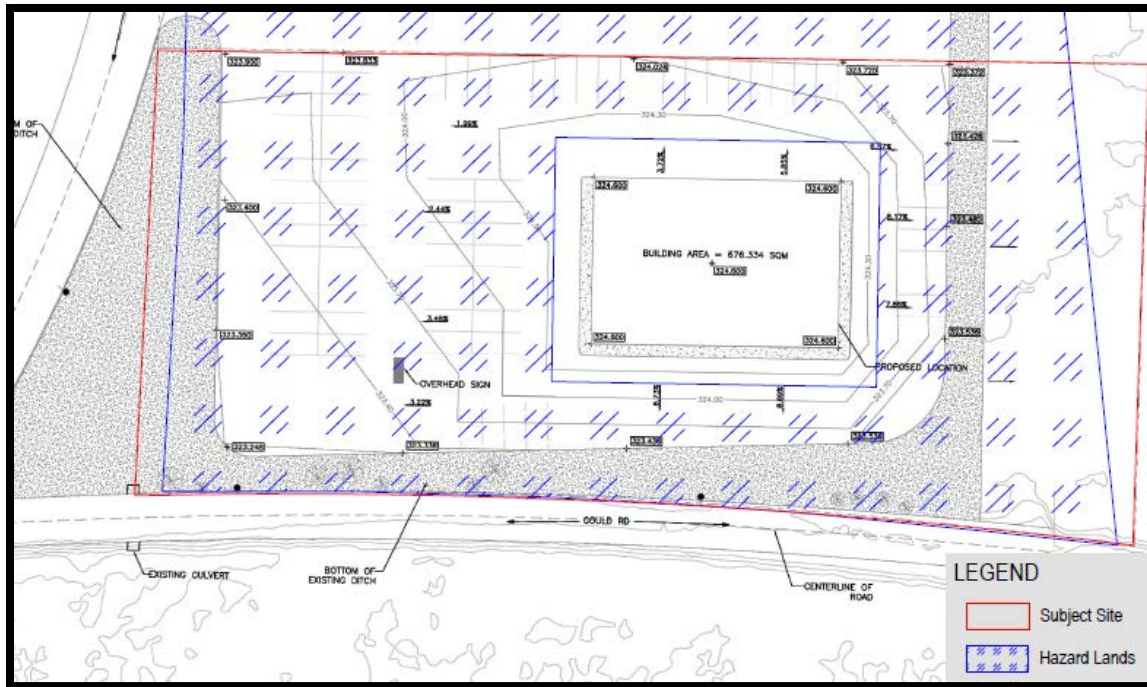


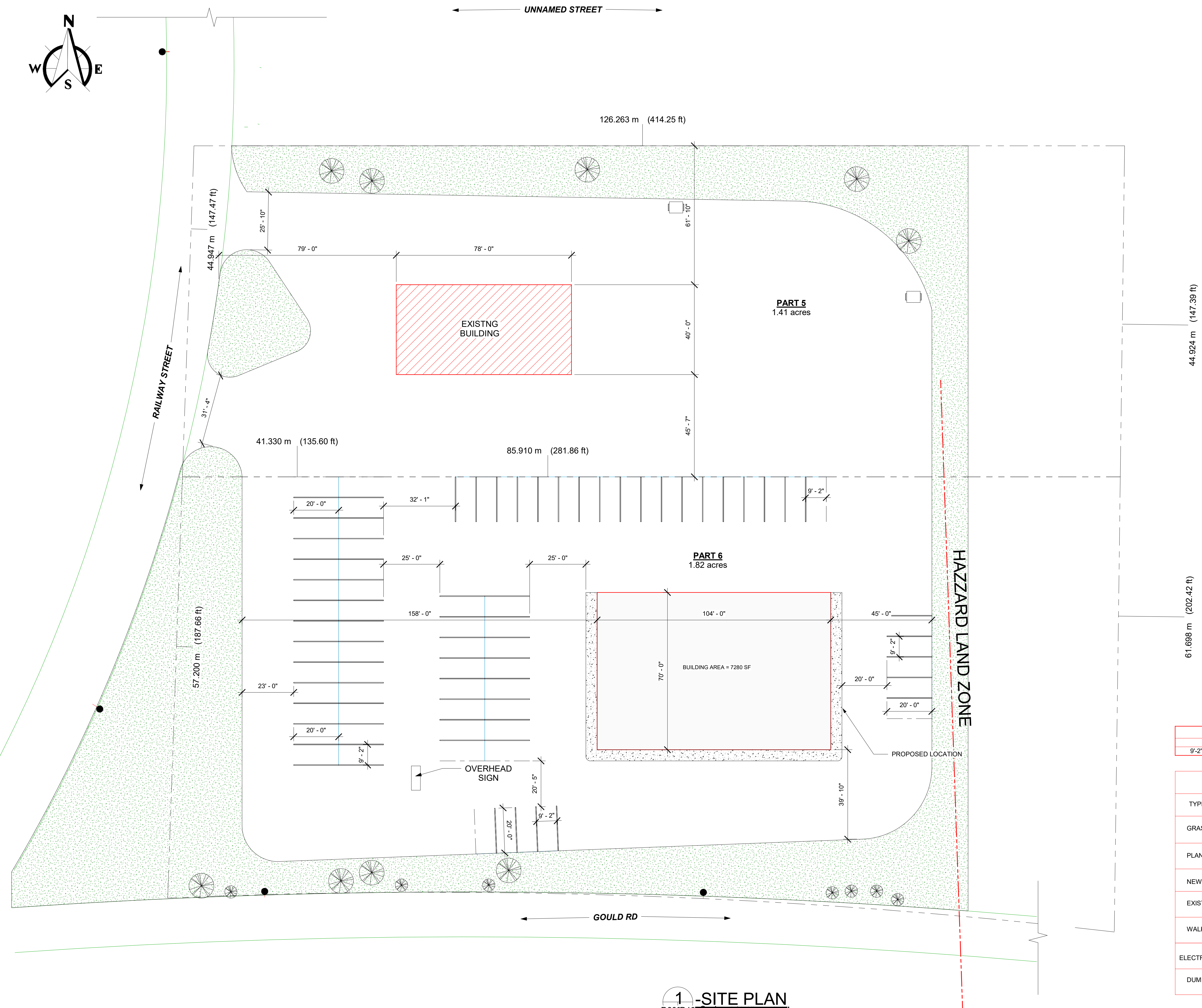
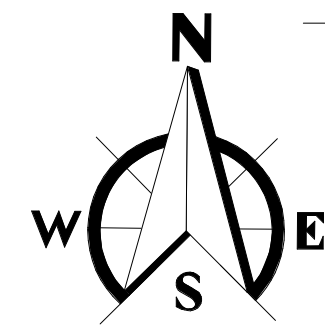
Figure 7: Recommended boundary for removal of HL overlay zone. Image from plan provided by the agent.

As noted in section 5(c) of this report, accessory uses in the HL zone are limited to parking lots and non-structural uses. In consideration of the needs of the proposed commercial redevelopment, it is reasonable to accommodate accessory structures within the cleared and developed portion of the property, so long as those structures are non-habitable, are not used for storage of any chemical storage (including but not limited to gasoline and oil), and there is a clear understanding that they could be impacted by future high water events. Any accessory structures would still be restricted from being located within the EP zone at the eastern edge of the property.

Site Plan Control approval will be required prior to the issuance of building permits. The recommendations of the Environmental Impact Statement will be considered in any approvals and associated Site Plan Agreement.

Attachments

- Complete Application for Zoning By-law Amendment
- Planning Rationale
- Site Plan
- Environmental Impact Statement
- Lot Grading Plan
- Notice of Application and Public Meeting



1 - SITE PLAN
 D60LD101 Scale: 3/64" = 1'-0"

Parking Schedule	
Stall Size	Total
9'-2" x 20' - 90 deg	71

SITE LEGENDS	
TYPE	LEGENDS
GRASS	
PLANTS	
NEW	
EXISTING	
WALKWAY	
ELECTRIC POLE	
DUMPSTER	

Pre-Con Builders
 100-405 Fort Whyte Way
 Oak Bluff MB, R4G 0B1
 Tel: (204) 633-2515
 Fax: (204) 694-5576
 www.preconbuilders.com

Consultant

Consultant

Revisions	Description	Date	Mark
REVIEW MARK-UP	2021.12.23 R3		
BUILDING SIZE	2021.12.23 R2		
DRAWING FORMA	2021.12.13 R1		

Seal/Permit

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Project Title:
KENORA HYUNDAI
 KENORA, ONTARIO
 Drawing Title:
PROPOSED SITE PLAN

Project No. 0144
 Drawn By: DJ
 Scale: 3/64" = 1'-0"
 Date: 2021.11.30

Sheet No.
D101 R3

U:\D-Joan\0144 Kenora Hyundai\SITE F 144 - Kenora.rvt (working) Jan 18, 2021

Owner

The Corporation of the City of Kenora

By-law Number XXX-2023

A By-law to Amend Comprehensive Zoning By-law 101-2015

Whereas the Council of the Corporation of the City of Kenora passed Comprehensive Zoning By-law No. 101-2015 on December 15, 2015; and

Whereas Council has amended By-law 101-2015 from time to time; and

Whereas it is deemed advisable and expedient to further amend By-law 101-2015;

Now therefore the Council of the City of Kenora Enacts as follows;

That Schedule "A", attached to and forming part of By-law 101-2015, is hereby amended by changing the zoning of the property located at:

1. 1439 Railway Street, Kenora, ON and as identified in Schedule "A";
2. That this By-law will cause the zoning of the property as identified to be changed from the Light Industrial (ML) Zone, Environmental Protection (EP) Zone and Hazard Land (HL) Zone Overlay to the Light Industrial (ML) Zone and Environmental Protection (EP) Zone;
3. That Schedule "A" attached hereto is hereby made part of this By-law, fully and to all intents and purposes as though cited in full herein;
4. That this By-law shall come into force as provided in the Planning Act c. 13, R.S.O. 1990, as amended, and thereupon shall be effective from the date of its final passing.

By-law read a first and second time this ____ day of _____, 2023

By-law read a third and final time this ____ day of _____, 2023

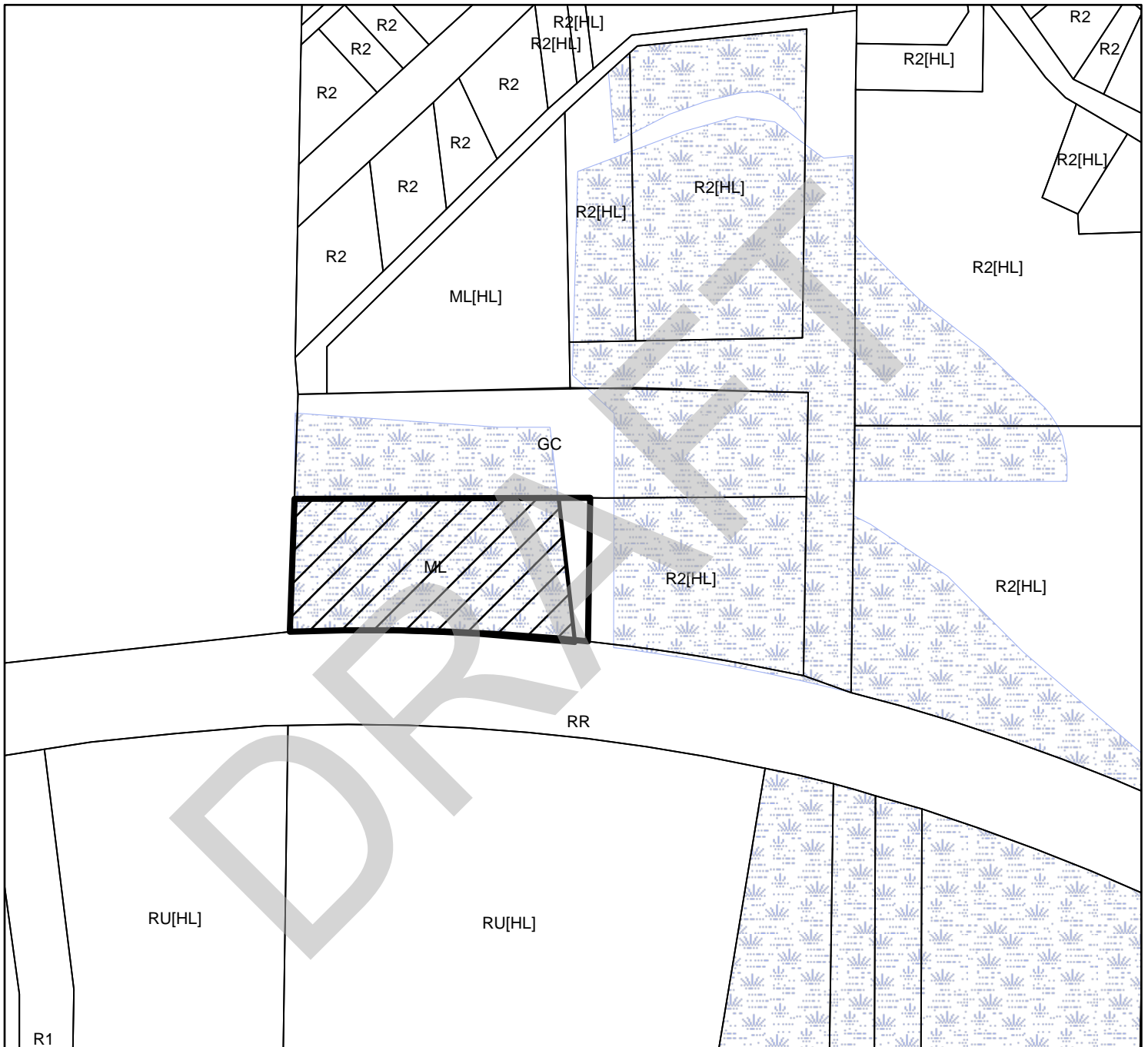
The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

Schedule 'A'

PART BLOCK R PLAN M149, PART LOT Q PLAN M149,
PART 6, 23R14618 TOGETHER WITH AN EASEMENT OVER
PARTS 1, 2, 3 & 4, 23R14618
AS IN KN88114 CITY OF KENORA

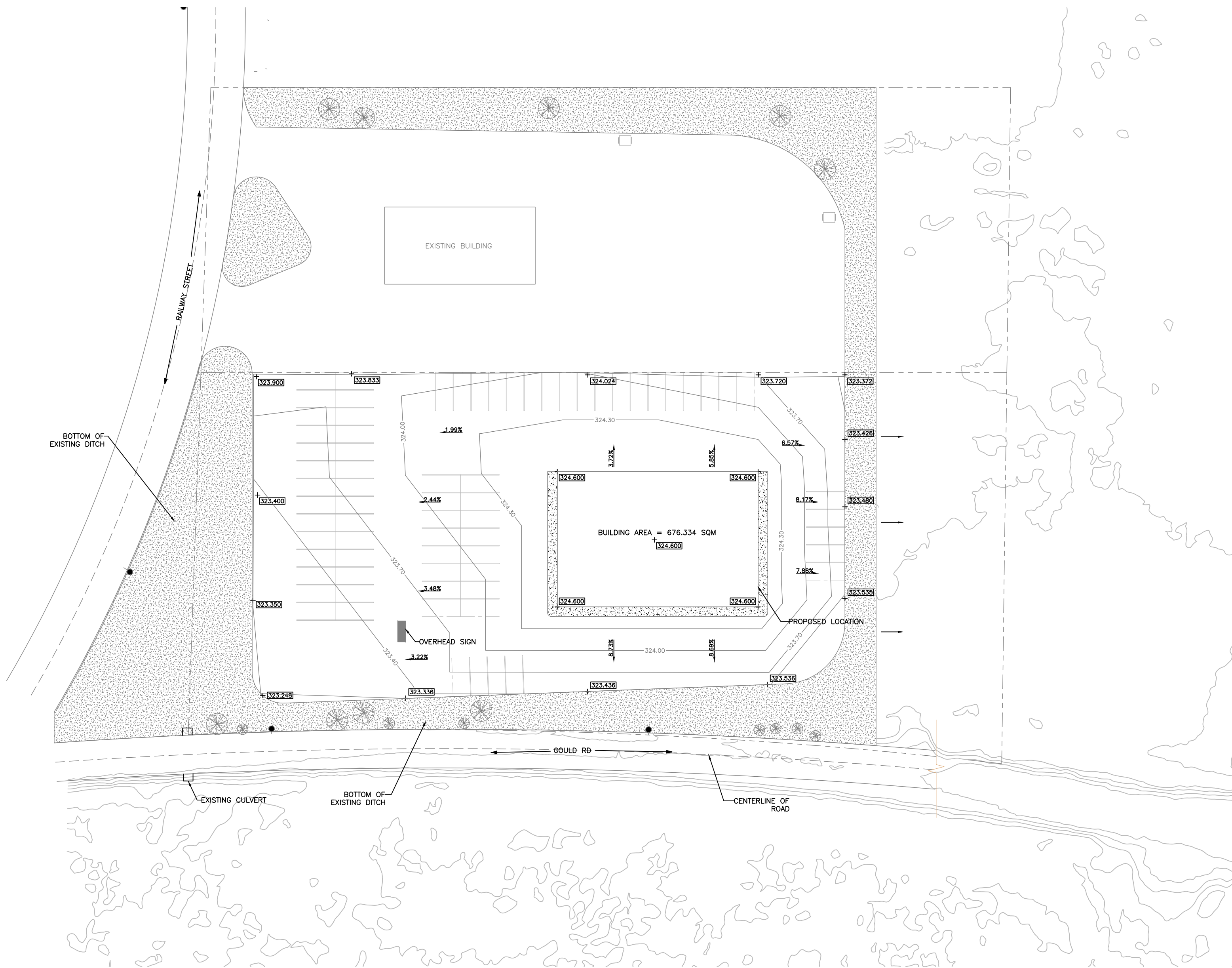


 Lands to be removed from Hazard Land Overlay

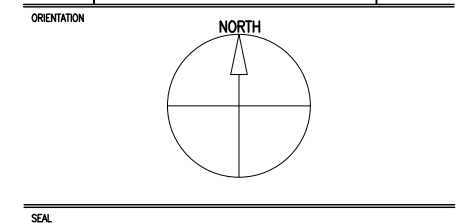
This is Schedule 'A' to Zoning By-law 101-2015
Passed this ____ day of _____, 2023

Mayor

Clerk



NO.	REVISION	DATE
2	ISSUED FOR COMMENT	2023/02/07
1	ISSUED FOR COMMENT	2023/01/30
0	PRELIMINARY	2022/11/09



SCALE

The Contractor shall check and verify all dimensions and report all errors and omissions to the Engineer (as applicable) for his/her written direction before proceeding with the Work.

NO.	REVISION	DATE
A	Detail No	
B	Sheet No where detailed	



LBE group inc.

CLIENT
PRECON BUILDERS

PROJECT
KENORA HYUNDAI SERVICING PLAN

LOCATION
KENORA, ON.

DRAWING TITLE
SITE DRAINAGE PLAN

001 SITE DRAINAGE PLAN
C01 NTS

SCALE	DATE
AS NOTED	2022/11/22
DRAWN BY VE	DWG NO. 22-017-C01
DESIGNED BY ZM	REV. 2
CHECKED BY AB	OF

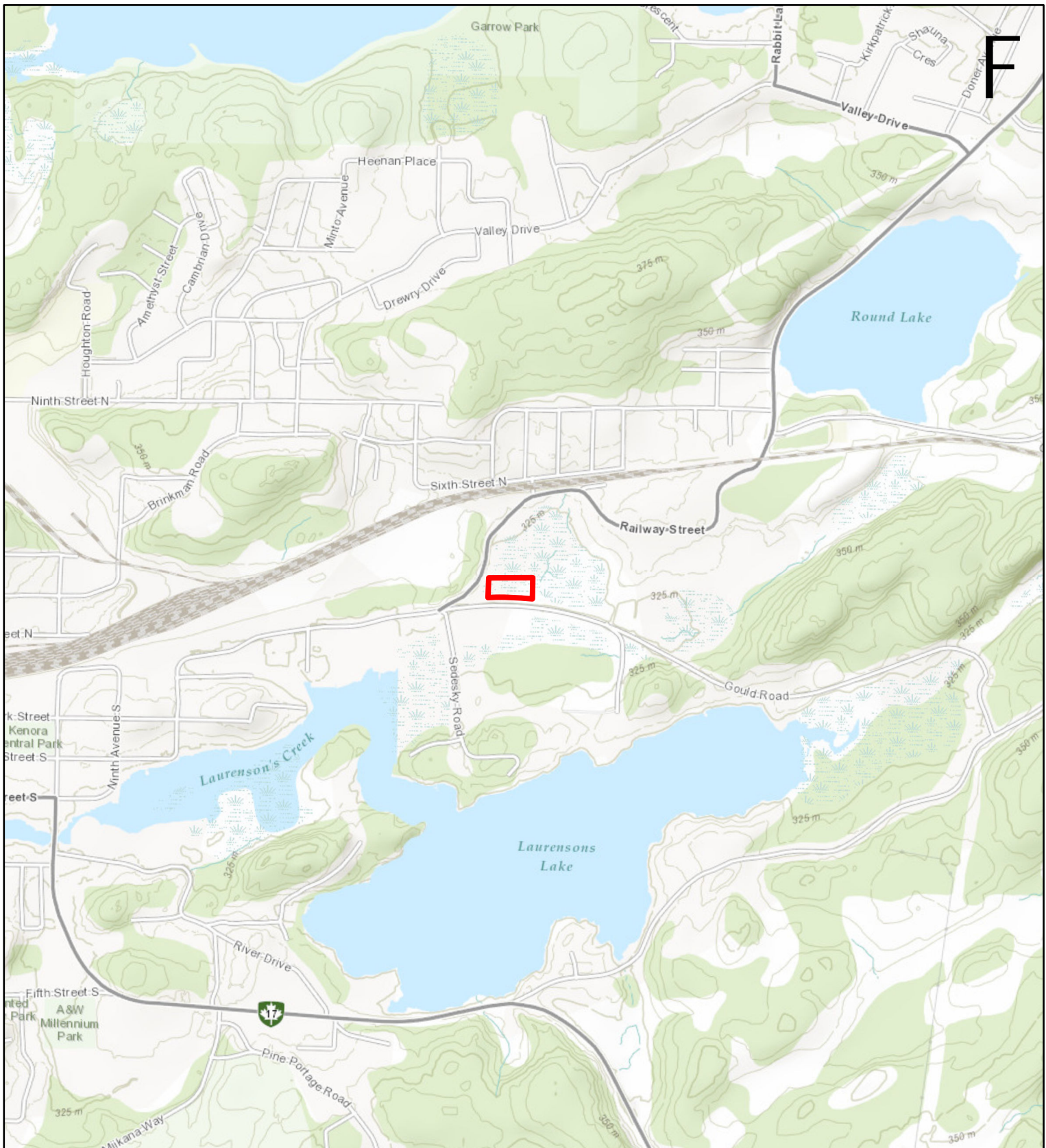


FIGURE 1
SITE LOCATION

1439 Railway Street

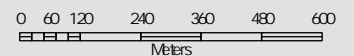
City of Kenora
District of Kenora

LEGEND

Subject Site

DATE Feb 8 2023

SOURCES ESRI



22212A - Report Figures 2023-01-13

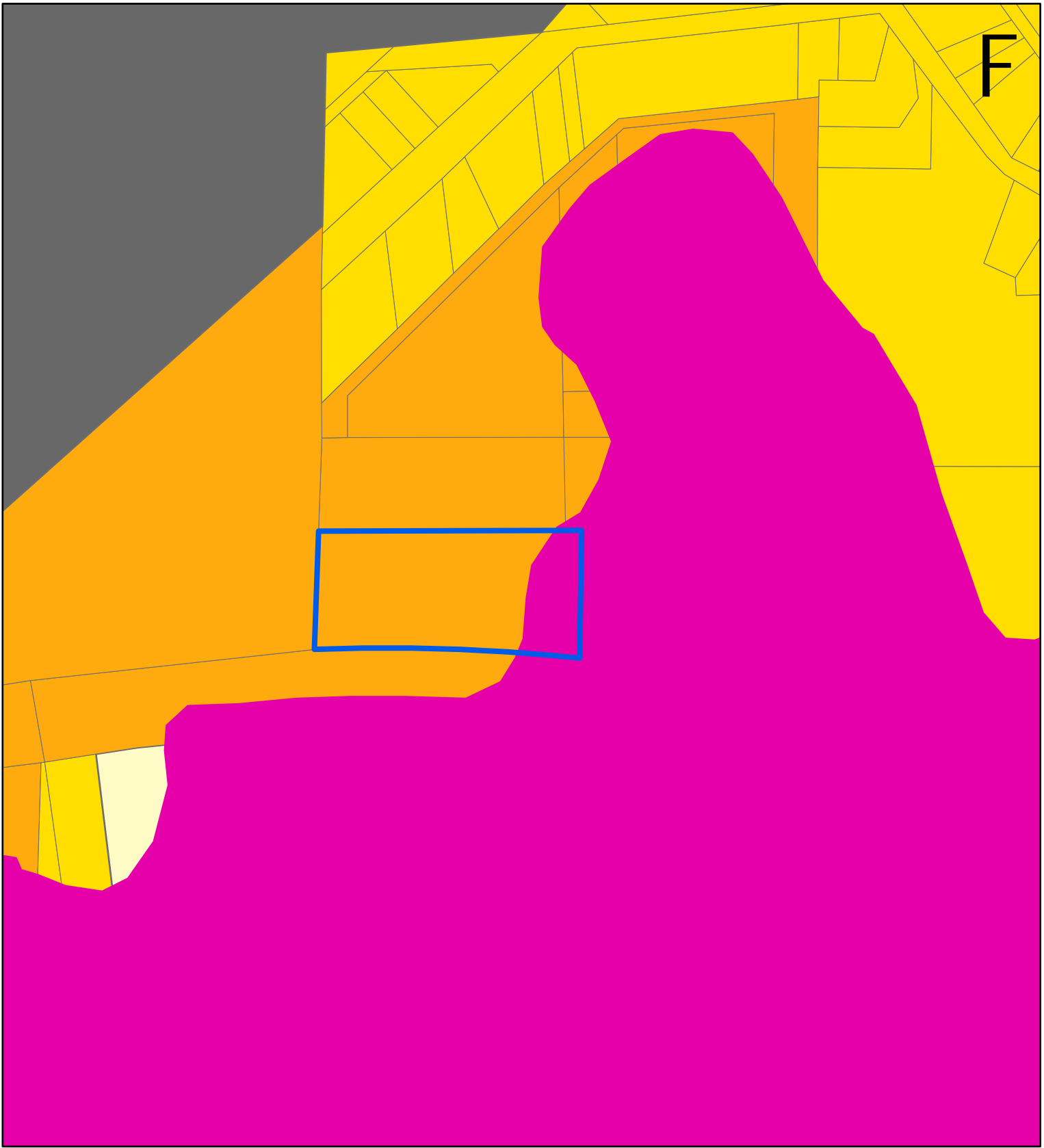


FIGURE 2
CITY LAND USE
 City of Kenora Official Plan
 Land Use Map
 1439 Railway Street
 City of Kenora
 District of Kenora

- LEGEND**
- Subject Site
 - Commercial Development Area
 - Established Area
 - Railyard
 - Rural
 - Wetland

DATE	Feb. 8 2023
SOURCES	City of Kenora
22212A - Report Figures 2023-01-13	

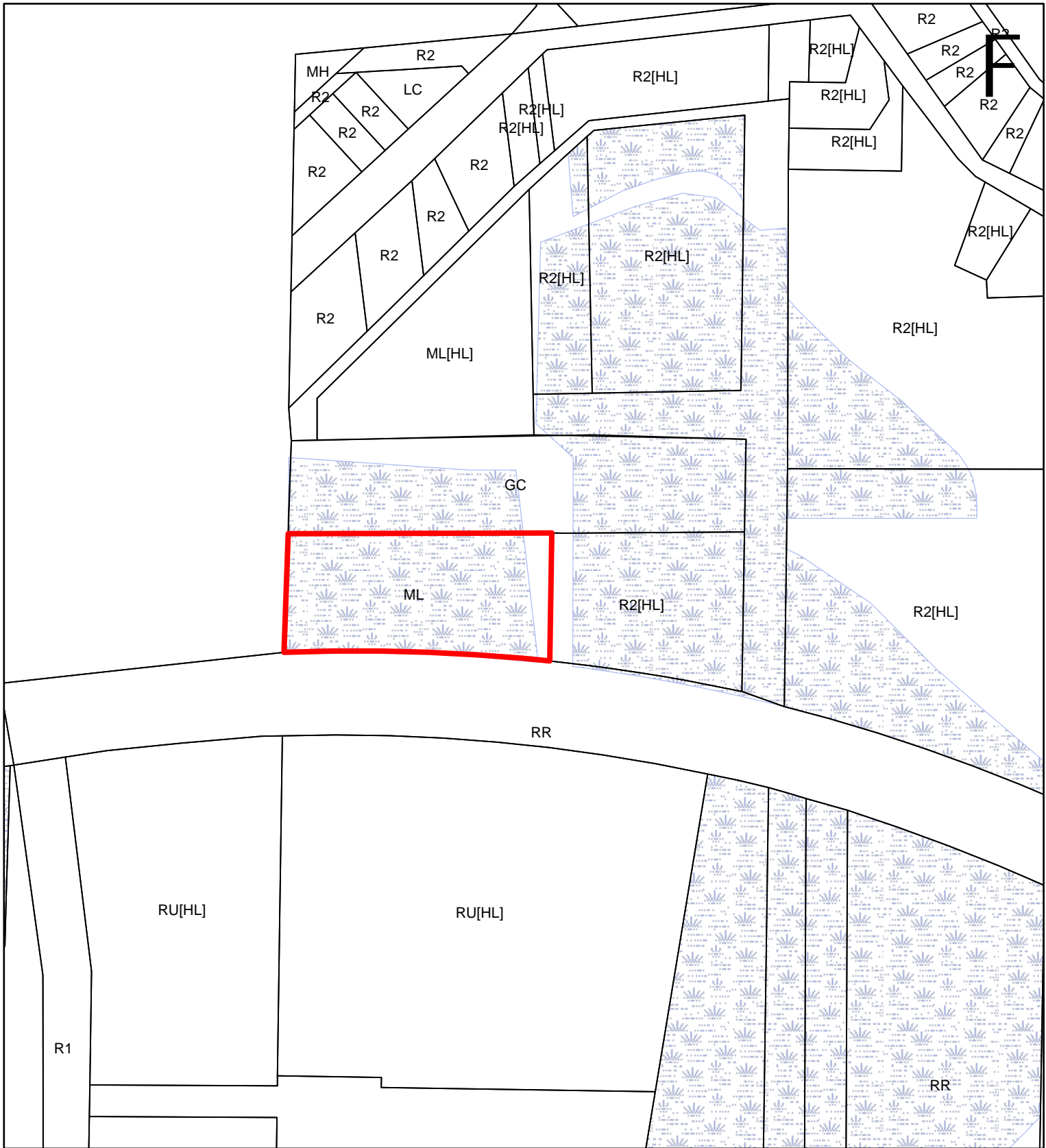


FIGURE 3
CITY ZONING
 City of Kenora
 Zoning By-Law 101-2015

1439 Railway Street

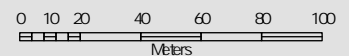
City of Kenora
 District of Kenora

LEGEND

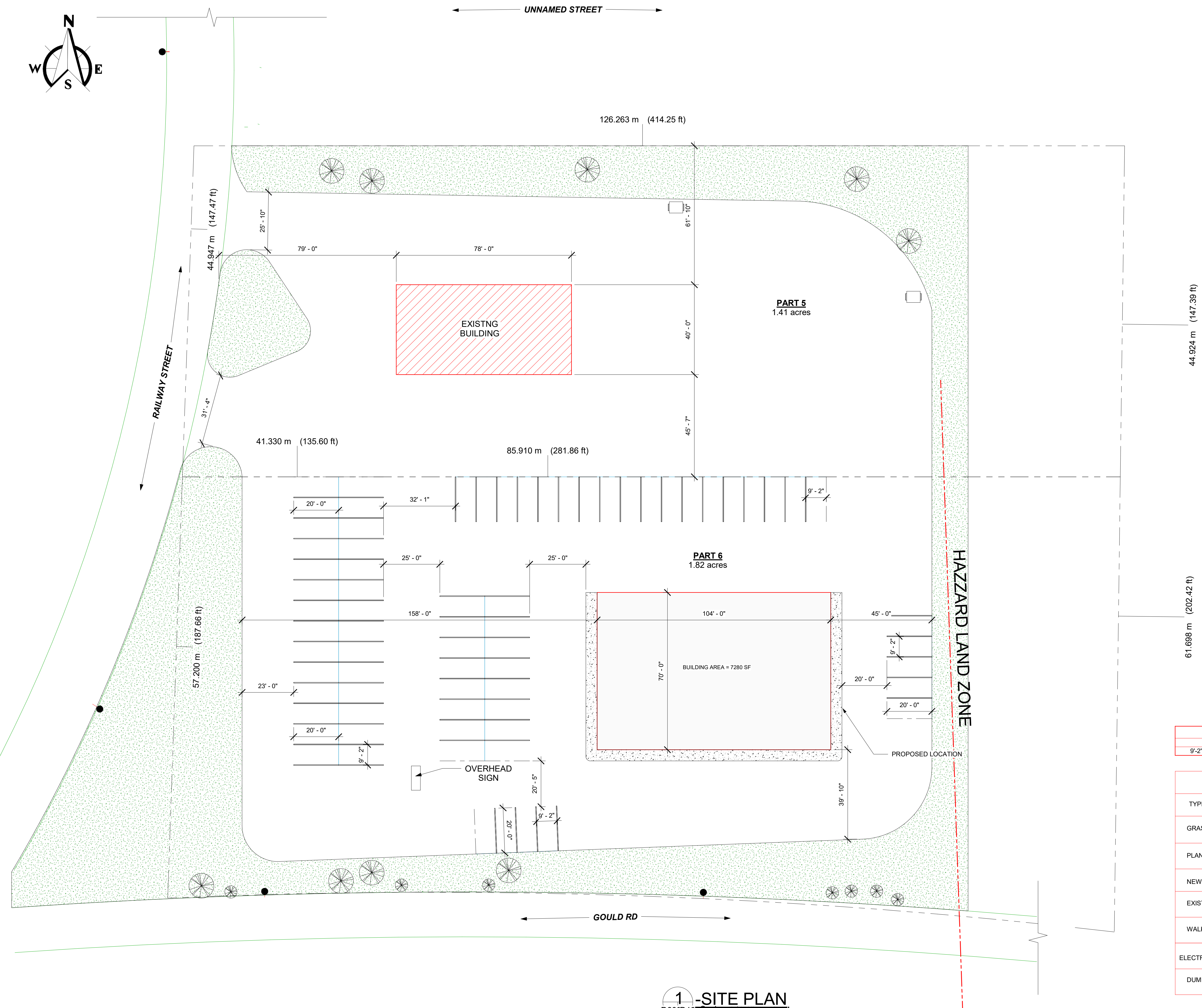
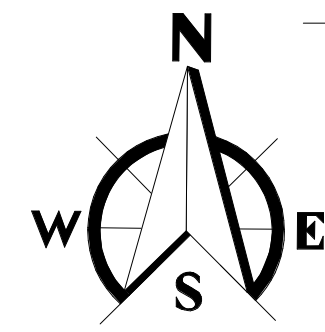
- Subject Site
- Zone Boundary
- Hazard Land

DATE Feb 8 2023

SOURCES City of Kenora



22212A - Report Figures 2023-01-13



1 - SITE PLAN
 D60LD101 Scale: 3/64" = 1'-0"

Parking Schedule	
Stall Size	Total
9'-2" x 20' - 90 deg	71

SITE LEGENDS	
TYPE	LEGENDS
GRASS	
PLANTS	
NEW	
EXISTING	
WALKWAY	
ELECTRIC POLE	
DUMPSTER	

Revisions	Description	Date	Mark
REVIEW MARK-UP	2021.12.23 R3		
BUILDING SIZE	2021.12.23 R2		
DRAWING FORMA	2021.12.13 R1		

Seal/Permit

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Project Title:
KENORA HYUNDAI
 KENORA, ONTARIO
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PROPOSED SITE PLAN

Project No. 0144
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 Scale: 3/64" = 1'-0"
 Date: 2021.11.30

Sheet No.
D101 R3

Pre-Con Builders
 100-405 Fort Whyte Way
 Oak Bluff MB, R4G 0B1
 Tel: (204) 633-2515
 Fax: (204) 694-5576
 www.preconbuilders.com

Consultant

Consultant

U:\D-Joan\0144 Kenora Hyundai\SITE F 144 - Kenora.rvt (working) Jan 18, 2021

Owner



FIGURE 1. MAP SHOWING LAURENSEN'S CREEK PROVINCIALY SIGNIFICANT WETLAND (BLUE) AND APPROXIMATE PROPOSED LOCATION OF THE PROJECT (WHITE). (SOURCE: MNRF MAKE A MAP 2022).



FIGURE 2. VIEW OF THE PROPOSED BUILDING SITE.



FIGURE 3. VIEW FROM THE PROPOSED BUILDING SITE LOOKING EAST TOWARDS THE WETLAND.



FIGURE 4. VIEW OF THE WETLAND ON THE PROPERTY EAST OF THE PROPOSED PROJECT.



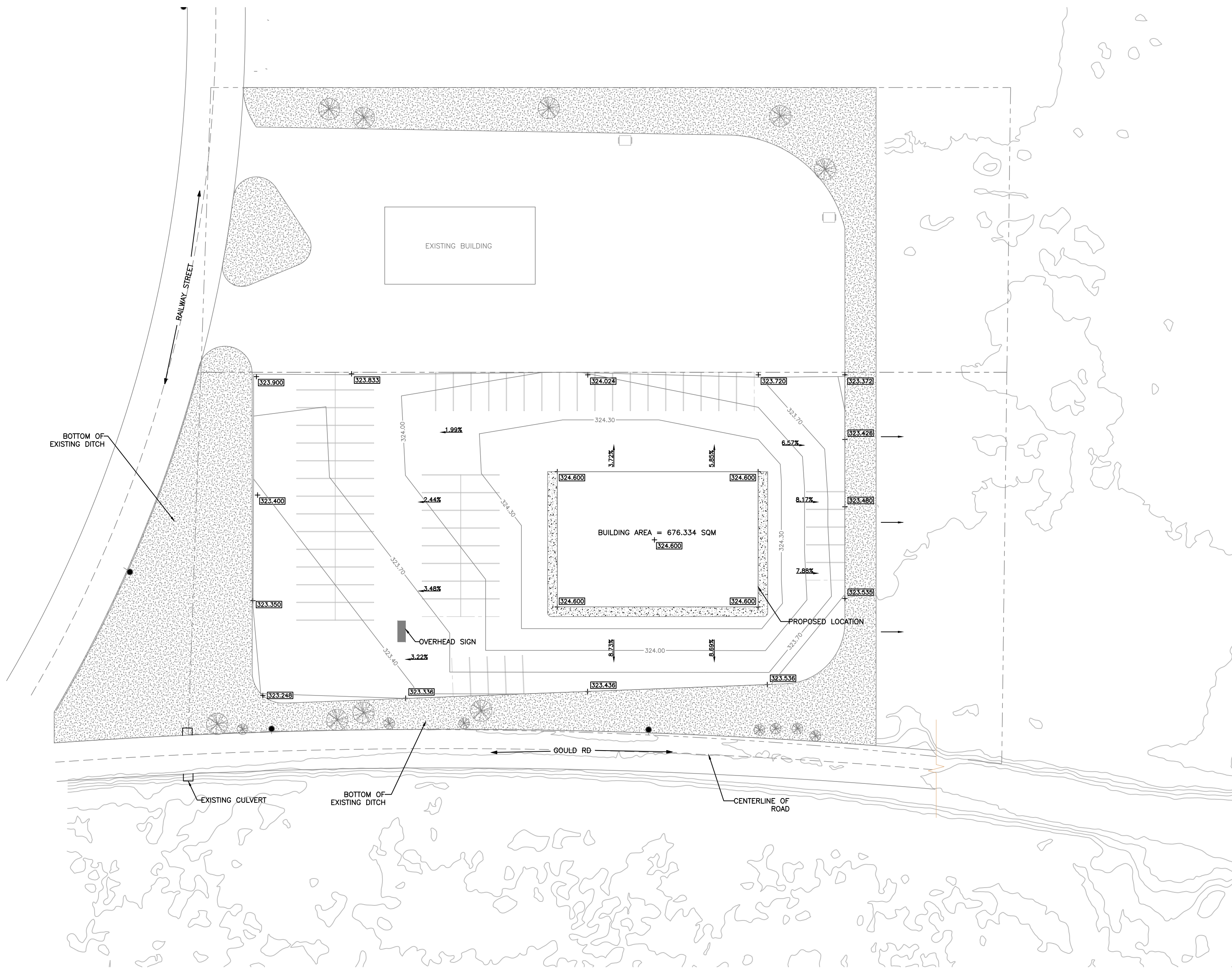
FIGURE 5. PURPLE LOOSESTRIFE AND CATTAILS ARE COMMON ON THE ADJACENT WETLAND.



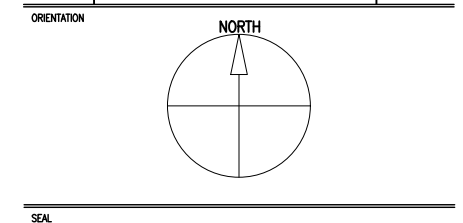
FIGURE 6. DITCH ALONG GOULD ROAD SOUTH OF THE PROPOSED PROJECT.



FIGURE 7. FILL DEPOSITED IN THE WETLAND EAST OF THE PROJECT.



NO	REVISION	DATE
2	ISSUED FOR COMMENT	2023/02/07
1	ISSUED FOR COMMENT	2023/01/30
0	PRELIMINARY	2022/12/09



SCALE

The Contractor shall check and verify all dimensions and report all errors and omissions to the Engineer (as applicable) for his/her written direction before proceeding with the Work.

NO	REVISION	DATE
A	Detail No	
B	Sheet No where detailed	



LBE group inc.

CLIENT
PRECON BUILDERS

PROJECT
KENORA HYUNDAI SERVICING PLAN

LOCATION
KENORA, ON.

DRAWING TITLE
SITE DRAINAGE PLAN

001 SITE DRAINAGE PLAN
C01 NTS

SCALE	DATE
AS NOTED	2022/11/22
DRAWN BY VE	DWG NO. 22-017-C01
DESIGNED BY ZM	REV. 2
CHECKED BY AB	OF



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for an Official Plan Amendment,
File Number D09-23-01, and Zoning By-law Amendment, File Number D14-23-02
Planning Act, R.S.O 1990, c.P13, s. 17 and 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Sections 17 and 34 of the *Planning Act*, to consider City-initiated Official Plan Amendment as it pertains to the City of Kenora Official Plan, Council Adoption May 19, 2015, Ministerial Approval November 5, 2015 (By-law No. 75-2015), and a City-initiated Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, as amended, at the following time and location:

**Statutory
Public Meeting**

When: Wednesday, April 12th, 2023, at 12:00 noon.

Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

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 Wednesday, April 19th, 2023 at 5:00 p.m.

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

PAC Open House

When: Tuesday, March 21st, 2023 at 6:00 p.m.

Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at planning@kenora.ca.

Be Advised that the Corporation of the City of Kenora considered the Official Plan Amendment and Zoning By-law Amendment applications to be complete on February 21st, 2023.

Purpose and Effect:

The purpose and effect of the Official Plan Amendment is to update policies for Additional Residential Units (formerly referred to as Secondary Dwelling Units), to bring policies into compliance with recent amendments to the *Planning Act* made by Bill 23, More Homes Built Faster Act, by:

- Deleting Section 3.16 Laneway Housing, and
- Replacing section 3.21 Secondary Dwelling Units with section 3.21 Additional Residential Units, to permit up to two additional residential units for dwellings in urban areas and one additional residential unit for dwellings in rural areas.

The purpose and effect of the Zoning By-law Amendment is to:

- Amend Section 2 Definitions to delete the definitions for “Secondary Dwelling (Interior)” and “Secondary Dwelling (Exterior), and add a new definition for “Additional Residential Unit”;
- Delete the current section 3.28 Secondary Dwelling Units and replace with a new section 3.28 Additional Residential Units, as follows:

3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.
- b) A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- c) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.
- d) Additional residential units must be connected to both municipal water and municipal sewage services.

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- b) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.

- c) Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) Additional residential units must be located on the same lot as the principal dwelling unit;
- b) The following shall apply to vehicular access and parking for additional dwelling units:
 - i. An additional residential unit must not eliminate a required parking space for the principal dwelling unit;
 - ii. Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway, but must be wholly located within the boundaries of the lot;
- c) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
- d) An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.
- e) An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.

Description of the Lands: As all lands within the City of Kenora are affected by the proposed City-initiated amendments to the Official Plan (By-law No. 75-2015) and Zoning By-law (By-law No. 101-2015), no key map is provided.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, April 7th, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Numbers: **D09-23-01** and/or **D14-23-02**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the PAC Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, March 17th, 2023 and quote File Numbers: **D09-23-01** and/or **D14-23-02**. To register by phone please call: 807-467-2152.
- c. **Register to Speak at the Statutory Public Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, April 7th, 2023 and quote File Numbers: **D09-23-01** and/or **D14-23-02**. To register by phone please call: 807-467-2152.

Failure To Make Oral Or Written Submission: If a person or a 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 amendment is passed:

- a. 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 Ontario Land Tribunal.
- b. the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land 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 Zoning By-Law Amendment 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 Alberic Marginet, Associate Planner, if you require more information: Tel: 807-467-2152 or Email: planning@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 24th of February, 2023



April 12, 2023

Staff Report

File Nos.: D09-23-01

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: Application for Official Plan Amendment

Location: City-wide

Applicant: City of Kenora

Recommendation

That Council hereby approves the Application for Official Plan Amendment, File No. D09-23-01, to bring the Official Plan policies into compliance with *Bill 23: More Homes More Choices Act*; and further

That Council gives three readings to a by-law to that effect.

1. Introduction

The City of Kenora Planning Department is proposing to amend the Official Plan, to bring the policies of the City of Kenora into compliance with *Planning Act* amendments made under Bill 23, the More Homes Built Faster Act and remove policies that restrict development of additional residential units with laneway access.

2. Description of Proposal

The purpose and effect of the Official Plan Amendment is to update policies for Additional Residential Units (formerly referred to as Secondary Dwelling Units), to bring policies into compliance with recent amendments to the *Planning Act* by:

- Deleting Section 3.16 Laneway Housing, and
- Replacing Section 3.21 Secondary Dwelling Units with Section 3.21 Additional Residential Units, containing policies supporting up to two additional residential units for dwellings in urban areas and one additional residential unit for dwellings in rural areas, as follows:

3.21 Additional Residential Units

- a) a second residential unit is to be permitted in any detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) a third residential unit is to be permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if no building or structure

ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

- c) one additional residential unit is to be permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; and*
- d) A second residential unit is to be permitted in any detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house contains any residential units or sleeping quarters; or*
- e) One additional residential unit is to be permitted in a building or structure ancillary to a detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if the detached house contains no more than one residential unit and no other building or structure ancillary to the detached house contains any residential units or sleeping quarters.*

The policies regarding Laneway Housing, which can be found in Section 5(c) below, are considered by the Planning Department to be unnecessarily restrictive and contrary to the spirit and intent of Bill 23 by making it impossible to develop detached accessory residential structures on many urban residential lots. For this reason, it is proposed that they be removed from the Official Plan to align with the direction and “as of right” under Bill 23.

The proposed new policies for Additional Residential Units (a) through (c) are reflective of the policies for urban residential areas as set out in the new amendments to the Planning Act. Policies (d) and (e) carry forward the existing policy supporting an additional residential unit in Rural Areas while clarifying that a unit may either be within a dwelling or within an ancillary structure and removing an existing loophole that would support both an additional residential unit and a separate structure with sleeping quarters (sleep cabin) on a single property.

Other references to “secondary dwelling units” elsewhere in the Official Plan will be updated to refer to “additional residential units”.

3. Existing Conditions

As the proposed amendments are not site-specific, information regarding existing conditions of specific lands is not applicable.

4. Site Visit

As the applications affect all lands within the applicable zones in the City of Kenora, a site visit was not conducted.

5. Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The PPS states that healthy, liveable, and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons)... to meet long-term needs (Policy 1.1.1). In rural areas, permitted uses include residential development that is locally appropriate (Policy 1.1.5.2).

The PPS requires that planning authorities provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, and all types of residential intensification, including additional residential units. (Policy 1.4.3).

The PPS policies state that long-term economic prosperity should be supported, in part, by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (Policy 1.7.1).

b) Bill 28: More Homes Built Faster Act

On November 28, 2022, Bill 23 received assent. Bill 23 made numerous amendments to existing laws with the intention of supporting the Province of Ontario's Housing Supply Action Plan and facilitating new housing development in Ontario. The Act included amendments to the Planning Act to create a new provincial threshold for what is permitted to be built by strengthening the additional residential unit framework. Specifically, the new amendments permit urban landowners to add up to two additional residential units "as of right" for land zoned for one home in urban residential areas without requiring a zoning by-law amendment. The additional units can be within the existing residential structure or can take the form of a residence with one internal unit plus an accessory laneway or garden home. Zoning by-law standards respecting matters such as height and lot coverage are permitted to remain and continue to apply.

Bill 23 requires that all official plans and zoning by-laws permit the use of up to two additional residential units in a detached house, semi-detached house, or rowhouse, or one additional residential unit in the house plus one in a separate ancillary building or structure on the same property, on all parcels of urban residential land. It further requires that no policy or regulation may have the effect of requiring more than one parking space in connection with an addition residential unit, or requiring a minimum floor area. **Any current policy that contravenes any of these requirements is of no effect.**

There may be no appeal of Official Plan policies that are passed to authorize additional residential units on any residential land, whether urban or rural.

c) City of Kenora Charting Our Course 2027: 2022-2027 Strategic Plan

Housing is identified as one of the top six priorities stated under the Strategic Plan. Goal 2.1(b) of the Plan is to facilitate opportunities for more and diverse housing development across the housing spectrum.

d) City of Kenora Official Plan (2015)

To ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants to the housing market, the City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to more flexible zoning, and permitting Secondary Dwelling Units (Policy 3.2).

The existing policies 3.16 and 3.21 would be replaced by the proposed amendment:

3.16 Laneway Housing

Laneway housing refers to small, detached dwellings constructed along public lanes at the rear of developed lots. These units are secondary to a primary detached dwelling on the same lot, and gain access only from the public lane at the rear. Laneway housing may also refer to dwelling units located above garages accessed from public lanes.

Public lanes are of limited width and are not designed to handle significant vehicular or pedestrian traffic. Additionally, maintenance, waste collection, and snow removal is difficult in narrow lanes, presenting potential hazards or inconveniences to users. Further development along public lanes can exasperate these challenges and increase strain on infrastructure.

The following policies apply to laneway housing in Kenora:

- a) Development of new laneway housing is prohibited.*
- b) Where laneway housing already exists, such as in Keewatin and Lakeside, these dwellings will be considered non-conforming and are subject to the provisions established in the Zoning By-law.*

3.21 Secondary Dwelling Units

Secondary dwelling units are dwelling units accessory to a primary dwelling. The following policies govern secondary dwelling units in Kenora:

- a) Secondary dwelling units are permitted in the Established Area, Residential Development Area, Harbourn Centre, and Rural Area designations.*
- b) Secondary dwelling units shall be permitted only in detached, semi-detached, duplex, or multiple-attached dwellings. Secondary units shall be permitted in ancillary structures where they are not accessible via public laneway.*
- c) Only one secondary dwelling unit may be established per lot.*

The policies of Section 3.16 Laneway Housing effectively prohibit the development of additional residential units in detached ancillary structures in the urban area. These policies single out laneway housing, but do not similarly restrict any other developments that utilise parking off of back lanes, including primary residential units, and thus may be considered prejudicial against additional residential units and contrary to the spirit and intent of the recent Planning Act amendments under Bill 23.

Policy 3.21 supports “secondary dwelling units” (additional residential units) in urban and Rural Area designations, but restricts laneway access and limits the number of units to one per lot.

6. Results of Interdepartmental and Agency Circulation

The proposed Official Plan amendment was circulated for comment on March 3rd, 2023. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Development	No concerns
Fire and Emergency Services	No concerns
Roads	No concerns
Water / Wastewater	No concerns
Bell Canada	No concerns
Synergy North	<p>No concerns, but re-iterate their conditions of service:</p> <p><i>In the City of Kenora, all new lots created by severance or subdivision shall be serviced as approved by the City of Kenora’s requirements.</i></p> <p><i>Where practical, there shall be only one Supply Point to each land parcel. In all cases, there shall be only one service to a building.</i></p> <p><i>In circumstances where multiple services are installed to a building and one service is to be upgraded, the upgraded service will replace all existing services.</i></p> <p><i>Under special conditions, where SYNERGY NORTH determines feasible, a second service may be allowed to a second unattached building on the same property. This service will be at full cost to the Customer. The total amperage under this condition on a single land parcel will not exceed 300-amps. For semi-detached buildings with required fire separation, there may also be two services.</i></p> <p><i>Residential services will include all services up to and including 400-amp, 120/240 V single-phase 3-wire. Residential Customers requiring an electrical service greater than 400-amp single-phase 120/240 V, shall be treated the same as General Service in Section 3.2 or 3.3 as applicable. In some cases, at the sole discretion of SYNERGY NORTH, a 600-amp single phase service may be considered.</i></p>

7. Public Comments

A public meeting is scheduled to be held by Council on April 12th, 2023. Notice of the application was given in accordance with Section 17 of the Planning Act, whereby it

was published in the Municipal Memo of the Newspaper on March 16th, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation for the application to Council at the meeting on March 21st, 2023. The minutes and relevant resolution from this meeting are attached. Please note that both the Official Plan amendment and the associated zoning by-law amendment were considered under a single report. The report has been separated for the public meeting, to more clearly differentiate the two sets of amendments.

As of the date of this report, three sets of comments have been received from one person and are attached to this report with identifying information redacted. It expresses concern regarding the regulation of additional residential units in rural areas with respect to density provisions, ownership, sizes, location on waterfront lots. The writer recommends against permitting additional residential units in the RR and BSL zones.

8. Evaluation

We know that there is a need for additional housing in the City of Kenora, and for affordable housing in particular. There is no simple solution for meeting this need, but encouraging and facilitating the development of additional residential units can be a significant step towards helping to address this need.

The benefits of additional residential units have been proven across Canada. These include enabling older homeowners to age in place, enabling first-time home buyers and others to incorporate revenue generating units to offset the high price of housing, and enabling cities to make more efficient use of existing infrastructure.

Under the amendments to the Planning Act made by Bill 23, no Official Plan may contain a policy that has the effect of prohibiting up to two additional residential units on urban residential land (two in the primary dwelling, or one in the primary dwelling and one in an accessory structure). This has the effect of granting an “as of right” to develop additional residential units on such properties, regardless of the policies of the local Official Plan. In situations like this, it is best practice to update the local policies and regulations to remove any discrepancies and help avoid confusion on the part of the public.

The proposed new Official Plan policies replace current policies regarding “secondary dwelling units” (additional residential units) in urban residential areas, which are considered to have no effect as a result Planning Act amendments made by Bill 23. The proposed new policies will bring the Official Plan into compliance with the Planning Act amendments with regards to urban properties.

For rural properties, the new policies support a single additional residential unit, which is a continuation of the current policy. The text has been updated to be consistent with the “additional residential unit” terminology and the structure of the urban policies. The new rural policies also clarify that an additional residential unit is only permitted in an accessory structure if no other accessory structure contains an additional residential unit or sleeping quarters. This prevents both an additional residential unit and a sleep cabin from being built on the same property, but would

permit a sleep cabin to be converted to an additional residential unit with the addition of a kitchen. A sleep cabin, more commonly referred to as a “bunkhouse” may contain sleeping and bathroom facilities, but does not contain a kitchen.

The Laneway Housing policy is recommended to be removed because it has the effect of prohibiting an additional residential unit on most urban residential properties, and thus has the effect of broadly prohibiting a key right granted under Bill 23. At the same time, it appears to be prejudiced in ignoring all other land uses that commonly make use of parking off of public lanes.

Attachments

- Complete Application for Official Plan Amendment
- Planning Rationale
- Notice of Application and Public Meeting
- Minutes of the Planning Advisory Committee meeting of March 21st, 2023
- Planning Advisory Committee Resolution
- Draft By-law

OFFICE USE ONLY

Date Stamp - Date Received:

File Number: D09-23-02
Roll Number: N/A
Date Received: 24 January 2023
Application Fee Paid: _____
Application Deemed Complete (Date): 24 January 2023

CONCURRENT APPLICATIONS FILED

Please check if you have any concurrent applications filed:

- | | |
|-------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Plan of Subdivision or Condominium |
| <input type="checkbox"/> Site Plan Application | <input type="checkbox"/> Other (Please Specify): _____ |
| <input type="checkbox"/> Consent | <input type="checkbox"/> Minor Variance |

REQUIREMENTS/CHECKLIST FOR A COMPLETE APPLICATION:

Pre-consultation meeting
Completed application form (keep a copy for your own records)
Any reports/letters of support etc.
Information/reports as indicated on application form
The required fee of \$3000.00 and deposit of \$1400.00 as per the schedule of fees By-law
Planning Rationale
Required studies identified at pre-consultation (See section 8.10 of the Official Plan for list of studies)
Authorization of Owner(s) or completion of the Owner's Authorization, if the Owner is not filing the application.
Electronic version of all required information
Ontario Land Tribunal (OLT) cost recovery undertaking
Entrance Permit or MTO clearance if fronting a Provincial Highway

PLEASE LIST THE REPORTS AND/OR STUDIES THAT WILL ACCOMPANY THIS APPLICATION.

N/A

THIS APPLICATION MUST BE SUBMITTED TO:

City of Kenora Planning Department – planning@kenora.ca
City Planner - Tel: (807) 467-2059
Planner – Tel: (807) 467-2059
60 Fourteenth Street North, 2nd Floor
Kenora, ON P9N 4M9

PRESCRIBED INFORMATION

Personal Information collected in response to this planning notice will be used to assist City staff to process this application and will be made public. The information prescribed in this application is contained in Ontario Regulation 543/06 (as amended), of the Planning Act, R.S.O. 1990 (as amended).

The undersigned hereby applies to the Council of the City of Kenora under Section 22 of the Planning Act, R.S.O. 1990 (as revised), for an amendment to the Official Plan, as described in this application.

This application also sets out other information that will assist City Council in their evaluation of the application and Staff review. In the absence of this information, it may not be possible to do a complete review within the legislated timeframe for making a decision. As a result, the application may be refused.

It is the sole responsibility of the authorized agent and/or owner to ensure that this application form is complete and that the information provided is accurate and correct. This application form will not be accepted until all required questions have been answered and all other requirements have been satisfied.

1.0 - APPLICANT INFORMATION

Date Application Submitted to the City of Kenora: 24 January 2023

SUBJECT PROPERTY INFORMATION

Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description				
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				

OWNER/APPLICANT INFORMATION

Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input checked="" type="checkbox"/> Company Corporation of the City of Kenora	
Registered Land Owner	Surname:		First Name:	
Mailing Address	Street No.: 1	Street Name: Main Street South	Postal Code: P9N 3X2	Unit Num.:
City	Kenora		Province: Ontario	
Contact Information	Phone: 807 467 2000		Fax:	
Email				
Acquisition Date of Subject Land				

PLANNING AGENT/SOLICITOR INFORMATION

Company or Firm Name				
Name	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:		Fax:	
Email				

MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND

Company			
Contact Person	Surname:	First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code: Unit Num.:
Contact Information	Phone:	Fax:	
Email			

2.0 - POLICY

Does the requested amendment add, change, replace or delete a policy in the Official Plan? YES NO

If yes, what is the purpose of the requested amendment, and what Section(s) of the Official Plan are being altered?

Delete sections 3.16 Laneway Housing and 3.21 Secondary Dwelling Units.
Add new section 3.21 Additional Residential Units, as detailed in planning rationale.

3.0 - DESIGNATION (Please see www.kenora.ca/planning for schedules/maps)

What is the current designation of the subject land in the Official Plan and the uses that the designation authorizes?

N/A

4.0 - PROPOSED DESIGNATION

If the requested amendment changes or replaces a designation in the Official Plan, what is the designation that is being proposed and the new land uses that change would authorize?

N/A

5.0 - TEXT AND SCHEDULE

If a Policy, Designation or Schedule in the Official Plan is being added, changed, replaced or deleted, provide the text and the schedule that accompanies it. Attach a separate sheet if needed.

Proposed new section 3.21:

3.21 Additional Residential Units

- a) a second residential unit is to be permitted in any detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) a third residential unit is to be permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- c) one additional residential unit is to be permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; and
- d) A second residential unit is to be permitted in any detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house contains any residential units or sleeping quarters; or
- e) One additional residential unit is to be permitted in a building or structure ancillary to a detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if the detached house contains no more than one residential unit and no other building or structure ancillary to the detached house contains any residential units or sleeping quarters.

6.0 - SUBJECT PROPERTY WATER SUPPLY

- Municipal Water Private Well Communal Well
 Lake Other: N/A – not site-specific

7.0 - SEWAGE DISPOSAL

- Municipal Sewer Private Septic System/Field Communal Septic System/Field
 Privy Other: N/A – not site-specific

If the requested amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed, the following studies are required:

- A servicing options report; and
- A hydrogeological report

8.0 - SUBJECT PROPERTY DRAINAGE

Subject Property Site Drainage is provided by:

- Storm Sewers Swales Ditches Other (Please explain) N/A – not site-specific

*A preliminary stormwater management report is recommended, and should be prepared concurrent with any Hydrogeological reports for submission with the application. A stormwater management plan will be needed prior to final approval of a plan of subdivision or as a requirement of site plan approval.

9.0 - AREA OF SETTLEMENT

Do either of the requested amendments require alteration to the boundaries of an existing area of settlement or require a new area of settlement implemented? YES NO

If yes please provide the current Official Plan policies, if any dealing with the alteration or establishment of an area of settlement:

10.0 - EMPLOYMENT LANDS

Does the Requested amendment remove land from an area of employment? YES NO
If yes, please provide the current Official Plan policies, if any, dealing with the removal of employment lands:

11.0 - OTHER APPLICATIONS UNDER THE PLANNING ACT

Is the subject land, or land within 120 metres of the subject lands, the focus of any other applications under the planning act or has the subject property been subject to an application in the past? YES NO

If yes, please indicate which applications are being undertaken.

	Draft Plan of Subdivision	File No.:	Status:
	Condominium Description	File No.:	Status:
	Official Plan Amendment	File No.:	Status:
	Zoning By-law Amendment	File No.: D14-23-02	Status: Active (concurrent)
	Minister's Zoning Amendment	File No.:	Status:
	Site Plan Application	File No.:	Status:
	Consent	File No.:	Status:
	Minor Variance	File No.:	Status:
	Part Lot Control	File No.:	Status:
	Other (Please Specify)	File No.:	Status:

If you answered yes to any of the above, please describe the land the "other" application affects, the purpose of that application, and the effect that application will have on the amendment requested through this application:

Zoning By-law amendment D14-23-02 is intended to amend and introduce additional dwelling unit regulations enabled by this amendment of the Official Plan.

12.0 - IS THE PLAN CONSISTENT WITH POLICY STATEMENTS ISSUED UNDER SUBSECTION 3(1) OF THE PLANNING ACT?

Please state how this application is consistent with the 2020 Provincial Policy Statement (PPS).

The following PPS policies are supportive of providing for additional dwelling units:

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

b) accommodating an appropriate range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment..., institutional..., recreation, park and open space, and other uses to meet long-term needs;

Policy 1.4.3: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

2. all types of residential intensification, including additional residential units, and redevelopment...

13.0 - ADDITIONAL INFORMATION

Please provide any additional information that you feel would be beneficial to Staff, outside agencies or council in evaluating the application:

These Official Plan amendments are required to bring the City of Kenora's Official Plan in to compliance with amendments to the Planning Act that were made under Bill 23, which received Royal Assent on November 28, 2022. If approved by Council, these additional residential unit policies may not be appealed (Planning Act s.17(24.1)).

14.0 - DIRECTIONS

Please provide directions to the subject property:

N/A – not site-specific

15.0 - SITE HISTORY

What is the current use(s) of the subject land?

N/A – not site-specific

Please state all previous known uses of the subject land.

Has there been an industrial or commercial use on the subject land or adjacent land, any grading change of the property by adding fill or other material, any petroleum or other fuel stored on the subject land or land adjacent to the subject land or is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent site? YES NO

If yes please be specific:

What information did you use to determine the answers to the above questions?

If yes to the above, a soils investigation study including previous use inventory is required, showing all former uses of the subject land, or if appropriate, the adjacent land. This study must be prepared by a qualified consultant.

CONTAMINATION

YES NO UNKNOWN

Has the grading of the subject land been changed by adding earth or other material?

Has a gas station ever been located on the subject land or adjacent land at any time?

Has there been petroleum or other fuel stored on the subject land or adjacent land?

Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (brownfields, industrial waste etc.)?

What information did you use to determine the answers to the above questions? If an environmental assessment has been performed please submit it with the application.

N/A – not site-specific

*If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.

16.0 - SUBSURFACE RIGHTS

Are the subsurface rights and the surface rights to the property held by the same owner? YES NO

If no, who owns the subsurface rights?

N/A – not site-specific _____

If no, please have the owner complete the following declaration:

**AUTHORIZATION FROM THE OWNER OF THE SUBSURFACE RIGHTS
(If subsurface rights are different from the Owner of the lands)**

I, _____, the Owner of the subsurface rights for the subject property, am aware of this application and consent to it. (please print)

(signature)

(date)

(address)

Telephone Number

Facsimile Number

17.0 - SIGNIFICANT FEATURES CHECKLIST

Check through the following list. Indicate under YES, NO or UNKNOWN if a listed feature is on-site or within 500 metres. Indicate under YES, NO or UNKNOWN if a listed development circumstance applies. Be advised of the potential information requirements.

FEATURE OR DEVELOPMENT CIRCUMSTANCE	YES	NO	UNKNOWN	IF YES, PLEASE SPECIFY DISTANCE IN METRES	POTENTIAL INFORMATION NEEDS
Non-farm development near designated urban areas or rural settlement areas			N/A		Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹			N/A		Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²			N/A		Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³			N/A		Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site			N/A		Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant			N/A		Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond			N/A		Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line			N/A		Evaluate impacts within 300 metres.

FEATURE OR DEVELOPMENT CIRCUMSTANCE	YES	NO	UNKNOWN	IF YES, PLEASE SPECIFY DISTANCE IN METRES	POTENTIAL INFORMATION NEEDS
Operating mine site			N/A		Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land			N/A		Have potential impacts been addressed? has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater			N/A		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility			N/A		Determine possible impacts within 200 metres.
High Voltage Transmission Lines			N/A		Consult the appropriate electric power service.
Transportation and Infrastructure corridors			N/A		Will corridor be protected? Noise Study Prepared?
Agricultural Operations			N/A		Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area			N/A		Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations			N/A		Will development hinder continuation of extraction? Noise and Dust Study completed?
Existing Pits and Quarries			N/A		Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources			N/A		Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands			N/A		Provide Environmental Impact Study(EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species			N/A		Provide Environmental Impact Study(EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest			N/A		Provide Environmental Impact Study(EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers			N/A		Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes			N/A		Development should conserve significant built heritage resources and cultural heritage landscapes.

FEATURE OR DEVELOPMENT CIRCUMSTANCE	YES	NO	UNKNOWN	IF YES, PLEASE SPECIFY DISTANCE IN METRES	POTENTIAL INFORMATION NEEDS
Significant Archaeological Resources			N/A		Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels			N/A		Development not permitted
Lands Subject to Flooding and/or Erosions			N/A		Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards			N/A		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains			N/A		Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴			N/A		Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites			N/A		Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites			N/A		Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - Indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography).

18.0 - AFFIDAVIT OR SWORN DECLARATION

I, Kyle Athanasio, ^{as chief Administrative officer} of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 543/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the District of Kenora this 20 day of March in the year 2023

[Signature]
Commissioner of Oaths

Heather L. Pihulak, a Commissioner of Oaths
District of Kenora, while CITY CLERK for the
Corporation of the City of Kenora.

[Signature]
Applicants(s)

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

Date

Applicant(s)

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295.

March 10, 2023



Planning Rationale

1. Introduction

This Planning Rationale outlines the identified housing need in the City of Kenora, recent changes to the Planning Act regarding additional dwelling units as a result of Bill 23, and current and proposed Official Plan policies and Zoning By-law regulations.

The intent of the proposed Official Plan and Zoning By-law amendments is to bring our local policies and regulations in to compliance with the new changes to the Planning Act and to remove regulatory restrictions to make it easier for local residents to add up to two additional dwelling units to residential properties.

2. Housing Need

The 2022-2027 Strategic Plan (City of Kenora: Charting Our Course 2027) identifies housing as one of the top six priorities for the city. Goal 2.1(b) of the Plan is to facilitate opportunities for more and diverse housing development across the housing spectrum.

The City of Kenora has documented local housing need through the *2018 State of Housing Progress Report*, which identified three Problem Statements in regards to housing:

1. There is a lack of multi-residential stock that creates a challenge in improving the standard of living for those with low to moderate incomes and adapting to the growing prevalence of lone-parent households and ageing demographics.
2. The combination of high rental rates and housing prices in private developments and a long waiting list for subsidized housing, creates a risk of homelessness for low income households
3. Kenora's existing housing stock is ageing resulting in higher energy cost and repairs that affect affordability.

In *A Place for Everyone: 10 Year Housing & Homelessness Updated Plan (2020)*, the Kenora District Services Board identified that average market rents in Kenora remain significantly higher than in other local communities, with the waiting list for social housing in the region increasing by 186% between 2011 and 2020 and 1% of the population being identified as homeless in 2018. The Plan recommends as a goal that community housing stock should be increased to meet what is described as an extreme imbalance of current housing stock in relation to need.

The Plan notes that a shortage of available housing stock creates a barrier to economic development, limiting the ability of local economies to grow and respond to market demands. It states that more private-market housing stock is urgently needed in order to recruit professionals.

3. Bill 23: the More Homes Built Faster Act

On November 28, 2022, Bill 23 received assent. Bill 23 made numerous amendments to existing laws with the intention of facilitating new housing development in Ontario. This included amendments to the *Planning Act* to create a new provincial threshold for what is permitted to be built by strengthening the additional residential unit framework.

Specifically, the new amendments permit landowners to add up to two additional residential units “as of right” for land zoned for one home in urban residential areas without requiring a zoning by-law amendment. The additional units can be within the existing residential structure or could take the form of a residence with an in-law, basement suite, plus a laneway or garden home. Zoning by-law standards respecting matters such as height and lot coverage remain and continue to apply.

Bill 23 requires that all official plans and zoning by-laws permit the use of up to two additional residential units in a detached house, semi-detached house, or rowhouse, or one additional residential unit in the house plus one in a separate ancillary building or structure on the same property, on all parcels of urban residential land. There may be no appeal of Official Plan policies or Zoning By-law regulations that are passed to authorize additional residential units on any residential land, urban or rural.

4. City of Kenora Official Plan (2015) – Current Policies

The Official Plan refers to additional dwelling units as secondary dwelling units.

The Official Plan currently prohibits the development of new laneway housing as secondary dwelling units, and designates existing laneway housing as non-conforming (Section 3.16).

The Official Plan sets out the following policies governing secondary dwelling units (Section 3.21):

- a) Secondary dwelling units are permitted in the Established Area, Residential Development Area, Harbourn Centre, and Rural Area designations.
- b) Secondary dwelling units shall be permitted only in detached, semi-detached, duplex, or multiple-attached dwellings. Secondary units shall be permitted in ancillary structures where they are not accessible via public laneway.
- c) Only one secondary dwelling unit may be established per lot.

5. City of Kenora Zoning By-law No. 101-2015 – Current Regulations

Secondary Dwelling units are regulated under section 3.28, which contains the following regulations:

A secondary dwelling (interior) and secondary dwelling (detached) shall be permitted in the R1, R2, and R3 zones subject to the following provisions:

- a) A maximum of one secondary dwelling unit shall be permitted in any single-detached, semidetached, or multiple-attached dwelling, or in an accessory building, provided that:
 - i. It does not change the streetscape character along the road on which it is located
 - ii. It is not a stand-alone, principal unit capable of being severed;
 - iii. It must be located on the same lot as its principal dwelling unit;
 - iv. The principal dwelling and the secondary dwelling must be connected to both municipal water and municipal sewage services.

- b) No secondary dwelling shall be permitted on a lot that is legally non-complying with respect to lot frontage or lot area, or within a building that is a legal non-conforming use.
- c) The doorway entrance that leads to a secondary dwelling is limited to locations on the ground floor only, except where Building and Fire Codes dictate otherwise.
- d) The following shall apply to vehicular access and parking for secondary dwellings:
 - i. Vehicular access shall be provided directly from an open public road, and in no case shall access be permitted from a lane or private road;
 - ii. A secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit;
 - iii. Parking for the secondary dwelling shall be provided in accordance with the parking provisions in this By-law. Notwithstanding this, the required parking may be stacked behind the required parking of the host dwelling in a driveway;
 - iv. The maximum width of a driveway cannot exceed 40% of the lot frontage, or 10 metres, whichever is the lesser.
- e) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
- f) A secondary dwelling shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.

3.28.2 Interior Secondary Dwellings

In addition to Section 3.28.1, where a secondary dwelling (interior) is proposed, the following shall apply:

- a) A secondary dwelling (interior) shall not exceed 40% of the gross floor area of the principal dwelling if any portion of the secondary dwelling is located at or above grade. Except for entrances, any secondary dwelling located entirely in the basement may occupy the entire basement, regardless of size.

3.28.3 Detached Secondary Dwellings

In addition to Section 3.28.1, where a secondary dwelling (detached) is proposed, the following shall apply:

- a) Notwithstanding Section 3.28.1(d), a secondary dwelling (detached) shall not be permitted at or below grade and shall have a minimum gross floor area of 40 m², but shall not exceed 40% of the gross floor area of the principal dwelling.
- b) A designated amenity area of 6 m² shall be provided.
- c) Notwithstanding Section 3.34.1(b), the maximum height of the accessory building in which the secondary dwelling (detached) is located shall be a minimum of 2 metres less than the principal dwelling.
- d) The minimum lot size for a secondary dwelling (detached) shall be 1,000 m².
- e) The maximum setback from a public road is 50 metres.
- f) No secondary dwelling (detached) shall be permitted on a lot with water frontage.

6. Official Plan and Zoning By-law Review

The review of the Official Plan and zoning by-law is currently paused while we await a response from the provincial review of an initial draft of official plan. This review has lasted 17 months so far, and municipal staff have been advised by the Ministry of Municipal Affairs and Housing not to expect a provincial response until late spring. When we do receive comments back, several months will be required to make any necessary changes due to provincial comments, then

conduct statutory public and stakeholder consultations prior to completing a final draft for consideration by Council. The zoning by-law review will not be completed and a new by-law adopted until after the Official Plan is adopted first. This means that it could be close to a year before Kenora's regulations for additional dwelling units are updated if left to be implemented through the review.

7. Recommended new Policies and Regulations

Proposed Official Plan Policy Amendments (Replacing Sections 3.16 and 3.21)

Delete section 3.16 Laneway Housing

Delete current section 3.21 and replace with the following:

3.21 Additional Residential Units

- a) a second residential unit is to be permitted in any detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) a third residential unit is to be permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- c) one additional residential unit is to be permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; and
- d) A second residential unit is to be permitted in any detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house contains any residential units or sleeping quarters; or
- e) One additional residential unit is to be permitted in a building or structure ancillary to a detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if the detached house contains no more than one residential unit and no other building or structure ancillary to the detached house contains any residential units or sleeping quarters.

The benefit of this change is to eliminate the current restriction of one additional residential unit (accessory dwelling unit) per lot in the Settlement Area, thereby enabling a significant increase in the number of available residential rental units in our community through infill and redevelopment. This will:

- help enable the redevelopment of older dwellings
- enable owners of unpermitted accessory units to bring their units into compliance, provided they meet Building Code standards and are otherwise compliant with municipal by-laws
- give more flexibility for new home builders to incorporate revenue generating units,
- increase the supply of rental housing and therefore the range of housing types and tenures needed to meet the needs of a variety of households.
- potentially offset the increased cost of housing,

- help make new home ownership more accessible to first-time homebuyers and homebuyers with limited income due to revenue generating opportunities with the additional units,
- allow older home owners to generate income from rental units or create suites for family members or live-in caregivers, enabling them to remain in their home and “age in place”, and
- help make more efficient use of existing municipal infrastructure (roads, sewers, etc) and public services (schools, parks, public transit, etc) by alleviating the need for new lot development and expansion of existing infrastructure and services to meet housing needs.

Removing the restriction on laneway housing is necessary to honour the intent of the Bill 23 amendments to the Planning Act, as the current restriction effectively eliminates the possibility to create additional residential units in ancillary structures throughout much of the City’s central urban settlement area. The restriction was put in place to alleviate traffic and maintenance demands on residential laneways, but it is already common to have parking spaces off of laneways in many neighbourhoods, Parking for both primary and additional dwelling units may be provided via driveways off of front property lines, but this can be difficult in some areas.

Allowing up to two additional residential units in urban residential land will reflect the requirements of Bill 23. Allowing one additional residential unit on rural residential land is not required by Bill 23, but will help to address the same concerns outlined above. Currently, a single sleep cabin is permitted on rural residential properties, and may include all of the elements of a dwelling with the exception of a kitchen. The proposed policies would enable a sleep cabin to be converted to a residential unit through the addition of a kitchen, but does not permit an additional residential unit if there is already a sleep cabin with sleeping quarters on the property.

Proposed Zoning By-law Regulation Amendments

Delete the definitions of Secondary dwelling (interior) and Secondary dwelling (detached).

Add the following definition of Additional Residential Unit: a self-contained residential unit with private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached or townhouse building. It can be located within the main residential building and/or in an accessory building on the same lot.

Delete Section 3.28 Secondary Dwelling Units and replace with Section 3.28 Additional Residential Units

3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.
- b) A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- c) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.

- d) Additional residential units must be connected to both municipal water and municipal sewage services.

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- b) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.
- c) Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) Additional residential units must be located on the same lot as the principal dwelling unit;
- b) The following shall apply to vehicular access and parking for additional dwelling units:
 - i. An additional residential unit must not eliminate a required parking space for the principal dwelling unit;
 - ii. Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway but must be wholly located within the boundaries of the lot;
- c) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
- d) An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.
- e) An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.

The benefit of implementing these proposed changes is to change our zoning terminology to reflect provincial policies, and to implement regulatory changes that reflect the proposed changes to the Official Plan policies and remove unnecessary restrictions that limit the development of additional residential units while preserving regulations that are necessary to protect municipal interests.

The proposed new regulations will replace existing rules that limited additional residential units to one unit per lot, and align with the provincial requirement that two units be allowed in the urban area. This could include two units within the primary residence or one within the residence and one within an ancillary building or structure, effectively doubling the number of additional residential units permitted in the City of Kenora.

The requirement that the lot must not be legally non-complying with respect to lot frontage or area has been removed, enabling the redevelopment of many undersized lots that exist in the City. The redevelopment will still need to comply with general zoning regulations with respect to such matters as setback requirements, height requirements and lot coverage limits.

The proposed by-law would remove the current restriction on additional residential units from having parking that is accessed off of a lane or private road. This restriction was unique to additional residential units, and applied to no other uses permitted in residential zones. One additional parking space is still required for each additional residential unit, and all applicable general parking regulations that apply to all parking in the City, as set out in section 3.23 of the zoning by-law, will still apply.

The new regulations remove the restriction in the current zoning by-law that an additional residential unit cannot exceed 40% of the gross floor area of the principal dwelling. This restriction was of no benefit to the City of Kenora, and will allow more flexibility in the conversion of dwellings to include an additional dwelling unit.

For additional residential units in ancillary buildings or structures, these new regulations would remove restrictions on the gross floor area and height, creating the opportunity for “small homes” as an additional unit, or unnecessarily constraining the size of additional units when the principal dwelling is a smaller than average home. Ancillary structures must be compliant with the Ontario Building Code. The requirement for a designated amenity area has also been removed, as this is difficult for the City to enforce and is effectively accomplished with current lot coverage restrictions.

The proposed regulations also eliminate the minimum lot size for development of an additional residential unit, as the current 1,000 m² limit effectively eliminates most of Kenora’s central urban settlement area. The maximum setback requirement from a public road and the restriction of additional residential units from waterfront lots is also eliminated. This will make it easier to develop additional residential units on large or rural lots, and remove the necessity of a zoning amendment each time a unit is built on a waterfront lot. The municipality’s primary concern regarding waterfront development is related to water quality. This is being addressed through a requirement that all such units in urban areas be connected to municipal water and sewer, and that all rural units be connected to an approved septic system.

Prepared by the City of Kenora Planning Department



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for an Official Plan Amendment,
File Number D09-23-01, and Zoning By-law Amendment, File Number D14-23-02
Planning Act, R.S.O 1990, c.P13, s. 17 and 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Sections 17 and 34 of the *Planning Act*, to consider City-initiated Official Plan Amendment as it pertains to the City of Kenora Official Plan, Council Adoption May 19, 2015, Ministerial Approval November 5, 2015 (By-law No. 75-2015), and a City-initiated Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, as amended, at the following time and location:

**Statutory
Public Meeting**

When: Wednesday, April 12th, 2023, at 12:00 noon.

Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

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 Wednesday, April 19th, 2023 at 5:00 p.m.

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

PAC Open House

When: Tuesday, March 21st, 2023 at 6:00 p.m.

Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at planning@kenora.ca.

Be Advised that the Corporation of the City of Kenora considered the Official Plan Amendment and Zoning By-law Amendment applications to be complete on February 21st, 2023.

Purpose and Effect:

The purpose and effect of the Official Plan Amendment is to update policies for Additional Residential Units (formerly referred to as Secondary Dwelling Units), to bring policies into compliance with recent amendments to the *Planning Act* made by Bill 23, More Homes Built Faster Act, by:

- Deleting Section 3.16 Laneway Housing, and
- Replacing section 3.21 Secondary Dwelling Units with section 3.21 Additional Residential Units, to permit up to two additional residential units for dwellings in urban areas and one additional residential unit for dwellings in rural areas.

The purpose and effect of the Zoning By-law Amendment is to:

- Amend Section 2 Definitions to delete the definitions for “Secondary Dwelling (Interior)” and “Secondary Dwelling (Exterior), and add a new definition for “Additional Residential Unit”;
- Delete the current section 3.28 Secondary Dwelling Units and replace with a new section 3.28 Additional Residential Units, as follows:

3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.
- b) A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- c) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.
- d) Additional residential units must be connected to both municipal water and municipal sewage services.

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- b) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.

- c) Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) Additional residential units must be located on the same lot as the principal dwelling unit;
- b) The following shall apply to vehicular access and parking for additional dwelling units:
 - i. An additional residential unit must not eliminate a required parking space for the principal dwelling unit;
 - ii. Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway, but must be wholly located within the boundaries of the lot;
- c) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
- d) An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.
- e) An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.

Description of the Lands: As all lands within the City of Kenora are affected by the proposed City-initiated amendments to the Official Plan (By-law No. 75-2015) and Zoning By-law (By-law No. 101-2015), no key map is provided.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, April 7th, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Numbers: **D09-23-01** and/or **D14-23-02**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the PAC Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, March 17th, 2023 and quote File Numbers: **D09-23-01** and/or **D14-23-02**. To register by phone please call: 807-467-2152.
- c. **Register to Speak at the Statutory Public Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, April 7th, 2023 and quote File Numbers: **D09-23-01** and/or **D14-23-02**. To register by phone please call: 807-467-2152.

Failure To Make Oral Or Written Submission: If a person or a 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 amendment is passed:

- a. 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 Ontario Land Tribunal.
- b. the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land 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 Zoning By-Law Amendment 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 Alberic Marginet, Associate Planner, if you require more information: Tel: 807-467-2152 or Email: planning@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 24th of February, 2023



April 12, 2023

Staff Report

File No.: D14-23-02

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: Application for Zoning By-law Amendment

Location: City-wide

Applicant: City of Kenora

Recommendation

That Council hereby approves the Application for Zoning By-law Amendment, File No. D14-23-02, to replace existing definition and regulations for Secondary Dwellings with a definition and regulations for Additional Residential Units; and further

That Council gives three readings to a by-law to that effect.

1. Introduction

The City of Kenora Planning Department is proposing to amend the Zoning By-law No. 101-2015, to implement the policies being proposed under the associated Official Plan amendment (D09-23-01), and remove or update regulations that unnecessarily restrict development of additional residential units.

2. Description of Proposal

The purpose and effect of the Zoning By-law Amendment is to implement the associated Official Plan Amendment by:

- Amending Section 2 Definitions to delete the definitions for "Secondary Dwelling (Interior)" and "Secondary Dwelling (Exterior)", and add a new definition for "Additional Residential Unit", as follows:

Additional Residential Unit: A self-contained residential unit with private kitchen, bathroom facilities, and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached, or multiple attached dwelling. It can be located within the main residential building and/or in an accessory building on the same lot, and has a smaller gross floor area than the primary residential unit.

- Replace all references to "Secondary Dwelling (Interior)" and "Secondary Dwelling (Exterior)" with "Additional Residential Unit" throughout the by-law.
- Deleting the current section 3.28 Secondary Dwelling Units and replacing it with a new section 3.28 Additional Residential Units, as follows:

3.28 Additional Residential Units

3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, the R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.*
- b) A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.*
- c) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.*
- d) Additional residential units must be connected to both municipal water and municipal sewage services.*

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.*
- b) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.*
- c) Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.*

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) Additional residential units must be located on the same lot as the principal dwelling unit;*
- b) The following shall apply to vehicular access and parking for additional dwelling units:*
 - i. An additional residential unit must not eliminate a required parking space for the principal dwelling unit;*

- ii. Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway, but must be wholly located within the boundaries of the lot;*
- c) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.*
- d) An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.*
- e) An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.*

The regulations under proposed section 3.28.1 are intended to implement policies 3.21 (a) through 3.21 (c) of the associated Official Plan amendment. Additionally, they require that all additional residential units in the urban area must be connected to municipal sewer and water, as is required under the existing regulations.

The regulations under proposed section 3.28.2 are intended to implement policies 3.21 (d) and 3.21 (e) of the proposed Official Plan amendment. Additionally, they require that additional residential units in the rural area must be serviced by approved sewer and water services. It is important to note that in rural areas, a detached additional residential unit is only permitted if no other accessory structures contain a residential unit or sleeping quarters. Sleep cabins are currently permitted in rural zones, and could be converted to a residential unit through addition of a kitchen, but an additional residential unit may not be added if a sleep cabin is already located on a property.

The general regulations under proposed section 3.28.3 are intended to apply to both rural and urban areas. They are intended to ensure that it is clear that detached units must be on the same lot as the primary dwelling (3.28.3(a)) and that parking is provided on the property (3.28.3(b)).

3.28.3(c) is an existing regulation that is being carried forward to these proposed new regulations, and clarifies that additional residential units are not included in density calculations. This is primarily a consideration in urban areas, where certain Official Plan policies and zone regulations are tied to density. For example, large portions of the urban area are designated as Established Area under the Official Plan, and requiring a zoning amendment if the number of dwellings exceeds 40 units/net hectare. Any more than two dwellings on a typical residential lot would exceed this density calculation. This would go against the spirit and intent of the recent Planning Act amendments under Bill 23.

3.28.3(d) is another existing regulation being carried forward, which clarifies that additional residential units may not be developed in addition to other, similar uses that similarly add additional residential living spaces on a property.

3.28.3(e) clarifies that accessory structures containing additional residential units are subject to the same zoning regulations that apply to other accessory structures on a

property, and prevents the redevelopment of existing non-compliant accessory structures into additional residential units.

Other references to “secondary dwelling units” elsewhere in the Zoning By-law will also be updated to refer to “additional residential units”.

3. Existing Conditions

As the proposed amendments are not site-specific, information regarding existing conditions of specific lands is not applicable.

4. Site Visit

As the applications affect all lands within the applicable zones in the City of Kenora, a site visit was not conducted.

5. Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The PPS states that healthy, livable, and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons)... to meet long-term needs (Policy 1.1.1). In rural areas, permitted uses include residential development that is locally appropriate (Policy 1.1.5.2).

The PPS requires that planning authorities provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, and all types of residential intensification, including additional residential units. (Policy 1.4.3).

The PPS policies state that long-term economic prosperity should be supported, in part, by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (Policy 1.7.1).

b) City of Kenora Official Plan (2015)

To ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants to the housing market, the City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to more flexible zoning, and permitting Secondary Dwelling Units (Policy 3.2).

Details of the amendments being proposed for the Official Plan under application D09-23-01 may be found in associated report.

c) Zoning By-law No. 101-2015

Secondary Dwelling units are regulated under section 3.28, which contains the following regulations. Notations have been added to indicate which regulations are being carried forward, amended, or deleted in the proposed new regulations. In the case of regulations being carried forward, some are being implemented differently, such as through clarifying language under Definitions.

3.28.1 General

A secondary dwelling (interior) and secondary dwelling (detached) shall be permitted in the R1, R2, and R3 zones subject to the following provisions: [Amended to add the SH zone]

- a) *A maximum of one secondary dwelling unit shall be permitted in any single-detached, semidetached, or multiple-attached dwelling, or in an accessory building, provided that:*
 - i. *It does not change the streetscape character along the road on which it is located [Deleted – required subjective assessment]*
 - ii. *It is not a stand-alone, principal unit capable of being severed; [Carried Forward (Definition for Additional Residential Unit)]*
 - iii. *It must be located on the same lot as its principal dwelling unit; [Carried Forward (Definition for Additional Residential Unit)]*
 - iv. *The principal dwelling and the secondary dwelling must be connected to both municipal water and municipal sewage services. [Carried Forward]*
- b) *No secondary dwelling shall be permitted on a lot that is legally non-complying with respect to lot frontage or lot area, or within a building that is a legal non-conforming use. [Deleted – eliminated many older lots]*
- c) *The doorway entrance that leads to a secondary dwelling is limited to locations on the ground floor only, except where Building and Fire Codes dictate otherwise. [Deleted – added difficulty to designing some units, such as second-floor units over garages]*
- d) *The following shall apply to vehicular access and parking for secondary dwellings:*
 - i. *Vehicular access shall be provided directly from an open public road, and in no case shall access be permitted from a lane or private road; [Deleted – unnecessarily restrictive. Access and parking requirements will be the same as for any other residential use under the by-law's section 3.23 Parking]*
 - ii. *A secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit; [Carried Forward]*
 - iii. *Parking for the secondary dwelling shall be provided in accordance with the parking provisions in this By-law. Notwithstanding this, the required parking may be stacked behind the required parking of the host dwelling in a driveway; [Carried Forward]*
 - iv. *The maximum width of a driveway cannot exceed 40% of the lot frontage, or 10 metres, whichever is the lesser. [Deleted - Conflicts with Parking regulations, which limits driveway width to 6m in R1 and R2 zones]*

- e) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts. *[Carried Forward]*
- f) A secondary dwelling shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed. *[Carried Forward]*

3.28.2 Interior Secondary Dwellings

In addition to Section 3.28.1, where a secondary dwelling (interior) is proposed, the following shall apply:

- a) A secondary dwelling (interior) shall not exceed 40% of the gross floor area of the principal dwelling if any portion of the secondary dwelling is located at or above grade. Except for entrances, any secondary dwelling located entirely in the basement may occupy the entire basement, regardless of size. *[Deleted (not permitted under Bill 23)]*

3.28.3 Detached Secondary Dwellings

In addition to Section 3.28.1, where a secondary dwelling (detached) is proposed, the following shall apply:

- a) Notwithstanding Section 3.28.1(d), a secondary dwelling (detached) shall not be permitted at or below grade *[Deleted – makes it difficult to incorporate units in basements, or on sloping lots]* and shall have a minimum gross floor area of 40 m², but shall not exceed 40% of the gross floor area of the principal dwelling. *[Deleted - not permitted under Bill 23]*
- b) A designated amenity area of 6 m² shall be provided. *[Deleted – difficult to regulate and accomplished with limits on lot coverage %]*
- c) Notwithstanding Section 3.34.1(b), the maximum height of the accessory building in which the secondary dwelling (detached) is located shall be a minimum of 2 metres less than the principal dwelling. *[Deleted – makes it difficult to develop detached dwellings on sloping properties or on lots with 2+ storey dwellings]*
- d) The minimum lot size for a secondary dwelling (detached) shall be 1,000 m². *[Deleted – made it impossible to develop detached dwellings on most residential lots]*
- e) The maximum setback from a public road is 50 metres. *[Deleted – made it difficult to develop detached dwellings on many rural properties]*
- f) No secondary dwelling (detached) shall be permitted on a lot with water frontage. *[Deleted – eliminated a significant portion of both urban and rural lots]*

These current regulations were structured around the current Official Plan policies, with their limit of one unit per lot and restriction on laneway housing. While the current Official Plan policies supported secondary dwelling units in Rural Areas, that policy was never implemented in the Zoning By-law, which restricted secondary units to the R1, R2, and R3 zones. The SH Small Home Zone was added to the by-law in 2019, but secondary dwelling unit regulations weren't updated at that time, and as an urban residential zone it must allow for additional residential units.

In addition to the restriction on laneway housing, there are other current regulations that may be seen as unreasonably restrictive and being in conflict with Bill 23 and the proposed new Official Plan policies. This includes restricting detached units to lots of 1,000m², which eliminated the majority of residential lots in the urban area, where a typical residential lot (originally surveyed at 50' x 120') is approximately half that size (557 m²). Other broadly limiting regulations include restricting detached units from undersized lots and from waterfront lots, which eliminates large numbers of lots throughout the City.

General regulations elsewhere in the by-law pertaining to all accessory structures will still apply, meaning that individual accessory structures are limited to 10% of the area of a lot and total lot coverage in urban residential zones is limited to 40%. Additionally, detached accessory structures are not permitted in waterfront front yards, which ranges in depth from 7.5m in urban zones to 20m in the BSL zone (or 1m in all zones, if there is also a 20m shoreline public reserve between the lot and the water).

Similarly, the requirement for amenity areas is not being carried forward as it singled out additional residential units without applying the same requirement to duplexes and other situations where eight or fewer residential units are on the same property. Lot coverage restrictions require that at least 60% of urban residential lots remain clear of structures.

Regulations that served no clear purpose or benefit have been removed under the same by-law. This includes requiring the height of an accessory unit to be within 2m of the height of the primary dwelling, limiting entrances to the ground floor only, and restricting residences in accessory structures from being located below grade, all of which can be particularly troublesome on the sloping lots that are common in Kenora. Also proposed for removal is the requirement that additional units “not change the streetscape character”, which requires a subjective assessment or opinion that is all but impossible to regulate. The requirement that detached units must be within 50m of a public road was irrelevant in most urban areas and unnecessarily restrictive for large rural lots.

Regulations that were seen as beneficial have been carried through to the new regulations.

6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on March 3rd, 2023. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Development	No concerns
Fire and Emergency Services	No concerns

Roads	No concerns
Water/ Wastewater	No concerns
Bell Canada	No concerns
Synergy North	<p>No concerns, but re-iterate their conditions of service:</p> <p><i>In the City of Kenora, all new lots created by severance or subdivision shall be serviced as approved by the City of Kenora's requirements.</i></p> <p><i>Where practical, there shall be only one Supply Point to each land parcel. In all cases, there shall be only one service to a building.</i></p> <p><i>In circumstances where multiple services are installed to a building and one service is to be upgraded, the upgraded service will replace all existing services.</i></p> <p><i>Under special conditions, where SYNERGY NORTH determines feasible, a second service may be allowed to a second unattached building on the same property. This service will be at full cost to the Customer. The total amperage under this condition on a single land parcel will not exceed 300-amps. For semi-detached buildings with required fire separation, there may also be two services.</i></p> <p><i>Residential services will include all services up to and including 400-amp, 120/240 V single-phase 3-wire. Residential Customers requiring an electrical service greater than 400-amp single-phase 120/240 V, shall be treated the same as General Service in Section 3.2 or 3.3 as applicable. In some cases, at the sole discretion of SYNERGY NORTH, a 600-amp single phase service may be considered.</i></p>

7. Public Comments

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was published in the Municipal Memo of the Newspaper on March 16th, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation for the application to Council at the meeting on March 21st, 2023. The minutes and relevant resolution from this meeting are attached. Please note that both the zoning amendment and the associated Official Plan amendment were considered under a single report. The report has been separated for the public meeting, to more clearly differentiate the two sets of amendments.

As of the date of this report, three sets of comments have been received from one person and are attached to this report with identifying information redacted. It expresses concern regarding the regulation of additional residential units in rural areas with respect to density provisions, ownership, sizes, location on waterfront lots. The writer recommends against permitting additional residential units in the RR and BSL zones.

8. Evaluation

Zoning regulations implement the policies of the Official Plan. In some areas the policies provide clear guidance, such as in regards to the number of units to be permitted in urban and rural zones. In others, the spirit and intent of the policies must be considered. Regulations that single out additional residential units without applying the same standards of similar types of development appear not to reflect the intent of the policies or, and could even be seen as exclusionary or even discriminatory.

Other zoning regulations have little or not directly relationship to the policies of the Official Plan. In reviewing the existing secondary dwelling regulations and proposing the new additional residential unit regulations, the Planning Department has attempted to maintain regulations that are seen as having a significant benefit while removing or amending those that were seen as having little or no benefit.

The primary intent of these amendments is to facilitate new development, but we know that units have been developed without permits in both urban and rural areas of the City, in part because homeowners are discouraged by restrictive regulations or intimidated by the need for variances or zoning amendments. We hope that the new regulations may encourage some of these property owners to obtain the necessary permits, so that we can be assured these units meet Ontario Building Code standards and are safe for their inhabitants.

The current Official Plan states that secondary dwellings (additional residential units) are permitted in rural areas, but this policy hasn't previously been implemented in the zoning by-law. As a result, the City of Kenora has been requiring that such dwellings be approved through a Minor Variance application, which is a questionable use of that process. Uses of property are generally considered to be outside the scope of what can be approved under a variance. For units on waterfront properties in both urban and rural areas, a zoning amendment has been required, which adds expense, time, and public scrutiny to any proposal.

The new regulations require that any new additional residential units in rural areas must be connected to a septic system that is approved by the Northwestern Health Unit. This will ensure that the water quality of our lakes is protected, and is consistent with our approach to similar redevelopment of any rural property, such as when a seasonal dwelling is replaced with a permanent dwelling, or when an addition is made to an existing dwelling. The Northwestern Health Unit acts as Chief Building Official for approving all septic systems in the City of Kenora.

We heard concerns at the Planning Advisory Committee meeting and received three letters from a single member of the public with concerns regarding the design and inspection of septic systems in rural areas. It may be advisable to consult with the Northwestern Health Unit and the public as we review our general policies and regulations in the ongoing review of our Official Plan and zoning by-law, but it would be unfair to use such concerns as reason to prevent development of additional residential units without putting a similar moratorium on all other developments requiring private septic systems.

For any development adjacent to designated environmental areas such as provincially significant wetlands or Black Sturgeon Lake, Site Plan Control approval is and will

continue to be required for new development, including new detached additional residential units.

If Council has concerns regarding permitting new additional residential units in ancillary structures or allowing conversion of sleep cabins to additional residential units on rural waterfront lots where septic systems are required, an option is to add an additional regulation for rural areas as follows:

3.28.2 (d) No additional residential unit is permitted in any ancillary building on a waterfront property in a rural area.

If Council chooses to make this amendment, the matter may be further considered as part of the ongoing review of the Official Plan and Zoning By-law.

Attachments

- Complete Application for Zoning By-law Amendment
- Planning Rationale
- Notice of Application and Public Meeting
- Minutes of the Planning Advisory Committee meeting of March 21st, 2023
- Planning Advisory Committee Resolution
- Draft By-law



City of Kenora
Application for Amendment to Zoning By-law or Temporary Use
 Section 34 or 39 of the Planning Act & Ontario Regulation 545/06 (as amended)

OFFICE USE ONLY

Date Stamp - Date Received:	File Number: <u> D14-23-02 </u> Roll Number: <u> N/A </u> Application Fee Paid: \$ <u> </u> Application Deemed Complete (Date): <u> 21 Feb 2023 </u>
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1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

-
- Pre-consultation meeting
- 1 original copy of the completed application form
- The required application fee of \$1250.00 as per the schedule of fees By-law
- The required deposit for notification costs of \$1400.00 as per the schedule of fees By-law
- Planning Rationale
- Site Plan Sketch
- Copies of required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - City of Kenora Application for:

Zoning By-law Amendment s.34
 Temporary Use By-law s.39

3.0 – Concurrent Applications Filed

<input checked="" type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Site Plan Application
<input type="checkbox"/> Minor Variance/Permission	<input type="checkbox"/> Consent Application
<input type="checkbox"/> Subdivision Application	<input type="checkbox"/> Other: _____

4.0 Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description				
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot				
Part Numbers(s)				
Tax Roll Number	6016			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				
PIN				
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input type="checkbox"/> Person(s) <input checked="" type="checkbox"/> Company: <u>The Corporation of the City of Kenora</u>			
Registered Land Owner	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
	1	Main Street South	P9N 3X2	
City	Kenora		Province Ontario	
Contact Information	Phone: 807 467 2000		2nd Phone or Fax:	
Email				
Acquisition Date of Subject Land	N/A			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name				
Name	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:		Fax:	
Email				
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company				
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				
5.0 Please list the reports/studies that will accompany this application				
None				

6.0 – Current Zoning (Please see www.kenora.ca/planning for schedules/maps)

What is the current zoning of the subject land under Zoning By-law No. 101-2015 as amended?

N/A – not site-specific

7.0 – Proposed Zoning

What proposed zone or zones are you seeking for the subject land?

N/A – not site-specific

8.0 – Nature of Proposal (Brief Description – use rationale to provide detail)

Please describe the reasons (purpose) and nature/extent of the proposed rezoning or temporary use request:

**Indicate if application is for the removal of a holding provision (H Symbol)*

The purpose of the proposed amendments is to update zoning regulations to reflect more current terminology, replacing references to “secondary dwelling units” with “additional residential units”, and to update associated regulations to align with proposed changes to the Official Plan and the recent Bill 23 amendments to the *Planning Act*.

The proposed regulations will allow up to two additional residential units on every urban property that currently contains a detached house, semi-detached house, or rowhouse and which is currently zoned for residential use, and one additional residential unit on rural properties. Certain zoning requirements will still apply, but the new regulations will make it much easier to add additional residential units in the City, and to bring currently unpermitted units in to compliance with the zoning by-law. Detailed proposed regulations are provided in the Planning Rationale.

9.0 – Reason for Zoning Amendment or Temporary Use By-law

Please describe why it is not possible to comply with the provision of Zoning By-law No. 101-2015 as amended:

Additional residential units will help ease the housing need that has been identified in the City of Kenora, and will bring our zoning by-law into compliance with amendments to the Planning Act made under Bill 23, which received Royal Assent on November 28, 2022. Those amendments require that all official plans and zoning by-laws permit the use of up to two additional residential units in a detached house, semi-detached house, or rowhouse, or one additional residential unit in the house plus one in a separate ancillary building or structure on the same property.

10.0 – Height and Density

Is the subject land located in an area of the City which has pre-determined minimum and maximum requirements for height and density other than those set out in the Zoning By-law?

Yes

No (N/A – not site-specific)

If yes, please provide a statement of those requirements:

11.0 – Area of Settlement

Does the rezoning alter the boundaries of an existing area of settlement or require a new area of settlement to be implemented?

The Settlement Area is explained in section 1.4 off the Official Plan and identified on Schedule A of the Plan.

Yes

No

If yes, please provide the current Official Plan policies, if any, dealing with the alteration or establishment of an area of settlement:

12.0 – Employment Lands

Will the application remove land from an area of employment?

An area of employment means those areas designated in the Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Yes

No

If yes, please provide the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

13.0 – Official Plan Context (*Please see www.kenora.ca/planning for schedules/maps*)

a) What is the Official Plan Land Use Designation of the Subject Land?

N/A – not site-specific

b) How does the proposed zoning amendment or temporary use comply with the Official Plan?

The proposed amendments reflect and enact the policy amendments being proposed under concurrent Official Plan amendment application D09-23-01.

c) Is the subject land within an area where zoning with conditions applies?

Yes

No

If answer to question (c) is yes, please provide an explanation of how the proposed amendment or temporary use complies with the Official Plan Policies relating to zoning with conditions.

Existing use of the subject land:

N/A – not site-specific

Proposed use of the subject land:

Length of time existing uses have continued:

14.0 – Site Suitability

Are the subject lands a suitable site and location for the requested zone(s) and what are the physical characteristics of the subject land?

N/A – not site-specific

15.0 – Surrounding Land Uses

Is the requested zone compatible with surrounding land uses? In what way?

N/A – not site-specific

16.0 Access

Type of Access:

- | | | |
|----------------------------------------------------|---------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Municipal maintained road | <input type="checkbox"/> Seasonally maintained municipal road | <input type="checkbox"/> Provincial highway |
| <input type="checkbox"/> Private road or laneway | <input type="checkbox"/> Water * | <input type="checkbox"/> Other public road |

N/A – not site-specific

* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

17.0 – Water Supply

Subject Property Water Supply:

- Municipal water Private well Communal well
 Lake Other: N/A – not site-specific

18.0 – Sewage Disposal

Subject Property Sewage Disposal:

- Municipal sewer system/field Private septic system/field Communal septic system/field
 Privy Other: N/A – not site-specific

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent produced per day as a result of the development being completed, you are required to provide:

- A servicing options report; and
- A hydrogeological report

19.0 – Other Applications Under the Planning Act

Is the subject land, or land within 120 metres of the subject lands, the focus of any other applications under the planning act or has the subject property been subject to an application in the past?

- Yes No

If yes, please indicate which applications are being undertaken:

		File No.:	Status:
	Draft Plan of Subdivision		
	Condominium Description		
X	Official Plan Amendment	File No.:D14-23-02	Status: Active (concurrent)
	Zoning By-law Amendment		
	Minister's Zoning Amendment		
	Site Plan Application		
	Consent		
	Minor Variance		
	Part Lot Control		
	Other (Please Specify)		

If you answered yes to any of the above, please describe the land the "other" application affects, the purpose of that application, and the effect that application will have on the amendment requested through this application:

Official Plan amendment D09-23-01 is intended to implement new policies for additional residential units to bring City of Kenora policies in to compliance with recent amendments to the Planning Act as a result of Bill 23

20.0 – Site Structures

Existing Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

Proposed Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

21.0 - Sketch

A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. The sketch or site plan must clearly demonstrate:

- (a) the boundaries and dimensions of the subject land;
- (b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- (c) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (d) the current uses of land that is adjacent to the subject land;
- (e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (f) if access to the subject land will be by water only, the location of the parking and docking facilities to be used; and
- (g) the location and nature of any easement affecting the subject land.

All necessary information must be contained on one single sketch or site plan. Please see section 27.0 for a sample sketch.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format.

Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

22.0 – Is the plan consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2020 Provincial Policy Statement (PPS).

The following PPS policies are supportive of providing for additional dwelling units:

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

- b) accommodating an appropriate range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment..., institutional..., recreation, park and open space, and other uses to meet long-term needs;

Policy 1.4.3: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

- 2. all types of residential intensification, including additional residential units, and redevelopment...

23.0 – Additional Information

Please provide any additional information that you feel would be beneficial to Staff, outside agencies or Council in evaluating the application:

These zoning amendments are required to implement proposed amendments to the Official Plan, which in turn is being brought into compliance with amendments to the Planning Act that were made under Bill 23, which received Royal Assent on November 28, 2022. If approved by Council, these additional residential unit regulations may not be appealed (Planning Act s.34(19.1)).

24.0 - Directions

Please provide directions to the subject property:

N/A – not site-specific

25.0 – Site History

What is the current use(s) of the subject land:

N/A – not site-specific

Please state all previous known uses of the subject land:

Has there been an industrial, commercial use or a gas station on the subject land or adjacent land, any grading change of the property by adding fill or other material, any petroleum or other fuel stored on the subject land or land adjacent to the subject land or is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent site?

Yes

No

If yes please be specific:

What information did you use to determine the answers to the above questions?

*If yes to the above, a soils investigation study including previous use inventory is required, showing all former uses of the subject land, or if appropriate, the adjacent land. This study must be prepared by a qualified consultant.

26.0 Contamination	Yes	No	Unknown
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Has the grading of the subject land been changed by adding earth or other material?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has a gas station ever been located on the subject land or adjacent land at any time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has there been petroleum or other fuel stored on the subject land or adjacent land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (i.e. brownfields, industrial waste, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What information did you use to determine the answers to the above questions?
 If an environmental assessment has been performed please submit it with the application.

N/A – not site-specific

*If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial, or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.

27.0 – Subsurface Rights

Are the subsurface rights and the surface rights to the property held by the same owner?

Yes No

If no, who owns the subsurface rights?

If no, please have the owner complete the following declaration (Section 27.1):

27.1 Authorization from the Owner of the Subsurface Rights (If subsurface rights are different from the Owner of the lands)

I, _____, the Owner of the subsurface rights for the subject property, am aware of this application and consent to it. (please print)

_____ (signature) _____ (date)

_____ (address)

_____ Telephone Number _____ Email address

28.0 – Significant Features Checklist

Check through the following list. Indicate under Yes, No or Unknown if a listed feature is on-site or within 500 metres. Indicate under Yes, No or Unknown if a listed development circumstance applies. Be advised of the potential information requirements.

Feature or Development Circumstance	Yes	No	Don't Know	If yes, specify distance in metres (m)	Potential Information Needs
Non-farm development near designated urban areas or rural settlement areas			N/A		Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹			N/A		Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²			N/A		Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³			N/A		Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site			N/A		Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant			N/A		Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond			N/A		Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line			N/A		Evaluate impacts within 300 metres.
Operating mine site			N/A		Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land			N/A		Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater			N/A		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility			N/A		Determine possible impacts within 200 metres.
High Voltage Transmission Lines			N/A		Consult the appropriate electric power service.
Transportation and Infrastructure corridors			N/A		Will corridor be protected? Noise Study Prepared?
Agricultural Operations			N/A		Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area			N/A		Will development hinder access to the resource or the establishment of new resource operations?

Feature or Development Circumstance	Yes	No	Don't Know	If yes, specify distance in metres (m)	Potential Information Needs
Mineral Aggregate Operations			N/A		Will development hinder continuation of extraction? Noise and Dust Study completed?
Existing Pits and Quarries			N/A		Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources			N/A		Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands			N/A		Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species			N/A		Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest			N/A		Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers			N/A		Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes			N/A		Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources			N/A		Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels			N/A		Development not permitted
Lands Subject to Flooding and/or Erosions			N/A		Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards			N/A		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains			N/A		Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴			N/A		Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites			N/A		Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites			N/A		Assess and inventory of previous uses in areas of possible contamination.

⁴Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.
³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.
⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

29.0 – Authorization of Agent or Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We _____, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize _____ to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application .

 Date

 Signature of owner(s)

 Name and Signature of Witness

30.0 – Affidavit or Sworn Declaration

I, Kyle Attanasio of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the District of Kenora this 20 day of March in the year 2023

(Signature)
 Commissioner of Oaths

Heather L. Pihulak, a Commissioner of Oaths
 District of Kenora, while CITY CLERK for the
 Corporation of the City of Kenora.

 Applicant(s) Signature

31.0 – Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Planning Advisory Committee.

I/We, _____ being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

_____	_____
Date	Owner(s) Signature

32.0 – Undertaking for Ontario Land Tribunal

Where if the City of Kenora chooses to support the Application for Zoning By-law Amendment

I/We undertake to pay, in accordance with By-Law 156-2021, as amended of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including all disbursements of the City, to full cost recovery in respect of preparation for and attendance at a Ontario Land Tribunal hearing, until the matter is finally resolved by the said Tribunal.

It is hereby acknowledged that “hearing” shall include all attendances before the Tribunal in respect of the said application whether in person, telephone conference call or other means as directed by the Tribunal.

Dated, in the City of Kenora this _____ day of _____, _____

Signature of Applicant or Authority to bind Corporation

Please print name

Signature of Witness

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295.

March 10, 2023



Planning Rationale

1. Introduction

This Planning Rationale outlines the identified housing need in the City of Kenora, recent changes to the Planning Act regarding additional dwelling units as a result of Bill 23, and current and proposed Official Plan policies and Zoning By-law regulations.

The intent of the proposed Official Plan and Zoning By-law amendments is to bring our local policies and regulations in to compliance with the new changes to the Planning Act and to remove regulatory restrictions to make it easier for local residents to add up to two additional dwelling units to residential properties.

2. Housing Need

The 2022-2027 Strategic Plan (City of Kenora: Charting Our Course 2027) identifies housing as one of the top six priorities for the city. Goal 2.1(b) of the Plan is to facilitate opportunities for more and diverse housing development across the housing spectrum.

The City of Kenora has documented local housing need through the *2018 State of Housing Progress Report*, which identified three Problem Statements in regards to housing:

1. There is a lack of multi-residential stock that creates a challenge in improving the standard of living for those with low to moderate incomes and adapting to the growing prevalence of lone-parent households and ageing demographics.
2. The combination of high rental rates and housing prices in private developments and a long waiting list for subsidized housing, creates a risk of homelessness for low income households
3. Kenora's existing housing stock is ageing resulting in higher energy cost and repairs that affect affordability.

In *A Place for Everyone: 10 Year Housing & Homelessness Updated Plan (2020)*, the Kenora District Services Board identified that average market rents in Kenora remain significantly higher than in other local communities, with the waiting list for social housing in the region increasing by 186% between 2011 and 2020 and 1% of the population being identified as homeless in 2018. The Plan recommends as a goal that community housing stock should be increased to meet what is described as an extreme imbalance of current housing stock in relation to need.

The Plan notes that a shortage of available housing stock creates a barrier to economic development, limiting the ability of local economies to grow and respond to market demands. It states that more private-market housing stock is urgently needed in order to recruit professionals.

3. Bill 23: the More Homes Built Faster Act

On November 28, 2022, Bill 23 received assent. Bill 23 made numerous amendments to existing laws with the intention of facilitating new housing development in Ontario. This included amendments to the *Planning Act* to create a new provincial threshold for what is permitted to be built by strengthening the additional residential unit framework.

Specifically, the new amendments permit landowners to add up to two additional residential units “as of right” for land zoned for one home in urban residential areas without requiring a zoning by-law amendment. The additional units can be within the existing residential structure or could take the form of a residence with an in-law, basement suite, plus a laneway or garden home. Zoning by-law standards respecting matters such as height and lot coverage remain and continue to apply.

Bill 23 requires that all official plans and zoning by-laws permit the use of up to two additional residential units in a detached house, semi-detached house, or rowhouse, or one additional residential unit in the house plus one in a separate ancillary building or structure on the same property, on all parcels of urban residential land. There may be no appeal of Official Plan policies or Zoning By-law regulations that are passed to authorize additional residential units on any residential land, urban or rural.

4. City of Kenora Official Plan (2015) – Current Policies

The Official Plan refers to additional dwelling units as secondary dwelling units.

The Official Plan currently prohibits the development of new laneway housing as secondary dwelling units, and designates existing laneway housing as non-conforming (Section 3.16).

The Official Plan sets out the following policies governing secondary dwelling units (Section 3.21):

- a) Secondary dwelling units are permitted in the Established Area, Residential Development Area, Harbourn Centre, and Rural Area designations.
- b) Secondary dwelling units shall be permitted only in detached, semi-detached, duplex, or multiple-attached dwellings. Secondary units shall be permitted in ancillary structures where they are not accessible via public laneway.
- c) Only one secondary dwelling unit may be established per lot.

5. City of Kenora Zoning By-law No. 101-2015 – Current Regulations

Secondary Dwelling units are regulated under section 3.28, which contains the following regulations:

A secondary dwelling (interior) and secondary dwelling (detached) shall be permitted in the R1, R2, and R3 zones subject to the following provisions:

- a) A maximum of one secondary dwelling unit shall be permitted in any single-detached, semidetached, or multiple-attached dwelling, or in an accessory building, provided that:
 - i. It does not change the streetscape character along the road on which it is located
 - ii. It is not a stand-alone, principal unit capable of being severed;
 - iii. It must be located on the same lot as its principal dwelling unit;
 - iv. The principal dwelling and the secondary dwelling must be connected to both municipal water and municipal sewage services.

- b) No secondary dwelling shall be permitted on a lot that is legally non-complying with respect to lot frontage or lot area, or within a building that is a legal non-conforming use.
- c) The doorway entrance that leads to a secondary dwelling is limited to locations on the ground floor only, except where Building and Fire Codes dictate otherwise.
- d) The following shall apply to vehicular access and parking for secondary dwellings:
 - i. Vehicular access shall be provided directly from an open public road, and in no case shall access be permitted from a lane or private road;
 - ii. A secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit;
 - iii. Parking for the secondary dwelling shall be provided in accordance with the parking provisions in this By-law. Notwithstanding this, the required parking may be stacked behind the required parking of the host dwelling in a driveway;
 - iv. The maximum width of a driveway cannot exceed 40% of the lot frontage, or 10 metres, whichever is the lesser.
- e) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
- f) A secondary dwelling shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.

3.28.2 Interior Secondary Dwellings

In addition to Section 3.28.1, where a secondary dwelling (interior) is proposed, the following shall apply:

- a) A secondary dwelling (interior) shall not exceed 40% of the gross floor area of the principal dwelling if any portion of the secondary dwelling is located at or above grade. Except for entrances, any secondary dwelling located entirely in the basement may occupy the entire basement, regardless of size.

3.28.3 Detached Secondary Dwellings

In addition to Section 3.28.1, where a secondary dwelling (detached) is proposed, the following shall apply:

- a) Notwithstanding Section 3.28.1(d), a secondary dwelling (detached) shall not be permitted at or below grade and shall have a minimum gross floor area of 40 m², but shall not exceed 40% of the gross floor area of the principal dwelling.
- b) A designated amenity area of 6 m² shall be provided.
- c) Notwithstanding Section 3.34.1(b), the maximum height of the accessory building in which the secondary dwelling (detached) is located shall be a minimum of 2 metres less than the principal dwelling.
- d) The minimum lot size for a secondary dwelling (detached) shall be 1,000 m².
- e) The maximum setback from a public road is 50 metres.
- f) No secondary dwelling (detached) shall be permitted on a lot with water frontage.

6. Official Plan and Zoning By-law Review

The review of the Official Plan and zoning by-law is currently paused while we await a response from the provincial review of an initial draft of official plan. This review has lasted 17 months so far, and municipal staff have been advised by the Ministry of Municipal Affairs and Housing not to expect a provincial response until late spring. When we do receive comments back, several months will be required to make any necessary changes due to provincial comments, then

conduct statutory public and stakeholder consultations prior to completing a final draft for consideration by Council. The zoning by-law review will not be completed and a new by-law adopted until after the Official Plan is adopted first. This means that it could be close to a year before Kenora's regulations for additional dwelling units are updated if left to be implemented through the review.

7. Recommended new Policies and Regulations

Proposed Official Plan Policy Amendments (Replacing Sections 3.16 and 3.21)

Delete section 3.16 Laneway Housing

Delete current section 3.21 and replace with the following:

3.21 Additional Residential Units

- a) a second residential unit is to be permitted in any detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b) a third residential unit is to be permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- c) one additional residential unit is to be permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; and
- d) A second residential unit is to be permitted in any detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house contains any residential units or sleeping quarters; or
- e) One additional residential unit is to be permitted in a building or structure ancillary to a detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if the detached house contains no more than one residential unit and no other building or structure ancillary to the detached house contains any residential units or sleeping quarters.

The benefit of this change is to eliminate the current restriction of one additional residential unit (accessory dwelling unit) per lot in the Settlement Area, thereby enabling a significant increase in the number of available residential rental units in our community through infill and redevelopment. This will:

- help enable the redevelopment of older dwellings
- enable owners of unpermitted accessory units to bring their units into compliance, provided they meet Building Code standards and are otherwise compliant with municipal by-laws
- give more flexibility for new home builders to incorporate revenue generating units,
- increase the supply of rental housing and therefore the range of housing types and tenures needed to meet the needs of a variety of households.
- potentially offset the increased cost of housing,

- help make new home ownership more accessible to first-time homebuyers and homebuyers with limited income due to revenue generating opportunities with the additional units,
- allow older home owners to generate income from rental units or create suites for family members or live-in caregivers, enabling them to remain in their home and “age in place”, and
- help make more efficient use of existing municipal infrastructure (roads, sewers, etc) and public services (schools, parks, public transit, etc) by alleviating the need for new lot development and expansion of existing infrastructure and services to meet housing needs.

Removing the restriction on laneway housing is necessary to honour the intent of the Bill 23 amendments to the Planning Act, as the current restriction effectively eliminates the possibility to create additional residential units in ancillary structures throughout much of the City’s central urban settlement area. The restriction was put in place to alleviate traffic and maintenance demands on residential laneways, but it is already common to have parking spaces off of laneways in many neighbourhoods, Parking for both primary and additional dwelling units may be provided via driveways off of front property lines, but this can be difficult in some areas.

Allowing up to two additional residential units in urban residential land will reflect the requirements of Bill 23. Allowing one additional residential unit on rural residential land is not required by Bill 23, but will help to address the same concerns outlined above. Currently, a single sleep cabin is permitted on rural residential properties, and may include all of the elements of a dwelling with the exception of a kitchen. The proposed policies would enable a sleep cabin to be converted to a residential unit through the addition of a kitchen, but does not permit an additional residential unit if there is already a sleep cabin with sleeping quarters on the property.

Proposed Zoning By-law Regulation Amendments

Delete the definitions of Secondary dwelling (interior) and Secondary dwelling (detached).

Add the following definition of Additional Residential Unit: a self-contained residential unit with private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached or townhouse building. It can be located within the main residential building and/or in an accessory building on the same lot.

Delete Section 3.28 Secondary Dwelling Units and replace with Section 3.28 Additional Residential Units

3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.
- b) A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- c) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.

- d) Additional residential units must be connected to both municipal water and municipal sewage services.

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- b) One residential unit is permitted in an ancillary building or structure if the primary dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.
- c) Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) Additional residential units must be located on the same lot as the principal dwelling unit;
- b) The following shall apply to vehicular access and parking for additional dwelling units:
 - i. An additional residential unit must not eliminate a required parking space for the principal dwelling unit;
 - ii. Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway but must be wholly located within the boundaries of the lot;
- c) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
- d) An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.
- e) An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.

The benefit of implementing these proposed changes is to change our zoning terminology to reflect provincial policies, and to implement regulatory changes that reflect the proposed changes to the Official Plan policies and remove unnecessary restrictions that limit the development of additional residential units while preserving regulations that are necessary to protect municipal interests.

The proposed new regulations will replace existing rules that limited additional residential units to one unit per lot, and align with the provincial requirement that two units be allowed in the urban area. This could include two units within the primary residence or one within the residence and one within an ancillary building or structure, effectively doubling the number of additional residential units permitted in the City of Kenora.

The requirement that the lot must not be legally non-complying with respect to lot frontage or area has been removed, enabling the redevelopment of many undersized lots that exist in the City. The redevelopment will still need to comply with general zoning regulations with respect to such matters as setback requirements, height requirements and lot coverage limits.

The proposed by-law would remove the current restriction on additional residential units from having parking that is accessed off of a lane or private road. This restriction was unique to additional residential units, and applied to no other uses permitted in residential zones. One additional parking space is still required for each additional residential unit, and all applicable general parking regulations that apply to all parking in the City, as set out in section 3.23 of the zoning by-law, will still apply.

The new regulations remove the restriction in the current zoning by-law that an additional residential unit cannot exceed 40% of the gross floor area of the principal dwelling. This restriction was of no benefit to the City of Kenora, and will allow more flexibility in the conversion of dwellings to include an additional dwelling unit.

For additional residential units in ancillary buildings or structures, these new regulations would remove restrictions on the gross floor area and height, creating the opportunity for “small homes” as an additional unit, or unnecessarily constraining the size of additional units when the principal dwelling is a smaller than average home. Ancillary structures must be compliant with the Ontario Building Code. The requirement for a designated amenity area has also been removed, as this is difficult for the City to enforce and is effectively accomplished with current lot coverage restrictions.

The proposed regulations also eliminate the minimum lot size for development of an additional residential unit, as the current 1,000 m² limit effectively eliminates most of Kenora’s central urban settlement area. The maximum setback requirement from a public road and the restriction of additional residential units from waterfront lots is also eliminated. This will make it easier to develop additional residential units on large or rural lots, and remove the necessity of a zoning amendment each time a unit is built on a waterfront lot. The municipality’s primary concern regarding waterfront development is related to water quality. This is being addressed through a requirement that all such units in urban areas be connected to municipal water and sewer, and that all rural units be connected to an approved septic system.

Prepared by the City of Kenora Planning Department



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday March 21, 2023
6:00 p.m. (CST)
Video Recording:**

DELEGATION:

Present:

Tara Rickaby	Member
Keric Funk	Member
Renee Robert	Member
Jay Whetter	Member
Andrea Campbell	Member
Kevan Sumner	City Planner
Heather Pihulak	Manager Development Services
Melissa Shaw	Secretary Treasurer
Alberic Marginet	Minute Taker

Members of Public:

Dave Johnson	Applicant for D13-23-02
Patrick Townes	Agent for D14-23-03
Susan Burns Cone	410 Williams Road
Richard Cone	410 Williams Road
John Saunders	Box 345, Kenora, Ontario

i. Call meeting to order

The meeting was called to Order by the Chair, Robert Kitowski, at 6:00 PM Central Standard, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified the meeting being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols to be followed during the meeting.

ii. Additions to the Agenda

The Chair asked the Secretary-Treasurer, Ms. Melissa Shaw, if there were any additions to the agenda. The Secretary-Treasurer identified a minor amendment made to the PAC agenda, that D09-23-01 and D14-23-03 would heard co-currently.

iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present.

The Chair asked the members of the Committee for any declarations of interest for the meeting, or any meeting at which a member was not present. The Secretary-Treasurer indicated that none had been received.

iv. Approval of Minutes for a meeting held:

- **Planning Advisory Committee Meeting, February 21, 2023**

The Chair asked the Committee if there were any errors, omissions, or discussion over minutes for February 21st, 2023. None were identified, and the Chair declared the minutes as circulated.

v. Correspondence relating to applications before the Committee

The Chair asked if there was any new correspondence related to the applications before the Committee. No additional correspondence was identified for applications before the Committee.

vi. Adjournment Requests

The Chair asked if there were any Adjournment Requests. The Secretary-Treasurer indicated there were none.

vii. Consideration of Applications for Minor Variance

- i) D13-23-02 (Johnson)

Chair asked if the applicant would present their application. Mr. Dave Johnson identified his application and contact information, but chose not to present and referred to the Planning Report by the City Planner.

The City Planner Mr. Sumner presented the Planning report, and identified that the proposal meets the four tests of a Minor Variance. The City Planner's recommendation is that the Planning Advisory Committee (PAC) takes into consideration any comments that are yet to be received, and should be approved.

The Chair asked if the applicant had any additional details they wished to add. The applicant identified none.

The Chair asked if any members of the public wished to speak in favour or opposition of the application. No members of the public identified.

The Chair asked for comments and questions from the PAC. Member Whetter asked for clarification of the circumstances and why no application for a building permit was made. The City Planner answered that unpermitted structures do occur, and in the case of an unpermitted structure, finding a solution is the goal of Planning and Development. The City Planner identifies some municipalities choose punitive measures in these circumstances, but the City of Kenora does not.

The Chair asked if any member of the Committee wanted to make a motion for File No. D13-23-02. The Secretary-Treasurer identified an amendment to the motion was required to correct a minor error, and confirmed this amendment with the Committee and the City Planner. The draft decision shall read:

That the application, D13-23-02 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3(c) to reduce the front yard set back in the Rural Residential Zone from 15.0 metres to 10.0 metres to accommodate an existing unpermitted dwelling on the property meets the Four (4) Tests and shall be approved.

Moved: Member Rickaby

Seconded: Member Bulman

Unanimous Approval

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the appeal period and stipulations that must be followed prior to the application being able to apply for a building permit.

ix. Consideration of Applications for Land Division

<none>

x. Recommendations to Council for Zoning By-law Amendment

i) D14-23-03 (Hyundai)

The applicant made their presentation to the committee. The agent from MHBC Barrie, Patrick Townes, identified the owners of 1439 Railway Street as Pinnacle Kenora Holding Corp. The agent identified the location of the property and the purpose of the application. An Environmental Impact Statement (EIS) was performed to ensure that the proposed development could be performed without negative impact on adjacent wetlands. The agent stated that the proposal conforms to relevant land use planning policies and represents good land-use planning.

The City Planner presented his Staff Report. The planner identified much of the property is below Lake of the Woods flood elevations of 424.6 metres, but the proposed amendment and site grading would elevate the location of the proposed development above this height. The City Planner's evaluation is that the Hazard Land Zone severely restricts development of the property, and a new automobile dealership would not be permitted under current zoning, and placement of fill can only occur when appropriate studies have been completed. The EIS and lot grading

plan provide assurance that the lot can be re-graded, and minimal negative impact will result. As significant portions of the site will remain below the flood elevation of Lake of the Woods, the HL Zone should not be removed from the entire site, and only removed from specific areas as demonstrated by Figure 7 in the report. This will allow for development, while maintaining HL Zoning to limit land-use below the flood elevation. The remaining property in the HL Zone would still permit parking and non-habitable accessory structures not used for chemical storage. Accessory structures will remain prohibited in the EP Zone of the property. Site Plan Control will be required prior to issue of building permits, and recommendations of the EIS will be considered in approval of Site Plan Controls. The City Planner recommends that the Application for Zoning By-law Amendment, File No. D14-23-03, to remove the "HL" Hazard Land Zone from the subject property should be approved in part, and that the remaining "HL" Hazard Land Zone should be amended to "HL[56]" Hazard Land, Exception Zone with permitted site-specific use of non-habitable accessory storage buildings, in which no chemical storage is to be permitted.

The Chair asked the agent if he would like to add anything to the City Planner's report. The agent choose to make no additions.

The Chair asked if members of the public wished to speak in favour or opposition of the application. No member of the public provided comments.

The Chair asked if Committee Members had any questions or comments. Member Bulman asked how much fill would be required to bring the proposal up to the required elevation. The agent identified that he believed about two or three metres of fill would be required.

Member Rickaby indicated two questions: i) not having elevations identified on the application, and ii) if drainage on property to the North would be handled in Site Plan Control. The agent confirmed that drainage on property would be managed through the building permit and Site Plan Control. The City Planner added that the current elevation of the property was approximately 324 meters, and approximately 2/3 a metre of fill would be required.

The Chair asked if the neighbouring property had been informed of the application. The Secretary-Treasurer and Assistance Planner both confirmed that the neighbouring property was informed. The Chair asked the City Planner if issues over access and property frontage of the subject property had been cleared up with the City of Kenora. The City Planner responded that these issues had been addressed and there were no issues regarding access or frontage on the subject property or the neighbouring property. The Secretary-Treasurer confirmed that as of August, 2021, the City of Kenora had taken ownership of the lands that separated 1439 Railway Street and 1439A Street Avenue from frontage on Railway Street.

The Chair asked the Secretary-Treasurer to read the recommendation to Council. The Secretary-Treasurer indicated having made amendments to the recommendation provided to the Committee, with the new resolution reading:

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-23-03, for subject property located at 1439 Railway Street, and identified in Schedule A.

The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from "ML" Light Industrial Zone, "EP" Environmental Protection Zone overlay, and "HL" Hazard Land Zone overlay, to "ML" Light Industrial Zone and, "EP" Environmental Protection Zone overlay, by removing the "HL" Hazard Land Zone overlay from a portion of the property.

The effect of the Zoning By-law Amendment is to rezone lands to permit redevelopment of the property with a new, larger commercial structure (car dealership) by removing the "HL"- Hazard Land zoning from a portion of the property containing the proposed building as illustrated in Schedule B.

The Committee has made an evaluation of the application upon its merits against the Official Plan (2015), the Zoning By-law (101-2015), and the Provincial Policy Statement (PPS), 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear internal department, stakeholder or public comments in full.

Moved: Member Campbell

Seconded: Member Rickaby

Unanimous Approval

The Secretary-Treasurer indicate that Application D14-23-03 is still subject to a statutory public meeting held on April 12, 2023, and the PAC has made recommendation to Council for approval.

- ii) Zoning By-law Amendment D14-23-02 and concurrent Official Plan Amendment D09-23-01 (Additional Residential Units)

The applications D14-23-02 and D09-23-01 by the City of Kenora was presented by the City Planner Kevan Sumner to amend City of Kenora Official Plan and Zoning By-Law to allow for additional residential units (ARUs) as regulated by the Province of Ontario in *Bill 23 More Home Build Faster Act*. These amendments remove restrictive policies and loopholes for ARUs. The Official Plan Amendment and Zoning By-law Amendment will bring City policy into compliance with Bill 23. The amendments will also allow one additional residential unit to be developed in rural residential zones.

Laneway housing policies are being removed as they prohibit development of detached ARUs. Policies (a) through (c) reflect the changes made to the Planning Act by Bill 23, and policies (d) and (e) carry forward existing policies that support ARUs in rural areas. References to Secondary Dwellings will be updated to Additional Residential Units throughout the Official Plan.

Member Bulman requested a definition for "residential unit". The City Planner indicated that a residential unit is defined as a self-contained residence, but not

necessarily an independent or stand-alone building or structure. Member Campbell asked for the definition of laneway housing. The City Planner described these from existing policy. Member Campbell asked if regulations and zoning for laneway housing would be removed along with the term "laneway housing". The Planner explained that regulations and requirements would remain, and the only change would be that laneway housing would be called an additional residential unit.

The City Planner continued with his report with details on how ARUs would be implemented through changes in the Zoning By-law.

Member Rickaby identified several questions: 1) If the intent of the Black Sturgeon Lake policies for water quality, social crowding, and short term rentals, had been considered in the Additional Residential Unit Amendments. The City Planner indicated having considered these policies, but in the spirit of fairness ARUs are not different than the redevelopment of a cabin or a property on Black Sturgeon Lake which would the City would not discriminate against, and appropriate septic system approvals will be required for ARU development. Additionally, it's presumptive to cast ARUs as short term rentals and discriminatory to limit ARU development based on that presumption. 2) Member Rickaby asked if these proposed amendments would create two principle dwellings on a residential lot, and how a principle dwellings would be defined. The City Planner responded to this question by citing the proposed definition for a detached ARU. 3) Member Rickaby asked if the existing zoning regulations would remain the same for ARU development. The City Planner indicated that they would, and all current zoning requirements would apply to ARUs. 4) Member Rickaby asked if ARUs would be considered an ancillary structure. The City Planning confirmed that detached ARUs would be considered an ancillary structure.

The City Planner continued with his report. He identified that ARUs in a rural areas must be connected to an approved private sewer and water system. General provisions related to ARUs and Bill 23 requirements were explained.

Member Campbell asked about the general provisions, and the reason behind density calculation provisions. She wondered if there was a reason for density requirements, or if these calculations were arbitrary. The City Planner responded that density calculations are arbitrary and based on features of character and not capacity.

In review of legislative and municipal policy, the City Planner identified how proposed amendments satisfy and uphold the requirements of the PPS, Bill 23 - *More Houses Build Faster*, the City of Kenora Official Plan, and City of Kenora Zoning By-law 101-2015.

The City Planner evaluation identifies a local need for rental and affordable housing, and these amendments aid in addressing this need. Unpermitted ARUs are currently being developed in the City in part homeowner concern over requirements and regulations for ARUs in the Zoning By-law; these amendments are an attempt to address this concern. The amendments will also clarify and reduce confusion over the right to develop ARUs identified by the Province of Ontario. Regulations will require

an approved septic system, which will ensure water quality, and is consistent with redevelopment requirements on rural properties. Prohibition of laneway is in conflict with Bill 23 and has been removed. During consideration for amendments, policies that benefit ARUs were maintained, but policies with no impact or unnecessarily restrictive were removed. Based on these features, the City Planner recommends Official Plan Amendment D09-23-01 and Zoning By-law Amendment D14-23-03 be approved.

The Chair asked members of the Public if they wished to ask questions. Susan Cone asked for the amendment to more strongly identify expected upgrades to septic systems. The planner indicated that upgraded septic fields would be necessary for most ARU developments, and indicated that a broader discussion and concerns over septic fields should be made at the municipal level during the Official Plan and Zoning By-law review. Susan Cone next addressed the addition of BSL restricted zones to the ARU amendments, stating the reason for the restricted zones was to reduce density; Susan Cone added that undeveloped lots on Black Sturgeon Lake remain empty which indicates minimal residential development interest. Susan Cone expressed confusion over the size restrictions for ARUs, and questions about if ARUs could be severed from a property. The City Planner indicated that an ARU did not provide a right to sever, and that ARUs were intended for use as rental units. Susan Cone responded to this that she could see ARUs creating desirable rural rental units, but wanted to see ARU restrictions on the Black Sturgeon Lake lakefront.

The Chair asked any other members of public wished to provide question or comment. Richard Cone identified that the NWHU doesn't adequately perform its duties, and he is concerned about the ability to protect water quality by relying on the NWHU to approve septic fields.

John Saunders identified concerns over these amendments being subject to a new and upcoming PPS. The City Planner responded that Bill 23 received Royal Assent, giving multiple as-of-right powers for ARU development that revoke regulations currently in place in the City of Kenora; these amendments are to align the City policy with the as-of-rights granted by the Province. John Saunders indicated that the City of Kenora, being a rural location, may be allowed an exception from these as-of-rights through the upcoming policy statement, and such exceptions should be understood prior to any Zoning By-law and Official Plan amendments. The Chair responded that the City of Kenora cannot supersede Provincial Legislation, and these amendments are an attempt to align municipal policy with Provincial legislation. The City Planner identified the significant need for housing in the City of Kenora, and that aligning municipal policy with Bill 23 provides opportunities to address this need.

The Chair asked if any other members of the public wished to speak. No additional members of public identified.

The Chair asked if any members of the PAC wished to ask further questions or make comment. Member Campbell identified concerns about ARUs being used for short term rentals, that policy may be required by the City of Kenora, but this was not the

purpose of the By-law and Official Plan amendments before the committee. The Planner responded that the City of Kenora does not permit Short Term Rentals, but the topic is being explored by the City.

Member Funk identified sharing the concerns named by Susan Cone about lake and water quality, that the City should be cautious about amendments in rural areas, but that he is in favour of proposed amendments in urban areas. Member Rickaby echoed Members Funk, and that she supports these amendments in urban areas but wishes to wait before applying these amendments to rural areas. The City Planner responded that issues of use and fairness should also be considered, and that redevelopment and expansion of rural properties is regularly permitted, which should ask the question and require consideration as to why and what makes ARUs different in rural areas.

Member Bulman identified understanding the concerns over the Northwest Health Unit, stating that all parties need to act in good faith, and that some mechanism for due diligence might be needed. The Chair responded that this would be difficult as jurisdiction for this due diligence fell outside the abilities provided to the municipality. The City Planner added that his concerns were not on newly constructed fields, but were instead on older fields that may be poorly maintained, and that broader discussion on this topic needs to be made in a more appropriate context.

Member Funk asked if there was any way that the City could request additional measures for septic field inspections from the Northwestern Health Unit. The City Planner indicated that dialog could be made with the Northwestern Health Unit, but that members of the public need to identify these concerns to City Council so that dialog can be properly organized. The City Planner indicated that some provisions are in place for septic fields, which allows for Kenora specific regulations, but without public emphasis it is difficult to address concerns in an official capacity.

The Chair asked the Secretary-Treasurer to read the motion that had been drafted. The Secretary-Treasurer asked the Chair if he would like her to read the motion before the committee that had been drafted by the City Planner, or if the Chair would like any committee member to make a motion if they have an alternative they would like to bring forward. The Chair then asked if any member of the committee would like to make an amendment or adjustment to the resolution before the committee.

Member Rickaby identified concern over perceived issues with the Northwestern Health Unit. She recommended keeping ARUs to settlement areas, which would provide a good basis that can be expanded in upcoming Zoning By-law and Official Plan reviews, where conversations about additional needs from the Northwestern Health Unit can be identified and discussed. Following the Official Plan and Zoning By-law review, if rural development of ARUs is desirable, this step-by-step process creates a strong foundation that builds on preceding decisions. The City Planner suggested that the PAC may wish to separate out the amendments on the Official Plan from the amendments to the Zoning By-law if Members Rickaby's suggestion was desired.

The Chair asked the City Planner if the septic field and Northwestern Health Unit issues could be addressed through Building Permit and Site Plan Control. The City Planner responded that the Building Permit was the only broadly applicable method in place in rural areas, but that Site Plan Control is requirement of Black Sturgeon Lake specifically which is an extra layer of protection in that specific area.

Member Funk asked for clarification on rural ARU Unit policies, to know if existing polices supported ARUs in rural areas. The City Planner responded secondary dwellings are permitted in rural areas, but require a Zoning By-law Amendment or a Minor Variance. The City Planner indicated this is technically an improper use of a minor variance, and permitting through a minor variance will discontinue regardless of PACs decision. Waterfront properties always require a Zoning Amendment as secondary units are not permitted under the Zoning By-law. The proposed amendments would make the need for permitting ARUs unnecessary, and they are supported under current regulation. Member Rickaby responded that Minor Variance and Zoning Amendments were used for secondary dwellings on rural properties to allow individual proposals to be judged on individual merit. Member Ricky indicated that she could support the City Planners recommendation to separate the Official Plan and Zoning Bylaw amendments for individual approval, and that she would like to see rural and Black Sturgeon Lake areas removed from the Zoning Bylaw resolution. Member Campbell commented that excluding rural and other special areas from the amendment for ARUs would not be in the spirit of Bill 23.

The Chair asked Member Rickaby to draft a motion with her identified changes, and asked the Secretary Treasurer to read the original motion prepared for PAC. The Secretary-Treasurer read the motion provided by the Planning Department.

The Chair asked the City Planner to confirm that these amendments would permit one more unit per property then is currently allowed. The City Planner stated that this would allow one more unit than is currently allowed in urban areas, and would allow the permitted one additional unit on rural properties identified in policy without requiring an amendment or variance.

Member Rickaby read her alternative motion:

Resolved that the Planning Advisory Committee recommends to the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-23-01 and Application for Zoning By-law Amendment, File No. D14-23-02 in lieu of public comments that may yet be received. The purpose of the Official Plan Amendment and Zoning By-law Amendment to bring the policies and regulations of the City of Kenora into compliance with the Planning Act amendments made under Bull 23, the More Homes Built Faster Act. The effect of the Official Plan Amendment, File No. D09-23-01 and the Zoning By-law Amendment, File No. D14-23-02 is to remove or replace regulations that unnecessarily restrict development of ARUs within the settlement area allowing up to two ARUs on parcels of urban residential land, and remove the restriction on laneway housing.

The City Planner asked member Rickaby if this still supported the Official Plan Amendment, or if by removing the rural portions of resolution that similar rural portions of the Official Plan amendment also needed to be removed. Member Rickaby responded that she wished to see these amendments focused in the Established Areas of the Official Plan. The City Planner followed up by asking if Member Rickaby's concerns were for all developments using a septic fields in rural areas, or if it was singling out ARU development only. Member Rickaby identified that during the Official Plan Review an assessment of everything in existence would be a good idea, but for now to restrict ARU policies to urban areas.

Member Whetter identified that the alternative resolution would only provide the City of Kenora with half-measures. The purpose of the amendments is to bring the City into compliance with Bill 23, and he wonders about the point of only providing the City with half measures. Member Whetter indicated that the issues about septic fields does not fit the objectives of the amendments, and that there may be many people in rural areas who wish to see these amendments allowing for ARU development. The City Planner followed this by indicating that the focus of Bill 23 was on urban areas. The inclusion of rural areas into these amendments in was to recognize that the City of Kenora doesn't have suburban neighbourhoods, and that the suburban areas of Kenora are its rural areas. Bill 23 supports development of ARUs in all areas by making decisions un-appealable with the Ontario Municipal Board, but the as-of-right for ARUs is an urban focus only.

Member Bulman commented that, based on the City Planners explanation Bill 23, the Official Plan and Zoning By-law amendments need to be separated in the resolution and recommendation to council. Member Bulman also indicated that removing the amendments for rural areas seemed discriminatory and unjust as it impacts all rural properties for the sake of benefitting very select communities.

Member Campbell agreed with Member Whetter and Member Bulman that removing rural areas from the amendment is discriminatory. Member Campbell recognized that issues with the Northwestern Health Unit exist, but these amendments are not the appropriate venue to address a problem created by the provincial government and the organizations under their jurisdiction.

The Chair identified a similar opinion, stating a lack of fairness from restricting ARU development based on the shortcomings of an organization that is not under the jurisdiction or direction of the municipality.

Member Funk asked for verification that the current Official Plan does permit the development of one additional residential unit on rural properties. The City Planner quoted the existing policy on secondary units to indicate that there was not a restriction on secondary dwellings in rural areas.

Member Rickaby indicated that she was willing to remove her resolution; the Chair recommended Member Rickaby wait until the outcome of the Planning Department

recommendation was known, and that her recommendation could be used in the case that an amendment was required.

Secretary Treasurer asked the Chair if the Committee would like for the Official Plan and Zoning By-law amendments be read separately or together. The Chair indicated that the Committee would proceed with the original recommendation. The Secretary-Treasurer read the resolution again:

Resolved that the Planning Advisory Committee recommends to the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-23-01 and Application for Amendment to the Zoning By-law, File No. D14-23-02 in lieu of public comments that may yet be received. The purpose of the Official Plan Amendment and Zoning By-law Amendment to bring the policies and regulations of the City of Kenora into compliance with the Planning Act amendments made under Bull 23, the More Homes Built Faster Act. The effect of the Official Plan Amendment, File No. D09-23-01 and the Zoning By-law Amendment, File No. D14-23-02 is to remove or replace regulations that unnecessarily restrict development of ARUs within the settlement area allowing up to two ARUs on parcels of urban residential land, remove the restriction on laneway housing, and to permit one additional residential unit on rural residential parcels of land outside of the urban area that are privately serviced.

Moved: Member Campbell

Seconded: Member Whetter

Favour: 6

Abstain

Opposed: 1

The Secretary-Treasurer indicated that the PAC recommended in favour of the Official Plan and Zoning By-law Amendments, and this recommendation will be taken to council on April 12, 2023 at noon, which will also act as a Statutory Public Meeting.

xi. Old Business

i) Property Standards Training

The Secretary-Treasurer provided information about the Property Standards Training that members of PAC needed to attend. The Chair asked if Member Rickaby would we willing to Chair the Property Standards Board Hearing on March 28, which Member Rickaby agreed to.

ii) OACA Conference

The Associated Planner asked for members of PAC to indicate their interest in attending the OACA Conference. Member Rickaby, Member Robert and Member Kitowski all indicated interest in attending.

iii) Additional Information

The Secretary-Treasurer indicated that they had been in contact with Heather Pihulak over badges and conflict of interest training.

xii. Old Business

The Chair asked if there were any additional items for New Business, or comments. None were identified.

xiii. Adjournment

The Chair asked for a motion for adjournment.

Moved: Member Bulman

DRAFT



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Andrea Campbell

SECONDED BY: Jay Whetter

DATE: March 21, 2023

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-23-01 and Application for Amendment to the Zoning By-law, File No. D14-23-02 in lieu of public comments that may yet be received.

The purpose of the Official Plan Amendment and the Zoning By-law Amendment is to bring the policies and regulations of the City of Kenora into compliance with *Planning Act* amendments made under Bill 23, the More Homes Built Faster Act.

The effect of the Official Plan Amendment, File No. D09-23-01 and the Zoning By-law Amendment, File No. D14-23-02 is to remove or replace regulations that unnecessarily restrict development of additional residential units within the settlement area allowing up to two additional residential units on parcels of urban residential land, remove the restriction on laneway housing and to permit one additional residential unit on rural residential parcels of land outside of the urban area that are privately serviced.

DIVISION OF RECORDED VOTE				CARRIED	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Bulman, Robert	✓		<hr/> CHAIR	
	Campbell, Andrea	✓			
	Funk, Kerik	✓			
	Kitowski, Robert	✓			
	Rickaby, Tara		✓		
	Robert, Renée YM	✓			
	Whetter, Jay	✓			

March 10, 2023

To: Planning, PAC and City of Kenora Council and Mayor
From:

Concerns and comments regarding the notice below:

**Notice of Complete Application and Public Meeting for an Official Plan
Amendment D09-23-01 and Zoning By-law Amendment D14-23-02
Planning Act, R.S.O 1990, c.P13, s. 34**

There are a number of concerns regarding the proposed amendments stated in this document.

Understanding Bill 23 and the Provincial mandate to increase housing quickly, there needs to be special attention, examination and scrutiny of amendments that are proposed for Rural Residential and Black Sturgeon Lakes (including Restricted Zones).

The proposal does identify differences between Urban areas of Kenora and Rural areas but is not explicit enough regarding the Rural areas.

Point 3.28.2 states that Rural areas may add one additional residential unit and that unit must be connected to private sewer and water services approved by the NWHU.

When a septic field is installed on a RR lot, the size of the field is specific to the number of bedrooms/bathrooms in the house to be built. So a typical 3 bedroom/2.5 bath house would require a certain size septic based on the logic of roughly how many people would be regularly using it.

However, the *additional residential unit* has no size limitations in sq feet or number of bedrooms/bathrooms and it could be interpreted that the property owner could simply hook up this new unit to existing septic fields and the capacity of that field would be insufficient. Insufficiencies translate to damage to water quality. The residents of Black Sturgeon lake drink the water from that lake.

This concern should be explored and examined with the NWHU. The proposal clearly states that the additional residential unit is not for temporary services so it appears there is an intention for full-time, year round leasing of the new units.

In fact the intent of Bill 23 is to increase the number of affordable housing units in cities. Urban Kenora is definitely in need of housing for citizens and their work force. The need is **not** there in Rural Kenora. For example, on BSL we still have about 60 approved lots for development that are still awaiting owners to submit plans and apply for building permits.

*Point 3.28.3 General Regulations for Additional Residential Units, point c
"additional residential units must not be limited by, or included in, any density control
requirement " and BSL (Restricted Development Area) is listed and included in list of
RU, RR and BSL*

This point is in clear opposition to the restricted zones that manage density of lake front properties as well as ensures fish and wildlife habitats.

Further need for examination and description for RR areas.

1. Are these additional residential units rentals or for purchase?
2. What is the size restriction of the residential unit?
3. Can the additional residential unit be on the waterfront?
4. Should additional residential units in RR be required to have their own septic and water system?

Recommendation to PAC and Council

I suggest that as there are so many different considerations for the RR and BSL areas of Kenora that the City proceed with proposed amendments for additional residential units with regards to urban Kenora specifically and that the proposals to the RR and BSL areas of Kenora be postponed until such time that these special concerns can be properly addressed and investigated.

Thank you for hearing my concerns and supporting them. To the chair and the rest of the committee and to Kevin Sumner, it is unfortunate that you were so easily derailed by issues re NWHU and VRBO's in Montreal.

My request was **not** to discriminate against RR zones, especially those of BSL, but to further protect them in terms of sewage and water quality by writing better guidelines into the proposed amendments that Kevin Sumner presented.

Absolutely, there is room for some RR homes, especially those with large properties to add housing perhaps for family members or leased homes for income. But if we do not specify strongly what is expected in terms of sewage, then we cannot be sure of what is allowed. It is NOT enough to say, in compliance with NWHU guidelines. They need to be spelled out so that citizens who wish to add a residential unit know what is expected. This is why I suggested that "more investigation and research" be engaged in before passing these amendments as written. The amendments were not written well enough or complete enough to protect us all on BSL or other lakes in RR Kenora from abuse.

I fully support the recommendations for Urban Kenora and would support the recommendations for RR Kenora if the amendments were written more thoroughly and completely with more investigation.

Regards

March 23, 2023

**Re: Official Plan Amendment D09-23-01 and Zoning By-law Amendment D14-23-02
Statutory Meeting April 12 2023**

To: Planning, Mayor and Council and Citizens of Kenora at the April 12, 2023 open meeting

From:

I am writing today to express my strong concern with the amendments to the official plan and zoning by-laws that were accepted by PAC on Mar 21, 2023.

The concern is regarding RR zones and the ability to add an additional housing unit on their lot. Understanding the City is trying to increase available leased housing in the City of Kenora as per the Provincial Mandate of Bill 23.

The amendment is written with several insufficiencies for Rural areas due to the fact the rural areas depend on drinking water from their lakes, example, Black Sturgeon Lakes, and rural areas have septic fields that are built to the specifications of the existing house on the property.

It was requested that the planning department do further research and rewrite the amendments with regard to RR in such away that it is spelled out in our City Zoning Bylaws what the expectations are for the second residential building with regards to the following:

1. Location on the lot, for example: waterfront or not, what lot size would allow for the second dwelling to be on waterfront, etc.
2. Size of the second house in relation to the original house. For example: bigger? same size? Smaller? How much smaller?
3. Size of septic field required for size of additional house that the new amendments are allowing for.

For example: someone may have a bunky with a compost toilet and partial kitchen and not be hooked up to the existing septic and just have a holding tank or grey water pit for showers or sink water and it is within the regulated size of 500sq ft. What if they convert this to a leased housing unit. Are they required to hook up to the septic field? Are they required to build a new septic field? Or to add onto the existing field?

My point is that the special circumstances involved with adding additional housing onto an existing RR lot N of the Bypass necessitates more research, investigation and planning than what is included in Kevin Sumner's proposed amendments.

NOTE: it is not sufficient to state "in accordance with NWHU" as the only guideline for the following reasons.

In order to have compliance, transparency, and to reduce opportunity for abuse, the Zoning Bylaws need to include the specifications that NWHU is using to determine the answers to the questions regarding septic fields.

In this way all interested parties will be properly informed: the planning division staff, the property owners, the leasor, the citizens of Kenora, the contractors and the building inspectors.

This is the best way to ensure compliance. The more people with the same information and the right information the better.

Help us protect RR properties and their water sources. City of Kenora needs to take ownership of water quality on BSL and has in the past by controlling density on lakefront properties and testing and needs to continue this ownership in this new initiative of additional housing.

Unfortunately, this plea/opinion translated to discrimination against RR at the PAC meeting which was a gross disservice and misinterpretation. I am not requesting discrimination but protection of a special area of Kenora that has special circumstances.

Re: Official Plan Amendment D09-23-01 and Zoning By Law D14-23-02

To : Planning, Mayor and Council of the City of Kenora

From:

Thanking the Mayor and the Council Members in advance for their consideration in regards to the proposed changes to the by laws on BSL.

My family has been a member of this community since and in that time we have seen many changes and developments.

On March 25, I attended the virtual PAC meeting regarding changes to the by laws to be in line with Doug Ford's Bill C23. In Kevan Sumner's presentation, he stated that although Ford's Bill was focused on urban areas, it was decided to exceed the provincial expectations and include RR and BSL. Sumner also stated that they had looked at Southern Ontario for their template.

As you are aware, Bill C 23 is a controversial Bill that has come under strong criticism by many environmental groups and concerned citizens. Many smaller cities in Southern Ontario, which are experiencing an influx of residents, are facing challenges surrounding fresh water, sewage, infrastructure such as roads, police, schools, ambulance, fire and health care. Building affordable housing is a real issue, but it is more complex than just building houses faster. It would therefore make sense for Kenora to start with the urban areas which already have sewer, water and roads. It would also make sense that affordable housing be closer to transportation, schools, shopping, etc.

Another concern for residents north of the by pass, is access to fresh water. The Province of Ontario has spent billions of dollars on the preservation of fresh water. In 2006, the Ontario Government in collaboration with Ontario Water Resources and the Environmental Protection Act, established the Clean Water Act. The mandate was "protecting and conserving lakes for our own benefit and for future generation". Water is one of the most crucial aspects of our lives and therefore should be protected.

In 2007 the City of Kenora, commissioned an Environmental Management group to conduct a study of water quality on BSL. The report is 147 pages long and contains valuable information on the water quality of BLS and recommendations for future development. Black Sturgeon Lake is a managed lake with water quality testing conducted twice a year. Last year there was a rise in the phosphorus levels and a proliferation of green algae on some shorelines. These are the first signs of eutrophication of our "managed" lake. Eutrophication is a direct result of poor management, failing septic systems, phosphate detergents, lawn fertilizers etc. Eutrophication is almost impossible to reverse and may result in the City eventually supplying BLS with potable water.

I urge city council to reconsider the amendments to the bylaws until there is a comprehensive plan in place to address water quality due to the impact of residential density. The plan should include enforcement and compliance with already established regulations.

At the conclusion of the PAC meeting it was agreed that it could be considered discriminatory not to include BLS in the bylaw. In my mind it is more discriminatory to exclude citizens of the city to fresh water. It is up to the municipality, our people and our communities to protect this critical resource.

“Our lakes should be drinkable, swimmable and fishable” Ontario Clean Water Act

Yeah

To amend The Corporation of the City of Kenora

By Law Number XX-2023

A By-law to Amend the Official Plan (By-law No. 75-2015)

Whereas the Council of the Corporation of the City of Kenora passed By-law No. 75-2015; and

Whereas Council has amended By-Law No. 75-2015 from time to time; and

Whereas it is deemed advisable and expedient to further amend By-Law No. 75-2015;

Now therefore the Council of the City of Kenora Enacts as follows:

1. That Section 3.16 Laneway Housing be deleted.
2. That Section 3.21 Secondary Dwelling Units be deleted and replaced with Section 3.21 Additional Residential Units, as follows:

3.21 Additional Residential Units

- a) *a second residential unit is to be permitted in any detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
 - b) *a third residential unit is to be permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
 - c) *one additional residential unit is to be permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*
 - d) *A second residential unit is to be permitted in any detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house contains any residential units; or*
 - e) *One additional residential unit is to be permitted in a building or structure ancillary to a detached house on a parcel of rural land on which residential use, other than ancillary residential use, is permitted, if the detached house contains no more than one residential unit and no other building or structure ancillary to the detached house contains any residential units.*
3. That this By-Law shall come into force as provided in the *Planning Act* c. 13, R.S.O. 1990, as amended, and thereupon shall be effective from the date of its final passing.

4. The City's Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act* c. 13, R.S.O. 1990, as amended.

By-law read a first and second time this _____ day of _____, 2023

By-law read a third and final time this _____ day of _____, 2023

The Corporation of the City of Kenora:

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

The Corporation of the City of Kenora

By Law Number XX-2023

A By-law to Amend Comprehensive Zoning By-law 101-2015

Whereas the Council of the Corporation of the City of Kenora passed Comprehensive Zoning By-law No. 101-2015 on December 15, 2015; and

Whereas Council has amended By-Law 101-2015 from time to time; and

Whereas it is deemed advisable and expedient to further amend By-Law 101-2015;

Now therefore the Council of the City of Kenora Enacts as follows:

1. That Section 2 Definitions be amended to:
 - a. delete the definitions for “Secondary dwelling (interior)” and “Secondary dwelling (exterior)”; and
 - b. add the following definition:

“Additional Residential Unit: A self-contained residential unit with private kitchen, bathroom facilities, and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached, or multiple attached dwelling. It can be located within the main residential building and/or in an accessory building on the same lot, and has a smaller gross floor area than the primary residential unit.”
2. That Section 3.13.1 Residential Lot Occupancy be amended by replacing “secondary dwelling” with “additional residential unit”.
3. That Section 3.28 Secondary Dwelling Units be deleted and replaced with Section 3.28 Additional Residential Units, with the following text:

“3.28.1 Additional Residential Units in Urban Areas

Additional residential units are permitted on any lot containing a single-detached dwelling, semi-detached dwelling or multiple attached dwelling in the R1 – Residential First Density Zone, the R2 – Residential Second Density Zone, R3 – Residential Third Density Zone, and the SH - Residential Small Home Zone, subject to the following provisions:

- a) *A second residential unit is permitted in the dwelling if all ancillary buildings and structures cumulatively will contain no more than one residential unit.*
- b) *A third residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.*
- c) *One residential unit is permitted in an ancillary building or structure if the principal dwelling contains no more than two residential units and no other building or structure ancillary to the primary use contains any residential units.*
- d) *Additional residential units must be connected to both municipal water and municipal sewage services.*

3.28.2 Additional Residential Units in Rural Areas

One additional residential unit is permitted on any lot containing a single-detached dwelling in the RU – Rural Zone, RR – Rural Residential Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone, subject to the following provisions:

- a) A second residential unit is permitted in the dwelling if no ancillary building or structure contains any residential units.
- b) One residential unit is permitted in an ancillary building or structure if the principal dwelling contains no more than one residential unit and no other building or structure ancillary to the primary use contains any residential units or sleeping quarters.
- c) Additional residential units must be connected to private sewer and water services approved by the Northwestern Health Unit.

3.28.3 General Regulations for Additional Residential Units

The following regulations apply to all additional residential units:

- a) Additional residential units must be located on the same lot as the principal dwelling unit;
 - b) The following shall apply to vehicular access and parking for additional dwelling units:
 - i. An additional residential unit must not eliminate a required parking space for the principal dwelling unit;
 - ii. Parking for the additional residential unit shall be provided in accordance with the parking provisions in this by-law. Notwithstanding this, one required parking space for an additional residential unit may be stacked behind the required parking of the host dwelling in a driveway but must be wholly located within the boundaries of the lot;
 - c) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.
 - d) An additional residential unit shall not form part of a bed and breakfast, emergency shelter, group home, rooming unit, or boarding house and shall not be permitted on the same lot where any of the said uses are proposed.
 - e) An additional dwelling unit is not permitted in any ancillary building or structure that is not compliant with section 3.34.1 of this by-law.”
 - f) A parking space must be provided in compliance with section 3.23 of this by-law.
4. That Table 4: Required Parking Spaces be amended by replacing “Secondary dwelling” with “Additional residential unit”.
 5. That Section 4 Zones be amended by deleting “Secondary dwelling” in sections 4.1.2, 4.2.2, and 4.3.2.
 6. That this By-Law shall come into force as provided in the *Planning Act* c. 13, R.S.O. 1990, as amended, and thereupon shall be effective from the date of its final passing.
 7. The City’s Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act* c. 13, R.S.O. 1990, as amended.

By-law read a first and second time this _____ day of April, 2023

By-law read a third and final time this _____ day of April, 2023

The Corporation of the City of Kenora:

Dan Reynard, Mayor

Heather Pihulak, City Clerk