



**PROCEEDINGS**  
for a Public Meeting under Section 34 of the *Planning Act*  
to discuss a Proposed Zoning By-law  
for the City of Kenora  
**Tuesday, July 6, 2010**  
10:00 a.m

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**PRESENT:** Mayor L. Compton  
Councillor W. Cuthbert  
Councillor C. Drinkwalter  
Councillor D. McCann  
Councillor R. McMillan  
Councillor J. Parson  
Councillor C. Van Wallegghem  
Tara Rickaby, Planning Administrator  
Heather Kasprick, Deputy Clerk  
Nadia De Santi, FoTenn Consulting

Chairman Wendy Cuthbert advised the public meeting is being held by Council in accordance with Section 34 of the Planning Act to hear submissions with respect to a Zoning by-law for the City of Kenora.

Ms. Kasprick, Deputy Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Daily Miner & News on June 12 and June 15, 2010.

Chairman Wendy Cuthbert asked if there was anyone who wished to receive written notice of the adoption of the By-law, to leave their name and address with the Clerk. Mayor Compton mentioned that any person may express his or her views of the amendment, and a record will be kept of all comments.

Nadia De Santi from FoTenn Consulting provided an overview of the process of the adoption of the Zoning by-law.

Tara Rickably, Planning Administrator then reviewed the details of the Planning Report:

**Background**

Effective January 1, 2007, the *Planning and Conservation Land Statute Law Amendment Act, 2006* (Bill 51) requires that official plans be revised at least every five years, while zoning by-laws must be revised within three years after a new official plan is in effect. In the Fall 2009, the City of Kenora initiated the five-year review of its Official Plan as mandated by the Province under Section 26 of the

*Planning Act*. The Official Plan was adopted by Council on May 17, 2010 and is currently with the Ministry of Municipal Affairs and Housing for Ministerial approval. It is anticipated that the Official Plan, and implementing Zoning By-law will be ready for implementation in early fall 2010.

Section 34 of the *Planning Act* permits Council to pass a zoning by-law to prescribe how lands may be used, where buildings and other structures may be located, the types of buildings that are permitted and how they may be used, and the size of lots, their dimensions, parking requirements, building heights and setbacks of buildings from property lines and the street.

### **Community and Aboriginal Engagement**

***Community and stakeholder engagement*** is a key component of the review process and aims to inform, hear, and engage the community so that their input is incorporated in the development of the Zoning By-law.

The community engagement process included a **Focus Group Session** which was held on September 23, 2009 at the Super 8 Motel in Kenora. Key stakeholders from the community, including representatives from the Lake of Woods District Property Owners, Treaty 3, Moncrief Construction, and other organizations were invited to participate. This was an opportunity to introduce the process for the review of both the Official Plan and Zoning By-law.

The City hosted two public open houses on the Draft Zoning By-law on May 4, 2010; there were approximately 20 interested people in attendance at the afternoon session. The evening session was not as well attended.

Discussion surrounded protection of residential waterfront uses, sizes of parking stalls and the minimum buffer distance between kennels and residential uses. Several individual property owners had questions with respect to either their own property or the property of their neighbours; these individuals were asked to contact the City's Planning Department to discuss the individual concerns.

In addition the Draft and Final Draft Zoning By-laws have been posted on the City's portal, and hard copies provided at both locations of the Kenora Public Library, City Hall and the Operations Centre. The Planning Department has also contacted the local law offices and real estate offices to notify them of the opportunity to comment on the Draft and Final Draft Zoning By-laws.

To date, there has been only one (1) written comment provided to the City of Kenora, or FoTenn Consultants by the agent for the TDL Group (Tim Hortons) and the Ontario Restaurant, Hotel and Motel Association. The comment was to request changes with respect to drive-through facilities. A copy of the proposed changes forms part of this planning report and is attached.

### ***Aboriginal Engagement***

The two drafts of the Zoning By-law (March 31, 2010 and June 16, 2010) were

mailed to the Chiefs of Wauzhushk Onigum First Nation (Rat Portage), Ochiichagwe'babigo'ining First Nation (Dalles) , and Obashkaandagaang First Nation (Washagamis Bay), together with appropriate and/or statutory notice of public meetings and opportunities to provide comments. No comments have been received as of July 6, 2010.

### **City of Kenora Planning Advisory Committee**

The City of Kenora Planning Advisory Committee (PAC) has been integral to the process. The Committee provided comments with respect to issues the Committee has been faced with on consent and minor variance applications over the years. The Committee members were provided with copies of the drafts and met on several occasions to discuss issues such as parking stall size and required numbers of stalls. Some of the changes in the new Zoning By-law are the result of a review of the numbers of minor variances approved by PAC, over the past six years. The PAC comments were incorporated into the Final Draft Zoning By-law, June 16, 2010.

### **Public and Agency Comments**

Through the Zoning By-law review process to date, the City has received comments from the public and agencies, including Trans Canada Pipeline, Northwestern Health Unit and TDL Group Corp. and ORHMA. Their concerns and issues have been addressed through revisions. The Agent for the TDL Group Corp. and ORHMA, Murray Chown of Novatech Engineering Consultants Ltd., is concerned that his clients interests in maintaining the ability to provide drive through services in association with existing and future store locations are addressed in the new Zoning By-law. While the draft Zoning By-law has revisions to the required number of queuing spaces associated with drive through facilities to permit a minimum of 11 spaces, without requiring specific numbers either before or after an order board or service window, a reduction in the required parking for restaurants, with drive-through facilities, is not addressed.

### **Supporting Documentation**

As part of the Official Plan and Zoning By-law review process, a Final Background Report (April 2010) has been prepared to provide direction to the Zoning By-law (and Official Plan) review by identifying policies and provisions that may currently be missing or require updating based on the Provincial Policy Statement 2005, the Official Plan and other legislation. The Final Background Report also includes a detailed analysis of the existing Official Plan and Zoning By-law in relation to Bill 51 and the Provincial Policy Statement. The Report is also available on the City's portal, or through the Planning Department.

### **Circulation and Notification**

Notification of the Final Draft Zoning By-law, June 16, 2010, was advertised through the following communication tools:

- City of Kenora Community Portal [www.kenora.ca](http://www.kenora.ca), under "What's New";
- Kenora Daily Miner and News on June 12 and 15, 2010;
- The Notification for the Statutory Public Meeting with links to the Community

Portal were sent by the City's Planning Administrator via email on April 8, 2010 to the following:

- interested members of the public
- TDL Group
- ORMHA
- Jeff Port, on behalf of John Gale
- City Clerk
- City Council
- Kenora Planning Advisory Committee
- Kenora Urban Trails Committee
- Keewatin Patricia District School Board
- Catholic Education Centre
- Lake of the Woods Control Board
- Secretary of Union Gas
- TransCanada Pipelines
- SUPERIOR PROPANE INC
- Energy Tech Services
- CP Rail
- Ontario Power Generation
- Hydro One Networks Inc.
- Kenora Hydro
- Chief Ken Skead Wauzhusk Onigum First Nation (a mailed copy was also provided)
- Chief Lorraine Cobiness, c/o John Henry Ochiichagwe'babigo'ining First Nation (a mailed copy was also provided)
- Chief Alfred Sinclair Washagamis Bay First Nation (a mailed copy was also provided)
- MMAH – Ministry of Municipal Affairs & Housing
- Kenora Chamber of Commerce
- Kenora BIZ

### **Key Changes**

The Zoning By-law will incorporate a change made to the minimum lot frontage on a navigable waterway in the RR – Rural Residential Zone. The change from a minimum lot frontage of 45 metres to a minimum of 61 metres mirrors the frontage requirements on Black Sturgeon Lake, which were adopted as a recommendation from the Black Sturgeon Lake Management Report (2008), and resulting Official Plan and Zoning By-law amendments.

The width of parking stalls has been reduced from 3 metres to 2.85 metres, as a result of a number of approved minor variance applications for such a reduction. There will now be visitor parking required as part of the development of apartment, multiple attached, and stacked dwellings. The required number of stalls for residential units is reduced from 1.5 to 1. This is a result of the addition of required visitor parking for higher density residential uses.

The development of apartment, multiple attached, and stacked dwellings, and

associated lands will include a required amount of amenity space; this will ensure that occupants of higher density residential dwellings will be ensured a residential look and feel to the property.

The use of the City's new Site Plan Control By-law will work hand in hand with the Zoning By-law to ensure orderly, efficient and attractive development within the City of Kenora.

### **Process for Implementation**

The Zoning By-law is anticipated for adoption at the regular meeting of Council, on August 9, 2010. Following Council adoption, a Notice of Passing will be issued followed by a twenty-day appeal period for the Zoning By-law.

Once the Minister issues its Notice of Decision (with or without Modifications) on the Official Plan, a twenty (20) day appeal period will follow. The Zoning By-law would be in full force and effect the day after the appeal period for the Official Plan lapses.

Planning report also includes a letter from the TDL Group and forms part of the report. The recommendation to Committee will be:

That the Planning and Property Committee recommends that Council:

Adopts the City of Kenora Zoning By-law, including text and associated schedules (maps); and

That Zoning By-law Number 160-2004 be repealed.

The Planning Administrator then introduced recommended revisions to Final Draft of City of Kenora Zoning By-law (June 16, 2010) which will ensure that the City's Zoning By-law conforms to the Official Plan:

- Minor Editorials throughout the document to fix typos, formatting, etc
- **Section 1.13 Request for Amendments**  
Insert new second paragraph to read, "Minor amendments to the Zoning By-law are permitted without adopting an amendment provided they do not change the intent of the Zoning By-law. Minor amendments could include: number changes; cross-referencing; correcting grammatical or typographical errors.
- **Section 1.3.6 Holding Zone**  
In the last second line, delete "which are identified in the exception provisions"
- **Section 3.26 Landscaped Open Space and Landscaped Buffer Strips**  
Delete (e) and (f)
- **Section 3.29.7 New Uses in Existing Buildings in Harbourtown Centre**  
Second sentence – delete "Table 3" and insert "Table 4".
- **Section 4.6 Local Commercial Zone**  
Sub Section 4.6.2 Permitted Uses, insert "Drive Through Facility"

Sub Section 4.6.3 Zone Regulations (l), delete "For any permitted convenience store, restaurant or retail store the maximum total floor area of the permitted use shall be 300 m<sup>2</sup>." and insert "For any permitted convenience store, restaurant, drive through facility, or retail store the maximum total gross floor area of the permitted use shall be 300 m<sup>2</sup>."

- **Section 4.9 Tourist Commercial Zone**

Title to be changed to "Tourist Recreational"

Sub Section 4.9.1 Purpose. Existing text to be deleted and replaced with "This zone allows for a variety of accommodations to be established for recreational and tourism purposes."

Sub Section 4.9.2 Permitted Uses delete "personal service business".

Sub Section 4.9.3 Zone Regulations (k) and (l), insert "gross" after "total" and before "floor"

- **Section 4.10 Light Industrial Zone**

Sub Section 4.10.2 Permitted Uses, Insert "Drive Through Facility".

Sub Section 4.10.3 Zone Regulations. Insert new (m). For any permitted restaurant or drive through facility, the maximum total gross floor area of the permitted use shall be 300 m<sup>2</sup>.

- **Section 4.11 Heavy Industrial Zone**

Sub Section 4.11.2 Permitted Uses, Insert "Drive Through Facility".

- **Zoning Schedules (Map) changes**

Change "Tourist Commercial" to "Tourist Recreational"

Fire Hall, Second Street changed from Institutional to General Commercial

Chairman Wendy Cuthbert asked if there was anyone who wished to speak in favour or against the zoning by-law or any portion thereof.

1. Murray Chown, Ottawa. Mr. Chown is representing the both TDL Group and the Ontario Restaurant Motel/Hotel Industry. He views restaurants as being a significant development in non-residential areas generally permitted in the City's non-residential zones. He discussed the areas where restaurants are permitted and acknowledged that the uses in the current Tourist Commercial zone, are not compatible with restaurants. The addition of a restaurant, in the Light Industrial zone was also recognized. The position of Mr. Chown's clients is that, generally, drive through facilities should be permitted in association with restaurants.

2. Jim Peary - Spoke about the document in its entirety, and his disappointment with the process in the Planning Department. Mr. Perry provided a copy of a Webster's Dictionary definition of "build" to the Clerk.

Chairman Wendy Cuthbert asked if there were any questions. As there were no questions Chairman Wendy Cuthbert the declared the Public Meeting closed at 10:35 a.m.