

September 27, 2012



City Council Committee Report

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: Official Plan Amendment/Zoning By-law Amendment – Norman Park

Recommendation:

Whereas if, in the future, there is a proposed change of use in Norman Park, the public would have an opportunity to provide input, comment and appeal any decision regarding the particular change of use, per the Ontario Planning Act;

Now Therefore be it resolved that the Council of the City of Kenora not proceed with an amendment of the City of Kenora Official Plan (2010) or the City of Kenora Zoning By-law No. 160-2010, as amended, as the current use of the subject lands is not anticipated to change and therefore no amendment to either document is required.

Background:

The Ontario *Planning Act* requires municipalities to prepare and adopt an Official Plan to provide guidance for the physical development of communities. The City of Kenora adopted its Official Plan on May 25, 2010; Ministerial approval was received on August 19, 2010. The *Planning Act* provides the legislation and regulations for amending the City of Kenora Official Plan.

The following information is provided by the Ministry of Municipal Affairs and Housing as information to the public:

"An official plan amendment is a formal document that changes a municipality's official plan. Changes may be needed because of new circumstances in the community or because of requests made by property owners.

An approved official plan can be reviewed at any time, but each local council is required to revise its official plan not less than every five years from the date the plan came into effect. This ensures the plan is consistent with the Provincial Policy Statement and that it conforms and/or does not conflict with provincial plans, as required. If the plan is not consistent with the Provincial Policy Statement, or does not conform with provincial plans or conflicts with provincial plans, then the plan is expected to be updated. The five-year review is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. In the case of a five-year review, a special meeting of council must be held that is open to the public, as well as an open house information session and at least one public meeting."

When an OPA is requested/required, it is generally because of "new circumstances in the community, or "because of a request made by property owners". To date, there is are no new circumstances affecting Norman Park. The property is designated as Open Space in the Official Plan and the current uses are permitted by the current Zoning By-law.

Council and Staff have been circulated for comment, based on the direction from Council at the September 2012 meeting. The following comments were received:

Councillor Roussin – September 18, 2012: I have talked to numerous Norman community residents, Kenora residents in general (including west Kenora people) and business property owners about this issue. In my opinion I think we can deal with this issue without amending the city official plan and by-laws.

It appears that the Norman Park issue came to the attention of Council and became a concern to the public when the city allowed food vendors at the Discovery Centre. Therefore, my suggestion would be to not allow mobile food vendors and rental kiosks as ancillary uses. The City would then not have to amend the official plan and zoning.

Colleen Neil, Manager Community Services – September 18, 2012: I am in agreement with the food vendor comments from Councilor Roussin.

I can understand having a vendor at an EVENT but I don't agree that they should be able to take up a spot beyond the specific dates for any individual particular event.

Councillor McKay – September 19, 2012: I think we need to find a good way to tell the general public that we value our parks as a very important part of this community. Parks are not for sale or [commercial] development.

Members of the Kenora Planning Advisory Committee discussed the item at their last regular meeting, September 18, 2012. The consensus was that there is no real change being considered and that the current planning documents provide guidance and provisions which address current use. There was discussion about the park being used, as it has been in the past, as the location for a midway, and the resulting parking/traffic issues in the area. If, in the future, there are to be large special events on the site, those issues should be analyzed and addressed.

Budget: N/A

Communication Plan/Notice By-law Requirements:

Property and Planning Minutes, Council Agenda, Lake of the Woods Development Commission, Community Services Manager, Operations Manager