

August 28, 2012



City Council Committee Report

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: Background to Official Plan Amendment – Norman Park

Recommendation:

That the Council of the City of Kenora proceeds with an amendment to the City of Kenora Official Plan 2010 (OPA #2 – Norman Park) as follows:

Item 1: The area indicated on Schedule “A” – Land Use Designations of the Official Plan for the City of Kenora would be amended in accordance with Schedule “1” to this Amendment to change the designation from “Open Space” to Open Space – NP, as a Special Policy overlay.

Item 2: Section 2.2.2 Natural Environment would be amended by adding the following text: maintaining Norman Park as a recreational open space; and

A concurrent amendment to Zoning By-law No. 160-2010 to to add Section 4.1.4(b) OS –NP, the provisions of which would include a purpose to provide active and passive recreational uses in Norman Park and to indicate permitted uses as:

Community centre

Golf course

Off-leash dog area

Park

Recreational facility

Tourist information centre Food vendor(s) as ancillary use

Rental kiosk(s) as ancillary use

Community garden

Interpretive centre

Outdoor recreational facility

Parking lot

Wildlife conservation reserve

(f) Notwithstanding any other provision in this By-law, a park, parking lot, outdoor recreational facility, a wildlife conservation reserve and ancillary food vending and/or rental kiosks shall be permitted uses in Norman Park and will be subject to site plan agreement per Section 41 of the Planning Act, and;

That FoTenn Consulting be requested to facilitate the public consultation process and oversee the process; and

That the application be drafted, circulated to the Kenora Planning Advisory Committee, commenting departments and agencies, and an open house and a statutory public meeting be scheduled, under the provisions of the *Planning Act*, in November of 2012.

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.

There has been one amendment to the City's Official Plan; OPA1 designated land described legally as the east part of PLAN 33 BLK 3 MAIN MILL SITE LESS PCLS 39184 PT PCL 40136 PCL 40137 PCL 41043 to extend the Future Development Area – Special Policy Overlay over the entire site of the former mill lands, thereby extending the Community Improvement Plan area boundary, and to develop a Community Improvement Plan for the lands.

The proposed revision/amendment to the Official Plan has come as a result of concern by area residents that Norman Park will be intensively developed with excessive accessory commercial use.

Policy Basis for Amendment (PPS 2005)

This amendment has regard for the Provincial Policy Statement in that the subject land is an existing park which provides open space and a natural setting for recreation purposes and provides an opportunity for healthy, active living for residents.

Policy Basis for Amendment (Official Plan)

The policy basis for amending the City's Official Plan, by adding a policy specific to Norman Park can be found in the Provincial Policy Statement, the City's Economic Development Plan, the 2012 Branding, Development and Marketing Plan and in Sections 2.2.2 Principle 2 – Natural Environment and Principle 5 – Tourist Destination in the Official Plan.

The foundation of Section 2.2 - Principle 2 – Natural Environment, of the Official Plan is that Kenora shall support the protection and integrity of the natural environment as valued by the community. The current objectives are: to protect natural heritage features and areas, surface water features, and ground water features, to limit shoreline development, to minimize negative impacts to air quality and climate change by encouraging energy efficient buildings and development, to maintain Tunnel Island as a recreational open space, and to protect and preserve hazard lands, sensitive areas, areas of historical significance and important natural resources such as fish and wildlife habitat areas, wetlands and minerals and aggregates.

This Official Plan Amendment will add the objective of maintaining Norman Park as a recreational open space.

City of Kenora Economic Development Plan (2009)

This Plan is a blueprint for City Council to convey to the public how the municipality would pursue opportunities for growth and development and provided City Council with a policy document for making strategic decisions on the allocation of limited financial and human resources.

The prime goals of this plan are to directly address the negative impact of the mill closure on the economy. There are eight (8) key areas for the City of Kenora to strategically invest its financial and human resources in order to achieve the prime goals set out in the previous section. They include Economic & Tourism Infrastructure. The identified action(s) include to develop an investment plan for trails, develop and promote public amenities for tourists and residents, and the identification of current and potential magnet attractions.

There are a number of key economic and tourism infrastructure projects identified in the Economic Recovery & Diversification Strategy. These projects are also embedded within both the Business Attraction and Tourism Strategies. Without these major capital investments, the Economic Development Plan and Kenora's plans for recovery and diversification will not succeed: Beaches, Parks & Trails and the Norman Park Heritage Transportation Centre.

Branding, Development & Marketing Action Plan - Recommendations

21. Use the Discovery Centre as a boating exhibition with rotating displays (hand laid canoes and kayaks, etc.)

Past practice of the City of Kenora

In 2011, the City of Kenora submitted a proposal to the Federal Government construct an accessible walking trail and splash pad in Norman Park, as well as to enhance the existing beach and playground area. The walking trails were also to link the Lake of the Woods Discovery Centre to the beach and playground area.

In 2010, the City of Kenora applied for funding (Build Canada 2) the Lake of the Woods Discovery Centre and Heritage Transportation Exhibition Park, including the trails, docks and beach area. The funders actually broke the project up and funded only the LOW Discovery Centre.

In 2004, the City of Kenora entered into a long term lease agreement (a renewal) with Dairy Queen. This lease was first approved in 1955. This lease is in effect until December 31, 2013. It should be noted that, in a letter to Bob Myers, CAO of the Town of Kenora, on October 26, 1990, the Property Manager of Boise Cascade Canada Ltd. commented that “in all likelihood the company, at that time, viewed this as a complementary use within the meaning of the restrictive covenant”.

On July 18th, 1995, Council of the City of Kenora renewed an agreement with the Kiwanis Club of Kenora. This lease permits fundraising events and overflow parking as well as meeting space in the building located at Norman Park.

In the late 1980s, the former Town of Kenora permitted the Retired Railroad Employees to locate and develop a rail museum on the property; a caboose was situated on the site, after which came the locomotive. When the former Tourist Information Centre was to be re-located (1995), it was moved to the Norman Park location, and a museum developed.

Details of Amendment:

The City of Kenora is would be amended as follows:

Item 1: The area indicated on Schedule “A” – Land Use Designations of the Official Plan for the City of Kenora would be amended in accordance with Schedule “1” to this Amendment to change the designation from “Open Space” to Open Space – NP, as a Special Policy overlay.

Item 2: Section 2.2.2 Natural Environment would be amended by adding the following text: maintaining Norman Park as a recreational open space.

Item 3: The City of Kenora Zoning By-law No. 160-2010 be amended to add Section 4.1.4(b) OS – NP, the provisions of which would include a purpose to provide active and passive recreational uses in Norman Park and to indicate permitted uses as:

- | | |
|----------------------------------|---------------------------------|
| Community centre | Community garden |
| Golf course | Interpretive centre |
| Off-leash dog area | Outdoor recreational facility |
| Park | Parking lot |
| Recreational facility | Wildlife conservation reserve |
| Tourist information centre | Food vendor(s) as ancillary use |
| Rental kiosk(s) as ancillary use | |

(f) Notwithstanding any other provision in this By-law, a park, parking lot, outdoor recreational

facility, a wildlife conservation reserve and ancillary food vending and/or rental kiosks shall be permitted uses in Norman Park and will be subject to site plan agreement per Section 41 of the Planning Act.

Examples of City parks in Ontario which permit food vendors in parks:

Park Name	Location	Location of food vendors
Odette Sculpture Park	Windsor, ON	Parking lot
Ontario Place	Toronto, ON	Throughout park
Lamoureux Park	Cornwall, ON	One location
Tudhope Park	Orillia, ON	2 – ice cream and one burgers etc

The issue of food vendors (mobile and otherwise) is and has been debated by many municipalities and many permit food vendors only during special occasions.

The history of the use of the Norman Park property, including the recent history of proposals and funding applications, indicates that Kenora Councils do recognize the value of Norman Park as a recreational area for residents and tourists alike. It also needs to be recognized that where people gather, two other elements are also generally found: restrooms and food. The food outlets, however need to be an ancillary use (Ancillary Use - A listed, permitted land use that is additional, secondary and complementary to a permitted principal use, but not accessory to the permitted principal use, City of Kenora Zoning By-law No. 160-2010).

Another common element in a park which offers recreational opportunities is rental kiosks; rentals of canoes, paddle boats and accessories, bicycles, etc.

This recommendation is a starting point for discussion. Council should consider the recommendation based on their experience in other municipalities, as well as in consideration of existing policy documents and the input from the community.

Budget: \$5,000

Communication Plan/Notice By-law Requirements: Property and Planning Minutes, Council Agenda, Lake of the Woods Development Commission, Community Services Manager, Operations Manager