



City of Kenora Committee of the Whole Agenda

Tuesday, December 8, 2015

9:00 a.m.

City Hall Council Chambers



A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its December 15, 2015 meeting:-

- Council intends to adopt a new Rules and Regulations for the Care and Control of the Lake of the Woods Cemetery
- Council intends to adopt a new Procedural Bylaw
- Adopt a new Tariff of Fees and Charges By-Law to set new rates for the baseball field rentals
- Council intends to amend its 2015 Operating & Capital Budget withdraw funds from the contingency reserve in the amount of \$11,500 plus applicable taxes to offset the cost of this purchase of new TSSA doors for the Keewatin Memorial Arena
- Council will give third and final reading to the Keewatin Community Improvement Plan bylaws
- Council will give third and final reading to the new Zoning Bylaw

B. Declaration of Pecuniary Interest & the General Nature Thereof

1) On Today's Agenda

2) From a Meeting at which a Member was not in Attendance.

C. Confirmation of Previous Committee Minutes

Motion:

That the Minutes from the last regular Committee of the Whole Meeting held November 10, 2015 be confirmed as written and filed.

D. Deputations/Presentations

- Accessibility for Ontarians Disabilities Act Champion Award Presentation – Denise Miault

E. Reports:

1. Business Administration

Councillor R. McMillan - Chair

Item Subject

Pages 5-69

1.1. Lake of the Woods Cemetery Rules & Regulations

- 1.2. Adoption of new Procedural Bylaw
- 1.3. Rotation of Committee Appointments

2. Community Services

Councillor D. Reynard, Chair

Item Subject

Pages 70-73

- 2.1 Ball Field & Recreation Grounds Rental Fees
- 2.2 Budget Amendment – TSSA doors Keewatin Arena

3. Economic Development

Councillor M. Goss, Chair

Item Subject

Pages 74-87

- 3.1 Kenora Assembly of Resources Agreement

4. Emergency Services

Councillor C. Wasacase, Chair

Item Subject

Pages 88-106

- 4.1 Medical Emergency Response Agreement

5. Operations

Councillor L. Roussin, Chair

Item Subject

Pages 107-131

- 5.1 Consolidated Traffic Bylaw
- 5.2 Rotary Goodwill Geysers

6. Property & Planning

Councillor S. Smith, Chair

Item Subject

Pages 132-311

- 6.1 Keewatin CIP Third & Final reading
- 6.2 Zoning Bylaw Third & Final reading

Other:

Next Meeting

- Tuesday, January 12, 2016

Motion - Adjourn to Closed Meeting:

That this meeting be now declared closed at _____ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- i) Proposed or Pending Acquisition or Disposition of Land (1 matter)**
- ii) Education & Training of Council (1 matter)**
- iii) Personal Matter about an Identifiable Individual (1 matter)**
- iv) Labour Relations (1 matter)**

Reconvene to Open Meeting with disposition from Closed Session

Adjournment.



Please join us for the

AODA

ACCESSIBILITY FOR ONTARIANS DISABILITIES ACT

**10TH ANNIVERSARY
CHAMPION AWARD
PRESENTATION**

Tuesday December 8th 9:00 a.m.

City Hall Council Chambers

Our accessibility advocate, our Committee chair,
and now our Champion,

Denise Miault

will be presented with this special award.



November 24, 2015

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Edie, Treasurer

RE: Lake of the Woods Cemetery – Rules & Regulations - Revisions

Recommendation:

That Council gives three readings to a by-law to authorize a revised Rules and Regulations for the Care and Control of the Lake of the Woods Cemetery; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Rules and Regulations for the Care and Control of the Lake of the Woods Cemetery at its December 15, 2015 meeting; and further

That the by-law will come into effect and come into force upon approval of the Ministry of Consumer Services; and further

That By-law Number 103-2014 be hereby repealed.

Background:

The Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora.

The Funeral, Burial & Cremation Services Act, 2002 (FBCSA) O. Reg. 30/11, s. 150 (1) provides that an owner of a cemetery may make by-laws for regulating the operation of a cemetery.

Requesting to rescind By-law #103-2014 with a new by-law created to incorporate the proposed revisions to the Cemetery Rules and Regulations.

The Ministry of Consumer Services conducted an audit of the Lake of the Woods Cemetery in August 2015 in conjunction with all cemeteries in Northwestern Ontario. In an effort to standardize cemetery by-laws the Ministry strongly suggested that the City enact a new by-law that reflected a sample that was provided. Attachment #1 is the new proposed by-law. Attachment #2 is the previous by-law #103-2014. The new proposed by-law streamlines the cemetery regulations. The detail contained in the former by-law will be captured in a separate policy and procedures document which will be completed under the direction of the new Manager of Community and Development Services and his/her staff.

To comply with the Act, this request will be published in the local newspaper, postings at the Lake of the Woods Cemetery for four weeks and a copy will be sent to each monument dealer. It will then be sent to the Ministry of Consumer Services for final approval.

Budget: N/A

Communication Plan/Notice By-law Requirements:

Ministry of Consumer Services

Carole Bruneau, Cemeterian

Heather Kasprick, Clerk

Daily Miner and News

Strategic Plan or other Guiding Document:

This is a housekeeping matter administrative in nature to update our cemetery by-law.

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RULES AND REGULATIONS

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These by-laws are the rules and regulations that govern Lake of the Woods Cemetery and have been approved by the Corporation of the City of Kenora and the Registrar of Cemeteries, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Cemeteries Regulations Unit, Ministry of Consumer Services.

A. DEFINITIONS

Burial: The opening and closing of an inground grave, lawn crypt or niche for the disposition of human remains or cremated human remains.

By-laws: The rules and regulations under which the Cemetery operates.

Care and Maintenance Fund: It is a requirement under the FBCSA that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.

Cemetery Office Staff: Shall mean an employee of the Corporation of the City of Kenora, employed at the Cemetery as cemetery administrator.

Columbarium: Shall mean an above-ground structure designed for the purpose of interring cremated human remains in compartments or niches.

Contract: For purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

Corner Posts: Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

Grave: means any inground burial space intended for the interment of a child, adult or cremated human remains.

Inter: (see definition of burial) means the burials of human remains.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, niche or crypt and direct the associated memorialization.

Interment Rights Certificate: The document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

Interment Rights Holder: Any person designated to hold the right to inter human remains in a specified grave, niche or crypt.

Lawn Crypt: An individual compartment above ground for the interment of human remains.

Lot: For the purposes of these by-laws, a lot shall mean a parcel of land, containing a series of 4 to 8 consecutive graves followed by a 2 foot pathway

Marker: Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial grave.

Ministry: shall mean the Ministry of Consumer Services

Monument: Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or grave.

Niche: An individual compartment in a columbarium for the interment of cremated human remains.

Registrar: shall mean the Registrar appointed under the Ministry of Consumer Services

Vault: Shall mean a sealed container to be placed below ground, for the purpose of containing a casket.

B. GENERAL INFORMATION

Hours of Operation:

Visitation Hours:	8 a.m. – 8 p.m. Lake of the Woods Cemetery
Office Hours:	8 a.m. – 12:00 p.m. and 12:30 p.m. – 4:30 p.m. Monday to Friday Located: Operations Building – 60 Fourteenth Street North
Burial Hours:	8 a.m. – 4:00 p.m. Monday to Friday 8 a.m. – 4:00 p.m. Saturday – Additional Fees Applies

General Conduct:

The cemetery reserves full control over the cemetery operations and management of land within the cemetery grounds.

No person may damage, destroy, remove or deface any property within the Cemetery.

All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

By Law Amendments:

The cemetery shall be governed by these by-laws, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.

All by-law amendments must be:

- a) published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) conspicuously posted on a sign at the entrance of the cemetery; and
- c) delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, and Ministry of Consumer Services.

Liability:

The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any lot, plot, columbarium niche, lawn crypt, monument, marker, or other article that has been placed in relation to an interment right save and except for direct loss or damage caused by gross negligence of the cemetery.

The Corporation of the City of Kenora reserves and shall have the right to correct any errors that may be made by the cemetery operation, either in interment, disinterment, rights transfer, etc.; by either cancelling or substituting in lieu other property of equal value and similar location as far as possible, or by refunding the amount of money paid on account to purchaser. In the event such an error involves interment, the cemetery operator will incur all costs.

Public Register:

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires the cemetery operator to maintain a public register that is available to the public during regular office hours. The Public Register is available for viewing at the Cemetery Office, 60 Fourteenth Street North during the hours of 8 a.m. to 4:30 p.m., Monday – Friday.

Pets or Other Animals:

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

Right to Re-Survey:

The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

Cemetery Plan shall remain on file at City Hall, 1 Main Street South and a copy at the Cemetery Office.

C. THE CANCELLATION OR RESALE OF INTERMENT RIGHTS

Notice of Resale and Transfer of Interment Rights:

Interment rights holders must first offer the interment rights to the cemetery operator. If the cemetery operator does not wish to repurchase the interment rights, the interment right may be sold on the open market to a third party for no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the cemetery operator and the purchaser meets the qualifications and requirements as outlined in the cemetery operator's by-laws.

The cemetery operator can prohibit the resale of interment rights to a third party and is not required to repurchase unused interment rights in a lot (more than one grave) if one of the interment rights in the lot has been exercised.

Purchasers of interment rights holders acquire only the right to direct the burial of human remains and of cremated human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-laws. In accordance with cemetery by-laws, no burial, interment, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights must advise the cemetery operator of their intention prior to seeking a third party buyer for their interment rights.

Cancellation of Interment Rights within 30 Day Cooling-Off Period:

- A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

Cancellation of Interment Rights after the 30 Day Cooling-Off Period:

- Upon receiving written notice from the purchaser of the interment rights, the cemetery operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the cemetery operator along with the written notice of cancellation.
- If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or resell the interment rights.

Resale of Interment Rights after 30 Day Cooling-Off Period:

- Unless the interment rights have been exercised the purchaser retains the right to cancel the contract or resell the rights. Once payment for the interment rights has been made in full, and an interment rights certificate has been issued, the interment rights holder(s), as recorded on the cemetery records, has the right to re-sell the interment rights. Any resale of the interment right shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA.
- If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to resell the interment rights.

Care and Maintenance Fund Contributions:

- As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all interment rights and a prescribed amount for monuments and markers is contributed into the care and maintenance fund. Income from this fund is used to provide only general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30 day cooling off period.

Requirements if resale of interment rights is permitted by the cemetery operator:

NOTE: ALL REALES OR TRANSFERS OF INTERMENT RIGHTS MUST BE PROCESSED THROUGH THE CEMETERY OFFICE TO BE VALID.

A cemetery operator may choose to either permit the interment rights holder(s) to:

- a) first re-sell the interment rights to the cemetery; if declined by cemetery
- b) re-sell the interment rights to a third party

Procedure of interment rights to a Cemetery Operator:

- If a rights holder(s) wishes to re-sell the interment rights - the rights holder(s) must make the request to the cemetery operator in writing. The cemetery operator will repurchase the interment rights at the price listed on the cemetery operator's current price list less the Care & Maintenance Fund contribution made at the time of purchase. The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.
- The interment rights holder requesting the resale of the rights must return the interment rights certificate to the cemetery operator and the rights holder(s) must endorse the interment rights certificate, transferring all rights, title and interest back to the cemetery operator. The appropriate paperwork must be completed before the cemetery operator reimburses the rights holder(s).

Procedure of interment rights to a third party:

- The interment rights holder(s) intending to sell their rights shall provide the following documents to the cemetery operator so that the operator can confirm the ownership of the rights and provide the third party purchaser with a the required certificate etc.:
 1. an interment rights certificate endorsed by the current rights holder
 2. if the resale involves interment rights, a written statement of the number of graves that have been used in the plot and the number of graves that remain available
 3. any other documentation in the interment rights holder(s) possession relating to the rights
- The third party purchaser will be provided with the following documents by the cemetery operator :
 1. an interment rights certificate endorsed by the current rights holder
 2. a copy of the cemetery's current by-laws
 3. a copy of the cemetery's current price list
 4. if the resale involves interment rights, a written statement of the number of graves that have been used in the plot and the number of graves that remain available
 5. any other documentation in the interment rights holder(s) possession relating to the rights
- The cemetery operator will require:
 1. a statement signed by the rights holder(s) selling the interment rights acknowledging the sale of the interment rights to the third party purchaser

2. confirmation that the person selling the interment rights is the person registered on the cemetery records and that they have the right to resell the Interment rights
 3. a record of the date of transfer of the interment rights to the third party;
 4. the name and address of the third party purchaser(s)
 5. a statement of any money owing to the Cemetery Operator in respect to the Interment Rights.
- Once the endorsed certificate and all required information has been received by the cemetery operator from the rights holder(s), the cemetery operator will issue a new interment rights certificate to the third party purchaser.
 - Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third party purchaser or transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with the cemetery by-laws and the FBCSA.
 - The cemetery operator may charge an administration fee for the issuance of a duplicate certificate in accordance with the price listed on the cemetery operator's current price list.
 - The cemetery operator does not prohibit the resale of an interment rights and may repurchase the interment rights from the rights holder(s) if the cemetery operator so desires and may negotiate a purchase price so long as the seller acknowledges being aware of the cemetery operators current price list amounts for interment rights.

D. BURIALS

- Interment rights holder(s) must provide written authorization prior to a burial, or an interment taking place. Should the interment rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder i.e. Personal Representative, Estate Trustee, Executor or next of kin.
- A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to a burial or interment taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains of cremated remains taking place.
- In accordance with the FBCSA the purchaser of interment rights must enter into a cemetery contract, providing such information as may be required by the cemetery operator for the completion of the contract and the public register prior to each burial or interment of human remains or cremated human remains.
- Payment must be made to the cemetery before a burial can place or a payment plan must be approved the cemetery administrator.

- The cemetery shall be given 16 business hours (2 business days) of notice for each burial of human remains or cremated human remains.
- The opening and closing of graves, crypts and niches of cremated remains may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.
- Cremated remains are not permitted to be scattered on cemetery graves or grounds.
- Human remains may be disinterred from a grave provided that the written consent (authorization) of the interment rights holder has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains may take place. A certificate from the local medical officer of health is not required for the removal of cremated remains.
- In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).
- Full size grave are allowed one casket interment and up to 4 cremated remains interments.
- Cremation graves and niches are allowed up to 2 cremated remains interments.
- A single lawn crypt is allowed one casket interment.
- Double lawn crypts are allowed two caskets or one casket interment and one cremated remains interment.

E. MEMORIALIZATION

- No memorial or other structure shall be erected or permitted on a grave until approval of the headstone contract has been submitted to the cemetery operator and all permit fees have been paid in full.
- No monument, footstone, marker or memorial bench of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.
- Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
- The cemetery operator will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.
- The cemetery operator reserves the right to determine the maximum size of monuments, their number and their location on each grave. They must not be of a size that would interfere with any future interments or encroach on any other grave.

- All foundations for monuments and markers shall be built by, or contracted to be built for, the cemetery operator as per permit fees.
- Should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.
- The cemetery operator reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the trustees.
- A monument, marker, or bench shall be erected only after the specific contract and permit have been approved by the cemetery operator including: dimensions, material of structure, and proposed location.
- In keeping with the cemetery by-laws only one monument shall be erected within the designated cremation grave and one monument plus a flat marker on full size grave.
- The minimum thickness for flat markers including footstones is 4 inches or 10 cm.
- All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).
- No monuments and markers shall be delivered to the cemetery for installation until all permit fees are approved and paid in full.
- No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and/or marker retailer have been notified by the cemetery operator.
- Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
- Maximum Size for monument and marker:
 - Cremation grave (3ft x 3ft) maximum: 12" x 32"
 - Cremation grave (2ft x 2ft) maximum: 10" x 20"
 - Full Size grave (3ft x 7ft/9ft) maximum: 12" x 32"
 - For double graves inquire with cemetery operator.

F. CARE AND PLANTING

A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- Re-leveling and sodding or seeding of graves and grounds
- Maintenance of cemetery roads, sewers and water systems
- Maintenance of perimeter walls and fences
- Maintenance of cemetery landscaping

- Maintenance of lawn crypt and columbarium
- Repairs and general upkeep of cemetery maintenance buildings and equipment
- No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial graves in the cemetery.
- No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery.
- Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

G. ITEMS THAT ARE PROHIBITED AND PERMITTED

The cemetery reserves the right to regulate the articles placed on lots or graves that pose a threat to the safety of all interment rights holders, visitors to the cemetery and cemetery employees; prevents the cemetery from performing general cemetery maintenance; or are not in keeping with the respect and dignity of the cemetery. Prohibited articles will be removed and disposed of without notification.

To assist interment rights holders, the following is an example of articles prohibited, but not limited to: glass, ceramics, corrosive metals; loose stones or sharp objects; trellises or arches: etc.

- The cemetery reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.
- Memorial wreaths may be placed in the cemetery and must be removed within three weeks following the holiday it is intended for. Otherwise, it will be removed and disposed of by the Cemetery without notification.
- The cemetery reserves the right to limit the number of solar lights placed on a grave or lot.

H. CONTRACTOR/MONUMENT DEALER

Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.

Prior to the start of any said work, contractors must provide proof of:

WSIB coverage

Occupational Health and Safety compliance standards

WHMIS

Evidence of liability insurance is required and not less than \$2 million.

All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

- Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the cemetery operator.
- No work will be performed at the cemetery except during the regular business hours of the cemetery.
- Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.
- Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

I. LAWN CRYPTS

- Full payment of the interment rights must be made to the cemetery operator before an interment may take place.
- The interment rights purchase includes the preparation and construction of the concrete foundation for placement of the lawn crypt. The purchase of the lawn crypt is the interment right holder's responsibility.
- Lawn crypts must be purchased with a granite floor, drainage holes and tracking, and wall vents. The casket must be placed in a casket tray.
- Only the cemetery operator, in conjunction with the funeral home, may open and seal crypts for interment. This applies to the inside sealer and the crypt front.
- To ensure quality control, desired uniformity and standard of workmanship, the cemetery operator reserves the right to approve crypt fonts, installation of lettering, vases, adornments, or any other attachment; and the cost is the sole responsible of the interment rights holder.
- Photographs are permitted and must conform to the design, material and standards of the lawn crypt with the approval of the rights holder.

J. COLUMBARIUMS

- Full payment of the interment rights must be made to the cemetery operator before an interment may take place.
- Only the cemetery operator may open and close the niche for interment.
- All proper paperwork as per cemetery bylaws must be completed prior to interment.
- Only the cemetery operator is authorized to inscribe on the individual niche. All fonts and inscriptions are to be uniform and approved by the cemetery operator.
- No person other than cemetery staff shall remove or alter niche fronts.
- Flowers/wreath may be laid at the base of the Columbarium on the day of interment. They will be removed one week after interment. No flowers or other paraphernalia are to be placed/attached on the walls of the Columbarium.

RULES AND REGULATIONS
for the Care and Control of
THE LAKE OF THE WOODS
CEMETERY

Kenora, Ontario

Approved by the
Ministry of Consumer Services

and Filed effective June 24, 2014

Lake of the Woods
KENORA



The Corporation of the City Of Kenora

By-law Number 103 - 2014

A By-Law to Establish Rules & Regulations to be used in connection with the Lake of the Woods Cemetery

Whereas the Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora; and

Whereas the Funeral, Burial & Cremation Services Act (2002) (FBCSA), provides that an owner of a cemetery may make by-laws for regulating the operation of the cemetery;

Now Therefore the Council of the City of Kenora hereby enacts as follows:

PART I. Interpretation and Definitions

IN this By-law unless the context shall otherwise require:

(A) "adult grave" shall mean any burial space of 8' x 3' minimum to 10' x 4' maximum and intended for the burial of one full size casket and/or up to four cremated remains.

(B) "burial" shall mean the opening and closing of an in ground grave for the disposition of human remains or cremated human remains.

(C) "by-laws" shall mean the rules and regulations under which the Cemetery operates.

(D) "care and maintenance fund" shall mean that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.

(E) "Cemetery" shall mean the Lake of the Woods Cemetery (which includes the Roman Catholic portion of the Lake of the Woods Cemetery).

(F) "Cemetery employee" shall mean an employee of the Corporation, employed at the Cemetery.

(G) "Cemetery Plan" shall mean a Plan of the Cemetery approved by the City of Kenora and the Ministry of Consumer Services.

(H) "Certificate of Interment Rights" shall mean a Certificate issued by the owner of the Cemetery to an Interment Rights Holder.

(I) "children's grave" shall mean any burial space of less than 8' x 3' and intended for the burial of only those persons younger than 10 years of age.

(J) "Clerk" shall mean the City Clerk or Deputy Clerk of the Corporation

(K) "Committee shall mean the Cemetery Committee in which, for the time being, has vested jurisdiction over the Cemetery.

(L) "corner stone" shall mean any stone or other land mark set flush with the surface of the ground and used to identify and mark the boundaries or location of a grave or lot.

(M) "Corporation" shall mean the Corporation of the City of Kenora.

(N) "Council" shall mean the Municipal Council of the City of Kenora.

(O) "Cremation Grave" shall mean a burial space of 3' x 3 and intended for the interment of up to one or two cremated remains.

(P) "inter" (see burial) means the burial of human remains and includes the placing of human remains in a lot.

(Q) "interment rights" includes the right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and to direct the associated memorialisation.

(R) "Interment Rights Holder" means any person designated to hold the right to inter human remains in a specified lot.

(S) "lot" shall mean an area of land in the Cemetery containing, or set aside to contain, human remains.

(T) "marker" shall mean any stone, bronze, metal, granite or marble set flush with the surface of the ground and used to identify and mark the location of a grave or lot but shall not mean a "corner stone".

(U) Ministry shall mean the Ministry of Consumer Services.

(V) "monument" shall mean any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

(W) "price list" shall mean the tariff of fees and charges for interment rights and Cemetery services and supplies, as revised from time to time, duly filed with the Registrar and not disallowed.

(X) "Registrar" shall mean the Registrar appointed under the Cemeteries Act.

(Y) "Treasurer" shall mean the Treasurer of the Corporation of the City of Kenora.

(Z) "vault" shall mean a sealed shell made of pre-cast concrete or equal material (metal, copper etc.) as approved by the Cemetery Office Staff placed entirely below the surface of the ground. A vault may be refused where there is insufficient space.

(AA) "Cemetery Office Staff" shall mean an employee of the Corporation, employed at the Cemetery as administrator.

(BB) "Columbarium" shall mean an above-ground structure designed for the purpose of interring cremated human remains in compartments or niches.

(CC) "Niche" shall mean an individual compartment in a Columbarium for the entombment of cremated human remains (14" x 10"x 10" – niche size in existing Columbaria)

(DD) "Columbarium Inscriptions" shall mean an engraved sunken lettering placed on the outside of the Columbarium to designate each niche with the occupant's name and year of birth and death.

(EE) "War Veteran" shall mean Canadian Armed Forces members and Reserve Force Members who meet Military Occupation Classification requirements. (MOC qualified – Officer, Warrant Officer & Enlisted Personnel), who have served in a war. Included in this definition, is a War Veteran who has given their life or for those who have been released from the forces with an honourable discharge.

(FF) Above-Ground Crypt - A granite above-ground crypt is an external free-standing building constructed as a monument enclosing the interment space for one or more full burials. This alternate means of disposition will supply an above-ground entombment. A single crypt is 50"W x 105"L x 40"H with 4" (inch) walls. A double crypt is 85"W x 105"L x 40" with 4"H walls.

PART II – Cemetery Plan

1. The Cemetery Plan shall remain on file at the office of the Clerk.
2. No alterations shall be made to the Cemetery Plan without the approval of the Council, expressed by resolution thereof, and the approval of the Ministry.
3. No portion of the Cemetery not subdivided into lots or single graves according to the Cemetery Plan shall be sold or disposed of for the purpose of a burial or burials.
4. All dealings with respect to any lot or grave shall be by reference to the Cemetery Plan.

PART III – Hours of Operation

5. Visitation Hours: 8 a.m. – 8 p.m. (Lake of the Woods Cemetery)
Office Hours: 8 a.m. – Noon and 12:30 – 4:30 p.m. (Monday – Friday)
(Office located at Operations Building – 60 14th St. N.)
Burial Hours: Monday – Friday – 8 a.m. – 4:30 p.m. and
Saturdays – 8 a.m. – 4:30 p.m. (overtime charges apply)

PART IV – General Conduct

6. During a burial service all work in the immediate vicinity shall cease.
7. Children under the age of twelve years shall not be admitted to the Cemetery except in charge of an adult, who shall be responsible for their good conduct.
8. No vehicle shall be driven at a rate of speed greater than fifteen kilometres per hour, nor parked or left in or upon any portion of the Cemetery except upon driveways thereof.

9. No vehicle shall be parked or left on any driveway so as to obstruct traffic and whenever required the person in charge thereof shall remove the same.
10. No snowmobiling, skiing, snow sliding, golfing, roller blading or skate boarding allowed in any part of the Cemetery.
11. The owner of any vehicle as well as any person in charge thereof shall be liable for any damage or injury caused or sustained by or through the same in the Cemetery in violation of any of the provisions of this By-law or of the Regulations.
12. No commercial vehicle except a hearse shall be allowed in the Cemetery unless making deliveries of materials required for Cemetery purposes.
13. No parties shall be held in the Cemetery.
14. Pets or other animals, including cremated animal remains are not allowed to be buried on cemetery grounds. No live pets permitted in Cemetery.
15. No person shall write upon, deface, mark or injure any monument, fence or other structure or any tree.
16. No person shall break, injure or interfere with any tree or shrub, or pick, injure or remove any flower, wild or cultivated.
17. No person shall carry or bring any firearms within the Cemetery or discharge the same therein, except in connection with a Military funeral.
18. No person shall pay any money to any Cemetery employee in reward for any personal services or attention.
19. Any person disturbing the quiet or good order of the Cemetery by noise or other improper conduct, or who shall violate any of the By-laws or Regulations shall be compelled to leave the grounds forthwith.
29. The City of Kenora will not allow the rental of any Cemetery equipment (which includes graveside greens and lowering device) to anyone.
21. Any unusual circumstances not dealt with in the Cemetery Rules and Regulations, must receive approval in writing from the Property & Planning Manager.
22. The following procedures shall ensure both consumers and businesses of fair treatment. These procedures include funeral homes, memorial companies and/or any other business that consumers may use for the purpose of services regarding the funeral industry. These services may include funeral arrangements, marker purchases, floral arrangements etc. Cemetery Staff shall not promote any funeral home, memorial company, and/or any other business for any services they may offer.

PART V – By Law Amendment:

23. The cemetery shall be governed by these bylaws, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.
24. All by-law amendments must be:
 - a) published once in a newspaper with general circulation in the locality in which the cemetery is located;
 - b) conspicuously posted on a sign at the entrance of the cemetery; and
 - c) delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

25. All by-laws and by-law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, and Ministry of Consumer Services.

PART VI – Liability

26. The Corporation assumes no responsibility for damages should an interment be made in a wrong location due to wrong or insufficient information and any extra expense in connection with an error of this kind shall be paid by the parties ordering the interment.
27. The Corporation reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof, and all charges incurred shall be borne by the Corporation.
28. The Corporation disclaims all responsibility for loss or damage from causes beyond its control, and especially from damage caused by the elements, Acts of God, common enemy, thieves, vandals, malicious mischief makers, explosions, accidents, invasions, and insurrections, whether damage be direct or collateral. Except for direct loss or damage caused by gross negligence of the cemetery.
29. The Corporation may take reasonable precautions to protect the property of the Interment Rights Holder, but it assumes no liability or responsibility for loss of, damage to, any article of any type that is placed on any lot or plot.

PART VII – Public Register

15. Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries to maintain a public register that is available to the public during regular working hours.

PART VIII – General Administration

30. Subject to the jurisdiction of Council, the Finance Department and the Property & Planning Department has complete control and management of the land, buildings, planning, roads, utilities, books and records of the Lake of the Woods Cemetery and complete authority to administer this bylaw.
31. A Committee may be appointed by the Council of the Corporation, and if so appointed, may be made up of seven (7) members, one being a member of Council. The Committee may provide advice and/or recommendations to the City in respect of any matter in connection with the administration, the budget or rate changes related to the Cemetery, updating of rules and regulations and/or with any major projects in connection with the Cemetery. The Committee shall meet no less than 4 (four) times per year.

32. In addition to the Regulations set forth in this By-law, the Cemetery Committee, may with the approval of Council, make further regulations and may vary, alter, amend, or rescind any Regulations, but these shall only come into effect when approved by the Ministry.
33. The Cemetery Office Staff shall keep such Registers, Records and Books as are necessary for properly recording all matters, acts, deeds and things pertaining to the Cemetery, and as may be prescribed.
34. The Treasurer shall keep such books, accounts and records as are necessary for properly recording and exhibiting all financial matters pertaining to the Cemetery, and as may be prescribed.
35. All revenue and other monies belonging or pertaining to the Cemetery shall be paid and received by the Treasurer.
36. The Clerk shall make and render such reports as may be prescribed or as the Council or Committee may require.
37. All fees and charges shall be in accordance with the price list filed with the Ministry which shall govern in all matters pertaining thereto.

PART IX – Sales & Transfer of Interment Rights

38. The Cemetery Office Staff shall have charge of the sale of Interment Rights and all sales shall be for cash and at the prescribed fees and charges as set forth in the Price List filed with the City of Kenora.
39. In order to facilitate the orderly and economic development of the Cemetery Interment Rights locations, immediate need single graves shall be sold in rotation and no selection thereof shall be permitted.
40. Upon the sale of an Interment Right and on payment of the required tariff, the Cemetery Office Staff shall record the particulars thereof in his Register and deliver to the purchaser a receipt and Certificate of Interment Rights and a copy of the Cemetery Operating By-law. The receipt and Certificate of Interment Rights shall indicate the lot or grave number as shown on the Cemetery Plan.
41. A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment or scattering rights contract, by providing written notice of the cancellation to the Cemetery staff. The cemetery staff will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
42. After the 30 day Cooling-Off Period: Upon receiving written notice from the purchaser of the interment rights, the Cemetery staff will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder are not entitled to re-sell the interment rights.
43. The Corporation shall have the right to repurchase any Interment Rights sold or conveyed or any part of an interment Right in which no interment has been made pursuant to the provision of the Cemeteries Act (revised) and Regulations there under. The Corporation must buy the rights from you at market value (the price on the cemetery's current price list, less any payments that were made to the cemetery's care and maintenance fund).
44. The sale by the Cemetery Office Staff of an Interment Right shall be deemed cancelled unless within 10 days thereafter the purchaser makes payment to the City

- of Kenora for the prescribed sale price.
45. Any Interment Right Holder may transmit or transfer same, subject to the provisions of the Cemeteries Act (revised) Regulations, and otherwise no transmission or transfer shall be binding upon or be recognized by the Corporation or its Officers.
 46. A transfer shall be recorded by production and delivery to the Cemetery Office Staff of a duly executed Certificate.
 47. To ensure the correctness of records of Interment Rights Holder and interments, no sale or other transfer of any Interment Rights or any interest therein, shall be binding upon the Corporation until the prescribed transfer fee, as set forth in the Price List, has been paid and a new Certificate of Interment Rights has been issued.
 48. No transfer or transmission of an Interment Right which prior thereto has not been placed under the Care and Maintenance Fund, shall be recorded by the Cemetery Office Staff unless and until it is placed under such Fund.
 49. No sale or transfer of any Interment Rights shall be made or recognized by the Corporation until all arrears due for upkeep or purchase have been paid.
 50. The Corporation agrees to buy back pre-purchased Interment Rights on written request from the Interment Rights Holder. The amount to be paid by the Corporation to buy back the aforementioned Interment Rights shall be the amount listed on the current price list less the portion of that amount paid into the Care and Maintenance Fund.
 51. Any holder of Interment Rights which has not heretofore had the required payment made to the Care and Maintenance Fund may pay to the Treasurer the amount specified in the Price List on the classification of his Interment Right, and the money so paid shall be set aside for the Care and Maintenance Fund.
 52. In the case of application being made by an Interment Rights Holder for a Monument Permit or Burial Permit for an Interment Right which has not heretofore been placed under the Care and Maintenance Fund, there shall be paid to the City of Kenora the amount specified in the Price List for care and maintenance calculated on the classification of the Interment Right, of which the whole amount shall be set aside for Perpetual Care, and no such Monument Permit or Burial Permit shall be granted until such sum has been paid.
 53. The purchase price of Interment Rights shall be set forth in the Price List and shall include care and maintenance.

PART X – Interments & Removals

54. No burial other than that of the body or remains of a human being shall be permitted in those specific areas designated, as such, within the Lake of the Woods Cemetery. A full adult grave can hold up to one full burial and four cremated remains. Designated cremation graves can hold up to two cremated remains and the Columbarium can hold up to two cremated remains. Double depth full burials will not be permitted.
55. A certified Burial Permit or cremation certificate must be presented to the Cemetery Office Staff before an interment will be permitted. All interments, including cremated remains must receive approval by the Cemetery Office Staff and all proper forms and contracts must be filled out prior to any interment.
56. No Burial containers, wooden rough boxes or concrete liners are to be stored on the Cemetery grounds to be used for interment purposes by Funeral Homes. The burial containers are to be dropped off at the gravesite at the time of preparation of the

- site for interment.
57. Interment Rights Holders shall not allow interments to be made in any lot or grave for remuneration.
 58. No interment shall be permitted unless the death has been duly registered as required by law. Exception to the rule: No burial permits are issued by the Registrar for infants under 20 weeks. The Cemetery can accept these infants on compassionate grounds if there is a release paper from the hospital. This is not considered an interment under the Cemetery Act but is to be treated as one.
 59. No burial shall be permitted unless and until the lot or grave wherein the same is to take place, is placed under the Care and Maintenance Fund.
 60. No interment shall be made unless it is made a sufficient depth to give a covering of at least 2' (feet) of earth over the outside cover or shell of the coffin or other receptacle. The total depth of a cremation plot is to be 2' (feet).
 61. No person other than an employee of the Cemetery shall open any grave for the purpose of burial or removal of a body.
 62. No interment shall be made on a Sunday or Public Holiday except on a doctor's certificate that burial must be made within twenty-four hours of death in accordance with the regulations of the Ministry of Health for the control of communicable diseases, or unless prior arrangements have been made with the Corporation.
 63. No interment shall be made unless two working days notice of application of interment has been made to the Cemetery Office.
 64. All interments (full burial and cremation) are permitted at any time Monday through to Saturday. BUT, overtime charges will apply to any services or grave closures which are conducted from Noon – 12:30 or after 4:30 p.m., Monday to Friday. Overtime charges will also apply to any interments requested for Saturday. All interments require written approval from the Cemetery Office Staff. Due to extenuating circumstances, any other requested times must be pre-arranged with written approval from the Parks Supervisor. No interments shall be conducted on Sundays or statutory holidays or any other holiday observed by employees of the Corporation.
 65. No full burial disinterment shall be made without the written consent of the local Medical Officer of Health and the owner of the lot or grave, except on an order from the Court or as provided with the requirements of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and the regulations and the disinterment shall be conducted under the supervision of the Medical Officer of Health. For the disinterment of cremated remains the presence of a Medical Officer of Health is not required but all other rules and regulations apply. The members of the public, friends, family and relatives shall not be allowed at the cemetery during disinterment. Family members and friends may be present when the remains are again interred.
 66. Prior to every burial there shall be a duly executed contract and the person signing such contract shall be responsible for all charges in connection therewith. These contracts are to be filled out at the Cemetery Office by the Cemetery Office Staff.
 67. No internments in a grave shall be permitted without the encasement of the casket in a wooden rough box or other approved vault. Cremated remains may be interred in a cardboard container, urn, bag or other suitable container approved by the Cemetery Office Staff. Only one full body allowed in each casket or coffin. Cremated remains may be interred on top of the casket or coffin with approval from the Cemetery Office Staff. A double interment of a full burial and cremated remains

inside the casket/coffin shall be allowed at the time of the full burial. Cremated remains will not be put inside the coffin or casket after a full burial has taken place. The Interment Rights Holder shall be responsible for the purchase of such vaults or rough boxes.

PART XI – Columbarium

68. All interments in the Columbarium must be approved by the Cemetery Office Staff. All proper forms and contracts must be filled out. No niches will be held in reserve for customers, unless proper contracts are filled out and payment received.
69. All cremated remains containers must be approved by the Cemetery Office Staff. They are to be within the decorum of the Cemetery. Each columbarium niche shall hold two containers of cremains, or one double container. Containers must adhere to the size specifications of the niche. Storage of urn(s) until time of interment will not be allowed at the Cemetery Office.
70. Cemetery Staff have access to the interior of the Columbarium. The cremated remains must be placed in their appropriate niche/compartment by Cemetery Staff or by family members with Cemetery Staff approval and presence.
71. No mementos of monetary value are to be left in the niches/compartments. Only Cemetery Staff can place personal, non-monetary, mementos in the appropriate niche/compartment.
72. Opening up of the urn for any reason, can only be done by an established Funeral Home or family member before interment takes place. Cemetery staff will not open an urn of cremated remains for any reason. Requests for opening up of the urn after the interment has taken place will be treated as a disinterment and subsequent disinterment and interment fees will be charged accordingly. All paper work must be filled out at the Cemetery Office for the requested disinterment and interment.
73. All inscriptions are to be of uniform in character as per the Inscription Contract's direction. Inscription Fees as per Lake of the Woods Cemetery Price List.
74. Flowers/wreaths may be laid at base of Columbarium on the date of interment only. They will be removed one week after interment. No flowers or other paraphernalia to be placed on the walls of the Columbaria.
75. Approval for the inscription of a poppy must be granted in writing from the Interments Rights Holder. Written proof to be supplied to the Cemetery Staff verifying that the interred person in the Columbaria is a War Veteran (see definitions).

PART XII – Above-Ground Crypts

77. All interments in the Above-Ground Crypt section must be approved by the Cemetery Office Staff. All proper forms and contracts must be filled out. No above-ground crypts will be held in reserve for customers, unless proper contracts are filled out and payment received.
78. Only one full burial allowed per crypt and one cremated remains.
79. To ensure that body fluids and gases do not escape from the crypt the following precautions will be incorporated into the structure of the crypt:
 - Floors of crypt should have a 1% slope

- A channel or groove in floor for fluids to drain
 - Multiple drain holes (minimum 2) at least 8" in width for fluids to drain
 - All internal walls to be sealed
 - Adjustment of crypt front opening so they are raised to prevent fluid flow
 - Recommend use of a seal-casket enclosure.
80. The City of Kenora will prepare a foundation to hold four above-ground crypts. The fee for this to be incorporated into the fee structure to purchase a crypt grave(s) and will be the Purchaser's responsibility. The foundation will consist of 12" of compacted gravel and 12" of concrete for the placement of four crypts.
81. Opening and closing of the above-ground crypt will be done by Cemetery Staff only, in conjunction with a Funeral Home.
82. All inscriptions on the Above-Ground Crypt must be approved by the Cemetery Office Staff. Inscription Fees are the responsibility of the purchaser.

PART XIII – Maintenance & Improvement

83. The Parks Supervisor or designate, in the management, maintenance and improvement of the Cemetery, shall have the power at all times to enter in and upon every part of the Cemetery, without permission, let or hindrance, and to do, perform and execute such work as may be necessary, desirable or expedient for any such purpose, and without in any way rendering the Corporation or themselves liable in damages or otherwise whatsoever.
84. For the aforesaid purposes trees, shrubs, bushes and plants or sod may be planted, maintained or moved on or from any part of the Cemetery, including a grave or lot.
85. No Interment Rights Holder or person shall do any work upon a lot or grave without the written permission of the Cemetery Office Staff.
86. Any flowers, plants, shrubs or trees planted in the Cemetery become the property of the Cemetery.
87. All lots and graves shall be kept properly graded, sodded, mown, and flowers, plants, shrubs and trees kept trimmed.
88. No Interment Rights Holder or person shall change the grading of his lot, and in case of any such change, the Corporation may restore the lot or grave to its original grade at the expense of the Interment Rights Holder.
89. Where the required care and maintenance has been paid, the Corporation undertakes the grading, seeding, grass cutting and general care of the lot or grave.
90. Where the required care and maintenance has not been paid, this work shall be done by the Corporation, notwithstanding that provision for such work has not been made for under the Care and Maintenance Fund.
91. Trees, shrubs, and flowering or other plants may be permitted on lots or graves, but only such varieties as are in keeping with the general plan of the grounds and subject to the approval of the Cemetery Office Staff. No tree or shrub growing within any lot or grave may be removed or altered without the consent of the Cemetery Office Staff. All flowers (artificial or real), trees, shrubs, borders etc. are PROHIBITED in the designated Cremation Section, known as Treasure Hill (Part locations in 60 East, 61 East, 62 East & 63 East.
92. If any trees or shrubs situated in any lot or grave shall have become, by means of

- their roots, or branches, or in any other way detrimental prejudicial to the general appearance of the grounds or inconvenient to the public, the Cemetery staff may remove such trees, or shrubs, or parts thereof. The Cemetery staff may trim any trees or shrubs, at any time, if it interferes with any interment, encroaches on another grave or if it is deemed unsafe or has been abandoned.
93. Flower beds are not to exceed 18" in width. They shall be permitted in front of and to a maximum length of the base of a monument and where there is no monument, can only be made by permission of the Cemetery Office Staff. Planting of borders around lots or graves is prohibited. No flower beds, trees, shrubs, borders etc. are to be placed behind any monument or marker.
 94. Interment Rights Holders desiring outside gardeners to do work on their lot or grave must furnish the Cemetery Office Staff with written authority for the same. Gardeners or florists or their employees shall not enter the Cemetery on Sunday for business purposes.
 95. Vases, urns and flower stands not properly cared for may be removed from the lot or grave; and any stand, holder, vase or other receptacle for flowers which are unsightly or unsuitable may be prohibited or removed by the Cemetery Staff. Glass or ceramic vases are prohibited. Shepherd's hooks may be put on the side of the memorial stone or in front of the memorial stone at the head of the grave or at the back of the memorial stone.
 96. Borders, fences, railings, walls, cut-stone copings, concrete or stone borders and hedges in or upon any lot or grave are prohibited. Existing enclosures which by reason of neglect or age have become unsightly may be removed.
 97. Rubbish shall not be thrown out on roads, walks or any part of the Cemetery and shall be disposed of under the directions of the Cemetery Staff.
 98. Implements or materials used in doing any work within the Cemetery shall be removed without delay and if this is not done, the Cemetery Staff may remove the same.
 99. The installation of solar lights is allowed on gravesites within the Lake of the Woods Cemetery. The solar lights can be placed on either side of the memorial stone at the head of the grave, if room allows, or in front of the memorial stone at the head of the grave. Solar lights may be placed on shepherd's hooks. Solar lights are not to be placed on the grave proper. Solar lights must be removed by owner when inoperable.
 100. The Corporation shall not be responsible for loss of or damage to any portable articles left upon any lot or grave.
 101. Benches and memorial benches will be allowed within specific designated open space areas of the Lake of the Woods Cemetery. Written permission shall be required to install a bench at the Lake of the Woods Cemetery by the Cemetery Office Staff and/or the Parks Supervisor or designate. The Cemetery Office Staff and Parks Supervisor must pre-approve the design, colour, size and the inscription(s) (if any) on the bench. The purchase, delivery and installation of the bench shall be the sole responsibility of the customer. All benches shall be constructed of granite or other material approved by the Parks Supervisor. All benches are to be installed on a granite base. The base is the sole responsibility of the customer, at their expense. The base size for the bench is to be pre-approved by the Cemetery Office Staff. At the expense of the customer, the Cemetery staff will be responsible for the foundation preparation that the base and bench will be placed on. At the expense of the City of Kenora, benches may have to be moved

- due to future cemetery development. The family will be notified whenever possible.
102. If a bench is placed on an individual gravesite, upon approval, the following rules shall apply:
- Permission, in writing, from the Interment Rights Holder if placed on a gravesite.
 - Size of grave, determines size of bench – must have a minimum of 1 (one) inch from edge of bench to edge of gravesite on each side
 - Benches at individual gravesites to be placed at head of the grave
 - The bench can be used in place of a headstone at the head of grave OR
 - The bench can be used as part of headstone at head of grave
 - Benches are prohibited in pathways, below existing headstones and at the foot of the grave
 - Benches are prohibited in gravesites small than 3 (three) feet in width or where only flat markers are allowed.

PART XIV – Monuments, Markers & Corner Stones

103. No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.
104. No monument, footstone, marker or memorial of any description shall be placed, moved, altered or removed without permission from the Cemetery Staff.
105. No Monument, Marker or Corner-Stone shall be permitted in the Cemetery without a Cemetery contract approved by the Cemetery Office Staff. Work orders to complete the foundation preparation will be done each week on Mondays and Fridays, after all paperwork has been completed and payment received. To ensure that the site has been prepared, the funeral home or memorial company is to inform the Cemetery Office two days in advance as to which stones they will be installing and on what date. Within 4 days after installation, the Cemetery Staff will inspect the site, make sure the stone is level and in line with the other stones and landscape the area (black top and seed).
106. All Markers shall be constructed of granite, bronze or marble or other material approved by the Cemetery Office Staff. All flat markers shall be set flush with the surface of the ground. All monuments/markers are to be attached to the base by a pin(s) and/or sealant.
107. Only flat markers constructed of granite or marble or other material approved by the Cemetery Office Staff shall be permitted in the cremation lot known as Treasure Hill. Cremation markers are to be 10" x 20" in size, in the Treasure Hill section. Any pre-existing flat markers shall be grandfathered in. Confirmation of size of marker in other areas of the Cemetery shall be approved by Cemetery Office Staff.
108. The foundations for Monuments, Markers and Corner-Stones shall be constructed to specifications as approved by the Cemetery Office Staff.
109. Any Interment Rights Holder of any lot or grave having authorized the erection or construction of any Monument, Marker or Corner-Stone which interferes with or prevents the interment of any body in the Cemetery shall remove said Monument, Marker or Corner-Stone at his own expense and on failure to do so at the request of the Cemetery Office Staff, the Cemetery Office Staff shall do so forthwith and charge the cost of removal of said Monument, Marker or Corner-Stone to the Interment Rights Holder.

110. The Corporation shall be responsible for keeping all Monuments, Markers & Corner-Stones level and upright or put in a safe position.
111. Any Monument or other structure, or an inscription on a monument or structure upon any lot shall be in keeping with the dignity and decorum of the Cemetery.
112. Only one upright monument and one flat marker are allowed per adult grave. The upright marker will be placed at the head of the grave. The flat marker can be placed flush to the ground, at the head of the grave (if there is no upright), directly below the upright or at the foot of the grave. Cremation graves are allowed one flat marker. Children's graves will be judged individually depending on location of remains in grave, with final approval from the Cemetery Office Staff.
113. The width of any marker or base shall not exceed 30" (inches). This size incorporates 12" for the base of the headstone or headstone and 18" for a garden. If the marker or base exceeds 12" (inches), then a garden shall not be allowed.

PART XV – Rules for Monument Dealers, Contractors & Workers

114. Every contractor employed to erect Monuments, Markers or Corner-Stones or to do any other work in the Cemetery shall first present an application to the Cemetery Office Staff signed by the Interment Rights Holder of the lot or grave, requesting permission to employ such contractor to do the work therein specified. This application shall designate the lot or grave.
115. Any contractor or company doing work in the Cemetery shall provide proof of a valid certification and a business licence. Also supply evidence of liability insurance of not less than \$5 million and follow the pertinent City of Kenora Health & Safety policies.
116. The demeanour and behaviour of all workmen employed by others in the Cemetery shall be subject to the control of the Parks Supervisor or designate.
117. Contractors, masons and stone-cutters or other workmen who have received permission to do any work in the Cemetery shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury or damage and shall leave the area in which work was carried out in a neat and orderly condition.
118. Workmen shall cease work in the immediate vicinity of a funeral, until the conclusion of the service.
119. All work must be carried out during regular Cemetery hours unless by written permission of the Parks Supervisor or designate.
120. No work shall be carried out on a Saturday, Sunday or a Holiday observed by employees of the Corporation, unless by written permission of the Parks Supervisor or designate.
121. No Monuments, Markers or Corner-Stones shall be erected from October 15th to May 15th, unless weather permits otherwise. Written approval is required from the Parks Supervisor or designate for any monument, marker or corner stone that is requested to be installed after the Oct 15th deadline.
122. Heavy loads shall not be permitted in the Cemetery when roads are in an unfit condition to permit their use without damage.
123. No Monument, Marker or Corner-Stone shall be delivered at the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.

124. All implements and materials used in the performance of any work by outside contractors shall be placed where the Cemetery Staff may direct, and all rubbish and surplus earth shall be removed in such a manner and at such time and to such place as the Cemetery Staff may order. Failure to comply will result in any obstruction being removed and the expense charged to the Interment Rights Holder of the lot.
125. Any workman who damages any lot, Monument, Marker or Corner-Stone or other structure, or otherwise does any injury in the Cemetery, shall be personally responsible for such damage or injury and in addition thereto, his Employer shall also be liable therefore.

PART XVI - Implementation:

126. By-law Number 206-2010, as amended, of the City of Kenora is hereby repealed.
127. This By-law shall take effect and come into force upon approval of the Ministry of Small Business & Consumer Services for the Province of Ontario.

By-law read a First and Second Time this 24th day of June, 2014

By-law read a Third and Final Time this 24th day of June, 2014

The Corporation of the City of Kenora:-

David S. Canfield, Mayor

Heather Lajeunesse, Deputy Clerk



November 29, 2015

City Council Committee Report

To: Mayor & Council

Fr: Heather Kasprick, Manager of Legislative Services

Re: Procedural Bylaw

Recommendation:

That as a result of the George Cuff Audit recommendations Council gives three readings to a new procedural bylaw for the City of Kenora; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Procedural Bylaw at its December 15, 2015; and further

That bylaw number 90-2013, as amended, be hereby repealed.

Background:

Further to the discussions regarding the George Cuff Audit report and transitioning the new model of Council to remove the portfolios a new procedural bylaw is presented to reflect those changes along with other administrative changes.

I request Council to consider the highlighted section as to whether they wish to have any type of major financial decision be deemed as a recorded vote, or if it can remain generalized with a member requesting such vote. It has also been suggested in the past that any member who declares a pecuniary interest should automatically call for a recorded vote. However, given that we have a member of Council who regularly needs to declare for his wife's appointment on the Police Services Board, this may not make the most sense at this time. It could also be left for a member to call for a recorded vote, however, this is for Council to decide.

I would also like to incorporate something into the current 13.8 regarding appointments of committee members depending on the discussion around the rotation of committee appointments. I will change that accordingly following that discussion at the Council table.

Budget: N/A

Communication Plan/Notice By-law Requirements: Public Notice required for Procedural bylaw adoption

Strategic Plan or other Guiding Document: Administrative in Nature only

The Corporation of the City Of Kenora

By-law Number

A By-Law to Establish Rules of Order and Procedures For the Council of the City of Kenora

Whereas Section 238(2) of the Municipal Act, 2001, c. 25, as amended, authorizes the Council of every municipality to pass by-laws governing the proceedings of Council, the conduct of its Members and the calling of Meetings; and

Whereas the Municipal Act, 2001, c.25, as amended, provides that the Procedural By-law shall provide public notice of meetings; and

Whereas it is desirable that there be rules governing the order and procedures of the Council; and

Now Therefore Be It Resolved That the Council of the Corporation of the City of Kenora enacts as follows:-

Part 1 – Definitions

1.1 Addition to Agenda - means an urgent matter requiring immediate action or attention, typically involving a deadline date that cannot be met if the item is not added to a certain agenda.

1.2 Advisory Committee – means a Committee appointed by Council which membership is composed of a majority of members of the public, or a minority of Members of Council and is not bound by Closed Meeting rules under the Municipal Act.

1.3 Agenda – means a list of items on an Agenda of Council or Committee and which may contain recommendations to be considered and which may also contain certain notices for the information of the public in accordance with this by-law.

1.4 Chief Administrative Officer or CAO means the Chief Administrative Officer of the Corporation of the City of Kenora or an Acting Chief Administrative Officer duly appointed by the Chief Administrative Officer to act in the CAO's absence

1.4 City – means the Corporation of the City of Kenora.

1.5 Clerk – means the City Clerk of the Corporation of the City of Kenora or –Deputy Clerk in the absence of the Clerk, or those who have been designated by the Clerk who shall have the powers and duties of the Clerk on behalf of the City.

1.6 Closed Meeting – or In-Camera Meeting means a meeting, or part of a meeting, that is closed to the public to consider matters authorized under the Municipal Act or other enabling Statute.

1.7 Committee – means a Committee, sub-Committee or similar entity established by Council of which at least 50 percent of the members are also members of Council. Such Committee is bound by the Closed Meeting rules under the Municipal Act.

1.8 Committee of the Whole – ~~includes Property & Planning and~~ is a Committee comprised of Members of Council as a whole.

1.9 Council – means the [elected](#) Council of the City of Kenora.

1.10 Deputation – means a request in writing by an individual/group/organization who is not a member of Council or staff, who wishes to appear before a regular or special meeting of Council or Committee and address the Members, typically relating to an issue or item on the meeting agenda.

1.11 Deputy/Acting Mayor – means the Member of Council appointed by way of resolution at the Inaugural Meeting who may act in the Mayor's absence and while so acting, such member has and may exercise all rights, powers and authority of the Mayor.

1.12 Mayor – means the Head of Council of the City of Kenora.

1.13 Meeting – means any regular, special, Committee or other meeting of Council or a local board.

1.14 Member – means a Member of Council or a Committee.

1.15 Motion – means a question or a recommendation to be considered by the Council or a Committee which is moved, seconded, presented, read and is subject to debate. When a motion is adopted, it becomes a resolution.

1.16 "Newspaper" – means a printed publication in sheet form, intended for general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events of general interest and available to the public and to regular subscribers and distributed for sale or gratis on a daily and/or weekly basis. [This includes the "on-line" version posted on the internet.](#)

1.17 "Notice" – means a written, printed, published, verbal, electronic or posted notification or announcement to the public generally, but does not include notice given to specified persons.

1.18 Point of Order – may be called to bring attention to:

- Breaches of the rules of order of Council.
- Difficulty in continuation of the meeting.
- Improper, offensive or abusive language
- Notice that the discussion is outside the scope of the motion or the notice of motion.
- Irregularities in the proceedings.

1.19 "Portal" – means Kenora's electronic community gateway for the public to access a selection of websites containing a variety of pages and online services and information and is used as a tool for providing notice.

[1.19 "Publish" – means published in a daily or weekly newspaper, that in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and includes posting on the Municipal website or broadcasting on a local radio station. "Publishing, published and publication" have corresponding meanings.](#)

1.20 Presiding Officer – means the Mayor or Deputy Mayor, or the person appointed by the Members present at a meeting in the event the Mayor or Deputy Mayor are not in attendance within fifteen (15) minutes after the hour appointed for the Council meeting. [Also means the Chair in the case of Committee Meetings](#)

1.21 Quorum – means a majority of the Members of Council or Committee

Procedural By-law # -2015

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of the Whole, subject to the provisions of the Municipal Conflict of Interest Act, 1990, as amended. -

1.22 Radio station – means a radio station which can be locally received using FM frequencies.

1.22 Recorded vote – means the recording of the name and vote of every member by the Clerk on a motion during a Council meeting.

1.23 Resolution – means a motion that has been resolved by Council.

Part 2 - General Rules

2.1 Rules - regulations - observed - at all times

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council, ~~and Committee of the Whole and with necessary modifications, the Committees thereof,~~ and shall be the rules and regulations for the order and dispatch of business in the Council.

2.2 Rules - observed - modifications - permitted

The rules contained in this by-law shall be observed, with the necessary modifications, in every ~~Committee meeting of Council~~

2.3 Parliamentary procedure - proceedings

Those proceedings of the Council, the Committees thereof not specifically governed by the provisions of this by-law shall be regulated in accordance with generally accepted parliamentary procedure, such as the **Bourinot's Rules of Order**.

2.4 Rules – Council to introduce new Item on Agenda

When it is necessary to deal with an extraordinary item not provided for on the agenda, a motion shall be required to introduced that a new item be presented for a specific matter, (and shall precede the main motion to be introduced) and such motion shall not proceed without the unanimous consent of Council.

The Member making such request is to state the nature of the motion and the reason for introducing the new item. Any extraordinary item that is introduced shall not contravene the provisions of the Notice By-law.

2.5 Deputy Mayor – 8 month Rotation of Members

The position of Deputy Mayor shall be on a rotating basis among the six Members of Council whereby each Member shall be appointed Deputy Mayor for an eighth month period commencing in alphabetical order, the first of which will be appointed by Resolution at the Inaugural Meeting of a newly elected Council.

2.6 Absence - Mayor – Deputy Mayor - authority

In the absence of the Mayor from the Municipality, or if he/she is absent through illness or if he/she refuses to act or if the office is vacant, the Deputy Mayor for the purposes of this by-law shall act in the place of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting. In the absence of the Deputy Mayor, the previously appointed Deputy Mayor may preside, or a Presiding Officer may be appointed by the members.

2.7 Members of Council – notify Clerk - absence

Members of Council are requested to notify the Clerk when the member is aware that he/she will be absent from any meeting of Council ~~or for any duration that may interfere with the business of Council.~~

2.8 Minutes of Meetings

Minutes shall be taken of any and all meetings, open or closed. The Clerk shall take Minutes for meetings of Council, ~~and the appropriate officer in the case of a meeting of a Committee.~~

2.9 Taping/Televising/Recording

Meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded so long as the taping, televising or recording is carried out in a manner that does not interfere with the proceedings of the meeting and provided same has been authorized by the Clerk.

2.10 Cell phones/Blackberries/Smart Phones

All phones are required to be turned to vibrate during all Council and Committee meetings. This applies to all Members, Staff, Media and the public.

2.11 Staff at Council and Committee of the Whole Meetings

Managers who have agenda items to present are expected to attend the Committee of the Whole meeting but not the Council meeting unless otherwise requested by the CAO. If a member wishes a Manager who does not have an agenda item to present to attend a meeting, the member shall so notify the CAO by 12 noon on the working day prior to the meeting to make such request. It is the sole discretion of the CAO to direct that staff person to attend.

Part 3 – Giving of Public Notice & Scheduling Of Meetings:**3.1 Meetings – Open to the Public**

All meetings of Council ~~and its Committees~~ shall be open to the public and held at the Council Chambers at City Hall, One Main Street South, unless otherwise advertised.

3.2 Public Notice and Contents

The published agenda shall be considered as adequate public notice and deemed to have been given by its being posted on the Portal (www.kenora.ca) and available for public review in the office of the City Clerk and/or in the foyer at City Hall no later than 4:00 p.m. on the applicable business day preceding the regularly scheduled meeting.

Every notice of a meeting of Council or Committee shall indicate the day, date, time and place of commencement of the meeting, ~~and the contact information for the Clerk's Office.~~

3.3 Public Notice – Special Meetings of Council or Committee of Council

A minimum of **twenty-four (24)** hours public notice shall be given (see exception in Section 3.7) prior to the holding of the special meeting, typically held in Council Chambers. The advance public notice shall be given to Council, appropriate staff, the affected parties, the public, and shall state the specific business to be considered at the special meeting.

Notice of the special meeting shall be posted on the Portal at least twenty-four (24) hours preceding the meeting, as well as advertised in the media at the Clerk's discretion as to the appropriate form of media publicity.

No other business than that stated in the Notice, and subsequently on the agenda, shall be considered at a special meeting.

For purposes of a Special Council Meeting, the Rules of Order contained herein with respect to the reading of the ~~prayer/blessing~~, confirming previous Minutes, etc. are deemed to be suspended, unless a majority of the members deem otherwise.

3.4 Public Notice – Closed Meetings

If it is necessary for a closed meeting to be held that is not on a regularly scheduled meeting date, a minimum of **twenty-four (24)** hours public notice shall be given prior to the holding of an In-Camera meeting not already provided for on any meeting agenda where notice is deemed to have been given. The advance public notice shall be given to Council, appropriate staff, the affected parties, the public, and shall state the general nature of business to be considered.

3.5 Public Notification – Other Meetings

Notice shall be given for any meeting, open or closed, and such notice shall be determined by the Clerk in accordance with this by-law.

3.6 Public Notice – Adoption of Procedural By-law

Before passing a Procedural By-law, or amendment, the Council shall give notice of intention to pass such by-law by providing notice on the applicable agenda preceding the meeting, subsequently posted on the Portal.

3.7 Emergency or Disaster – Notice not required

In the event of a disaster or emergency as defined in the Emergency Plan, an emergency meeting may be held without notice to deal with the emergency or extraordinary situation, provided that an attempt has been made by the Chief Administrative Officer and/or Clerk or Clerk's designate, to notify the Members about the meeting as soon as possible and in the most expedient manner available.

3.8 Minimum Requirements

The notice requirements set out in this by-law are minimum requirements only and the Clerk may give notice in an extended manner if in the opinion of the Clerk and/or Member of Council, the extended manner is reasonable and necessary in the circumstances.

3.9 Subordinate to other required Forms of Notice

The notice requirements set out in this by-law shall be subject to any specific requirements for the fixing of notice as prescribed by legislation or as directed by Council.

Schedule of Meetings:**3.10 Inaugural - first Monday - December - time chosen**

Following a regular municipal election, the Inaugural Meeting shall be held on the first Monday in December at 11:00 a.m. in Council Chambers.

3.11 Regular Council - Monthly - time

Following the Inaugural Meeting, regular Council meetings shall be held in the Council Chambers at the City Hall, ~~typically on the third Tuesday of every month commencing at 12:00 p.m. as established annually by Council in December of the previous year, or earlier, and posted publicly. Meetings are typically held the third Tuesday of the month, but are amended from time to time as required, or as otherwise agreed to by way of resolution, and so advertised. Should the meeting fall on a Public Holiday, Council shall meet at the same hour the following day that is not a Public Holiday.~~

3.12 Committee of the Whole Meetings ~~including Property & Planning~~

Committee of the Whole ~~and the Committee of the Whole Property & Planning~~ meetings will meet in accordance with **Section 13** of this by-law unless otherwise agreed to by resolution, and so advertised.

3.13 Municipal Elections - meeting time - exception

Notwithstanding any other provision of this by-law, in the month in which a regular municipal election is held, the Council shall not meet in that month, unless required in accordance with Section 3.3.

3.14 Calling of Special Council or Committee of the Whole Meetings

The Mayor or designate may, at any time, call a special meeting of Council or Committee of the Whole, or upon receipt of a petition signed by a majority of the members, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition, in accordance with the notice provisions contained in this Section.

3.15 Cancellation/Postponement of Meeting - Notice by Clerk

Any meeting may be cancelled or postponed and re-scheduled to a day, time and place. Such changes shall be given in the form of a written notice by the Clerk, provided at least 24 hours' notice can be given, or if known in advance, Council shall adopt a motion for this purpose.

If the 24 hour advance notice cannot be provided for whatever reason, the Clerk shall attempt to notify the Members and the general public as soon as possible and in the most expedient manner available.

Part 4 - Closed Meetings

4.1 Criteria & Procedure – Closed (In-Camera) Meetings

Meetings shall be closed to the public as provided for in the Municipal Act, 2001, as amended (see Appendix A to this by-law).

4.2 Motion to move into Closed Meeting

Prior to Council/Committee resolving into a Closed Meeting for one of the reasons in accordance with the Act as noted above, Council shall state by motion:-

- a) the fact of holding the Closed Meeting and the provision under the Act;
- b) the general nature of the matter to be considered.

4.3 Closed Items to be included on Open Agenda

Before Council or a Committee moves into a closed meeting, a public motion authorizing the closed meeting and stating the general nature of the matter or matters to be considered at the closed meeting shall be passed; no additional matters shall be considered by Council or Committee at the closed meeting.

4.4 Closed Meeting Reports/Agendas/Minutes

Closed Meeting Reports shall be so marked and ~~circulated by the applicable Manager via email and identified as a "Closed Meeting Report." Reports shall be emailed directly to Council, the CAO, and Clerk before the 10:00 a.m. deadline on the Wednesday attached to the closed agenda and circulated to Council~~ prior to the regular Council or Committee meeting.

Closed Meeting Agendas and Minutes shall be so marked and circulated by either the Clerk or Deputy Clerk and identified with a coloured ~~font and highlighted background~~. Closed Agendas and Minutes shall be emailed directly to Council, the CAO, ~~and if required, the applicable Manager~~. The Clerk shall file the Closed Meeting Minutes in the Clerk's office vault.

4.5 Motions permitted in Closed Meeting

A vote may not be taken at a meeting which is closed to the public, with the exception of motions for procedural matters such as confirming minutes and adjourning the meeting, as well as written motions for giving directions or instructions provided such direction is not a decision by the Council or Committee.

4.6 Moving out of Closed to Regular Meeting to Vote

Members shall adjourn from the Closed Meeting and reconvene in the Open Meeting to report from the Closed Meeting and to vote, if necessary, on any motion. Such motions pertaining to direction and action from the Closed Meeting shall provide as much detail as possible for reporting out to the Open Meeting, and if applicable, identifying the specific staff position required to follow-up on the recommended course of action set out by Committee or Council, as the case may be, from the Closed Meeting.

4.7 Minutes – Closed Meeting

Closed Meeting Minutes shall be formatted with a coloured ~~font background and highlighted~~ so they are distinguishable from Regular Minutes.

For the purpose of a Closed Meeting, the Clerk or Recording Officer shall record the following, without note or comment:

- i) The starting time of the closed meeting and fact of the holding;
- ii) ~~All those~~ [Those in attendance](#);
- iii) Any Declarations of Pecuniary Interest & general nature thereof;
- iv) Any Closed Deputations
- v) The general nature of the matter considered at the closed meeting;
- vi) Approval of previous Closed Minutes
- vii) Personal information shall not be recorded;
- viii) The disposition of the matter;
- ix) Reports/recommendations to be moved into Open Meeting for a vote;
- x) The concluding time of the closed meeting.

4.8 Closed Meeting Chair – Deputy Mayor

The Deputy Mayor shall be the Presiding Officer/Chair as the case may be for Closed Council/Committee Meetings and who shall give their report to Council/Committee when they return to the regular meeting to consider the disposition of the matter by voting on a motion. In the event the Deputy Mayor is not present, the previously appointed Deputy Mayor shall act in their place. [In the event that previous Deputy Mayor is not present, members present will mutually appoint the Chair prior to the start of the meeting.](#)

Part 5 - Proceedings - Council Meetings

5.1 Agenda – set by Clerk

The Clerk, subject to such changes as may be appropriate in the circumstances, shall prepare for electronic distribution of the agenda to each Council Member, the Chief Administrative Officer and all Managers (including any staff/media requesting same), on the Friday prior to the Tuesday (or alternate date due to statutory holiday) meeting, outlining the “Order of Business” as follows. The Clerk shall also post the Agenda on the Portal and have printed copies available at meetings of the Council.

5.2 Regular Order of Business:-

1. Call to Order
2. ~~Prayer~~ [Blessing](#)
3. [Public Information Notices](#)
4. ~~Declarations of Pecuniary Interest & General Nature Thereof~~
5. [Confirmation of Previous Minutes](#)
6. Presentations
7. Deputations
8. ~~Additions to Agenda (urgent only)~~
9. Appointments
10. ~~Receipt of Correspondence~~
11. ~~Report General Resolutions of Committee of the Whole of Committees~~
12. [Housekeeping Resolutions](#)
13. Tenders
14. By-laws
15. Notices of Motion
16. [Proclamations](#)
17. Announcements (non-action)
18. Adjournment (to Closed Meeting, if required)
19. Business arising from Closed Meeting (if applicable)
20. Close Meeting.

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5.3 Call to order - quorum present

As soon after the hour fixed for a meeting as a quorum is present, the meeting shall be called to

order by the Mayor.

5.4 No Quorum

If no quorum is present one half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting. A quorum for meetings for the purpose of Council shall be a majority of the total members, or, the presence of at least four (4) Members.

Should any Council Member in attendance make a Declaration of Pecuniary Interest thereby reducing the number present to less than a quorum, the meeting may continue.

5.5 Declaration of Pecuniary Interest – Duty of Member/Completion of Form

Members shall comply with the Municipal Conflict of Interest Act, and in accordance with the Act any Member shall disclose any direct or indirect pecuniary interest as follows:-

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

At the applicable meeting, a Member shall complete and read from the necessary Declaration Form regarding their Declaration of Pecuniary Interest and shall provide the form to the Clerk for recording it in the Minutes (see Appendix B to this by-law).

All Declarations shall be recorded by the Clerk accordingly both in the Minutes and on any applicable resolution.

No Member shall request any staff member for their opinion or to comment on whether or not the Member has a Pecuniary Interest, whether direct or indirect. [Members may seek a legal opinion as to whether they may or may not have a Pecuniary Interest on a particular matter.](#)

5.6 Minutes

The Minutes of the Council shall be taken by the Clerk or designate, and shall consist of a record of all proceedings taken during a Council meeting pursuant to the Municipal Act, 2001, as amended. The Clerk or designate shall record, without note or comment, the following information for the purpose of the official Minutes:

- Date, place and time of meeting
- Name of the Presiding Officer
- Members both present and absent (regrets)
- Member who reads the [Prayer/Blessing](#)
- Member who makes a Declaration of Pecuniary Interest & General Nature Thereof
- Any public deputation [and including](#) the name of the person/group
- [Follow up discussion/direction to staff on a particular matter](#)
- Recorded Votes
- Notices of Motions
- Announcements
- Time of Adjournment/Close of Meeting

5.7 By-laws

By-laws shall be introduced in the applicable section on the Council agenda. If applicable, by-laws of an urgent nature that fall under 'additions to the agenda' may be considered and presented with the

additional item under that section of the meeting.

5.8 Three Readings required before Enactment

Every by-law shall receive three readings (first, second and third) by Council before being enacted. By-laws may be presented for one or two readings at the ~~request of Committee~~[direction of Council or staff](#) prior to the Council Meeting depending on the nature of the by-law.

In accordance with this Section, authorization is given to dispense with the actual reading of the by-laws and that only the titles of each by-law shall be read within the applicable motion.

5.9 Curfew – Regular Council Meetings

~~The~~ Council shall adjourn no later than three (3) hours past commencement of the usual twelve (12) o'clock meeting time, typically before the hour of three (3) o'clock in the afternoon, unless otherwise ordered by a unanimous vote of members present.

Part 6 – Rules of Conduct and Debate

6.1 Order - decorum - maintained - Mayor

The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.

6.2 Mayor - speaking on motion - to leave Chair

The Mayor may answer questions and comment in a general way without leaving the chair, but if he/she wishes to make a motion or to speak on a motion by taking a definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the chair, and shall designate another member to fill his/her place until he/she resumes the chair.

6.3 Member Speaking - recognition by Mayor - required

Before a member may speak to any matter, he/she shall first be recognized by raising their hand to be addressed by the Mayor.

6.4 Speaking - order - determination

When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the member who is to speak first.

6.5 Disruption - Council - by member - prohibited

A member shall not disturb the Council by any disorderly deportment.

6.6 Offensive language - insults - prohibited

A member shall not use profane or offensive words or insulting expressions.

6.7 Disobedience - rules - points of order - prohibited

A member shall not disobey the rules of the Council or a decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.

6.8 Leaving seat - disturbance during vote - prohibited

A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

6.9 Interruption - speakers - exception

A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

6.10 Leaving meeting - not to return - Mayor informed

A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Mayor.

6.11 Disorderly conduct - member to be removed - question

In the event that a member persists in a breach of the rules prescribed in this by-law, after having been called to order by the Mayor, the Mayor shall put the question "Shall the member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable.

6.12 Apology - member to resume seat - by permission

If the member apologizes, the Mayor, with the approval of the Council, may permit him to resume his/her seat.

Part 7 – Motions in Council**7.1 Motions in Writing**

All substantive motions introduced to Council shall be in writing.

7.2 Addressing Council

Members shall rise to read motions presented to Council.

7.3 Disposition of motion

Every motion in Council must be voted on and either carried, defeated, or deferred before any other motion (other than a motion to amend), can be introduced; deferred; amended, etc.

7.4 Motion to Defer (later in same meeting)

This motion provides a mechanism whereby a motion can be set aside and taken up again at any time later in the meeting by moving a procedural motion to resume consideration of the matter.

- Motion is not debatable
- Is not amendable
- Approval requires a two-thirds majority of votes cast

7.5 Motion to Defer (to subsequent meeting)

This motion enables the discussion of a substantive issue to be put off to a subsequent meeting.

- Motion shall state the substantive issue and the date and/or time of the postponement
- Is debatable only with respect to the date and time
- Must have a seconder
- Amendments restricted to the stated date/and or time
- Approval by majority.

7.6 Motion to Defer Indefinitely

This motion provides a mechanism whereby an issue can be fully discussed, although no decision is to be taken.

- Is debatable and is not restricted so substantive issue can be fully discussed
- Approval by majority.

7.7 Motion to Amend

- Shall be presented in writing;
- Shall not negate the main motion;
- Shall receive disposition of Council before a previous amendment or the question;
- Shall not be further amended more than once, provided that further amendment may be made to the main question;
- Shall be relevant to the question to be received;
- Shall not be received proposing a direct negative to the question;
- May propose a separate and distinct disposition of a question;
- Shall be put in the reverse order to that in which it is moved.

7.8 Motion to Withdraw

A motion shall only be withdrawn by the Mover and Secunder, and only with the consent of the majority of Council.

7.9 Ultra Vires Motion

Council shall not consider a motion that is ultra vires (beyond its power of authority).

7.10 Motion to Reconsider

The following are the rules applicable to a motion to reconsider:

1. Shall be moved by a member voting on the prevailing side.
2. Shall not be debated;
3. Shall not be amended;
4. Shall not be considered if the action approved in the motion cannot be reversed;
5. Suspends action on the motion to which it applies until it has been decided.

No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.

7.11 Motion to Refer

A motion to refer, or to refer back to a Committee or a member of staff with instructions may be put forth and amended but shall be disposed of by Council before the original motion or any other motion pertaining to the original motion.

7.12 Notice of Motion

A member may introduce a new matter by way of notice of motion. The notice of motion shall be read at a meeting of Council (not Committee) and then shall be placed on the next regular Council meeting Agenda by the Clerk, unless the Member otherwise states a specific Council meeting date.

A notice of motion when introduced is not moved or seconded but the motion shall be moved and seconded at the subsequent meeting, at which time it is then debatable/amendable.

7.13 Speaking to motion - limitation - subject - maximum 5 minutes

When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of five (5) minutes.

7.14 Speaking to motion – exception - vote - reply

A member shall not speak more than once to any motion, but the member who has made a motion shall be allowed to speak for a maximum of 5 minutes to answer any questions.

7.15 Motion - under debate - read - at any time

A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.

7.16 Motion under debate – questions – before vote

When a motion is under debate, a member may ask a concisely worded question of another member, ~~of or the City Administrator~~ City Administration, ~~Clerk or Manager~~, through the Mayor prior to the motion being put to a vote by the Mayor in accordance with this by-law.

Part 8 – Voting by Council

8.1 Mandatory vote – all members

The Mayor and all Members present are required to vote by a CLEAR show of hands when a question is put forth, unless they have declared a Pecuniary Interest on a particular item.

8.2 Amendment to Motion - Voted on first

A motion to amend an amendment to a motion shall be voted on first.

8.3 Voting - order

Voting on the main motion and amending motions shall be conducted in the following order:

- (a) A motion to amend a motion to amend the main motion;
- (b) A motion (as amended or not) to amend the main motion; and
- (c) The main motion (as amended or not).

8.4 Motion to vote - immediately - after all have spoken

A motion shall be put to a vote by the Mayor immediately after all members desiring to speak on the motion have spoken in accordance with the provisions of this by-law.

8.5 Speaking - after motion - before vote announced

After a motion is put to a vote by the Mayor, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Mayor.

8.6 No vote - deemed negative - exception

Every member who is not disqualified from voting by reason of a Declaration of Pecuniary Interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.

8.7 Secret voting - on motion - prohibited

The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.

8.8 Result - announced

The Mayor shall announce the result of every vote, except in the case of a recorded vote in which the Clerk shall announce the result.

8.9 Result - disagreement - objection immediate - retaken

If a member disagrees with the number of votes for and against a motion as announced by the Mayor, he/she may object immediately to the Mayor's declaration and, with the consent of the Council, the vote shall be retaken.

8.10 Tie vote - deemed negative

When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.

8.11 Recorded vote - When called for

Any Member present may request that a vote be recorded and shall call for a recorded vote immediately prior to, ~~or following~~ the taking of the vote. Each Member present, except a Member disqualified from voting by any Act, shall announce his or her vote openly when asked by the Clerk. The Clerk shall request Council Members to announce their vote in alphabetical order, and then will request the Mayor to announce his/her vote last. The names of those who voted for and against shall be noted in the Minutes. If any Member does not advise of their vote, they shall be deemed as voting in the negative. The Clerk shall announce the result of the vote.

8.12 Recorded Vote – Major Financial Decisions

As deemed appropriate by Council or the Clerk, any significant financial decisions will require a recorded vote.

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8.13 Recorded Vote – Pecuniary Interests

Any member who has declared a pecuniary interest on a subject matter will deem a recorded vote for that resolution.

** Council – these are two items that have come up in the past as something to consider. You may or may not feel this is necessary

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8.12 Recorded vote - all member to vote - exception

All members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a Declaration of Pecuniary Interest.

8.13 Voting - number of members - calculation

In every vote/recorded vote required of the whole Council, the number of members constituting the Council shall be determined by excluding:-

- (a) The number of members who are present at the meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act*, and
- (b) The number of seats that are vacant on the Council by reason of *The Municipal Act, 2001*, as amended.

8.14 Open Voting Only

No voting shall take place at any meeting that has been closed to the public in accordance with Section 239 of the Act, except as it may pertain to a procedural matter or for giving direction or instructions to municipal officials/employees.

Part 9 – Deputations – ~~In Council and Committee~~

9.1 Addressing in Council

Any person desiring to present information or speak to Council at a Council Meeting shall have an opportunity to do so at the commencement of the meeting as provided for on the Agenda and will be announced by the Presiding Officer. The prescribed “Deputation Request Form” must be filed with the Clerk according to timelines noted on the prescribed form in advance. Such persons shall have no more than five (5) minutes at a Council meeting to address Members and no debate on any subject shall be engaged in by either Council or those providing the Deputation. The ~~Presiding Officer~~Mayor/Deputy Mayor may use their discretion should the five minute time-frame not be met.

If a Deputation Request (with or without the completed Request Form) is received at the commencement of a meeting, the discretion rests with the ~~Presiding Officer~~Mayor/Deputy Mayor as to whether or not the Deputation will be heard.

9.2 Addressing in Committee

Any person desiring to present information or speak at a Committee of the Whole Meeting shall have an opportunity to do so at the commencement of the meeting as provided for on the Agenda and will be announced by the Chair. The prescribed “Deputation Request Form” must be filed with the Clerk according to timelines noted on the prescribed form in advance. Such persons shall have up to fifteen (15) minutes to address and exchange information with ~~Committee~~Council and ~~Committee~~Members may engage in dialogue with the person or persons. The ~~Chair~~Mayor/Deputy Mayor may use their discretion should the ~~five-fifteen~~ minute time-frame not be met.

If a Deputation Request (with or without the completed Request Form) is received at the commencement of a meeting, the discretion rests with the ~~Chair~~Mayor/Deputy Mayor as to whether or not the Deputation will be heard.

9.3 Deputation Request Form Necessary

A signed Deputation Request Form shall be submitted to the Clerk with a legibly written presentation provided before, during or following the deputation.

9.4 Deputation Request Form Deadlines

For Council Meetings: A Deputation Request Form shall be completed and submitted to the Clerk’s Office before 10:00 a.m. on the day of a regular Council Meeting that sets out the topic to be addressed, together with the date of the meeting and the name and contact ~~telephone number~~information (phone number, email address) of the person or group making such request.

For Committee Meetings: A Deputation Request Form shall be completed and submitted to the Clerk’s Office ~~at least 7 days~~no later than the Friday at 12 noon in advance of the requested Committee meeting to attend so that it can be included on ~~SharePoint for the applicable Committee Agenda~~the Committee of the Whole agenda.

For Special Council/Committee Meetings:

Typically depositions are not included on Special Meeting Agendas, and will be heard at the pleasure of the ~~Presiding Officer~~[Mayor/Deputy Mayor](#), provided it relates to the subject matter on the agenda.

9.5 Curtailment of Time

The Head of Council ~~or Deputy Mayor or Chair~~ may curtail any deputation for disorder or any other breach of this by-law, and, if the Head of Council or ~~Chair-Deputy Mayor~~ rules that the deputation is concluded, the person or persons appearing shall withdraw.

9.6 Location

No person, except Council Members and authorized staff shall be allowed to come within the Council Members' seating location during a meeting without the permission of the Head of Council or ~~Chair-Deputy Mayor~~. The public is expected to speak from the lectern provided in Council Chambers to address Council ~~or Committee~~.

9.7 Behaviour of Deputant

As may be necessary from time to time, the ~~Presiding Officer~~ Mayor, Deputy Mayor or Clerk shall advise of the rules of order contained in this Section of the By-law to contingents of the public in attendance either observing or addressing Council, particularly on a sensitive issue.

No Deputant shall:

1. Speak without first being recognized by the Presiding Officer or Chair
2. Speak disrespectfully of any person
3. Use offensive words or gestures, or make abusive comments,
4. Speak on any subject other than the subject stated on their Deputation Request Form
5. Disobey the Rules of Procedure or a decision of the Council or Committee

9.8 Conduct by the Public

Members of the public, who constitute the audience at a meeting, shall not:-

- Address Council or Committee without permission
- Bring signage, placards or banners into such meetings
- Engage in any activity or behaviour that would affect the deliberations
- Bring food into the Council Chambers or meeting unless so authorized
- Allow cellular phones to ring so as to disrupt the proceedings

9.9 Expulsion

The Presiding Officer or Chair may cause to expel and exclude any member of the public who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Clerk may be called upon to seek the appropriate assistance from police officers for this purpose.

9.10 Recording of Deputation for the Minutes

The Clerk or designate shall record, without note or comment, a brief summary of a public deputation where no written deputation is presented, including the name of the person/group represented. Where a written deputation is presented it shall be duly noted in the Minutes that a written deputation was received, and filed with the Clerk for the public record.

9.11 CAO - Managers or Applicable Staff - address to Council

Notwithstanding the provisions of Section 9.1 of this by-law, the City CAO, Managers or applicable staff to the subject being discussed shall be permitted to address Council and the person(s) making the deputation at the request of a Member, with advance permission of the head of Council.

9.12 Business - stated - matters - related to

Persons appearing before the Council shall confine their remarks to the business stated in their request.

9.13 Repetition - prevented - hearing declined - exception

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, the ~~Presiding Officer~~ Mayor or Deputy Mayor may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting.

9.14 Appearance - previous - limitation - new information

Any person appearing before Council who has previously appeared before Council on the same subject matter, shall be limited to providing only new information in their second and subsequent appearances.

9.15 Deputations – Request of Council or Committee

From time to time it may be necessary for the Council or a Committee to invite a person, group or organization to attend a meeting to discuss a specific matter or issue. Unless otherwise required by law and the provisions of the Municipal Act, these deputations shall be open to the public.

9.16 Quantity of Deputations at a Meeting

Committee of the Whole meetings will permit up to 4 deputations per meeting on a first filed basis. For Council meetings, there will be up to 8 permitted deputations per meeting. It will be at the discretion of the Clerk, or Deputy Clerk, if additional deputations will be permitted to appear on the agenda at any particular meeting.

9.17 Petitions to Council

Should a member of the public wish to present a petition to Council on a particular matter, such petition must be presented at an open meeting of Council or Committee of the Whole through a deputation request and copies will be circulated to Members of Council by the Clerk.

9.18 Materials to Council

Any member of the public making a deputation to Council shall provide the Clerk with any records pertaining to their deputation. The Clerk will circulate to members of Council on their behalf. Any electronic copies should be forwarded to the Clerk in advance of the meeting.

9.19 Anonyms Correspondence to Council

Correspondence received by the City addressed to Council with no name and contact information attached to such correspondence will not be circulated to Council or filed for record.

Part 10 - Proceedings - Committee of the Whole**10.1 General and Notice**

All Members of Council ~~shall be~~ Members of the Committee of the Whole, a majority of which shall be required to carry the consensus to Council. Only Members of Council shall be entitled to vote.

Such Members may meet from time to time in addition to the times specified in this by-law as a Committee of the Whole for the purpose of considering any matter or thing referred to or brought before the Committee for consideration and/or report. Meetings of a Committee of the Whole may be called by the Mayor or Clerk whenever he/she considers it necessary or by a majority of Members provided appropriate advertising takes place with twenty-four (24) hours advance public notice, in accordance with the Notice provisions contained in this by-law.

10.2 Schedule of Meetings (Dates & Times)

Committee of the Whole meetings shall be held in accordance with Section 13 of this by-law.

10.3 Meetings – Special Committee of the Whole

Special meetings of a Committee of the Whole may be called by the Mayor or Clerk whenever he/she considers it necessary or by a majority of Members provided appropriate advertising takes place with twenty-four (24) hours advance public notice as provided for in Section 3 this by-law.

10.4 Meetings – Closed

A Committee of the Whole meeting, or any part thereof, may be closed to the public, provided the required notice has been given and such meeting does not contravene the provisions of the Municipal Act (as set out in Section 4.2 of this By-law). The Deputy Mayor shall chair the meeting.

~~10.5 Meetings – Permitted – other~~

~~At the direction of the Council, a Committee of the Whole may meet apart from any regular meetings when matters are referred to it by the Council.~~

10.6 5 Procedure - Modifications

The rules governing the procedure of the Council and the conduct of its members shall be observed in Committee of the Whole meetings, with the necessary modifications.

10.7 6 Order of Business

The following sections shall be included on the Committee of the Whole Agenda:

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- Notices in accordance with the Notice By-law provisions
- Declarations of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Deputations/[Presentations](#)
- Reports
- [Proclamations](#)
- Announcements
- Close Meeting
- If required to move into a Closed Session, such items will be listed in a general nature for this purpose.

10.8 Points of Order – Decision by [Chair Mayor/Deputy Mayor](#)

Points of order arising in a Committee of the Whole shall be decided by the [Member Chairing Mayor Deputy Mayor](#) the meeting, subject to an appeal by any member of the Committee.

~~10.9 Report – Proceedings by Chair – immediate~~

~~The proceedings of a Committee of the Whole, when held as part of the proceedings at a Council meeting, shall be reported by the applicable Portfolio Lead.~~

~~10.10 9 Curfew – Committee of the Whole Meetings~~

The Committee of the Whole shall adjourn no later than four (4) hours past commencement of the usual nine o'clock (9:00 a.m.) meeting time, even in the event of a Deputation taking place during the meeting. The meeting shall not continue beyond the hour of one o'clock (1:00 p.m.) in the afternoon, unless otherwise ordered by a unanimous vote of members present.

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~~Part 11 – Proceedings – Committee of the Whole Property & Planning~~

~~11.1 General and Notice~~

~~All Members of Council shall be Members of Committee of the Whole Property & Planning, a majority of which shall be required to carry the consensus to Council. Only Members of Council shall be entitled to vote.~~

~~The Committee of the Whole Property & Planning may meet from time to time in addition to the times specified in this by-law for the purpose of considering any matter or thing referred to or brought before the Committee for consideration and/or report. Meetings of the Committee of the Whole Property & Planning may be called by the Presiding Officer or Clerk whenever he/she considers it necessary or by a majority of Members provided appropriate advertising takes place with twenty-four (24) hours advance public notice, in accordance with the Notice provisions contained in this by-law.~~

~~11.2 Schedule of Meetings (Dates & Times)~~

~~Committee of the Whole Property & Planning Meetings shall be held in accordance with Section 13 of this by-law.~~

~~11.3 Meetings – Special Committee of the Whole Property & Planning~~

~~Special meetings of the Committee of the Whole Property & Planning may be called by the Presiding Officer, or Clerk whenever he/she considers it necessary or by a majority of Members provided appropriate advertising takes place with twenty-four (24) hours advance public notice as provided for in Section 3 this by-law.~~

~~11.4 Meetings – Closed~~

~~The Committee of the Whole Property & Planning meeting, or any part thereof, may be closed to the public, provided the required notice has been given and such meeting does not contravene the provisions of the Municipal Act. The Deputy Mayor shall chair the meeting.~~

11.5 ~~Meetings – permitted – other~~

~~At the direction of Council, the Committee of the Whole Property & Planning may meet apart from any regular meetings when matters are referred to it by the Council.~~

11.6 ~~Procedure – modifications~~

~~The rules governing the procedure of the Council and the conduct of its members shall be observed in the Committee of the Whole Property & Planning meetings, with the necessary modifications.~~

11.7 ~~Order of Business~~

~~The following sections shall be included on the Committee of the Whole Property & Planning Agenda:~~

- ~~-Notices in accordance with the Notice By-law provisions~~
- ~~-Declarations of Pecuniary Interest and General Nature Thereof~~
- ~~-Confirmation of Minutes~~
- ~~-Deputations~~
- ~~-Reports~~
- ~~-Announcements~~
- ~~-Close Meeting~~
- ~~-If necessary, items listed in a general nature for purpose of moving into closed session.~~

~~No new items shall be added to the agenda for consideration unless of an urgent matter and provided such item would not contravene the Notice provisions contained in this by-law.~~

11.8 ~~Points of Order – Decision by Chair~~

~~Points of order arising in at a Committee of the Whole Property & Planning meeting shall be decided by the Member Chairing the meeting, subject to an appeal by any member.~~

11.9 ~~Report – Proceedings by Chair – immediate~~

~~The proceedings of a Committee of the Whole Property & Planning meeting when held as part of the proceedings at a Council meeting shall be reported by the Portfolio Lead.~~

11.10 ~~Curfew – Committee of the Whole Property & Planning Meetings~~

~~The Committee of the Whole Property & Planning meetings shall adjourn no later than one o'clock (1:00 p.m.) in the afternoon, unless otherwise ordered by a unanimous vote of members present.~~

Part 12 – Committee of the Whole Portfolios

~~The Committee of the Whole Structure is for the purpose of conducting municipal business and forwarding recommendations to Council. There shall be no recommendation acted upon without the prior concurrence of Council.~~

~~Six (6) Departmental Portfolios have been established for the purpose of appointing a Council Lead and Alternate to oversee departmental mandates and for reviewing applicable staff reports to go forward to Council.~~

~~Each Portfolio will have one Lead and one Alternate and these appointments shall be made by resolution of Council, and only comprised of Council Members.~~

~~The following are the applicable mandates of the Departmental Portfolios that form the Committee of the Whole of Council:-~~

12.1 Business Administration (BA):

~~to develop policies for the development, update and maintenance of systems related to the efficient operation of the administration of City affairs;~~

~~to ensure that policies are in place to provide for educational and training programs for municipal staff;~~

~~to assume responsibility for the negotiation of employee collective agreements and conditions of employment for Supervisory Staff;~~

~~to fulfill the responsibilities as "Head" of the Municipal Corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act;~~

~~to receive the Auditor's Report(s), both external and internal audit;~~

~~to develop policies for the development of municipal short term and long term financial planning, including the establishment of reserves for municipal purposes; to receive regular departmental and other financial reports;~~

~~to consult with the Treasurer when called on to do so by him or her on matters pertaining to his or her office, to see that an account is kept in the Corporation's Bank in the Corporation's Name, and all monies are deposited therein;~~

~~to see that all securities are kept in safety boxes in the Corporation's Bank and that all books or securities in the Treasurer's possession are kept in the City's vault;~~

~~to review all matters connected with the receipt of accounts and to approve for payment all invoices and statements prior to the issuance of payment;~~

~~to act in the role as principle shareholder in both the Kenora Hydro Electric Corporation Ltd., and the Kenora Energy Corporation Ltd.;~~

~~to review, amend and approve the City's budgets, including the various utility budgets;~~

~~to make recommendations to Council on matters regarding the work or duty of any of the officers or employees, or other matters pertaining to the treasury department;~~

~~to make recommendations to Council on matters regarding the work or duty of any of the officers or employees, or other matters pertaining to personnel and labour relations;~~

~~to provide liaison with the Kenora District Services Board;~~

~~to preserve, protect, and maintain the records and vital statistics of the Corporation;~~

~~to oversee the development of a strategic plan for the City, and update and revise the plan from time to time as is deemed to be appropriate;~~

~~to make recommendations to Council on matters regarding the work or duty of any of the officers or employees or their departments.~~

12.2 Community Services (CS):-

~~to develop policies for the administration, promotion and operation of the City Recreation facilities and program delivery;~~

~~to act as liaison to the Kenora Public Library Board and the Lake of the Woods Museum Board;~~

~~to make recommendations to Council on matters regarding the work or duty of any of the officers or employees, or other matters pertaining to the community and protective services departments.~~

12.3 Economic Development (ED):-

~~to oversee economic development related activities and initiatives for the City, including: the preparation of terms of reference, requests for proposals, consulting contracts and service agreements as they relate to economic development;~~

~~to oversee business retention, expansion and attraction;~~

~~to oversee tourism development and marketing activities;~~

~~to pursue development of education and training opportunities within the City for residents and visitors;~~

~~to make recommendations to Council regarding the work or duty of the officers or employees, or other matters pertaining to the economic development department.~~

12.4 Emergency Services (ES):-

~~to develop policies for the administration and operation of the Fire and Emergency Services, including all related programming and services, including emergency response and mutual aid programs;~~

~~to make recommendations to Council on matters pertaining to the mandated service of land ambulance delivered by the Kenora District Services Board;~~

~~to make recommendations to Council on matters regarding the work or duty of any of the officers or employees, or other matters pertaining to the community and protective services departments.~~

12.5 Operations (OP):-

~~to develop policies for the administration, operation and maintenance and all matters pertaining to the maintenance and construction of streets, sidewalks, bridges and street lights;~~

~~to ensure that proper records are maintained at the Engineering Office, including as-built plans, and that the engineering of projects is completed in accordance with government and professional standards;~~

~~to ensure proper building permit records are maintained and policies and procedures are in place for the issuance of building permits;~~

~~to develop policies for the administration and operation of the Waste Management facilities;~~

~~to develop policies for the administration and operation of the Sewer and Waterworks Departments of the City, including treatment and distribution, and to provide facilities for the extension of services when necessary;~~

~~to develop policies for the administration, promotion, and operation of the City parks and Open Spaces including the cemeteries;~~

~~to develop policies promoting and maximizing the use and life expectancy of municipal facilities including municipal offices and buildings, wharfs, docks and Harbourfront infrastructures;~~

~~to make recommendations and develop policy with respect to the physical planning and major capital infrastructure projects for the City of Kenora;~~

~~to make recommendations to Council on regarding the work or duty of any of the officers or employees, or other matters pertaining to the operations departments.~~

12.6 Property & Planning (PP):-

~~to develop policies to ensure the City grows and develops in an orderly and well-planned fashion;~~

~~to oversee the development and implementation of the Official Plan and recommend amendments as appropriate;~~

~~to oversee the development and implementation of the Comprehensive Zoning By-Law and recommend amendments as appropriate;~~

~~to make recommendations with respect to the sale, acquisition and lease of municipal property;~~

~~to make recommendations with respect to signage policies and by laws;~~

~~to make recommendations to Council regarding the work or duty of the officers or employees, or other matters pertaining to the planning department.~~

Part 13 – Meetings - Committee of the Whole and Property & Planning

13.1 Timing of Meetings

Subject to Statutory Holidays, vacation schedules, and conferences, etc., and unless otherwise recommended by the Clerk and so agreed to by Council and advertised with the appropriate public notice in accordance with this by-law, monthly Committee of the Whole ~~and Committee of the Whole~~ **Property & Planning Meetings** shall be held as set out below. Should the meeting day fall on a Public Holiday, the Committee shall meet at the same hour the following day that is not a Public Holiday; when this occurs the ensuing Council meeting will also move to the following day at the same hour.

Second Tuesday of every month between 9:00 a.m. and 1:00 p.m.

Committee of the Whole / ~~Property & Planning~~ Meeting comprised of reports from the following Managers:

- ~~Business Administration~~ Corporate Services & Strategic Initiatives
- ~~Community Services~~
- ~~Economic Development~~ Community & Development Services
- Fire & Emergency Services
- Operations & Infrastructure
- Property & Planning

13.2 Staff Reports – Process and Deadline

All staff reports shall be completed by staff in the format identified by the Clerk.

Should Council wish to submit a report for consideration it will be prepared and submitted by the applicable Department staff on behalf of the Councillor.

Staff reports with the exception of Closed Meeting Reports, shall be uploaded by the applicable department to the Committee Reports Document Centre on SharePoint by the deadline of ~~8:00 a.m.~~ 12 noon on the ~~Wednesday~~ Tuesday (one week) prior to the Committee of the Whole meetings.

The CAO and/or Clerk as the case may be will then approve final report versions (or otherwise reject) together with the applicable information, attachments, etc. on SharePoint to allow the information to be released to Council for viewing/printing from SharePoint. Recommendations contained in the reports shall form the basis of the Committee agendas.

13.3 Reports - Publicly Posted on City Portal

Committee of the Whole ~~and Committee of the Whole Property and Planning~~ meeting open reports ~~shall be posted by the Clerk's Office at the latest, on the business day immediately preceding the applicable Committee Meetings or Special Council meeting as the case may be~~ shall be attached to the Committee of the Whole agenda as appropriate.

13.4 Late Committee Reports

Should an urgent matter arise where a staff report requires to be presented to Committee for action and the deadline has passed, the following process shall apply:

- Approval of the CAO or designate is required before the report can be added to an agenda or introduced at the meeting;
- If approved, the report shall be forwarded by the ~~Department to Members of Council~~ Clerk or CAO to members of Council, the CAO and the Clerk. If time does not permit for emailing the report, it shall be presented at the applicable meeting with sufficient copies provided by the Department for Members of Council, CAO and Clerk;
- Late reports shall be posted to the Portal as soon as possible but only after Council has had an opportunity to review.

~~13.5 Agenda – Preparation and Distribution~~

~~On the day prior to the Committee of the Whole / Property & Planning meetings, agendas shall be prepared and electronically circulated by the Clerk to each Council Member, the Chief Administrative Officer, City Managers (including any staff requesting same) and the media, and printed copies are to be made available at the meetings for attendees.~~

~~The Clerk or designate shall post the Agenda(s) on the Portal under the applicable Meeting Documents file on the SharePoint Document Centre at least 24 hours in advance of the meetings which is typically the Friday before the applicable Committee meetings.~~

~~The Clerk and/or designate, subject to such changes as may be necessary, shall prepare the Agenda(s) with the order of business for regular meetings as follows:-~~

- a) ~~Public Information Notices~~
- b) ~~Declaration of Pecuniary Interest & General Nature Thereof~~
- c) ~~Confirmation of Minutes~~
- d) ~~Deputations~~
- e) ~~Report of Committees~~
- f) ~~Announcements~~
- g) ~~Items on Hold~~
- h) ~~Consideration of Matters for Closed Meeting, if applicable~~
- i) ~~Close Meeting.~~

~~13.6~~ ~~Closed Meetings~~

~~Any Committee meeting of Council, or any part thereof, may be closed to the public if so required by the Committee provided such meeting does not contravene the provisions of the Municipal Act and is carried out in accordance with Section 4 of this by-law.~~

Part 14 – Other Committees of Council

~~13.7~~ ~~Mayor – Ex-Officio Member – All Meetings~~

~~The Mayor shall be Ex-Officio of all Committees of the Council, shall not be counted for purposes of quorum but shall be entitled to attend, participate and vote.~~

13.8 Appointments of Committee Members

Committee appointments shall consist of only Council Members and shall be made by resolution of Council at its Inaugural Meeting, or as required from time to time.

~~13.9~~ ~~Report Recommendations to Council~~

~~The Lead, or Alternate as the case may be of the applicable Portfolio Department Managers with the responsibility of that Committee, or the CAO shall present the report recommendations to Members at the Committee of the Whole meeting which will items will then go forward to the Council Meetings and all recommendations shall go forward to Council for ratification whether supported or rejected.~~

~~13.10~~ ~~Minutes~~

~~Minutes of the proceedings of various City Committee of the Whole meetings shall be recorded and filed with the Clerks office by an administrative appointed officer kept, without note or comment by an Officer of of the City at Committee Meetings and electronically circulated by that person to each Member of Council, the Chief Administrative Officer, the Clerk and the respective Manager (including any staff requesting same) and the media. The Clerk's Department shall post Committee Minutes on the Portal and will be included in minute listings for Council resolution support.~~

13.11 Curfew – Motion

Should the Committee not be able to carry out its business during the allotted time set out in this by-law, it shall be necessary to order, by a unanimous vote of members present, for the meeting to continue.

13.12 Procedure - modifications

The rules governing the procedure of the Council and the conduct of its members shall be observed in Committee meetings, with the necessary modifications.

Part 14 – Advisory Committees

14.1 Council may establish Advisory Committees from time to time.

While Advisory Committees are not bound by the Closed Meeting rules in the Municipal Act, Council encourages that Advisory Committees meet in public and only meet in Closed Session as may be required from time to time.

When Council establishes an Advisory Committee it shall be done by resolution, and shall set both the mandate and the term of the Committee. Appointments to an Advisory Committee shall also be by way of resolution. Any Terms of Reference shall be established by by-law.

Part 15 - Confirmatory By-Law

15.1 Proceedings – all matters

The proceedings at every open and special meeting of Council shall be confirmed by by-law at the regular meeting of Council to which it applies (in the case of a special meeting it will be so confirmed at the next regular Council Meeting). This action is required so that every decision of the Council at that meeting and every resolution adopted at such meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted. A confirmatory by-law, when introduced, shall be taken as having been read and shall be voted on without debate.

Part 16 - Procedures – Public Hearings of Council

16.1 Agenda

The Clerk, or designate, in accordance with the applicable Department, is to prepare the necessary agenda for the public meeting which could include but is not limited to a hearing for an Official Plan or Zoning By-law Amendment (which may be done at the Committee of the Whole ~~Property & Planning~~ level), requirements under the Notice By-law, the Rental Housing Protection Act or Municipal Licensing Appeals.

16.2 Timing of Meetings

Public meetings required to be held by Council in accordance with various legislation will be scheduled prior to regular meetings of Council (~~or aor~~ ~~Committee~~ ~~of the Whole as the case may be~~) at a time to be determined, and held in Council Chambers, for a duration between fifteen (15) to thirty (30) minutes. From time to time there may be more than one Public Meeting scheduled and the times are to be slotted accordingly by the Clerk, based on the same timetable; however these meetings should be scheduled in such a way as to not interfere with the holding of the regular Committee/Council meeting. Public Meetings as they relate under the Planning Act may be held prior to or following the Committee of the Whole ~~Property & Planning~~ regularly scheduled meeting, or Council if necessary.

16.3 Minutes

The Clerk, or designate is to record the date, time, place, reason for meeting, and persons in attendance, together with the following:

- Presiding Officer, to advise why public meeting is being held;
- Clerk to read the Notice giving date that it appeared in the newspaper;
- Presiding Officer to ask if anyone wishes to receive written notice of the adoption of the By-law(s) to leave name with Clerk;
- Presiding Officer to ask if anyone wishes to express any view on the amendment(s) or matter the matter;
- Report to be given describing amendment(s) or matter at hand;
- Presiding Officer to ask if anyone wishes to speak in favour or in opposition to the amendment(s) or matter;
- Presiding Officer to ask if there are any questions;
- Presiding Officer to declare public meeting closed.

Part 17 – Enactment

17.1 Repeal & Effective Date

That upon enactment of this By-law which shall come into force effective ~~September 17, 2013~~December 15, 2015, By-law Number ~~420-2012~~290-2013, as amended shall be repealed.

By-Law Read A First & Second Time this ~~17-15~~ Day of ~~September~~December, 201~~5~~3. By-Law Read A Third & Final Time this ~~17-15~~ Day of ~~September~~December, 201~~5~~3.

THE CORPORATION OF THE CITY OF KENORA:-

per: _____
David S. Canfield - Mayor

per: _____
~~Joanne L. McMillin~~Heather L. Kasprick –
City Clerk

Appendix “A” to By-law Number ~~90-2013~~

**Excerpt from the Municipal Act
for process to moving into Closed Meetings.**

Section 239

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending "acquisition" of land for municipal or local board purposes;
- for the disposition of land;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
- if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act;

Section 239 (3.1) – Educational or Training Sessions

- a meeting of a council or local board or of a committee of either may be closed to the public if the following conditions are both satisfied:-
 1. The meeting is held for the purpose of educating or training the members.
 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Appendix 'B' to By-law Number 90--2013

Declaration of a Pecuniary Interest

(To be completed by the Member and submitted to the Clerk at the same day meeting the pecuniary interest is being declared).

Date: _____

I, _____, am declaring direct or indirect pecuniary interest as it relates to Agenda Item number _____, regarding _____.

1. My pecuniary interest is:

Direct _____

Indirect _____

2. Relates to:

Myself _____ My Spouse _____ My Child _____ A Parent _____

3. The nature of my interest is as follows:-

Print Name _____ Signature _____

Date Submitted to Clerk _____

November 28, 2015

City Council Committee Report

To: Mayor & Council

Fr: Heather Kasprick, Manager of Legislative Services

Re: Rotation of Committee Appointments

Recommendation:

That Council directs administration to prepare new rotation of Committee Appointments effective January 1, 2016 and notify each board of the new appointments; and further

That the Clerk appoints these members of Council by resolution at the December 2016 meeting.

Background:

The George Cuff report outlines recommendations to move away from the "portfolio" type of governance and recommends Council becoming one body of Council with no specific "expertise" area which Council supports moving towards and will take effect as of January 1, 2016. Further to this recommendation, the Cuff report also outlines the Governance Zone-Primary Obligation and recommends rotating Council appointments annually.

Further to the November Committee of the Whole discussion, Council directed administration to return with a list of Committee's for Council discussion as to who would sit on those committees for rotations. The committees are as follows which includes the current appointments:

Accessibility Advisory Committee

(Mandated Committee – 10 members including 2 Councillors)

Councillor Sharon Smith
Councillor Rory McMillan

Business Improvement Area (B.I.Z.)

(5 members including 1 Councillor)

Councillor Dan Reynard

Community Safety and Well Being

Councillor Colin Wasacase

Environmental Advisory Committee

(9 including 1 Councillor and alt)

Councillor Rory McMillan
Councillor Sharon Smith, Alternate

Event Centre Committee

(7 members including 1 Councillor)

Councillor Dan Reynard
Councillor Rory McMillan, Alternate

Handi Transit Board

Councillor Colin Wasacase
Councillor Mort Goss, Alternate

Harbour Advisory Committee

(2 at large, 2 Council)

Councillor Sharon Smith
Councillor Dan Reynard

Heritage Kenora

(max of 10 including 1 Councillor)

Councillor Rory McMillan
Councillor Sharon Smith, Alternate

Housing Pillar (Substance Abuse & Mental Task Force)

Mayor David Canfield
Councillor Colin Wasacase
Councillor Louis Roussin

Kenora Airport Authority

Councillor Mort Goss
Councillor Rory McMillan, Alternate

Kenora Health Care Centre Board of Directors

Councillor Louis Roussin
Councillor Rory McMillan
Mayor David Canfield

Kenora Hydro Electric Corporation Ltd.

Councillor Rory McMillan

Keewatin Municipal Non-Profit Housing Corporation

Councillor Sharon Smith

Kenora Municipal Non-Profit Housing Corporation

Councillor Colin Wasacase

Kenora Police Services Board

Mayor David Canfield, Council Rep

Kenora Public Library Board

(5- 9 members including 1 Councillor)

Councillor Rory McMillan
Councillor Dan Reynard, Alternate

Kenora Urban Recreational Trails Committee

(max 9 including 1 Councillor)

Councillor Sharon Smith

Lake of the Woods Development Commission

(3- 11 members including 1 Councillor)

Councillor Mort Goss
Councillor Sharon Smith, Alternate

Lake Of The Woods Museum Board

(7 including 1 Councillor)

Councillor Dan Reynard

Ministry of Natural Resources - LCC Committee

Mayor David Canfield
Councillor Louis Roussin, Alternate

Northwestern Health Unit Board of Directors

Councillor Sharon Smith – Kenora Council Rep.

Rat Portage Common Ground Conservation Organization

David Canfield
Rory McMillan

As recommended in section 7 of the Cuff report, these appointments should change on an annual basis given that the Councillor is not elected to become an expert on the affairs of another body and will no longer hold a portfolio as a Councillor.

Budget: N/A

Communication Plan/Notice By-law Requirements: N/A

Strategic Plan or other Guiding Document:

George Cuff Governance Audit Report, Governance Zone – Primary Obligation (Part One)

November 30, 2015



City Council Committee Report

To: Mayor and Council

Fr: Colleen Neil, Recreation Services Manager

Re: Municipal Ball Fields and Outdoor Grounds Rental Rates

Recommendation:

That Council authorizes an increase to the rental fees for the ball field rentals in the Recreation Department; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Tariff of Fees and Charges By-Law at its December 15, 2015 meeting to give effect to these new rates outlined in the revised Schedule "B"; and further

That By-law Number 164-2015 be hereby repealed.

Background:

Ball Field rental rates were last reviewed and approved at their current in 2010. Over the past years the ball fields have been in need of repairs and upgrades that are beyond what is currently being budgeted for or off set by revenues.

Staff are recommending the following increases:

Fields:	<u>JM/Millennium/Central/Portage Bay</u>	<u>KRC (lighting)</u>
Adults	\$10.00 per hour (from \$9)	\$11.00 per hour (from \$10)
Youth	\$4.00 per hour (from \$3)	\$4.00 per hour (from \$3)

TOURNAMENT RATES:

Adults \$110.00 per field/day (from \$100)	\$125.00 per field/day (from \$110)
Youth \$ 30.00 per field/day (from \$25)	\$ 40.00 per field/day (from \$35)

The above recommended rates will not interfere with the pre-existing agreement with Minor Baseball for the Jaffrey Melick Diamonds.

Outdoor Grounds – 150.00 per day, not including power. This rate will be charged when there is exclusive use of the grounds causing closure to the general public. Power will be charged out at the pre-existing approved rate of \$50.00, \$125.00 or \$200.00 depending on the demand and length of time.

Budget:

If approved, projected revenue will be included in the 2016 operating budget submissions

Communication Plan/Notice By-law Requirements:

Required under Schedule 'A' to Notice By-law 144-2007: before passing or amending a by-law pertaining to fees and charges imposed by the municipality, Council shall give public notice of its intention to pass a by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal.

Strategic Plan or other Guiding Document:

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.



November 30, 2015

City Council Committee Report

To: Mayor and Council

**Fr: Colleen Neil, Recreation Services Manager
Aaron Eisler, Maintenance Foreman
Lauren D'Argis – Manager of Corporate Services**

**Re: Replacement of Refrigeration/Mechanical Room Doors at the
Keewatin Memorial Arena**

Recommendation:

That Council hereby approves an additional allocation of \$11,500 plus applicable taxes to be funded through the Contingency Reserve for the purchase and installation of code compliant fire rated doors at the Keewatin Memorial Arena; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2015 Operating & Capital Budget at its December 15, 2015 meeting to withdraw funds from the contingency reserve in the amount of \$11,500 plus applicable taxes to offset the cost of this purchase; and further

That Council give three readings to a by-law to amend the 2015 budget for this purpose.

Background:

The City of Kenora has received an order from the Technical Standards and Safety Authority to bring all doors leading to any mechanical area into compliance to meet the standards for doors and hardware that must be up to current standards for fire rated doors and hardware.

Due to the current age and condition of the doors this will require some doors and frames to be updated while others will need to be completely replaced.

Two quotes have been received by contractors who are available to complete the works.

The lowest bid is for \$11,500 plus HST for removal, supply and install of applicable doors and hardware.

Budget:

\$11,500 plus applicable taxes to be funded through the Contingency Reserve

Communication Plan/Notice By-law Requirements:

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

Strategic Plan or Other Guiding Document:

2-1 The City will ensure our municipal infrastructure is maintained using available resources with the intent of moving towards all city infrastructure being in a good state of repair to ensure certainty, security, and long-term sustainability of our systems.

2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.



1 December 2015

City Council Committee Report

To: Mayor and Council

Fr: Karen Brown, CAO

Re: Kenora Assembly of Resources (KAR) 2016 Contract

Recommendation:

That Council gives three readings to a by-law authorizing a contract between the Kenora Assembly of Resources (KAR) and the City of Kenora for provision of services at the Harbourfront and related areas for the period January 1, 2016 through December 31, 2016; and further

That by-law Number 163-2014 be hereby repealed.

Background:

Since 2006, KAR has provided services to the City of Kenora to implement social type programming related to addressing behavioural issues within the City, and particularly on the Harbourfront. This included the provision of assistance to the Tourism staff and the Lake of the Woods Development Commission (LOWDC) with respect to special events, including the renowned Matiwski's (farmers') Market.

Over this period, there were reviews conducted of this program with the intent of determining if changes should be made, partly driven by the LOWDC, and partly driven by the City and KAR. This review included the potential identifying of another partner who would be willing to take on these programs should KAR withdraw. At that time, it was recognized that the KAR program was but one component of the issues related to addressing homelessness / behavioural issues within the City. In addition, successes had been achieved through working in tandem with the Courts to access community service hours also to the benefit the City. Following these reviews, the Council decision was to continue on with the KAR programs under the contract with KAR.

The current KAR agreement expires on December 31st, 2015. As of today, the programs remain intact, and KAR remains willing to continue with another year under the KAR contract. Input was collected from the Tourism Department Staff on potential changes to the contract. Based on that input, the contract was amended and reviewed with a member of the KAR Board. The proposed contract, with changes tracked, has been attached for Council review.

Budget / Financial Implications:

The KAR Service Agreement has been included in the 2016 draft municipal budget, and is unchanged from the 2015 allocation.

Communication Plan/Notice By-law Requirements:

KAR will be advised of Council's decision on this matter.

Strategic Plan or other Guiding Document:

Strategic Plan – Kenora – Our Vision is 20/20:

- 1-1 – The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district
- 1-12 – The City will support, promote and expand the tourism industry...

The Corporation of the City of Kenora

By-Law Number xx - ~~2014~~2015

**A By-Law to authorize the execution of an Agreement between
the Corporation of the City of Kenora and the Kenora Assembly of Resources
for the Delivery of Community Social Programs**

Whereas the Council of the Corporation of the City of Kenora deems it necessary and expedient to enter into an agreement between the City of Kenora and The Kenora Assembly of Resources for the delivery of Community Social Programs for the period of 1 January ~~2015-2016~~ through 31 December ~~2015~~2016;

Now therefore the Council of the Corporation of the City of Kenora enacts as follows:

1. **That** the Mayor and Clerk of the Corporation of the City of Kenora are hereby authorized to execute an Agreement between The Corporation of the City of Kenora and The Kenora Assembly of Resources in accordance with the terms and conditions herein and affix the Seal of the Corporation thereto.
2. **That** this by-law shall come into force and be in effect for the period January 1, ~~2015-2016~~ to December 31, ~~2015~~2016.
3. That by-law #xxx-~~2013-2014~~ be hereby revoked effective January 1, ~~2015~~2016.

By-Law read a First and Second Time this ~~xth-15th~~ day of December, ~~2014~~2015

By-Law read a Third and Final Time this ~~xth-15th~~ day of December, ~~2014~~2015

The Corporation of the City of Kenora:-

.....MAYOR
David S. Canfield

.....CITY CLERK
Heather Kasprick

Service Agreement
between
Kenora Assembly Of Resources
and
The Corporation of the City of Kenora
regarding
Service Delivery of Social Programming to the City

1. Purpose and Definitions

The intent of this service agreement is to set out a framework for the rights and obligations of each party, as well as the administrative responsibilities, cost-sharing arrangements, program deliverables, and reporting requirements for the respective parties.

In consideration of mutual covenants contained herein, and other good and valuable consideration, the City of Kenora, herein referred to as the City, and Kenora Assembly of Resources, hereafter referred to as KAR, hereby agree to enter into a service agreement in accordance with the terms and conditions contained in this service agreement.

2. Program:

In recognition of the vital role of social programming in the City's economy and in street beautification, the City of Kenora and KAR agree to enter into a contract that will result in the enhancement of the quality of life in the community. As a result of municipal financial, administrative, and managerial support, KAR will provide important resources to target activities/objectives by working cooperatively with individuals, organizations, agencies, and other stakeholders.

3. City of Kenora's Obligations:

The City of Kenora shall be responsible for providing:

- a) A Council by-law from the City of Kenora authorizing this *service agreement*. For the term of this contract, the City of Kenora shall provide the following:
- b) Assistance in the development of further public/private sector partnerships and agreements in the operation of KAR;
- c) Provision of appropriate marketing and communications support of KAR, including

logos, identifiers and municipal literature, brochures and website maintenance;

- d) Accounting and IT support for the related financial statements, budgets, billing and receivable services, and computer support related to the delivery of washroom and grounds maintenance, and quality of life projects.
- e) Provision of a location for a trailer facility, or alternative location as jointly agreed to, with sufficient floor space and amenities to deliver quality of life programs.
- f) Budget allocation for the delivery of the prescribed services will be \$151,500 for the twelve month period ending December 31, ~~2015~~2016. Should the contract be terminated prior to December 31, ~~2015-2016~~ by either party, the budget allocation will be prorated on a daily basis from January 1, ~~2015-2016~~ to the date of contract termination.

4. KAR's Obligations:

KAR shall be responsible for providing the following:

- a) A Board of Directors' resolution expressing full support of the contract in principle and authorizing the Chairperson (or designate) to sign this service agreement. For the term of this contract, KAR shall provide the following:
 - b) Services as outlined in Schedules 'A', service targets and objectives.
 - c) Delivery of program planning, management and operations consistent with this agreement.
 - d) KAR shall not assign the rights and obligations contained in this service agreement in whole, or in part, without prior consultation and the written consent of the City of Kenora.
 - e) KAR shall not incur any additional program delivery costs above and beyond those set out in this agreement, without the prior written consent of the City of Kenora. Additional costs incurred by KAR, with respect to the services provided in this agreement, shall be their sole responsibility.
 - f) Obtain Comprehensive general liability insurance in an amount of not less than \$5,000,000.00 inclusive, adding the City of Kenora as the additional insured.
 - g) KAR shall comply with all applicable health and safety legislation in the performance of this contract.

5. Administrative and Cost-Sharing Arrangements:

- i. The City shall pay required expenditures directly on behalf of KAR following approval of those expenditures by the KAR Board. Payment shall be made upon satisfaction by the City, that KAR has successfully achieved the targets and service objectives in the City approved detailed budget and defined in this agreement.
- ii. The City of Kenora shall not be responsible for, and shall not be invoiced for, any costs or expenses except as specifically authorized in this agreement, unless approval is provided in writing by the Manager of Property and Planning, prior to incurring such expense.
- iii. Any new revenues (or cash in kind) generated as a result of partnerships/sponsorships related to the operation of KAR, or through services rendered by KAR shall be used solely for the operation of KAR and to expand or enhance the level and type of service being offered to clients.
- iv. The City of Kenora shall supply all maintenance cleaning supplies at no costs to KAR.
- v. All minor and major repairs at the Harbourfront / McLeod Park shall be the responsibility of the City. KAR shall provide assistance through performing work for minor repairs where possible, with related supplies paid for by the City.
- vi. KAR shall submit audited financial statements to the City of Kenora, no later than five months following the previous fiscal year.

6. Reporting and Monitoring:

- i. In addition to the approved Service Agreement, KAR shall provide to the City of Kenora, other reports that the City may reasonably request, consistent with, and related to, the “Targets and Service Objectives” as set out in Schedule ‘A’ in this agreement.
- ii. KAR shall provide to the City of Kenora, for audit purposes, from time to time, during the term of this service agreement and for a period of three (3) years after the expiry or termination of this service agreement, access to information relating to the operation of KAR relating to any financial and client databases compiled and maintained by KAR on behalf of the City of Kenora.

7. Promotion and Publicity:

- i. For projects that the City of Kenora has a financial interest in, any publicity, publication or reference relating to KAR shall reflect the participation of each party in a joint program between KAR and the City of Kenora. The City of Kenora will provide appropriate logo information for such promotion.

- ii. All media releases related to joint KAR/City of Kenora project shall be approved by the Chief Administrative Officer, or designate of the City of Kenora, prior to its release.

8. Indemnification:

KAR agrees that it shall, at all times, indemnify and save harmless the City of Kenora, its officers, employees and agents from and against all claims, demands, losses, costs, damages, actions, suits or other proceedings made, sustained, brought or prosecuted that are based upon, or caused in any way by anything done or omitted to be done by KAR or any of its officers, directors, employees or agents in connection with services performed, purportedly performed or required to be performed by KAR under this service agreement.

9. Term of the Service Agreement:

The term of this agreement shall commence January 01, ~~2015-2016~~ and terminate December 31, ~~2015~~2016.

10. Termination:

This service agreement is in effect upon signature by all parties concerned, and can be amended at any time by mutual consent, or terminated by either party upon ninety (90) days written notice. In the event either party terminates the agreement, payments shall be made on a pro-rated basis in accordance with the requirements outlined in Section 5 of this Agreement.

11. Program Transition:

Both parties recognize and acknowledge that ~~2015-2016~~ may represent the final year of the contract between KAR and the City for the provision of social programming. As part of this agreement, KAR agrees to work with the new partner as identified by the City to ensure a successful transition of and for the ongoing provision of social programming in ~~2015-2016~~ to and the ongoing success and continuance of these programs beyond the term of this agreement.

12. Signatures:

This service agreement has been signed on behalf of Kenora Assembly of Resources and on behalf of the City of Kenora by the proper signing authorities.

13. Form Part of Agreement

The attached Schedules 'A' and 'B' shall form part of this Agreement.

Kenora Assembly of Resources, Chairperson

Date

I have the authority to bind the Corporation.

SEAL

The Corporation of the City of Kenora, Mayor

Date

The Corporation of the City of Kenora, City Clerk

Date

Schedule 'A': Targets and Service Objectives

In accordance with the terms and conditions contained in this service agreement, KAR shall:

1. Harbourfront Park Maintenance, McLeod Park Washroom & Grounds Maintenance.

The Kenora Assembly of Resources shall provide maintenance services at the Thistle Pavilion, and designated green space areas on the following basis:

- i. Basic ground maintenance of: Harbourfront, Green Belt, McLeod Park and designated green space areas, including maintaining the appearance and cleanliness of the walkways and site facilities.
- ii. Unlock and lock the doors on the washrooms at the Thistle Pavilion and keep the washrooms clean and supplied with basic toiletries. Washroom schedules will be tentatively set for the duration of this agreement on the following basis, [with an exception for the closure time of the washrooms specific to special events and / or Whitecap Pavilion rentals as noted:](#)
 - a. **Thistle Pavilion Washrooms:**
12 months – January to December
Spring: _____ 9:00 a.m. to 5:00 p.m. daily
Summer: _____ 8:00 a.m. to 10:00 p.m. daily
Fall: _____ 8:30 a.m. to 9:00 p.m. daily
Winter: _____ 9:00 a.m. to 5:00 p.m. daily
[Special Events: _____ Remain open until 30 minutes past the end of the event](#)
[Rentals to 1:00 a.m.: _____ Remain open until 30 minutes past the end of the rental](#)
 - b. McLeod Park
May 15 to October 30 – 9:00 a.m. to 8:30 p.m. daily
- iii. Maintain a high standard over the litter control on the Harbourfront Park / Greenbelt between the Thistle Pavilion, McLeod Park, including the South & North Harbourfront parking lots, McLeod Park parking lot, Lakeview Drive and parking lot, Library Lane, Water Street Steps, Landing and Brush, Bernier Drive sidewalks, Harbourfront docks and laneway between the TD Bank and Johnson's Pharmacy. Remove all floating debris that washes on shore at Harbourfront, and retrieve benches and litter barrels from the lake along the Greenbelt. Responsible for the emptying of the public garbage containers located in these areas. All collected litter / garbage from the areas described herein shall be removed on a regular basis to the waste management station. This includes routine major clean-up of streets after events following required clean-up by event organizers.
- iv. Pick up drug needles at various locations on the Harbourfront. Delivery for disposal to Drug Addictions Centre. Monitor and report drug activities on the Harbourfront.

- v. In cooperation with the Ontario Provincial Police, monitor and maintain control of public vagrancy, vandalism, intoxication, incidents of sexual activities, skirmishes and mischief at the Harbourfront Park.
- vi. Take measures to enforce public vagrancy and loitering at the Harbourfront Park / Greenbelt by requesting them to move on and reporting persistent violators to the local police.
- vii. Provide seasonal light security on the Harbourfront docks and patrons leases from June 20 to August 20.
- viii. Keep flower planters and tree wells clear of garbage (including cigarette butts) and regular summer sweeps of boardwalk and street sidewalks.
- ix. Snow clearance and sanding on Bernier Drive walkways from South parking lot, Johnson Pharmacy Lane and Water Street steps and landings. Monitor and keep clean all three parking lots on the Harbourfront for refuse / sand. Make arrangements for City sweeper to sweep on a regular basis.
- x. Removal of graffiti.
- xi. Power washing of sidewalks when necessary.
- xii. Provide coffee, pastry and clothing for some of the regular homeless people on extreme cold days.
- xiii. Report faulty lamps / lights in Harbourfront through McLeod Park, including boardwalk, exterior lighting on parking lot, emergency lighting around pavilion, Husky the Muskie and exterior of McLeod Park washrooms.
- xiv. Painting of lamp / light standards on the Harbourfront.
- xv. Maintain community events display boards (6 locations) and pull off old signage as required.
- xvi. Decorate trees on both sides of Bernier Drive and the pavilion with winter Christmas lights as provided by the City.
- xvii. Carry out minor repairs on the Harbourfront/Greenbelt to facilities and equipment in cooperation with the City of Kenora Operations Department, as appointed by the City of Kenora, with the associated costs for materials and supplies being the responsibility of the City. These include, but are not limited to: boardwalk benches, safety fence at McLeod Park, boardwalk boards, litter barrels and stands and washroom related items.
- ~~xvii.~~ xviii. Set up / take down and regular maintenance of the rink under the Whitecap Pavilion, under separate contract with the Lake of the Woods Development Commission.

2. Special Events Equipment

KAR staff shall:

KAR will assist the special events staff as required, as arranged for by the [Manager of Property and Planning](#) [Special Events Coordinator](#) or [City](#) designate, to assist in the set up and take down of special events equipment throughout the City. Any costs incurred as a result of performing this set up and take down will be reimbursed on an incremental cost recovery basis to KAR as outlined in Schedule B.

3. Quality of Life

- i. KAR staff shall implement on a *Special Project Basis* projects contributing to an improved quality of life for local residents and that improve the cleanliness of the public places that visitors to the City are likely to visit, conditional upon receipt of funding; this will include:
 - The Bottle Program
 - The Street Brigade
 - The Green Team
 - Adult/Youth Court Diversion Program
- ii. As long as the above projects are implemented, KAR staff shall provide work opportunities for street people and individuals assessed community service hours by the local courts.

Schedule 'B': Special Events Work and Payment

KAR will be hired by the City of Kenora Special Events Department to set up, maintain, [make minor adjustments as needed](#) and tear down events under the Whitecap Pavilion as required.

Payment for labour services will be paid out on an agreed upon classification system from A to E, attached as Schedule B. A fixed dollar amount is assigned to each classification. The Special Event Coordinator will make a recommendation on the amount and time of labour that will be required to stage the event.

KAR shall invoice the City of Kenora Special Events Department by the 15th of every month for the work performed and amount agreed upon for the previous month.

That is bill the City of Kenora July 15 for work performed for previous month of June. Total Contract Payment will be for agreed upon work performed by KAR established by City of Kenora Special Events Coordinator

The invoices shall be paid upon approval by the Special Events Coordinator and submitted to the ~~Facilities Supervisor~~ [Manager of Community & Development Services](#) for purchase order and payment.

For the purpose of monitoring the progress of the project, and accountability for professional services rendered, KAR shall report to the Manager of ~~the Property and Planning~~ [Community & Development Services](#) with their daily communication and liaising taking place with the Special Events Coordinator.

KAR shall adhere to the work plan as described in the proposal that sets out the tasks and activities to be undertaken in the proposal presented by the Special Events Coordinator in advance of the event so KAR can schedule staff to undertake the task

KAR shall be required to provide all of the services necessary to set up, ~~and~~ take down and garbage removal [throughout the event](#) from the tent to the dumpster provided. [KAR will be responsible for clean ups required during event times and will also ~~KAR will also monitor garbage while the event is taking place and will remove it as necessary.~~](#)

The Special Event Coordinator will provide KAR with a set up plan and event plan prior to each event which outlines the configuration for the event. These will be approved by the ~~Fire Commissioner & Emergency Services Manager~~ and must be followed exactly, [or as amended by the Special Events Coordinator](#). At this time the Special Events Coordinator will communicate with the KAR Supervisor (John Saunders) to inform him of the timelines for the delivery of necessary equipment, as well as set up and take down times.

The Special Events Coordinator will be the liaison for all events organizers and will have the sole responsibility for event planning with organizers.

The Special Events Coordinator will ensure that all necessary equipment for set up and take down are provided to KAR at the Harbourfront in a timely manner for each event.

KAR is not responsible for the transportation of special events equipment to and from the venue unless otherwise agreed upon by both parties for an agreed fee for service.

KAR will ensure that all garbage is moved to the allocated dumpster in a timely fashion and will sweep the area clean following each event.

~~KAR will also monitor garbage while the event is taking place and will remove it as necessary.~~

~~KAR will be responsible for clean ups required during event times.~~

KAR is responsible for the Workplace Health and Safety requirements for their staff and will provide their staff with all required Personal Protective Equipment and comply with all City of Kenora Health and Safety Regulations.

KAR will ensure that there is a Supervisor, designated Supervisor or Director on site to oversee the KAR employees.

KAR shall schedule sufficient employees to fulfill the requirements of Schedule 'A' to this agreement. On event days, KAR will schedule additional employees as required to fulfill the special event requirements (for example, daily adjustments, cleaning of venue, washing of tables and chairs, removing garbage) in addition to the requirements under Schedule 'A' of this agreement.

KAR will be responsible for the setup and take down and general maintenance at the harbourfront for the summer Matiwski Farmer's Markets. These markets are not subject to the classification table below and KAR will be paid a flat rate of \$11,000 per annum for this work- under separate contract with the Lake of the Woods Development Commission.

Classification A	Classification B	Classification C	Classification D	Classification E
\$1,200	\$700	\$600	\$200	\$100
3 day event use most of special event inventory including fencing	One day event using tables and chairs	One day event using chairs and some tables	2 hour event Chairs and tables	Set up and take down less than 200 chairs. When the Wed market is done the same amount of chairs is reset for Thurs concert. Friday is only the extra labour required to stack the chairs
Day to set up	Half day to set up	2 hour set up	2 hour or less set up	
Day to tear Down	Half day to tear down	2 hour tear down	2 hour or less tear down	
Daily adjustments	Some fencing			
Attendance over 1500	Attendance less than 1000	Attendance 500 to 1000	Attendance 200	

4 staff required	4 staff required	2 staff required	1 staff required
8 hours per person	4 hours per person	2 hours per person	1 hour per person



30 November 2015

City Council Committee Report

TO: Mayor and Council

FR: Warren F. Brinkman, Emergency Service Manager

RE: Medical Emergency Response

Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into a Memorandum of Understanding and a Medical Emergency Response Agreement with the Kenora District Services Board for provisions of providing Emergency Medical Response; and further

That By-Law Number 14-2002 be hereby repealed.

Background:

The former Town of Kenora's Fire Department in February of 1992 began delivering medical emergency response to the citizens of the former Town of Kenora as a result of a reduction in land ambulance funding by the Ontario Ministry of Health. The ambulance service up until year 2000 was delivered by agreement between the Ministry of Health and the Lake of the Woods District Hospital. Efforts to recover costs incurred throughout this period, to deliver this service, failed.

An Order by the Minister of Health and Long Term Care under the Ambulance Act in March of 2000 designated the District of Kenora Social Services Administration Board as the delivery agent for Land Ambulance Service in the area comprised of the District of Kenora. Council for The City of Kenora entered into a Letter of Agreement with the Kenora District Services Board, the Kenora Central Ambulance and Communication Centre and the City of Kenora Fire and Emergency Services by way of By-Law Number 14-2002, dated the 25th day of February 2002 to deliver medical emergency response to the citizens of Kenora. This Letter of Agreement remains in place at this writing.

The Kenora Central Ambulance and Communication Centre summonses the City of Kenora Fire and Emergency Services to life threatening medical emergencies based on the following criteria:

1. When an ambulance is requested for a location within the City of Kenora and a staffed unit is not available for immediate dispatch.
2. And where a person is believed to be suffering from:
 - a. Difficult/absence of breathing
 - b. Unconsciousness
 - c. Severe bleeding
 - d. Cardiac arrest
 - e. Seizures
 - f. Trauma related injuries

MEDICAL EMERGENCY RESPONSE AGREEMENT

B E T W E E N:

**THE KENORA DISTRICT SERVICES BOARD,
NORTHWEST EMERGENCY MEDICAL SERVICE**

-and-

**THE CORPORATION OF THE CITY OF KENORA,
CITY OF KENORA FIRE AND EMERGENCY SERVICES**

Preamble:

The Corporation of the City of Kenora ("The City"), through its fire service, the City of Kenora Fire and Emergency Services ("CKFES") has been called to assist The Kenora District Services Board ("KDSB"), through its Northwest Emergency Medical Service ("NWEMS"), since February of 2002. Assistance is provided for medical emergency calls within the City of Kenora's geographic area.

The City of Kenora is located along the Trans Canada Highway (Highway 17) and is approximately 245 square kilometers in size.

The Ontario Ministry of Health and Long Term Care (the "Ministry") has requested that the KDSB, through its NWEMS formalize its agreement with The City, through the CKFES. This Agreement is the fulfillment of that request.

The purpose of this Agreement is to promote professionalism, continued cooperation and understanding in medical emergency response situations between the Parties and other agencies involved, and to continue to provide the general public within The City with timely medical attention.

Statement of Agreement:

The Parties to this Agreement, together with the Ministry and other agencies involved in medical emergency response, have developed and agreed upon guidelines for the activities of the Ministry through its Central Ambulance Call Centre ("CACC"), CKFES and NWEMS during future joint responses to an emergency situation within The City.

Basic Terms:

1. CKFES and NWEMS agree to respond to medical emergency situations within a reasonable time, given all the circumstances. A decision whether or not either Party is able to respond is the sole and absolute decision of that Party.
2. The CACC will dispatch CKFES to respond to a medical emergency when an ambulance is requested for a location within the City of Kenora and a staffed ambulance is not available for immediate dispatch, the City of Kenora Fire and Emergency Services agrees to respond to:
 - a. Difficulty/Absence of Breathing
 - b. Unconsciousness
 - c. Severe Bleeding
 - d. Cardiac Arrest
 - e. Seizures
 - f. Trauma Related Injuries
3. In a medical emergency response situation, the following list sets out, in descending order, the medical authority with the most responsibility at the scene:
 - a) Firstly: Physician;
 - b) Secondly: Paramedic;
 - c) Thirdly: Emergency First Responder (CPR, emergency care, defibrillation);
 - d) Finally: Any other allied health care professional (i.e. nurses).

All those responding to the call will provide appropriate identification to anyone requesting it.

4. This Agreement is not intended to create, and does not create, any legal obligation upon nor impose any legal duty upon either of the Parties. This Agreement is not intended to be, and shall not be, relied upon by the general public as creating any duty or standard of care to which either of the Parties have any legal obligation to respond.
5. This Agreement is intended to coordinate day to day responses to medical emergency and/or life threatening situations. It may not apply in circumstances where an emergency has been formally declared under Ontario law.
6. The CACC is aware of this Agreement and has agreed to the guidelines set out in Appendix "A".

NWEMS Responsibilities

7. When called upon, NWEMS will respond to medical emergencies in The City as quickly as possible, or will advise that it is unable to respond.

8. NWEMS will follow the guidelines set out in Appendix "B".

CKFES Responsibilities:

9. When called upon, CKFES will provide emergency care service to medical emergencies in The City as quickly as possible, or will advise that it is unable to respond.
10. Where CKFES is able to respond, it will attend to the scene and provide patient care as necessary, including CPR and defibrillation.
11. Where CKFES is able to respond, it is able to make decisions to evacuate any part of a scene, consistent with local emergency plans.
12. Where CKFES is able to respond, it will complete the "First Response Call Report" and forward to NWEMS.
13. CKFES will follow the guidelines set out in Appendix "C".
14. CKFES shall forward any issues and/or concerns relating to the operation of this Agreement to the NWEMS.

Both Parties' Shared Responsibilities:

15. Both Parties must ensure all patient information is kept strictly confidential.
16. Both Parties will exchange the information necessary for their respective reporting requirements.
17. Both Parties agree to maintain a high level of professional rapport between themselves, as well as the CACC, together with any other agencies that respond to emergency calls.
18. Both Parties agree to participate in an inter-agency post incident evaluation when requested by one of the Parties and/or the agencies to whom either Party reports.

Review and Term

19. This Agreement will be subject to review, by both Parties, on an annual basis, or as requested by either of them. The Parties shall each appoint one or more representatives who, together with any other interested agencies such as the CACC, will form the "medical emergency response committee" who will meet as needed to review the guidelines in the appendices to this Agreement.

20. Either Party to this Agreement may withdraw from participation in the medical emergency response protocol by giving the other Party, ninety (90) days' notice in writing, of its intention to withdraw from participation.

Indemnification

It is hereby agreed that each Party to this agreement shall at all times indemnify and hold each other harmless including its employees, volunteers and members of council or elected officials from and against any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, as a result of this agreement, provision of emergency services or any operations connected therewith save and except all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, as a result of this Agreement, provision of emergency services or any operations connected therewith resulting from the negligence or willful misconduct of a Party to this agreement.

Emergency Personal Remaining at the Scene

This agreement recognizes that the City of Kenora Fire and Emergency Services may not be able to always respond when requested as they may already be at a scene of a medical response or on their way to a medical response or for other reasons as determined by the Fire Chief. However if for any reason the City of Kenora Fire and Emergency Services is required to leave the scene of a medical response at a minimum two firefighters will remain at the scene until such time as the emergency staff for the Kenora District Services Board have arrived at the scene.

TO WITNESS, the undersigned affixed their corporate seals attested by the hands of our properly authorized officers.

The Kenora District Services Board

Date of Signature

Per: _____
Henry Wall, CAO
I have the authority to bind the KDSB
As a Party to this Agreement

The Kenora District Services Board
Northwest Emergency Medical Services

Date of Signature

Per: _____
Andrew Tickner, Director of EMS
I have the authority to bind the KDSB
As a Party to this Agreement

The Corporation of the City of Kenora

Date of Signature

Per: _____
David S. Canfield, City of Kenora, Mayor
I have the authority to bind the
Corporation of the City of Kenora
As a Party to this Agreement

The Corporation of the City of Kenora
Kenora Fire and Emergency Services

Date of Signature

Per: _____
Heather L. Kasprick, City of Kenora, City Clerk
I have the authority to bind the
Corporation of the City of Kenora
As a Party to this Agreement

APPENDIX "A"

CACC Guidelines:

1. CKFES and NWEMS, together with any other responding agencies, will be notified that a call has a medical emergency response.
2. All persons will be notified as soon as possible, giving consideration to the variations of medical emergency response agreements that are in place.
3. If requested by the caller that only ambulance respond, the CKFES team will not be activated.
4. CKFES will not be sent to a patient that is under the care of an on duty paramedic unless requested by the paramedic.
5. All available information should be relayed to the responding agencies as received.
6. Responding agencies will be notified while en route regarding dangerous situations, e.g. gun call, violence or communicable diseases, whenever possible.
7. Notification to CKFES will include:
 - a) the call type (i.e. medical emergency response);
 - b) the call number;
 - c) the location of the emergency; and
 - d) the medical status of the patient(s).
8. CKFES will not be sent to any location in which there is a declared outbreak as ordered by the Regional Medical Officer of Health; either institutional or regional.

APPENDIX "B"

NWEMS Guidelines:

1. In absence of higher medical authority (Physician), NWEMS will assume responsibility for medical care at the scene upon arrival.
2. NWEMS will receive patient information and the First Response Call Report from the CKFES responsible for patient care.
3. NWEMS shall assess whether continued CKFES assistance is needed regarding the medical care of the patient, subject to their availability.
4. NWEMS shall provide appropriate medical care and shall, when necessary, transport patients to hospital according to established protocols, policies and procedures.
5. NWEMS will maintain care and control of any borrowed CKFES equipment until it is retrieved by them.

APPENDIX "C"

CKFES Guidelines:

1. As Medical Emergency care providers, CKFES may provide emergency care, as applicable, until the arrival of an NWEMS ambulance.
2. Upon arrival at the patient(s), CKFES may start to fill out a First Response Call Report.
3. When NWEMS arrives, the CKFES person(s) responsible for emergency care, should identify themselves, and provide patient information as obtained, as well as a copy of the First Response Call Report when completed.
4. CKFES representatives may assist with the continued emergency care at the request of an NWEMS crew.
5. CKFES representatives, although requested by the NWEMS crew, must also have authorization from their immediate Supervisors to accompany the NWEMS crew to the hospital. CKFES personnel may only drive the ambulance in exceptional circumstances.
6. CKFES Firefighters will decide methods of extrication and perform extrication procedures giving due consideration to the NWEMS crew's assessment and ongoing treatment of the patient(s); if control of the hazards and a safe atmospheric environment allows.
7. CKFES Firefighters are responsible for activities in areas subject to hazardous atmospheric conditions or where exposure to fire may occur. CKFES responders and NWEMS crews, unless equipped with adequate protective equipment and supervised by firefighters, will remain in a safe area.
8. CKFES, when arriving at the scene, should position their vehicles so as not to block access or egress for the NWEMS ambulance.
9. Where there is a medical emergency response to medical incidents in buildings with passenger elevators, normal practice will be not to lock elevators unless directed to do so by CKFES responders and/or NWEMS crews. For all other emergencies, the CKFES will control the elevator.
10. Police assistance should be requested prior to entering situations involving disturbed or violent patients.
11. Under no circumstances in medical emergency response to a medical emergency should the CKFES cancel the responding NWEMS crew.
12. CKFES will advise CACC so that the CACC can notify NWEMS if (and when) any call is determined to be false.
13. CKFES will not respond to any call location where a declared outbreak has been ordered, by the Regional Medical Officer of Health; either institutional or regional.

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 14-2002

**A BY-LAW TO EXECUTE A LETTER OF AGREEMENT BETWEEN THE
KENORA CENTRAL AMBULANCE COMMUNICATION CENTRE, KENORA
DISTRICT SERVICES BOARD, AND THE CITY OF KENORA FIRE AND
EMERGENCY SERVICES**

WHEREAS it is deemed necessary and expedient to authorize the execution of a Letter of Agreement between The Kenora Central Ambulance Communication Centre, Kenora District Services Board, and The City of Kenora Fire and Emergency Services for provision of Ambulance Assistance and Medical First Response by the Kenora Fire and Emergency Services;

NOW THEREFORE, the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. **THAT** the Manager of Emergency Services be hereby authorized to execute the Agreement attached to and forming part of this By-Law as Schedule "A" between The Central Ambulance Communication Centre, Kenora District Services Board, and The City of Kenora Fire and Emergency Services.
2. **THAT** this By-Law shall come into force and be in effect from and after the final passing thereof.

**BY-LAW READ FOR A FIRST & SECOND TIME THIS 25TH DAY OF
FEBRUARY, 2002.**

**BY-LAW READ FOR A THIRD & FINAL TIME THIS 25TH DAY OF
FEBRUARY, 2002.**

THE CORPORATION OF THE CITY OF KENORA:

.....MAYOR
David Canfield

.....CLERK
Joanne McMillin

LETTER OF AGREEMENT DATED
THE 26 DAY OF February, 2002
FOR MEDICAL EMERGENCY RESPONSE

BETWEEN KENORA CENTRAL AMBULANCE COMMUNICATION CENTRE,
KENORA DISTRICT SERVICES BOARD,
AND
CITY OF KENORA FIRE AND EMERGENCY SERVICES

When an ambulance is requested for a location within the City of Kenora and a staffed unit is not available for immediate dispatch, the City of Kenora Fire and Emergency Service agrees to respond to medical emergencies at the request of Kenora Central Ambulance Communications Centre (C.A.C.C.) where a person is believed to be suffering from:

*DIFFICULT/ABSENCE OF BREATHING
UNCONSCIOUSNESS
SEVERE BLEEDING
CARDIAC ARREST
SEIZURES
TRAUMA RELATED INJURIES*

The Kenora C.A.C.C. will notify the City of Kenora Fire and Emergency Service within one (1) minute of receipt of a call that identifies a life threatening medical emergency which meets the criteria for response.

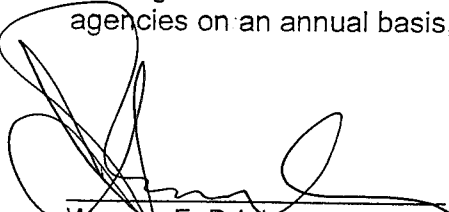
If required, the Kenora District Services Board will provide first response training to enable Fire and Emergency Service personnel to provide patient care in accordance with basic life support standards.

The Kenora Ambulance Service, operated by the Kenora District Services Board, will re-supply expendable medical supplies used by the City of Kenora Fire and Emergency Service at response incidents in accordance with the procedures agreed upon.


This agreement recognizes that the City of Kenora Fire and Emergency Service may not be able to respond or remain at the scene of a medical response when required to respond to other emergency situations or for other reasons as determined by the Fire Chief.

It is hereby agreed that all parties have in place the required liability insurance.

This agreement will be reviewed, revised and maintained as a joint effort involving the participating agencies on an annual basis, or at the request of a participating agency.


Warren F. Brinkman
Emergency Service Manager
City of Kenora


Sten S. Lif
Chief Administrative Officer
Kenora District Services Board


Craig Marek
Manager
Kenora Central Ambulance
Communication Centre

AGENCY RESPONSIBILITIES AND GUIDELINES

C.A.C.C. RESPONSIBILITIES:

- ▶ Based on available resources, activate the most appropriate response to the scene of a medical emergency as outlined in this agreement.

C.A.C.C. GUIDELINES:

- ▶ Activate the City of Kenora Fire and Emergency Service response to medical emergencies as outlined in the agreement, within the City of Kenora.
- ▶ When an ambulance becomes available, C.A.C.C. will direct the unit to the scene and advise the crew if City of Kenora Fire and Emergency Service has responded to the call.
- ▶ All available information should be relayed to the responding agencies with updates as they are received.
- ▶ Advise of any potential environmental or hazardous situations i.e. weapons, violence, etc.

FIRE DEPARTMENT RESPONSIBILITIES:

- ▶ Upon notification by the C.A.C.C., respond to medical emergencies as outlined in the agreement.

FIRE DEPARTMENT GUIDELINES:

- ▶ As first responders, the Fire Department may provide patient care in accordance with basic life support standards until the arrival of the Paramedics.
- ▶ Upon arriving to the patient(s), the first responders should request dispatch to relay patient condition.
- ▶ When the ambulance crew arrives, the firefighter responsible for Basic Life Support application, should identify themselves and provide patient information.
- ▶ Where possible, provide initial patient assessment information directly to the arriving paramedic regarding any special needs required to assist the paramedic in accurate and expeditious treatment of the patient.
- ▶ The firefighter may assist with the continued BLS assessment and treatment at the request of the attending paramedic.
- ▶ Upon request, fire personnel, where possible, will assist the paramedic including traveling to the hospital. Note: Fire Department personnel shall not drive the ambulance.
- ▶ Under no circumstance should the fire department cancel the responding Ambulance.

AMBULANCE RESPONSIBILITIES

- ▶ Ambulance paramedics are responsible for the care and transportation of patients.

AMBULANCE GUIDELINES

- ▶ Paramedics will be informed of the local response agreement with the City of Kenora Fire and Emergency Services.
- ▶ Paramedics will take control of the pre-hospital emergency care of patients upon arrival at the scene, update C.A.C.C. and request additional resources as required.
- ▶ At the scene, paramedics will obtain information from the firefighters related to assessment and treatment provided.
- ▶ Paramedics may request assistance from the firefighters at the scene with regards to patient removal, care and treatment.

SHARED RESPONSIBILITIES

Whenever possible, all agencies should encourage their respective staff to meet after calls with other responders, at a mutually agreed site, in order to;

- ▶ Discuss and exchange ideas on the handling of the most recent medical emergency.
- ▶ Exchange information necessary for reporting to their specific agency.
- ▶ Return equipment as needed.
- ▶ Maintain a high level of professional rapport between responding agencies.
- ▶ Participate in a post-incident analysis when requested by one of the agencies.
- ▶ Participate in training whenever possible.

COMMITTEE

A review committee will be formed consisting of representatives from the City of Kenora Fire and Emergency Service, Kenora Ambulance Service, Kenora C.A.C.C., and the Kenora District Services Board.



First Response Call Report

This document is confidential when completed

Team Name _____

Date of call _____ Call # _____

Patient Name: _____

Age: _____

DOB: _____

Male Female

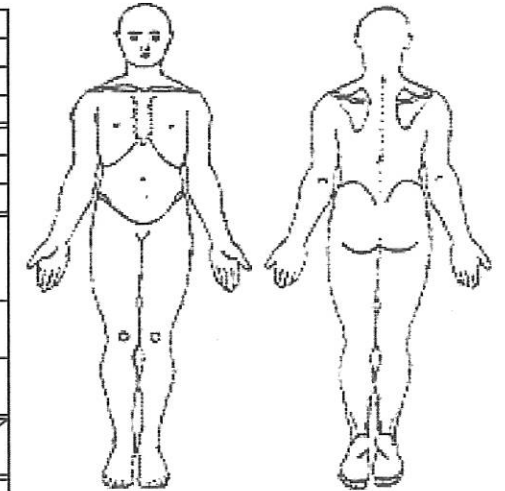
(1) Scene Survey	(4) Illness or Trauma	(5) Site of Injuries/Complaint	(6) Observed Conditions	(7) Patient Care	(8) Medical History	(9) Patient Medications
Environmental Safety <input type="checkbox"/>	Chest Pain <input type="checkbox"/>	Head/Face <input type="checkbox"/>	Vital Signs Absent <input type="checkbox"/>	Airway Inserted (size) _____ <input type="checkbox"/>	Heart Problems <input type="checkbox"/>	None <input type="checkbox"/>
Number of Casualties _____	Stroke <input type="checkbox"/>	Eye <input type="checkbox"/>	Obstructive Airway <input type="checkbox"/>	Suction Used <input type="checkbox"/>	Asthma <input type="checkbox"/>	Nitro <input type="checkbox"/>
Additional Resources <input type="checkbox"/>	Shortness of Breath <input type="checkbox"/>	Neck <input type="checkbox"/>	Shortness of Breath <input type="checkbox"/>	Assisted Ventilations <input type="checkbox"/>	Emphysema <input type="checkbox"/>	ASA <input type="checkbox"/>
Personal Protection <input type="checkbox"/>	Abdominal Pain <input type="checkbox"/>	Back <input type="checkbox"/>	Unconscious <input type="checkbox"/>	BVM <input type="checkbox"/>	Bronchitis <input type="checkbox"/>	BP Meds <input type="checkbox"/>
Identify Self <input type="checkbox"/>	Back Pain (non-trauma) <input type="checkbox"/>	Chest <input type="checkbox"/>	Conscious <input type="checkbox"/>	CPR <input type="checkbox"/>	Hypertension <input type="checkbox"/>	Insulin <input type="checkbox"/>
	Obstetrics <input type="checkbox"/>	Abdomen <input type="checkbox"/>	External Bleeding (explain in remarks) <input type="checkbox"/>	PAD/AED <input type="checkbox"/>	CHF <input type="checkbox"/>	Oral Diabetic Rx <input type="checkbox"/>
	Other Illness (explain in remarks) <input type="checkbox"/>	Hip <input type="checkbox"/>	Flail or Sucking Chest <input type="checkbox"/>	O2 - Nasal Cannula <input type="checkbox"/>	Diabetes <input type="checkbox"/>	Not Determined <input type="checkbox"/>
	Motor Vehicle Collision <input type="checkbox"/>	Upper Arm <input type="checkbox"/>	Wound <input type="checkbox"/>	O2 - Face Mask <input type="checkbox"/>	Cancer <input type="checkbox"/>	Others: _____
Alert <input type="checkbox"/>	Vehicle Vs Pedestrian <input type="checkbox"/>	Forearm/Hand <input type="checkbox"/>	Weak/Collapse <input type="checkbox"/>	Blanket <input type="checkbox"/>	Psychiatric <input type="checkbox"/>	
Verbal Response <input type="checkbox"/>	Motorcycle Accident <input type="checkbox"/>	Upper Leg <input type="checkbox"/>	Burns <input type="checkbox"/>	Dressing Applied <input type="checkbox"/>	Last Oral Intake: _____	
Painful Response <input type="checkbox"/>	Mechanical Equipment <input type="checkbox"/>	Knee <input type="checkbox"/>	Abnormal Behavior <input type="checkbox"/>	C-Collar Size: _____	Time of Event: _____	
Unresponsive <input type="checkbox"/>	Fall/Dive <input type="checkbox"/>	Lower Leg/Foot <input type="checkbox"/>	Other: _____	Spinal immobilization <input type="checkbox"/>	Other: _____	
	Fire/Explosion <input type="checkbox"/>	Pain Severity _____ (Scale 1 to 10)		Splint Applied <input type="checkbox"/>		
	Violence <input type="checkbox"/>	Other: _____		Other: _____		
	Fire Arms <input type="checkbox"/>					
	Recreational Vehicle <input type="checkbox"/>					
	Sports Injury <input type="checkbox"/>					
	Other: _____					
C-Spine Control <input type="checkbox"/>						
Airway <input type="checkbox"/>						
Breathing <input type="checkbox"/>						
Circulation <input type="checkbox"/>						
Blanket/Oxygen <input type="checkbox"/>						

Call Location: _____

FRT Arrived at Scene: _____

Arrival Next Level of Care: _____ Vehicle #: _____

Vital Signs	
Time	
Pulse Rate	
Rhythm (reg/irreg)	
Volume (N/S/W)	
Resp Rate	
Rhythm (reg/irreg)	
Volume (N/S/W)	
Skin Colour	
<i>(pale, flush, cyanosis, jaundiced)</i>	
Skin Condition	
<i>(wet, dry, normal)</i>	
Skin Temp	
<i>(hot, cool, normal)</i>	
BP	
<i>(systolic/diastolic)</i>	
Right pupil size	
React	
Left pupil size	
React	
<i>Pupil Size = Pinpoint, Midpoint, Dilated</i>	
<i>Pupil Reaction = + reacts, - no reaction, c= closed</i>	



Trauma Legend	
▲	Fracture Site
+++	Laceration
■	Burns
/	Amputation
×	Location of Pain

Refusal of Service

I have been advised that I should have treatment and that treatment is available immediately. I have been informed of the risks involved; I have refused such treatment and assume full responsibility arising out of such refusal.

Patient Name: _____ Date: _____

Time: _____

Patient Signature: _____

Relationship to Patient: _____

Responder #1 _____ Signature: _____

Responder #2 _____ Signature: _____

Call Report Distribution: White Patient or Ambulance Crew Yellow MOHLTC Field Office Pink Regional Training Coordinator

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING is made in duplicate
as of the 30th day of November, 2015

BETWEEN

KENORA DISTRICT SERVICES BOARD (KDSB)

NORTHWEST EMERGENCY MEDICAL SERVICES (NWEMS)

- and -

THE CORPORATION OF THE CITY OF KENORA,

CITY OF KENORA FIRE AND EMERGENCY SERVICES (CKFES)

FURTHER to the Memorandum of Understanding dated the 30th day of November 2015, KDSB and the CKFES executed an Agreement (the "Agreement") to ensure collaborative efforts regarding Medical Emergency Response.

The Kenora District Services Board acknowledges the valuable service that First Response Teams provide in municipalities and townships without municipal organization through the provision of emergency medical care until Paramedics are available to assess, treat and transport individuals in need of assistance.

The Agreement sets out certain responsibilities of KDSB and the CKFES.

The parties agree as follows:

1. If required, the Kenora District Services Board will provide appropriate training to enable CKFES personnel to provide patient care in accordance with Emergency First Responder basic life support standards, including Standard First Aid, CPR and AED training.
2. The KDSB is not responsible for arranging or recommending providers of training courses. Requests for training cost assistance must be submitted as per the First Response Team Funding Assistance Criteria to the Director of EMS for the Kenora District Services Board. Only those items meeting the funding criteria will be approved for payment.

3. NWEMS, operated by the Kenora District Services Board, will re-supply expendable medical supplies, including oxygen bottle exchange, used by the CKFES at response incidents in accordance with the procedures agreed upon.
4. The CKFES requests for funding assistance for equipment must be submitted in a letter to the Director of EMS. Requests should reflect equipment and supplies that are used by trained First Responders in various circumstances. Each organization will have to determine their unique needs and stock the items that they feel are necessary to render emergency medical care in their response area.
5. Requests may be submitted at any time and will be assessed for eligibility based on the criteria for training as outlined in the First Response Team Funding Assistance Criteria.
6. It is hereby agreed that all parties have in place the required liability insurance.
7. This Agreement will be subject to review, by both Parties, on an annual basis, or as requested by either of them.

TO WITNESS, the undersigned affixed their corporate seals attested by the hands of our properly authorized officers.

The Kenora District Services Board

Date of Signature

Per: _____
Henry Wall, CAO
I have the authority to bind the KDSB
As a Party to this Agreement

The Kenora District Services Board
Northwest Emergency Medical Services

Date of Signature

Per: _____
Andrew Tickner, Director of EMS
I have the authority to bind the KDSB
As a Party to this Agreement

The Corporation of the City of Kenora

Date of Signature

Per: _____
David S. Canfield, City of Kenora, Mayor
I have the authority to bind the
Corporation of the City of Kenora
As a Party to this Agreement

The Corporation of the City of Kenora

Date of Signature

Per: _____
Heather L. Kasprick, City of Kenora, City Clerk
I have the authority to bind the
Corporation of the City of Kenora
As a Party to this Agreement

The Emergency Service Committee of Council and Council at large reviewed this Letter of Agreement in August 2007 and was supportive of the City of Kenora Fire and Emergency Services continuing to provide medical emergency response to its constituents and ratepayers.

In respect to the City's General Liability Insurance Program, the City's current provider advises that this type of agreement is fairly common in the Province of Ontario. Any additional liability exposure to the City as a result of this agreement is covered under the City's General Liability Insurance Program.

In addition the Kenora Professional Firefighter's Association is considered insured's under the City's municipal insurance program.

When responding to a life threatening medical emergency as described above, the City of Kenora Fire and Emergency Services Career Firefighters respond as Firefighters with advanced "first responder training."

The City's insurance provider recommends an indemnification/hold harmless clause be added and amend the wording to reflect emergency responders remaining at the scene as follows:

"INDEMNIFICATION:

It is hereby agreed that each Party to this agreement shall at all times indemnify and hold each other harmless including its employees, volunteers and members of council from and against any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, as a result of this agreement, provision of emergency services or any operations connected therewith save and except all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, as a result of this Agreement, provision of emergency services or any operations connected therewith resulting from the negligence or wilful misconduct of a Party to this agreement.

EMERGENCY PERSONAL REMAINING AT THE SCENE:

This agreement recognizes that the City of Kenora Fire and Emergency Services may not be able to always respond when requested as they may already be at a scene of a medical response or on their way to a medical response or for other reasons as determined by the Fire Chief. However if for any reason the City of Kenora Fire and Emergency Services is required to leave the scene of a medical response at a minimum two firefighters will remain at the scene until such time as the emergency staff for the Kenora District Services Board have arrived at the scene.

Budget: 2016 Operating Budget

Communication Plan/Notice By-law Requirements: Municipal Memo, Portal, and Media.

Strategic Plan or other Guiding Document: Aligns with the City of Kenora's Values contained within Strategic Plan 2015-2020, specifically, "we strive for continuous service improvements through innovation, leadership and best practices; we consider community, public and workplace safety in every decision we make; we manage the municipal finances in a responsible, prudent and transparent manner; and is consistent Corporate Goal #2-3 "where the City will ensure prompt and immediate response times supported

by resilient communications in the event of system outages and other emergencies. Further, this position aligns with Corporate Goal #3-3 “where the City will ensure that customer service excellence is understood and ingrained in the culture and fabric of our organization. The City will commit to a citizen-first approach to maintaining relations with the public.”



November 29, 2015

City Council Committee Report

To: Mayor & Council

Fr: Richard Perchuk, Operations & Infrastructure Manager

Re: Regulate Traffic and Parking Bylaw

Recommendation:

That Council of the City of Kenora gives three readings to a bylaw to Regulate Traffic and Parking in the City of Kenora; and further

That bylaw number 127-2001 and 79-2003, and all amendments thereto, be hereby repealed.

Background:

After the amalgamation the City of Kenora adopted Traffic Regulation By-Law #127-2001 on October 9th, 2001, incorporating information from the three (3) former Townships. On May 12th, 2003 Council adopted By-Law #79-2003 in order to update the Schedules A through V.

The intent is now to consolidate all amendments that have occurred since 2003. All Schedules have been rewritten and numerical references to avenues and streets are now spelled out to follow suit as per Canada Post e.g. 1st St S is now First St S.

New to the bylaw is the added Schedule H to govern "Two-Way Left Turn Lanes" and a column along the far right for documenting any amending by-laws with regards to future changes.

The draft bylaw has gone through extensive legal critique and has been consolidated in a manner which is much easier to enforce along with read by the general public. There has been input and review on this bylaw consolidation by the Engineering department, Bylaw Enforcement Officers, Municipal Prosecutor, Bylaw & POA Supervisor along with the City Clerk. The recommendations from all of the administration along with the legal expertise forms the new bylaw.

Budget/Finance Implications: N/A

Communication Plan/Notice By-law Requirements:

Bylaw & Resolution required.

Distribution: R. Perchuk, M. Vogrig, P. Van Walleghem, K. Koralalage, H. Kasprick, O.P.P.

Strategic Plan or other Guiding Document:

Goal#2 Strengthen Our Foundations

2-4 The City will act as the catalyst for continuous improvements to the public realm.

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER -2015

A BY-LAW TO REGULATE TRAFFIC AND PARKING IN THE CITY OF KENORA

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws respecting highways under their jurisdiction, including parking and traffic on such highways;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding parking on municipally owned and privately owned lands;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, authorizes municipalities to, among other things, pass by-laws prescribing community safety zones and rates of speed for motor vehicles on highways under their jurisdiction and provides regulations for accessible parking for persons with disabilities;

NOW THEREFORE the Council of the City of Kenora enacts as follows:

PART I – SHORT TITLE AND INTERPRETATION

Short Title

1. This By-law may be cited as the Traffic and Parking By-law.

Interpretation

2. A word or phrase not defined in this By-law shall have the same meaning as the word or phrase in the Highway Traffic Act, if such word or phrase is defined therein.

3. In this By-law,

- a) “accessible parking permit” means a:
- (i) a valid accessible parking permit issued by the Ministry of Transportation of Ontario under the provisions of the Highway Traffic Act; or
 - (ii) a valid permit, number plate or other marker or device bearing the international symbol of access for the disabled which has been issued by a jurisdiction outside of Ontario.
- b) “accessible parking space” means a parking space described in Schedules “K” and “L” which is for the exclusive use of a vehicle displaying a permit in accordance with the requirements of Part III of the Highway Traffic Act and this By-law, and which is distinctly indicated as such by signs and/or markings directed or placed in accordance with the requirements of the Highway Traffic Act and this By-law;
- c) “authorized sign” means any roadway, corner, curb or sidewalk marking or any sign or any other device erected or otherwise posted on or about a highway under the authority of this By-law and includes an “official sign”;
- d) "bus stop" means that space adjacent to a curb or roadside reserved for the exclusive use of public transit vehicles to take on and discharge passengers;
- e) “By-law” means this By-law, including its schedules;
- f) “by-law enforcement officer” means a person appointed by the Council of the City to enforce the by-laws of the City;
- g) “City” means The Corporation of the City of Kenora or, where referring to geographic area, the City of Kenora;
- h) “City Engineer” means the person appointed by the City as the City Engineer or his or her designate;
- i) “covered meter” means a parking meter that has been temporarily placed out of service by the placing of a locked City supplied canvas bag over the mechanism;
- j) "crosswalk" means:
- (i) that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of

the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or

- (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;
- k) "curb" means the lateral boundary of the roadway, whether marked with curb stones, concrete, sidewalk edge or not marked at all;
- l) "driveway" means the improved land on a highway which provides vehicular access from the roadway to adjacent land or a laneway;
- m) "fire hydrant" means any device placed on or about a highway that is intended for the delivery of water to a fire apparatus;
- n) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;
- o) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;
- p) "laneway" means improved land adjacent to a highway which is intended primarily to give access to the rear of buildings and associated parking;
- q) "motor vehicle" includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;
- r) "municipal parking lot" means lands, buildings and structures for parking owned or occupied by the City;
- s) "obstruct traffic" means to park or stop a vehicle in such a manner that it interferes with the normal flow of traffic;
- t) "official sign" means a sign approved by the Ministry of Transportation of Ontario;
- u) "one-way street" means a highway, or part of a highway, upon which vehicular traffic is limited to movement in one direction;

- v) “park” or “parking” when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- w) “parking meter” means an electronic or a mechanical device together with its support, erected to control and regulate the parking of a vehicle in a parking space;
- x) “parking meter zone” means that part of a highway or municipal parking lot where parking is controlled and regulated by a parking meter or machine;
- y) “parking space” means that part of the surface of the roadway, City or other public property or private property designated for the purpose of vehicle parking;
- z) “pedestrian” means any person travelling by foot, and includes a person in a wheelchair;
- aa) “person” includes any individual, organization or corporation;
- bb) “police officer” means a Chief of Police or other police officer or constable but does not include a special constable or a by-law enforcement officer;
- cc) “provincial offences officer” means,
 - (i) a police officer,
 - (ii) a constable appointed pursuant to any Act,
 - (iii) a municipal law enforcement officer of the City referred to in subsection 101 (4) of the Municipal Act, 2001 while in the discharge of his or her duties,
 - (iv) a by-law enforcement officer of the City while in the discharge of his or her duties,
 - (v) an officer, employee or agent of the City whose responsibilities include the enforcement of this By-law, while in the discharge of his or her duties, or
 - (vi) a person designated under subsection 1(3) of the Provincial Offences Act;
- dd) “public holiday” means New Year’s Day, Family Day, Good Friday, Easter Sunday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing

Day and any day appointed as a public holiday by proclamation of the Governor-General, the Lieutenant-Governor-in-Council or by the Mayor of the City as a public holiday and the following day when any such holiday, except Remembrance Day, falls on a Sunday;

- ee) "roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;
- ff) "shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;
- gg) "sidewalk" means that portion of a highway, which has been improved and constructed for the use of pedestrians;
- hh) "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;
- ii) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal;
- jj) "temporary sign" means any portable sign, signal, or device placed under the authority of the City Engineer, or designate, for the purpose of regulating parking or traffic;
- kk) "time limit" means the time shown on the faceplate of a parking meter that indicates the length of time that a vehicle can legally occupy that parking space;
- ll) "traffic" includes pedestrians, animals, vehicles and other conveyances, either singly or together, while using any highway for the purpose of travel;
- mm) "traffic control device" means any sign, signal or marking placed for the purpose of warning, regulating, guiding or directing traffic;
- nn) "traffic control signal" or "traffic signal" means any device manually, electrically, mechanically or otherwise operated for the regulation or control of traffic;

- oo) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- pp) "U-turn" means the turning of a vehicle within the highway so as to proceed in the opposite direction from which the vehicle was travelling immediately prior to making the turn;
- qq) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;
- rr) "Veteran's License Plate" means a provincial license plate issued to a vehicle owned by, and registered to a Canadian Veteran, and in which, at the time of parking, the Veteran was an occupant therein;
- ss) "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power, that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments;

4. In this By-law,
 - a) wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances;
 - b) references to items in the plural include the singular, as applicable;
 - c) the words "include", "including", "included" or "includes" are not to be read as limiting the phrases or descriptions that precede or follow them; and
5. Unless otherwise defined, specific references to statutes and regulations in this By-law are meant to refer to the current statutes and regulations applicable within the Province of Ontario as at the time this By-law was enacted, as they are amended and revised from time to time.
6. References to statutes include any regulations passed under that statute.
7. Headings appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

8. Where a distance is used in this By-law as a part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured:
 - a) along the curb or edge of the roadway from a point in such curb or edge of roadway opposite the nearest edge of such object, structure, land or part of a roadway, unless the context otherwise requires;
 - and
 - b) from such point in the curb or edge of roadway in all directions.
9. The various prohibitions of this By-law are cumulative and not mutually exclusive.
10. If any section, subsection, article, paragraph or any part of this By-law is declared by a court or tribunal of competent jurisdiction to be invalid or unenforceable, that part shall be considered to be severable from the balance of the By-law. The balance of the By-law shall remain in full force and effect notwithstanding the judicial holding.
11. Where any expression of time occurs, or where any hour or other period of time is stated, the time referred to shall be either standard time or daylight savings time, whichever is in effect in the City at the time the By-law is interpreted.

PART II – TRAFFIC CONTROL SIGNS AND SIGNALS

12. The City Engineer is authorized to erect or otherwise post and maintain such signs, including authorized signs, traffic control signals, markings, barricades, traffic control devices and other structures, plants and equipment as are required to give effect to the provisions of this By-law and as are required to regulate, direct, warn or guide pedestrian and vehicular traffic and parking for the safety and convenience of the public.
13. Traffic signal systems as referred to in the Highway Traffic Act are approved at the intersections of the highways designated in Schedule “A” to this By-law.
14. Every person in charge of a vehicle and every person on any highway shall promptly obey all signals given by a provincial offences officer or by a traffic control signal and shall comply with the requirements of all traffic control devices.

15. Except where otherwise authorized by this By-law, no person shall post upon or in view of any highway any sign, signal, marking, thing or device which:
- a) resembles or purports to be or is an imitation of an authorized sign, a traffic control device or traffic control signal;
 - b) purports to regulate parking or traffic; or
 - c) conceals from view or interferes with or distracts from the effectiveness of an authorized sign, a traffic control device or a traffic control signal.

PART III – PARKING AND STOPPING

Manner of Parallel Parking

16. No person shall park a vehicle on any highway unless;
- a) on the right side of the highway, having regard to the direction in which the vehicle was travelling, with the right front and rear wheels not more than thirty (30) centimetres from the edge of the roadway where a curb is provided or, in the absence thereof, as near as is practicable to the right hand limit of the highway, without parking or stopping over any part of the highway which is landscaped or which is not intended for the use of vehicles; or
 - b) where permitted on a highway designated for one-way traffic, on the right side of the highway in accordance with paragraph (a), or on the left side of the highway, having regard to the direction in which the vehicle was required to proceed, provided the left front and rear wheels are not more than thirty (30) centimetres from the edge of the roadway where a curb is provided, or, in the absence thereof, as near as is practicable to the left hand limit of the highway, without parking or stopping over any part of a highway which is landscaped or which is not intended for the use of vehicles.
17. Notwithstanding section 16, where there is a raised curb, no person shall park a motorcycle or permit a motorcycle to be parked on any highway,
- a) at an angle greater than forty-five (45) degrees relative to such curb; or

- b) in such a manner that both the front and rear wheel of the motorcycle are parked more than thirty (30) centimetres away from such curb.
18. Sections 16 and 17 shall not apply where angle parking is permitted under this By-law.

Manner of Angle Parking

19. No person shall park a vehicle on a highway or on part of a highway set forth in Schedule "D" hereto, except as closely as practicable to the angle of 45° and so that the front portion of the vehicle shall be nearest to the edge of the roadway.
20. No person shall park a vehicle on a highway or part of a highway set forth in Schedule "E" hereto, except as closely as practicable to the angle of 90° and so that the front portion of the vehicle shall be nearest to the edge of the roadway.

Lengthy Vehicles

21. No person shall:
- a) angle park a vehicle or combination of vehicles having an overall length of 6.7 metres or more, or having more than two axles on any highway;
 - b) park a vehicle or combination of vehicles having an overall length of more than 6.7 metres on any highway at any time for a period greater than one (1) hour; or
 - c) park a trailer on any highway at any time for any purpose unless the same shall be securely attached to a vehicle capable of drawing the same upon a highway.
 - d) Provision a, b or c to section 21 do not apply to large vehicles or combination of vehicles and detached trailers parked pursuant to provisions of a special permit issued by the City Clerk.

Limited/Restricted Parking

22. When authorized signs have been posted, no person shall park a vehicle on any highway between the limits and at the side set out respectively in Columns 1, 2 and 3 of Schedule "C" to this By-law during the times or days and for a longer period than that set out in Column 4 of the said Schedule.

No Parking – Seasonal Basis

23. When authorized signs have been posted, no person shall park a vehicle on any highway between the limits and at the side set out respectively in Columns 1, 2 and 3 of Schedule "F" to this By-law during the period specified in Column 4 of the said Schedule.

No Stopping

24. When authorized signs have been posted, no person shall stop a vehicle on any highway between the limits and at the side set out respectively in Columns 1, 2 and 3 of Schedule "Q" to this By-law during the times or days set out in Column 4 of the said Schedule.

Parking in Municipal Parking Lots

25. No person shall park a vehicle in a municipal parking lot contrary to signs posted therein.

No Parking – Tow Away Zone

26. When authorized signs have been posted, no person shall park a vehicle upon any highway or the portions thereof set forth in Schedule "B" to this By-law.

Snow Removal and Other Highway Maintenance

27. When authorized signs have been posted, no person shall park a vehicle on any highway during snow removal, street sweeping or other necessary maintenance on that highway.

Parking Prohibited Without Signs

28. Subject always to all of the provisions of this by-law relating to the parking of vehicles, no person shall park a vehicle on any highway for any consecutive period exceeding forty-eight (48) hours.
29. No person shall park a vehicle at any of the following places:
- a) on or partly on or over a sidewalk;
 - b) in front of or within one (1) metre of a laneway or driveway;
 - c) within six (6) metres of an intersection, unless lawfully parked at a meter in a parking meter zone;
 - d) within three (3) metres of a fire hydrant, unless lawfully parked at a meter in a parking meter zone;
 - e) on or partly on or over a crosswalk;
 - f) on a boulevard;
 - g) on any bridge or the approaches thereof;
 - h) on any highway or municipal parking lot in such a manner as to obstruct traffic;
 - i) in such a position as will prevent the convenient removal of any other vehicle previously parked or standing;
 - j) in any laneway, except for a maximum period of fifteen minutes while actually engaged in loading or unloading of merchandise; or
 - k) on any highway unless there are displayed on the vehicle, in the manner prescribed by law:
 - i) number plates issued in accordance with the provisions of the Highway Traffic Act, showing the number of the permit issued by the Province of Ontario for the vehicle and there is affixed to a number plate displayed on the vehicle, in the prescribed manner, evidence of the current validation of the permit; or

- ii) number plates issued in accordance with the laws of another jurisdiction and there is affixed to the number plate displayed on the vehicle, in the prescribed manner of that jurisdiction, evidence of the current validation of the permit, where so required by that jurisdiction.
- l) on any municipal property including parking lots, highways, sidewalks, laneways or road allowances to display "For Sale" signage on any vehicle or item.

Parking and Stopping Prohibited With Signs

Places of Large Assemblage

- 30. When authorized signs have been posted, no person shall park a vehicle or permit a vehicle to remain parked on any highway in front of the main entrance to, or any emergency exit from, any hospital, medical centre, nursing home, hotel, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers.
- 31. When signs have been posted, no person shall park a vehicle or permit a vehicle to remain parked on any hospital, medical centre or nursing home lands in front of the main entrance to, or any emergency exit from, any hospital, medical centre or nursing home building and any vehicle that is not parked in compliance with such signs shall be deemed to have been parked without the consent of the owner of the hospital, medical centre or nursing home lands, as the context requires.

Bus (Public Transit) Zones

- 32. A bus stop shall be deemed to be established by the City when an authorized sign or marker has been posted.
- 33. When authorized signs are posted, no person shall park or stop a vehicle in a bus zone.
- 34. Section 33 does not apply to a public transit motor vehicle.

School Bus Loading Zones

- 35. The highways fronting the schools set out in Column 1 of Schedule "S" to this By-law between the limits set out in Column 2 of the said Schedule on the side set out in Column 3 of the said Schedule are designated as "School Bus Loading Zones".

36. When authorized signs are posted, no person park or stop a vehicle in a School Bus Loading Zone.

Accessible Parking

37. The accessible parking spaces on the highways identified in Schedule “K” and the accessible parking spaces on the City owned or occupied lands other than highways and on the lands not owned or occupied by the City identified in Schedule “L”, and which are marked in accordance with the provisions of the Highway Traffic Act and the Regulations thereunder, are designated as accessible parking spaces.
38. No person shall park a vehicle in an accessible parking space unless:
- a) a valid accessible parking permit has been issued to that person and the permit is displayed in accordance with the provisions of the Highway Traffic Act; and
 - b) the driver of the vehicle is transporting, picking up or dropping off a person who has been issued a valid permit and the permit is displayed in accordance with the provisions of the Highway Traffic Act.
39. No person who owns or operates a parking lot or other parking facility to which the public has access shall require a driver of a vehicle with an accessible parking permit displayed to pay an amount in excess of the normal fee paid by other users of the same parking lot or parking facility.

Parking and Stopping – Exemptions

40. The provisions of this by-law prohibiting or regulating stopping and parking shall not apply to:
- a) ambulance, police, fire or other emergency vehicles;
 - b) City vehicles; or
 - c) any vehicle where an emergency reasonably prevents removal of the vehicle.

Parking Meters and Parking Meter Zones

41. The general provisions of this by-law are applicable to vehicles parked in parking meter zones except as expressly provided otherwise under the "Parking Meters and Parking Meter Zones" heading or in Schedule "G".

Zones and Fees

42. The highways or portions of highways more particularly set forth in Schedule "G" and those portions of the municipal parking lots at which parking meters have been erected are hereby designated and established as parking meter zones.
43. A person when parking in a metered parking space shall deposit a fee in the parking meter which governs that parking space. Payment for time shall be as set out in Schedule "G" of this By-law.
44. Section 43 shall not affect the privilege of the driver of a vehicle of using the unexpired time as shown by the indicator in the parking meter governing that parking space.

Days and Times When Deposit of a Parking Meter Fee is Not Required and When Parking in a Parking Meter Zone is Prohibited

45. No deposit of a fee in a parking meter is required for parking in a parking space governed by a parking meter on a Sunday or a public holiday nor between the hours of six o'clock in the afternoon and nine o'clock in the forenoon of the following day.
46. Notwithstanding section 45, no person shall park a vehicle on any highway within a parking meter zone between 2:00 a.m. and 6:00 a.m. from November 1st each year until the following 30th day of April.

Specific Fee Payment Exemptions

47. When a valid City-issued Parking Meter Permit or Guest Parking Permit is displayed in a vehicle parked at a parking meter, no fee needs to be deposited in the parking meter.

48. It is a special regulation of the City that a vehicle displaying a Veteran's License Plate shall be exempt from the requirement to deposit a fee in a parking meter but such exemption does not permit parking for a period of time which is greater than the maximum period of time stated on the parking meter which governs that parking space.

Manner of Parking in Parking Meter Zones

49. Except where angle parking is indicated, any vehicle parked in any parking meter zone shall be parked parallel to the curb with the front bumper of each vehicle alongside of or next to the parking meter governing such parking space, provided that where double head parking meters are in use, vehicles shall be parked within each such parking space so that the bumper of such vehicle is within fifteen (15) centimetres of an imaginary line drawn perpendicular to the curb from the stem of such parking meter.
50. Where angle parking is indicated, vehicles shall be parked in accordance with the lanes or markings indicated and the provisions of Sections 19 and 20 of this By-law shall apply.

Expired Meter

51. No person shall park a vehicle or allow a vehicle to remain parked in a parking space in a parking meter zone when the meter for the parking space shows that the time for parking has expired.
52. A parking meter showing "violation" will be deemed to be a contravention of this By-law.

Overtime Parking

53. No person shall allow a vehicle to remain parked in a parking space in a parking meter zone for a period of time that exceeds the maximum period of time stated on the parking meter that governs that parking space.
54. The offence of overtime parking is committed even if an additional fee was deposited in the parking meter and a violation is not indicated on the parking meter.

Covered Meter

55. No person shall park a vehicle or permit any vehicle registered in his or her name to be parked in any parking space in an area designated as a parking meter zone

when there is a covered meter at the parking meter governing the said parking space.

General Parking Meter Zone Prohibition

56. No person shall park a vehicle or permit any vehicle registered in his or her name to be parked on any highway or part of a highway, municipal parking lot or parking area designated as a parking meter zone except in compliance with the provisions of this By-law.

Parking Enforcement Measures

57. A provincial offences officer for the purposes of enforcing the provisions of this By-law, or of any other City by-law or regulation respecting the parking of vehicles, may make or place a temporary mark upon a vehicle which is parked on a highway or in a municipal parking lot.
58. No person shall remove, alter, obliterate or deface a mark made or placed upon a vehicle by a provincial offences officer as provided in Section 57 until the vehicle has been moved through the nearest intersection.

Vehicles Subject to Removal When Illegally Parked

59. In addition to any other penalties provided by this By-Law, upon discovery of any vehicle parked, stopped or standing on any highway in contravention of the provisions of this By-Law, a provincial offences officer may cause such vehicle to be moved or taken to and placed or stored in a suitable place and the owner of the vehicle shall be responsible for the expenses incurred by the City for both the removal and the impounding of the vehicle and all costs and charges for the removing, care and storage thereof are a lien upon the vehicle being released and may be enforced in the manner provided by the Repair and Storage Liens Act.
60. In addition to any other penalties provided by this By-Law, where signs have been posted regulating parking in a municipal parking lot, any vehicle parked or left contrary to any such regulation shall be deemed to have been parked or left without the consent of the City, and the vehicle may be removed from the property or impounded and the owner of the vehicle shall be responsible for the expenses incurred by the City for both the removal and the impounding of the vehicle and all costs and charges for the removing, care and storage thereof are

a lien upon the vehicle being released and may be enforced in the manner provided by the Repair and Storage Liens Act.

PART IV – MOVEMENT OF TRAFFIC

U-turns

61. No person shall make a U-Turn:

- a) upon any highway unless it can be made in safety without interfering with other traffic; or
- b) at any intersection where a “No U-Turn” sign has been posted.

One-Way Streets

62. The provisions of Schedule “M” hereto shall apply to and govern the directions of traffic on those highways more particularly set forth in Schedule “M”.

Funeral and Other Processions

63. No person shall intersect a funeral procession or a procession authorized by the City Clerk while it is in motion except under the direction of a police officer and the driver of a vehicle in a funeral or other procession shall follow the vehicle ahead as closely as is practical and safe and the headlights of every such vehicle in a funeral or other authorized procession shall be lighted.

Boarding and Alighting From A Vehicle

64. No person shall board or alight from a vehicle while such vehicle is in motion.

Pedestrians

65. Pedestrians shall cross at right angles to the highway.

66. Pedestrians shall not:

- a) step from the sidewalk onto a highway without looking in both directions;
or
- b) stand in a group or near to each other on any sidewalk or any other part of a highway in such a manner as obstructs or impedes the free passage of pedestrians or vehicles along or across such sidewalk or other part of a highway.

Heavy Vehicles

67. No person shall drive any motor vehicle or haul any tractor engine, tractor or other heavy vehicle not equipped with rubber tires upon any paved or hard surfaced highway unless such person shall first have obtained permission in writing from the City Engineer to do so and, if such permission is given, the permittee shall thereupon comply with any regulations or instructions contained in the letter of permission from the City Engineer.

Backing Up

68. No person shall back a vehicle into, or partly into, an intersection or over, or partly over, a crosswalk.

69. No person shall back any vehicle at any place unless such movement can be made in safety.

Bicycles

70. A person operating a bicycle:

- a) shall ride as near to the right-hand side of the roadway as is practicable;
- b) shall exercise all due care when passing a parked or standing vehicle or a vehicle proceeding in the same direction as the bicycle;
- c) shall ride in single file when following or in front of another cyclist;

- d) shall not carry any person, package, bundle or article in such a manner as to interfere with the proper management and control of the bicycle;
- e) shall not park the bicycle on a highway except in such a manner as to cause the least possible obstruction to pedestrian and vehicular traffic; and
- f) shall not ride a bicycle with a wheel or wheels more than forty-five (45) centimetres in diameter upon any sidewalk.

Left Turns from Centre Lanes

71. Where authorized signs are posted, a vehicle may travel in the centre lane of traffic in preparation of making a left turn where it has been designated for use by traffic moving in the direction in which the vehicle is proceeding on a portion of a highway as set out in Column 1 of Schedule "H" to this By-law, from the limits as set out in Column 2 to the limits set out in Column 3 and in the direction as set out in Column 4 of the said Schedule.

Provisions Regulating Traffic at Intersections

72. Where authorized signs are posted, no person operating a vehicle shall, from a highway set out in Column 1 of Schedule "N", in the direction of travel set out in Column 2, make the turn or movement in Column 3, at the location set out in Columns 1 and 2, during the times or days set out in Column 4 of the said Schedule.
73. Where authorized signs are posted, the intersections set out in Column 1 of Schedule "O" are hereby designated as "Stop Intersections" for traffic travelling in the directions on the highways set out in Column 2 of the said Schedule.
74. Where authorized signs are posted, the intersections set out in Column 1 of Schedule "P" are hereby designated as "Yield Intersections" for traffic travelling in the directions on the highways set out in Column 2 of the said Schedule.
75. Where authorized signs have been posted, no person operating a vehicle on a highway as set out in Column 1 of Schedule "U" to this By-law shall enter into a highway as set out in Column 2 of said Schedule in the direction as set out in Column 3 of said Schedule.

Rates of Speed

76. Subject to section 77, no person shall drive a motor vehicle at a greater rate of speed than fifty (50) kilometres per hour on any highway under the jurisdiction of the City.
77. No person shall drive a motor vehicle at a greater rate of speed than the maximum rate of speed set out in Column 3 of Schedule "T" of this Bylaw at the locations set out in the said Schedule.

Community Safety Zones

78. The highways or portions thereof more particularly set out in Schedule "R" to this By-law are hereby designated as Community Safety Zones within the meaning of section 214.1 of the Highway Traffic Act during the times and days set out in Column 3 in the said Schedule.

PART V- GENERAL

Enforcement

79. Except as otherwise expressly provided by this By-law, the Highway Traffic Act or the Municipal Act, 2001, every person who,

- a) contravenes any provision of this By-law; or
- b) is the owner of a vehicle that is parked or stopped in contravention of this By-law,

is guilty of an offence and on conviction is liable to a fine or any other penalty as provided for in the Provincial Offences Act.



November 27, 2015

City Council Committee Report

TO: Mayor and Council

FR: Richard Perchuk, Operations Manager

RE: Goodwill Geyser

Recommendation:

That the Council of the City of Kenora hereby accepts the offer of the Kenora Rotary Club to act as the lead on the platform replacement of the Goodwill Geyser along with the addition of a decorative band; and further

That minor maintenance and operation will continue to be provided by the City of Kenora.

Background:

The Rotary Club of Kenora were instrumental with regards to the installation of the Goodwill Geyser at McLeod Park originally. They have brought forward a proposal to enhance the geyser, which involves the replacement of the floating platform and the construction of a circular metal band with the Rotary Club and City of Kenora logos cut into the side to enhance the appearance of the geyser. The Club has raised \$15,000.00 to cover the cost for the works. As one of the conditions, the Rotary Club is asking the City to renew the Memorandum of Understanding with the City to continue to cover the operating and maintenance costs associated with the running of the geyser. To-date the City has been unsuccessful in locating such a document.

The City has performed maintenance work on the geyser to-date, but has restricted the operating times in order to reduce the operating costs of supplying electrical power to run the water pump.

At this time, I would not recommend a Memorandum of Understanding as this could commit the City to future responsibility for the full replacement cost of the pumping system.

Budget/Finance Implications: 2015 Operating Budget

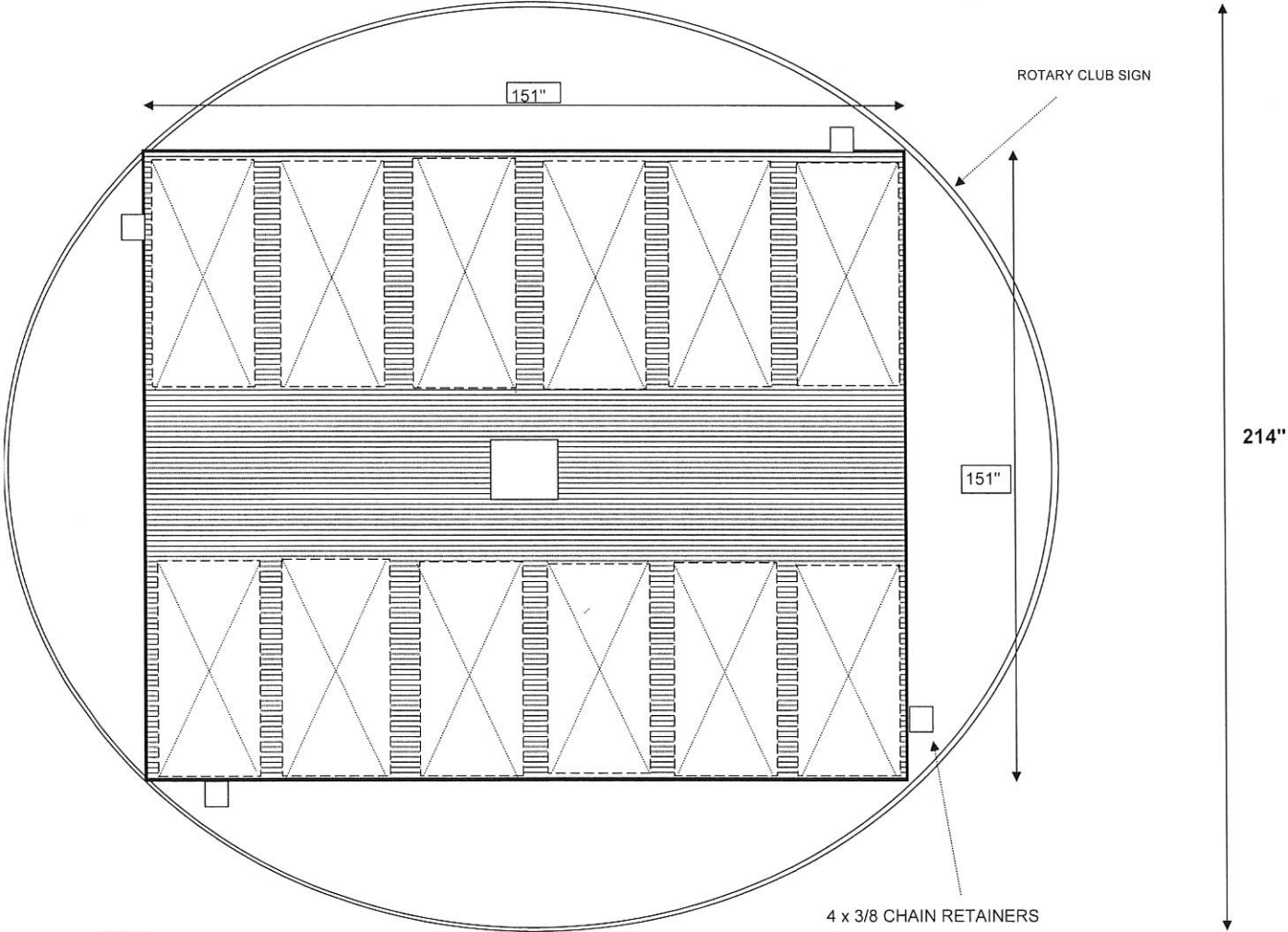
Communication Plan/Notice By-law Requirements:

Strategic Plan or other Guiding Document:

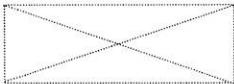
Goal#2 Strengthen Our Foundations

2-2 - The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue.

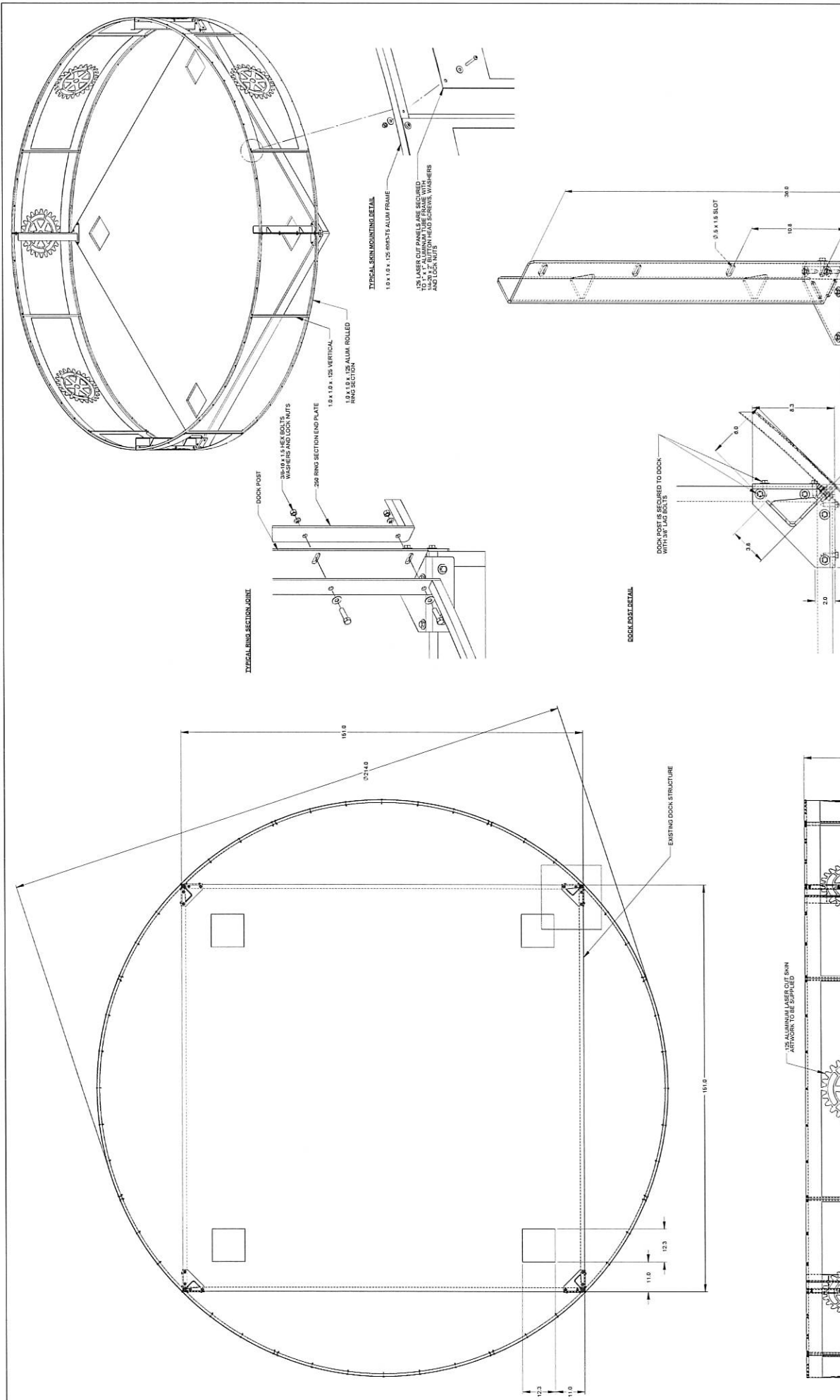
ROTARY CLUB OF KENORA



BILLET

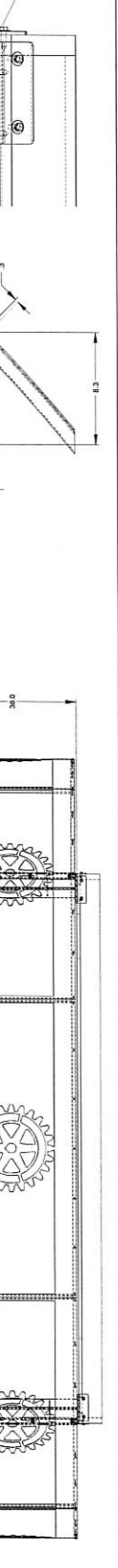


4 x 3/8 CHAIN RETAINERS



PROJECT NAME	RENOVA / ROTARY FOUNTAIN
PROJECT NUMBER	RF-25-14
DATE	11/14
SCALE	1" = 1'

WALLACE
 WALLACE GROUP, INC.
 10000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.8800
 FAX: 303.733.8801
 WWW.WALLACEGROUP.COM





November 23, 2015

City Council Committee Report

To: Mayor and Council

Fr: Tara Rickaby, Planning Administrator

Re: Keewatin Community Improvement Plan – Final Reading

Recommendation:

Whereas Council adopted the City of Kenora Final Official Plan (2015) in May of 2015; and
Whereas the City of Kenora gave two readings to the Keewatin Community Improvement Plan By-law 99-2015 and Project Area By-law 100-2015 on June 23, 2015; and

Whereas the Minister of Municipal Affairs and Housing has approved, with modifications, the City of Kenora Final Official Plan (2015);

Therefore be it resolved that Council of the City of Kenora hereby gives third and final reading to By-laws 99-2015 and 100-2015; and further

That Council of the City of Kenora adopts the Keewatin Community Improvement Plan; and further

That By-laws 99-2015 and 100-2015 shall come into force and take effect on the date of passing, if no objection is filed within the time provided.

Background:

Section 26 of the Planning Act requires that official plans be reviewed at least every five years, while zoning by-laws must be revised within three years after a new official plan is in effect. The current City of Kenora Official Plan and Zoning By-law came into effect on August 19, 2010. In the Spring 2014, the City of Kenora initiated the five-year review of its Official Plan as mandated by the Planning Act. The Official Plan was adopted by Council in May, 2015 and was subsequently forwarded to the Ministry of Municipal Affairs and Housing for approval. The Ministry has returned the Official Plan with six modifications, as listed in Appendix A.

Section 28 of the Planning Act permits Council to adopt a Community Improvement Plan (CIP) for a defined geographic area. A CIP provides the planning and economic development framework for municipalities to respond to local needs, priorities and circumstances for CIP areas. CIPs also include financial incentives, which are legislated under Section 365.1 of the Municipal Act.

Community and Aboriginal Engagement

Community and stakeholder consultation is an essential component of the review. Throughout the process, community member engagement is encouraged and promoted to gather input and information for incorporation into the updated documents.

A separate community consultation process was initiated for the Keewatin CIP. The Plan was prepared in consultation with members of the community and the Keewatin Working Group (business owners/residents and volunteers) . The process included a full-day

workshop for the KWG on August 20, 2014, as well as an online survey, subsequent KWG meetings, and correspondence throughout the process.

An update was provided, by the City, to approximately 50 interested persons, on May 7, 2015.

Budget:

Operating Budget – Planning and Property

Communication Plan/Notice By-law Requirements:

COW and Council agenda/minutes, Notice by-law and regulations of the Ontario Planning Act , Planning Administrator, Managers, Keewatin CIP Working Group, Kenora PAC, Minister of Municipal Affairs and Housing

Strategic Plan or other Guiding Document:

City of Kenora Official Plan

Ontario Planning Act

Provincial Policy Statement, 2014

Lake of the Woods
KENORA



KEEWATIN

COMMUNITY IMPROVEMENT PLAN

DECEMBER 2015



P R E P A R E D F O R :

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Cover photo source: FOTENN Consultants Inc.

Acknowledgements

The Keewatin Community Improvement Plan (CIP) was made possible through the efforts of a committed and passionate group of individuals. Special thanks to City of Kenora Council, who initiated the CIP project and will preside over its implementation. City of Kenora Staff was instrumental in coordinating communications, organizing consultation events, and liaising with all interested parties.

The City and the consulting team would also like to extend thanks to the Keewatin Working Group (KWG), comprised of representatives from a range of organizations with an interest in the future of the community. The group provided valuable input through consultations hosted throughout the process, and will continue to play a critical role in its implementation. Members of the KWG include:

Member	Organization
Kathleen Novak	Kenora & District Chamber of Commerce
Ray Pearson	Kenora District Services Housing Board
Wayne Gauld	Kenora Planning Advisory Committee
Ren Amell	St. Andrew’s United Church
Penny Beal	Kenora Urban Trails
Gwen Compton	Keewatin Place
Brenda Schussler	901 West Side
Brian Turner	North American Lumber
Darcy Morton	McMunn & Yates
Mike Scatliff	Seasonal resident
Cheryl Oakden	Scatliff+Miller+Murray
Brad Lowes	Keewatin Business Park
Patti Lowes	Keewatin Business Park
Tami Johnson	Friends of Keewatin Ballpark
Jordan Townshend	Nature’s Inn
Maude Barnard	Resident
Doreen Belair	Resident
Joyce Murray	Business Owner / Friends of Old Keewatin Ball Park



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1 Introduction

1.1 Overview

The City of Kenora has initiated a Community Improvement Plan (CIP) for the neighbourhood of Keewatin. The neighbourhood, which comprises the core portion of the former municipality of Keewatin, is situated at the western edge of the amalgamated City of Kenora. Its status as the first urban settlement in Ontario when traveling along the TransCanada Highway from the west marks Keewatin as the “gateway to Kenora.” Given its strategic location along Highway 17 West and the Lake of the Woods, Keewatin is uniquely placed to offer a range of services and amenities to residents and visitors to the community. Figure 1 is a photo of the Keewatin Bridge.



Figure 1: Keewatin Bridge (source: City of Kenora)

Keewatin’s natural beauty, resources, and strategic location have always been recognized by local residents. An ancient Ojibwe campsite was located in the area, marking the beginning of over 9,000 years of continuous human settlement. By 1775, the Ojibwe people were present across all of present-day Northwestern Ontario. In 1877, the Village of Keewatin was incorporated as a Manitoba town, later becoming part of Ontario. By 1941, Keewatin had a population of 1,481, rising to 2,197 in 1961. The community was amalgamated in 2000 with the Towns of Kenora and Jaffray Melick to form the City of Kenora, which has a total population of 15,348, according to the 2011 Census.

Today, Keewatin is a close-knit neighbourhood with a “village feel,” and features a range of unique services, institutions, and recreation opportunities. Figure 2 illustrates key community features in Keewatin, such as the post office, schools, parks, shopping, and waterfronts. The area also includes an existing nine-kilometre cycling route, as well as the Mink Bay Trail. By virtue of its location, Keewatin also plays an important role in the City’s

tourism strategy. In this context, the City of Kenora is embracing an opportunity to enhance Keewatin’s assets and build upon its strengths through the preparation of a CIP.

Additionally, the City of Kenora intends to designate the Mink Bay Wetland under Part IV of the *Ontario Heritage Act*. The area has been used as a portage between the Winnipeg River and Lake of the Woods for over 6,000 years, and designation would recognize its historical significance. It is anticipated that Council will formally designate the property in April 2015.

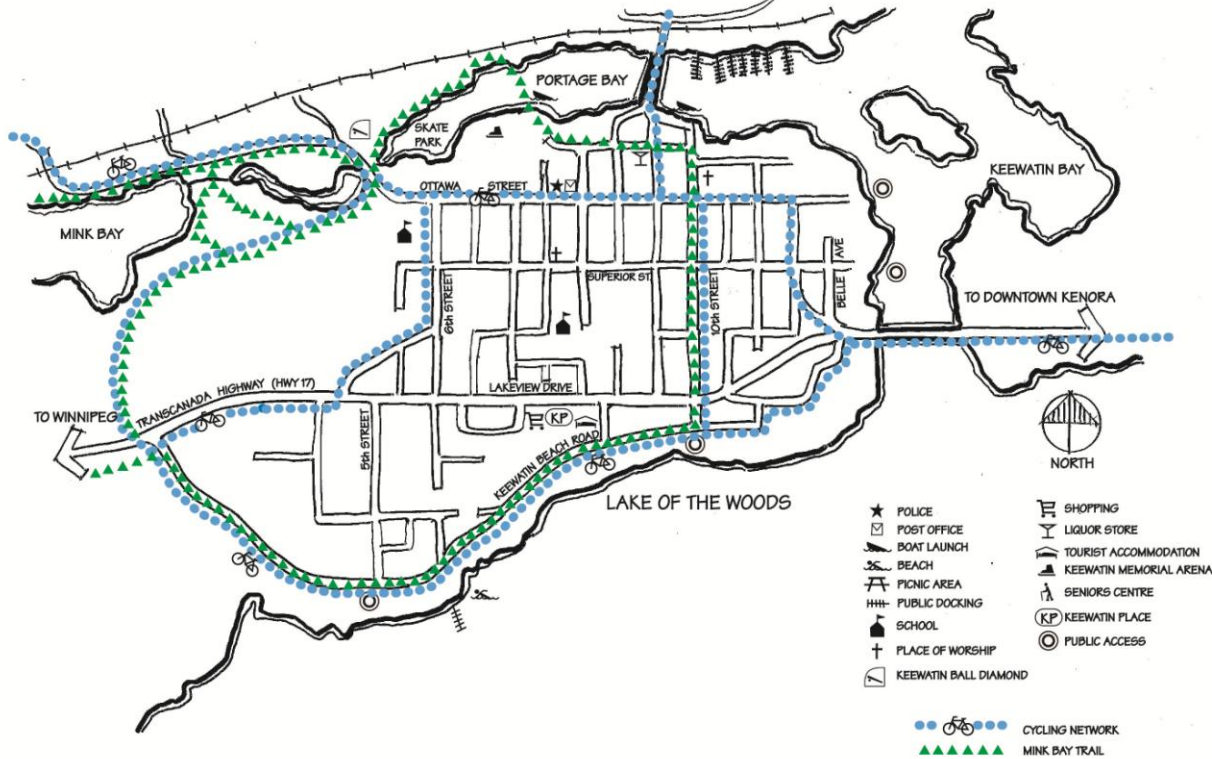


Figure 2: Community features in Keewatin

1.2 What is a Community Improvement Plan (CIP)?

A CIP is a planning tool permitted under Section 28 of the Ontario Planning Act. CIPs also include financial incentives, which are legislated under Section 365.1 of the Municipal Act. CIPs provide the planning and economic development framework for municipalities to respond to local needs, priorities and circumstances for CIP areas.

CIP areas must be established in municipal Official Plans and delineated on Official Plan Schedules and/or through policy in order for municipalities to initiate community improvement planning activities. CIP project areas can cover large areas of a municipality, such as a neighbourhood, or can apply to specific areas.

CIPs can provide several benefits for a community:

- Stimulate private sector investment in targeted areas through grants and loans from the City;
- Promote revitalization and place-making to attract tourism, business investment and economic development opportunities;
- Develop affordable housing;
- Promote brownfield cleanup and redevelopment;
- Enhance streetscapes and building façades; and
- Effectively use community infrastructure.

In addition to implementing municipal programs and financial incentives, CIPs often contain strategies for marketing the programs to the public and monitoring progress.

1.3 What is the Keewatin CIP?

Section 8.2.1 of the current City of Kenora Official Plan allows any land use designation to be designated as a Community Improvement Project Area. Specifically, the preamble to Section 8.2 states that the City intends to pass a Community Improvement By-law for Keewatin.

The Keewatin CIP was prepared in consultation with members of the community and the Keewatin Working Group (KWG). On August 20, 2014, City Staff and FOTENN Consultants hosted a full-day workshop for the KWG at the Keewatin Public Library. After an introductory presentation on the purpose of CIPs and the workshop agenda, the KWG took a bus tour of Highway 17 West and a walking tour of Ottawa Street. The purpose of these excursions was to allow the group to view two main streets through the lens of a CIP and to imagine possible improvements to the neighbourhood. A summary of the workshop is presented in Appendix A.

Following the walkabout and a lunch break, the members of KWG were invited to brainstorm ideas for the CIP. Breakout groups placed coloured stickers on aerial maps to indicate areas that could be improved, and discussed revisions to the CIP area boundary. A facilitated session also gathered input on a vision for the community, as well as specific goals to realize the vision.

Following the workshop, members of the KWG and the broader Keewatin / Kenora community were invited to complete an online survey. A total of 86 community members completed the survey, with 59 respondents completing the survey online and 28 provided input in hard copy. The results are summarized in Figures 3 to 5, and complete survey responses are summarized in Appendix A.

Generally, respondents expressed a strong sense of community in Keewatin, a friendly and quaint atmosphere, and a place that is home. Survey respondents also commented on a

sense of decline, with a deterioration of the local economy and local activity. Respondents envisioned a thriving, safe, and prosperous destination for the future, while still maintaining its friendly and quaint character. Members of the KWG also identified a healthy lifestyle as a priority for the community, as well as Keewatin's role as a Gateway from the west. Figures 4 and 5 summarize the most common responses from the survey.

What do you think should be the top priority for Keewatin's Community Improvement Plan?

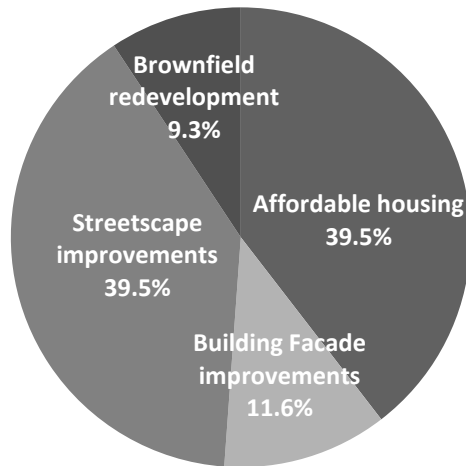


Figure 3: Top areas of priority for respondents of Keewatin CIP Survey



Figure 6: Keewatin Community Improvement Project Area

This CIP focuses on affordable housing, streetscape and façade improvements, and brownfields. The CIP project area is located at the southwest end of the amalgamated City of Kenora, along the Lake of the Woods. It captures the central area of the Keewatin neighbourhood, aligning approximately with the downtown of the former municipality of Keewatin.

The programs apply to properties within the Keewatin Community Improvement Project Area, the boundaries of which are illustrated in Figure 6. The precise boundaries of the Project Area will follow property lines.

1.4 Affordable Housing

Ensuring an appropriate housing stock fulfills a fundamental human need and represents a critical ingredient for community success. Providing access to adequate, suitable, and affordable housing is a solid foundation on which to build socially, culturally, and economically strong communities. Many Kenora residents find it difficult to secure housing that is adequate and affordable, particularly seniors and young people entering the housing market. Encouraging the development of housing that is appropriate and affordable for Keewatin residents is a centrepiece of this CIP.

The Keewatin CIP builds on the definition of affordable housing accepted by Kenora City Council in July 2014. Specifically, housing is deemed to be “affordable” when shelter costs

account for less than 30% of before-tax income. For the purpose of the CIP, affordable housing programs shall apply to housing developments that are affordable to those earning the median income or less per year, as defined by Statistics Canada. . In moving towards our ideal for housing affordability, for the purposes of the Keewatin Community Improvement Plan, the definition for affordable housing will be **housing that costs 80% of average market price or below.**

Providing affordable housing in a community generates several benefits, including:

- Provides a foundation for securing employment;
- Boosts economic competitiveness;
- Provides appropriate shelter conducive to raising families;
- Improves individual and public health outcomes; and
- Represents a vehicle for social inclusion.

For the purposes of the Keewatin CIP, affordable housing does not include social housing. Whereas social housing is funded directly by public agencies or non-profit organizations, the affordable housing encouraged in this CIP consists of market-based residential units that are designed to be affordable to community residents. These units provide affordable shelter for a range of markets, including young professionals, small households, and older adults. This CIP does not preclude the development of any social housing in the area in the future. The Kenora Affordable Housing Report is outlined in a separate section below.

A principal goal of the Keewatin CIP is to increase the supply of affordable rental **and** ownership accommodation in the neighbourhood. Although all housing types will be encouraged, it is anticipated that these units will be primarily townhouses and apartments. In addition to benefiting current residents, providing housing units will also support the City's efforts to attract newcomers to Kenora.

A digital rendering was prepared for the Keewatin CIP to demonstrate where and how affordable housing units could be incorporated in the neighbourhood. Figure 7 illustrates a potential affordable housing development on the former Bigway Foods site on Ottawa Street, while Figure 8 envisions a similar development on the site with commercial uses on the ground floor.

1.5 Streetscape and Façade Improvements

The character and quality of Keewatin is partially reflected in the aesthetic appeal of its streets and building façades. Critical streetscaping elements such as benches, trees, paving materials, and street lamps can improve the look and experience of streets such as Ottawa Street and Highway 17 West. Similarly, improvements to building façades along these streets can revitalize the appearance of the neighbourhood and strengthen local businesses and enhance street activity outside of business hours. Strategic programs and incentives can contribute to achieving the aesthetic and financial objectives of the CIP.

A similar initiative was developed in 2004 for the Kenora Downtown Revitalization Study, which identified specific streetscape improvements for the downtown. Figure 8 is an extract from the Study, illustrating various improvements on Matheson Street:

Figures 9 to 13 illustrate digital renderings of potential streetscape and façade improvements in the community improvement area. They include:

- The Keewatin Post Office;
- Alcock Funeral Home;
- 901 Westside Restaurant; and
- Keewatin Place.

1.6 Brownfields

A “brownfield” is typically an abandoned, idle, underutilized, derelict, or vacant commercial or industrial property and/or building in built-up urban areas with a potential for redevelopment. Brownfield sites typically pose environmental, social and economic concerns for a community, but also present an opportunity for revitalization of the surrounding area. As many sites are located within the existing urban fabric and enjoy good visibility, access, and servicing, redevelopment of brownfield sites represents a sustainable form of development.

The 2014 Provincial Policy Statement directs municipalities to explore opportunities to redevelop brownfield sites as a means to improve environmental conditions and achieve intensification goals. In Keewatin, the former Royal Bank site is an example of a brownfield site that provides an opportunity for redevelopment.



AFFORDABLE HOUSING - Bigway Foods Site

Figure 7: Sample affordable housing development on the Bigway Foods site



Figure 8: Sample affordable housing and commercial development on the Bigway Foods site



Figure 9: Image from Kenora Beaches, Parks & Trails Development Project showing streetscape improvements along Ottawa Street



Figure 10: Sample improvement to Keewatin post office



Figure 11: Sample improvement to Alcock Funeral Home



Figure 12: Sample improvement to 901 Westside



2 Regulatory Policy Framework

Community improvement planning is intended to provide opportunities for municipalities to develop financial incentives that can be offered to the private sector for development projects that will provide broader community benefits. The 2014 Provincial Policy Statement, Municipal Act, and Planning Act include provisions that work together to enable municipalities to direct financial incentives towards specific improvement projects. The following section summarizes the policy framework and enabling legislation for the allocation of municipal funds to support and encourage private community improvement projects.

2.1 Municipal Act, Section 106

The Municipal Act provides rules to regulate the provision of financial or other similar incentives to private business operations, a practice known as 'bonusing'. The purpose of the regulation is to ensure public finances are accounted for and distributed in a transparent manner. Section 106 of the Municipal Act prohibits municipalities from assisting "...directly or indirectly any manufacturing business other industrial or commercial enterprise through the granting of bonuses for that purpose" (Section 106(1)).

Such prohibited actions include:

- a) giving or lending any property of the municipality, including money
- b) guaranteeing borrowing;
- c) leasing or selling any property of the municipality at below fair market value; or
- d) giving a total or partial exemption from any levy, charge or fee.

2.2 Planning Act, Section 28

Section 28 of the Planning Act provides the enabling legislation for a municipality to implement a Community Improvement Plan. Community improvement is defined as "the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable, or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary" (Section 28(1)). It further clarifies that the provision of affordable housing is also included in this definition (Section 28(1.1)).

In order to create a Community Improvement Plan and allocate funds accordingly, a municipality must identify a community improvement project area. The Planning Act defines the community improvement project area as "a municipality or an area within a

municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason” (Section 28(1)). The area subject to a CIP must be established in the municipality’s Official Plan (Section 28(2)).

Once a community improvement project area is defined in the Official Plan and through by-law, a municipality may prepare and implement a Community Improvement Plan. Through the Planning Act, a municipality may:

- a) acquire, grade, clear, hold or otherwise prepare the land for community improvement (Section 28(3));
- b) construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the CIP (Section 28(6a));
- c) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the CIP (Section 28(6b)); and
- d) Make grants or loans, in conformity with the CIP, to registered owners, assessed owners and tenants of lands and buildings (Section 28(7)).

Section 7.1 identifies costs eligible for CIP financing including: “costs related to the environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.”

2.3 Municipal Act, Section 365.1

Financial tools to encourage redevelopment can be implemented through Section 365.1 of the Municipal Act. This exception allows municipalities to provide municipal property tax relief to landowners seeking to redevelop property. The tax relief includes a freeze of a portion or all of the taxes levied against a property for a period of time. The municipality can apply for an equivalent freeze in the provincial educational portion of the property taxes. The Section 365.1 exception provisions must operate in tandem with Section 28 of the Planning Act, which relates to community improvement planning. The rationale for this form of tax relief is that an improved property will lead to an increased tax assessment, thereby providing future increased tax revenue, while remediating and/or redeveloping deteriorated sites.

2.4 Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), issued under Section 3 of the Planning Act, provides policy direction to ensure growth and development occurs in a sustainable manner respecting the Province’s environmental, social, and economic resources. The Planning Act

includes strong wording to ensure planning authorities decision making “shall be consistent with” policy directions set forth within the PPS.

The PPS specifically acknowledges the need to provide an appropriate range of housing types and the importance of affordable housing to communities (Section 1.4). The document envisions efficient and sustainable land use patterns across the province that includes a mix of housing, including affordable housing (Vision). Provision of a range of housing choices, including affordable housing, is a critical component of healthy, livable, and safe communities (Section 1.1.1(b)).

The PPS also highlights the importance of remediating brownfields, stating that “Long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites” (Section 1.7.1(e)). These sites are specifically identified as strategic locations for intensification and redevelopment (Section 1.1.3.3). The PPS defines brownfield sites as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.”

In addition, the PPS contains policies promoting healthy and active communities (Section 1.5) and accessibility (Section 1.1.1 (f)). Creating active and accessible streetscapes aids in the promotion of healthy and active communities.

2.5 Growth Plan for Northern Ontario, 2011

The Growth Plan for Northern Ontario, 2011 was prepared as part of the Places to Grow Act, 2005, and was released in March 2011. The Growth Plan recognizes the interconnected contribution of people, communities, infrastructure and the environment to a successful and sustainable economy. As such, the Growth Plan is a plan for:

- Economic development;
- Infrastructure investment;
- Labour market; and
- Land use.

Section 2.2 of the Growth Plan is dedicated to economic development and includes several policies for existing and emerging priority economic sectors. Policy 2.2.2 states that the Province will focus economic development in a variety of sectors, such as: forestry and value-added forestry-related industries; advanced manufacturing; arts, culture and creative industries; renewable energy and services; and tourism.

Some of the economic development strategies provided in Policy 2.2.3 are as follows:

- Grow and retain existing competitive businesses and diversification into value-added business opportunities;
- Attract investment;

- Strengthen networks and collaboration among businesses, industry, education and research sectors, economic development organizations and northern communities;
- Respond to labour market needs and opportunities through training, education, and entrepreneurship.

In the Northern Growth Plan, affordable housing is included under the term “community infrastructure.” The Plan defines community infrastructure as “lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and affordable housing.” Section 5.1 identifies community infrastructure as a key building block for economic growth, along with transportation, education, health, energy, water, wastewater, and information and communications technology infrastructure. The Plan also states that infrastructure planning and investment should be coordinated with land-use planning processes.

2.6 City of Kenora Economic Development Plan, 2012

The City’s Economic Development Plan was updated in 2012 to reflect changing realities and priorities since 2006 including the City’s promise to become North America’s Premier Boating Destination. The Plan contains several action items across a range of areas that inform the Official Plan and Zoning By-law review, including:

- Actions for Business Attraction
 - Work with internal city teams and external business attraction teams on business attraction site visits and opportunities
 - Work with existing and emerging value-added businesses to eliminate barriers to their growth and development
 - Assist the private sector in obtaining funding subsidies, as available;
 - Use current mechanisms to attract immigrants
- Action for Local Business Retention and Expansion Strategy
 - Work in partnership with local business organizations to support and strengthen local businesses
- Action for Tourism Development and Marketing
 - Promote initiatives in marketing, product development, hospitality, training and awareness, as well as special events
- Actions for Infrastructure and Product Development
 - Develop and promote public amenities for tourists and residents
 - Identify current and potential magnet attractions

2.7 City of Kenora Strategic Plan: Our Vision is 20/20

In July 2014, City of Kenora Council adopted a Strategic Plan that establishes goals and corporate actions to guide future decision-making in the municipality. The Plan identifies

several key priorities and translates the top three (3) into goals. Each goal has a set of corresponding actions, including several that relate to the Keewatin CIP:

- Goal #1: Develop Our Economy
 - Action 1-3: The City will foster and support entrepreneurial business development for start-ups and young entrepreneurs.
 - Action 1-4: The City will promote Kenora to external investment audiences in specific sectors that provide the most promise for job growth and economic diversification.
 - Action 1-9: The City will promote Kenora as a 365-day lifestyle destination.
- Goal #2: Strengthen Our Foundations
 - Action 2-4: The City will act as the catalyst for continuous improvements to the public realm.
 - Action 2-6: The City will support the development of a diverse range of housing types with an emphasis on affordable options for families, seniors and individuals in need of transitional and emergency housing.
 - Action 2-7: The City will encourage and support the development of vacant and transitional lands for uses that support our vision.
 - Action 2-9: They City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.

2.8 City of Kenora Official Plan (2015)

The City of Kenora has initiated a five-year review of its Official Plan, as is mandated in the Planning Act. The Official Plan is anticipated to be adopted in Spring 2015.

As Section 8.2.1(b) of the existing Official Plan allows any land use designation to be designated as a Community Improvement Project Area, no changes to these policies are required to implement the Keewatin CIP.

2.9 City of Kenora Official Plan, 2010

The City of Kenora Official Plan sets out a vision and guiding principles and objectives for the City to the year 2031. Section 2.1 of the Official Plan states that:

“The City of Kenora shall be an inclusive, sustainable, four-season lifestyle community with a healthy economy that welcomes all and respects the Aboriginal peoples and traditions so that generations can thrive, prosper, and contribute to the meaningful lives.”

The City of Kenora supports sustainable development, as established through Principle 1 in Section 2.2.1:

“Kenora shall promote sustainable development to enhance the quality of life for present and future generations.”

This principle is achieved through the promotion of compact development by using land efficiently and existing infrastructure; to support infill and intensification in built up areas where services exist; and to provide opportunities for the adaptive re-use of former industrial areas and brownfield sites where the industrial use is no longer viable.

Principle 2 in Section 2.2.2 is that:

“Kenora shall support the protection and integrity of the natural environment, as valued by the community.”

A key implementing objective is to encourage energy efficient buildings and development in order to minimize negative impacts to air quality and climate change.

Principle 3 establishes the City’s support for affordable housing:

“Kenora shall support the location of affordable housing in an integrated manner within new or existing development.”

This principle guides the supporting objective “to provide a range of housing opportunities and types that shall meet the physical and financial needs of an aging population and be able to provide a timely response to housing needs associated with a diversified economy.”

Principle 4 in Section 2.2.4 expresses municipal support for a diversified economy:

“Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth to withstand global market conditions and provide financial stability.”

The implementing objectives include:

- to support existing business and to attract a diverse range of new employment opportunities for new and existing residents;
- to attract new post-secondary educational facilities to stimulate new investment and training in a range of employment sectors;
- to foster partnerships with First Nations and Grand Council Treaty #3 to identify economic development and other opportunities;
- to develop the City as a centre of excellence for industry, trade, commerce throughout Northwestern Ontario, western Canada, and Midwestern United States; and
- to ensure that there are sufficient municipally serviced lands for the expansion of industrial development that may expand and diversify the City’s economy.

Principle 6 in Section 2.2.6 encourages complete communities:

“Kenora shall encourage new development (e.g. buildings, new neighbourhoods) to provide for a mix of uses in planning for complete communities.”

Implementing objectives include supporting the development of mixed-use neighbourhoods.

Principle 7 in Section 2.2.7 identifies neighbourhood design as an important component of the City’s vision:

“Kenora shall promote a desirable built form in any development or re-development.”

Implementing objectives for this Principle include:

- to promote built form that may address the needs of present and future generations (i.e. live, work, play);
- To ensure that all aspects (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner; and
- To encourage place making in any development through the implementation of public art and public spaces.

Section 2.2.8 introduces the multi-modal transportation system that recognizes the need to develop and promote an efficient and safe multi-mode transportation system for all users. Section 2.2.9 recognizes the community and Aboriginal engagement principle that promotes inclusivity of all peoples to participate and collaborate in achieving the City’s vision.

The majority of the Community Improvement Area is designated Established Area on the Official Plan Schedule A – Land Use Designations. The designation includes residential, commercial, existing industrial and institutional uses that presently exist in the City. It is intended that, while minor development within the Established Area designation is acceptable, there will be few major changes to land uses over the lifetime of the Official Plan. Figure 14 illustrates an extract from Official Plan Schedule A – Land Use Designations.

The Official Plan establishes the following policies for the Established Area in Section 4.1.2:

- a) Existing uses shall be preserved and protected from incompatible uses;
- b) The maintenance and improvement of the quality of the built form and infrastructure shall be encouraged;
- c) Residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential uses shall be supported, provided that the development is in keeping with the character of the area.

- d) Linkages to recreation and open space shall be encouraged through the development of trails, parks, roadways, and sidewalks designed to provide space for pedestrians and cyclists.
- e) Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding built form and that improve the quality of life for area residents may be permitted through an amendment to the Zoning By-law.
- f) A major change in use in the Established Area shall require an amendment to the Official Plan. Major changes in the use include: high-density residential, large-scale commercial / retail, industrial uses, or transportation corridors.

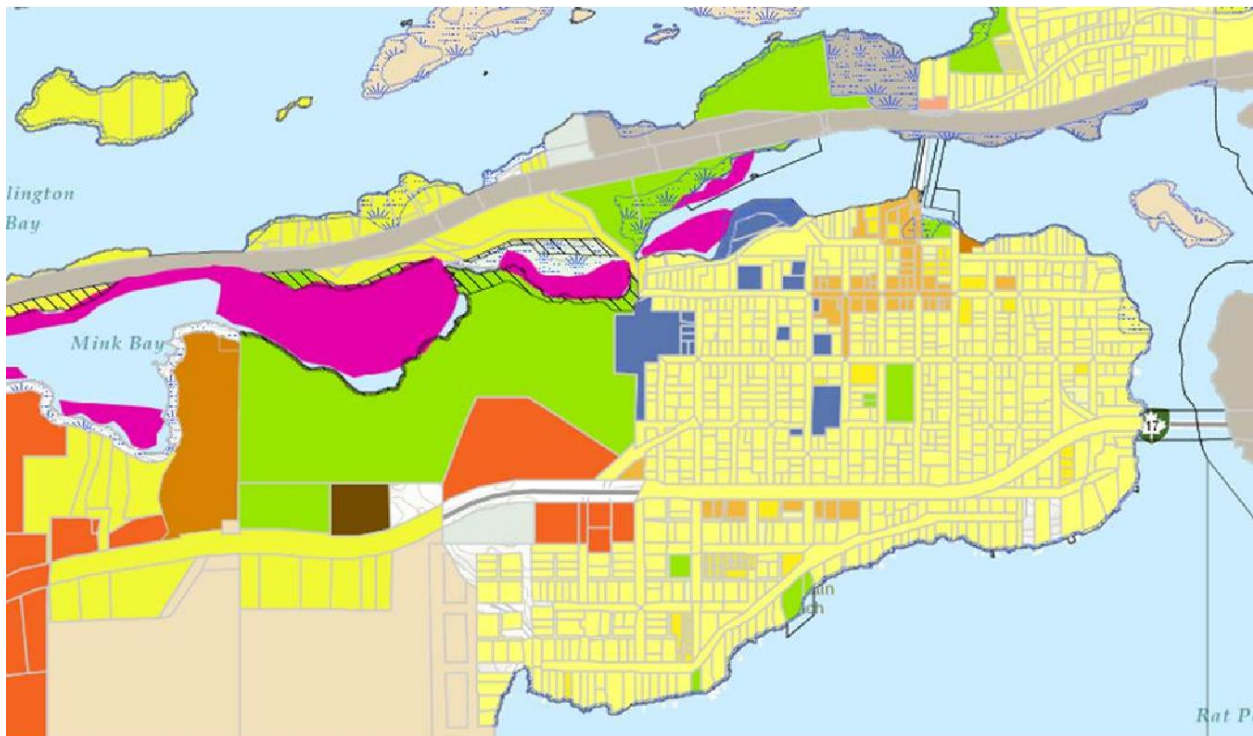


Figure 14: Extract from Official Plan Schedule A - Land Use Designations

A portion of the Community Improvement Area is designated Commercial Development Area, including the lands west of the Established Area, and along Highway 17 West. The designation represents a centre of commercial and retail uses in Kenora, and accounts for a substantial amount of business activity in Keewatin. Permitted uses in the designation primarily serve vehicular traffic and include automobile service stations and sales agencies, car washes, building supply outlets, motels, hotels, restaurants, landscaping services, horticultural nurseries, garden centres, tourist establishments, shopping centres, and accessory uses. A limited number of residential dwelling units are also permitted in the designation, subject to provisions in the Zoning By-law.

Key areas of Keewatin are designated as Open Space on the Land Use Schedule, including parks and waterfront areas. These areas are subject to the Open Space policies in Section 4.6 of the Official Plan, which restricts uses to parks, recreational uses, and private and municipally-owned and operated recreation facilities. Section 4.6.2(b) specifies that open space uses and recreational facilities shall be designed to meet the needs of residents of the City as well as tourists.

The area along Portage Bay, at the northern edge of the Community Improvement Area, is designated Provincially Significant Wetland on the Schedule A. The Official Plan describes wetlands as essential components of ecosystems that contribute to the high quality of the environment. Wetlands control and store surface water to assist in flood control, function as sediment traps to improve water quality, provide habitat for a variety of plant and animal species, and function as recharge areas for groundwater resources. Proponents of development on or within 120 metres of lands designated Provincially Significant Wetland are required to submit an Environmental Impact Statement to demonstrate that there will be no adverse impacts on the wetland or its ecological function.

Section 8.2 of the Official Plan establishes policies to guide the preparation of CIPs in Kenora. Section 8.2.1(a) lists specific objectives of CIPs:

- To upgrade and maintain all essential municipal services and community facilities;
- To ensure that community improvement projects are carried out within the built up areas of the City;
- To ensure the maintenance of the existing building stock;
- To encourage the preservation, rehabilitation, renewal and reuse of heritage resources, including heritage buildings;
- To encourage private sector investment and the strengthening of the economic base; and
- To enhance the visual appearance of CIP areas.

Section 8.2.1(b) states that any land use designation in the Official Plan may be designated as a CIP Project Area, based on the following criteria:

- That there is evidence of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sanitary and storm sewers, water supply, parks and recreation, community facilities, waterfront areas or streetscaping. Improvements may apply to some or all of the above services.
- That the phasing of improvements is within the financial capability of the local municipality.
- That a significant number of buildings in an area show signs of deterioration and need of repair.
- That improvement to the visual appearance or aesthetics be required.
- That improvement shall have a significant impact on strengthening the economic base of the community.

Section 8.2.1(c) establishes that a Community Improvement Project Area may be designated by by-law. As such, no change to the Land Use Schedule in the Official Plan is required.

2.10 City of Kenora Zoning By-law (101-2015)

In 2014, the City of Kenora initiated a five-year review of its Official Plan, along with a corresponding review of the Plan's implementing Zoning By-law. Zoning By-law 101-2015 was enacted by Council in December 2015. The Community Improvement Area contains a range of zones, principally:

Residential – First Density Zone (R1)

The R1 Zone allows for the development of single-detached housing and other compatible uses serviced by municipal water or sewer, or with municipal water only. Permitted uses also include bed and breakfast, group home, modular home, home occupation, and secondary dwelling units.

General Commercial Zone (GC)

The GC Zone allows for a wide range of uses and services to meet the needs of residents, businesses, and tourists. Permitted uses include animal care establishment, art gallery, automotive gas bar, automotive rental establishment, bakery, car wash, cinema, clinic, continuum care facility, day nursery, financial establishment, funeral home, hotel, library, marina, office, personal service business, retail store, restaurant, shopping centre, and apartment dwelling (subject to certain conditions).

Light Industrial Zone (ML)

The ML Zone allows for a wide range of low-impact light industrial land uses as well as complementary commercial uses, including animal hospital, automobile dealership, automobile body shop, bulk sales and storage establishment, commercial storage facility, dry cleaning establishment, food processing plant, light equipment sales and rental establishment, light industrial use, office, recreation facility, warehouse, and waste processing and transfer facility.

Institutional Zone (I)

The I Zone allows for the development of public and privately-owned facilities of an institutional or community service nature. Permitted uses include art gallery, cemetery, community centre, correctional facility, hospital, museum, office, place of assembly, place of worship, retirement home, school, and theatre.

Rural Zone (RU)

The RU Zone allows for the production of farm produce as well as recreational and other compatible uses, as well as limited development of low density single-detached, seasonal or permanent housing compatible uses in a rural setting. Permitted uses include agricultural use, bed and breakfast, day nursery, equestrian establishment, food processing plant, golf course, home industry, horticultural nursery, kennel, marina, mineral aggregate operation, mobile home, non-commercial farm, retirement home, snow disposal facility, and wildlife conservation reserve.

Open Space Zone (OS)

The OS Zone provides land for active and passive recreational uses and landscaped buffers. Permitted uses are limited to community centre, golf course, outdoor recreational facility, and wildlife conservation reserve.

Environmental Protection Subzone 1 (EP1)

The EP Zone provides protection to those areas which have historical and natural significance such as First Nation burial grounds, and fish and wildlife habitat. In addition, the zoning is applied to land that is designated as Provincially Significant Wetland in the Official Plan. The EP1 Subzone prohibits the erection of any buildings or structures.

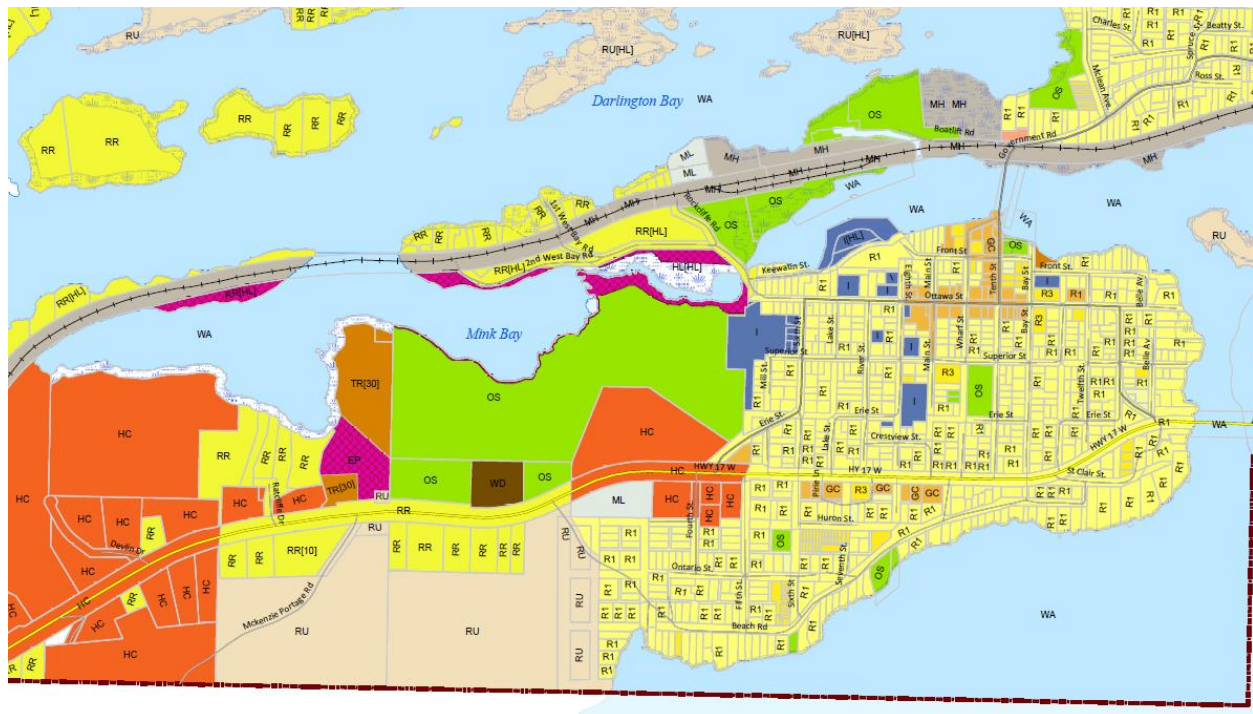


Figure 15: Extract from Zoning By-law Schedule

2.11 City of Kenora Waterfront Development Guidelines (2009)

The Kenora Waterfront Development Guidelines outline guidelines to protect and promote the visual and symbolic integrity of Kenora’s Lake of the Woods waterfront. The guidelines provide direction with regards to several elements, including:

- Public access to the waterfront;
- Building design and configuration;
- Maximum building heights;
- Preserving critical views to and from water;
- An identifiable pedestrian circulation system;
- Parking standards;
- Landscaping standards; and
- Universal accessibility.

2.12 Beaches, Parks and Trails Development Project (2010)

The Beaches, Parks, and Trails Development Project was prepared in 2010 to build on Kenora’s natural assets and better position the City as a destination community for residents and visitors. The Project plans for upgrades to Anicinabe Park, Garrow Park, Coney Island Park, Beatty Park, Portage Bay Park, as well as improving the quality and connectivity of the trail system. Beatty Park and Portage Bay Park are located in Keewatin. The Project also contemplates landscaping and streetscaping improvements in Keewatin, and identifies the need for a Community Improvement Plan in the area.

In June 2014, a concept for a Boat Museum was developed with funding from the City’s Brand Leadership Team (BLT) and presented to a working group comprised of City Staff and the BLT. The concept was prepared by Scatliff+Miller+Murray Inc., and contains a design scheme for a boat museum, the marina and a harbourfront home for the Grace Anne II. During the meeting, it was suggested that Council could incorporate the concept plan into the Beaches, Parks, and Trails Development Project.

2.13 Kenora Affordable Housing Report (2014)

There is often confusion around what is considered “affordable” housing and who is in need. There is no absolute definition of affordable housing, but the generally accepted definition used by Canada Mortgage and Housing Corporation (CMHC) and the Ontario Ministry of Municipal Affairs and Housing is: “Affordable housing consists of housing options combined with shelter costs that do not exceed more than 30% of a household’s gross annual income.” This is the ideal that the City will strive to meet for benefit of its citizens.

The Housing Continuum graphic below illustrates the range of housing types and tenures, and to which types “affordable housing” applies.

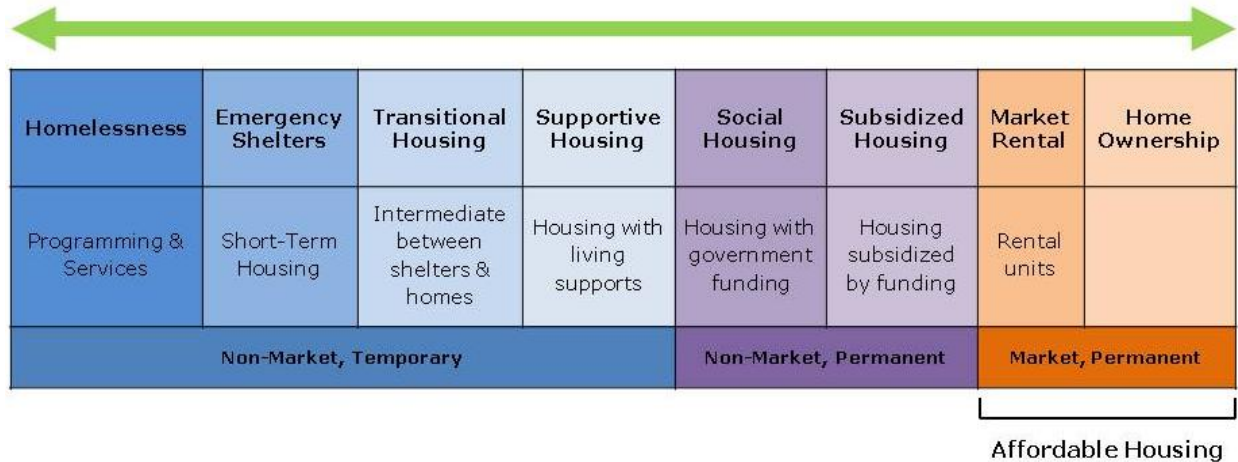


Figure 16: The Housing Continuum

The Kenora Affordable Housing Report was accepted by City Council in July, 2014. The report, prepared by the City’s Economic Development Department, assesses the current housing stock in Kenora and recommends actions to increase the supply of affordable shelter for residents. Measures include: permitting a greater diversity of housing types across neighbourhoods; incentivizing development of affordable housing; providing municipal land for the development of affordable housing; seeking funding from other levels of government for further study; and cooperating and collaborating with housing providers and non-profits.

The City’s Affordable Housing Report identifies needs and provides a foundation for action. Affordable housing encompasses both home ownership and market rentals. In moving towards the ideal for housing affordability, for the purposes of the Keewatin Community Improvement Plan, the definition for affordable housing will be housing that costs 80% of average market price or below.¹ For home ownership, average market price calculations will be determined through analysis of the local real estate market for comparable units. For rental units, affordability will be defined “as having rents for the project that are at, or below, 80% of CMHC Average Market Rent (AMR) at the time of occupancy.”² This definition parallels the Affordable Housing Initiative’s Rental Component funding formula which sets the guideline for building subsidization to developers. This market-based definition will encourage the development of an array of affordable housing options that will serve varying degrees of need.

¹ Investment in Affordable Housing for Ontario Program Guidelines, Rental Housing Component 2011 page 17, Province of Ontario
² Investment in Affordable Housing for Ontario Program Guidelines, Rental Housing Component 2011 page 22, Province of Ontario

2.14 City of Kenora Wayfinding Design Development (Feb 2014)

The Wayfinding Design Development study, prepared by Axia Creative and Roger Brooks International, contains detailed designs for signage in Kenora. Examples of wayfinding devices include directional signage for pedestrians and vehicles, as illustrated in Figures 16 to 18.



Figure 17: Example of gateway signage along Highway 17



Figure 18: Example of signage design along vehicle corridors

3 Vision and Goals of the Keewatin CIP

3.1 Community Improvement Plan Project Area

As illustrated in Figure 6, the CIP project area is located at the southwest end of the amalgamated City of Kenora, along the Lake of the Woods. It captures the central area of

the Keewatin neighbourhood, aligning approximately with the downtown of the former municipality of Keewatin. The project area is generally bounded by Portage Bay to the north, Keewatin Bay to the east, Lake of the Woods to the south, and the western extent of the municipal boundary. The project area is centred around Lakeview Drive (Highway 17 West) and Ottawa Street, and includes the area locally known as the “Highway to Heaven.”

3.2 Existing Conditions Analysis

The Keewatin neighbourhood is located in the southwest portion of the City of Kenora, and is accessed primarily by boat or via Lakeview Drive (Highway 17 West). The area contains a range of land uses, but is developed predominantly with residential uses in the established neighbourhood core.

Keewatin contains several institutional uses, such as the Keewatin Memorial Arena, the Keewatin Curling Club, St. Andrew’s United Church, St. Louis Roman Catholic Church, the Keewatin Library, Keewatin Public School, and St. Louis Catholic School. The community also includes a post office, medical clinic Keewatin Place, and Two Bears Marina. Keewatin is also home to the Mather-Walls House, the neighbourhood’s most famous heritage building. Popular recreation locations include Beatty Park and Portage Bay.

The neighbourhood also contains several commercial outlets, services, and clubs, including:

- 901 Westside
- Alcock Funeral Home
- Andy Morrell Mechanical Services
- Cottage Essentials
- Countryside Manor Bed and Breakfast
- Devlin Timber
- Docks and Lifts
- Gardewine North
- Gayle’s Motel
- Jarnel Contracting
- Keewatin Business Centre
- Keewatin Guardian Pharmacy
- Keewatin Medical Centre
- Keewatin Liquor Store
- Keewatin Place
- Keystone Lock and Safe
- Krevco Lifestyles
- Lakeshore Hotel
- Lifts and Docks
- Masonic Lodge
- McMunn and Yates
- Metal Works Keewatin
- Nature’s Inn
- North American Lumber
- Northwestern Independent Living Services
- Plantz
- Prairie Mobile Communications
- Riverview Industries
- Royal Canadian Legion Hall
- Service Master
- Shaw Lakeshore
- Shopper’s Home Health Care
- Solo Hair Design
- St. Louis Roman Catholic Church
- Taylor Made Pet Supply
- Timberline Urban Lodge
- Woodlake Marine
- The Window and Door Store

Creating improvement programs for commercial operations such as these, along with community streets, are included in this CIP. Figure 19 illustrates general land uses in Keewatin.

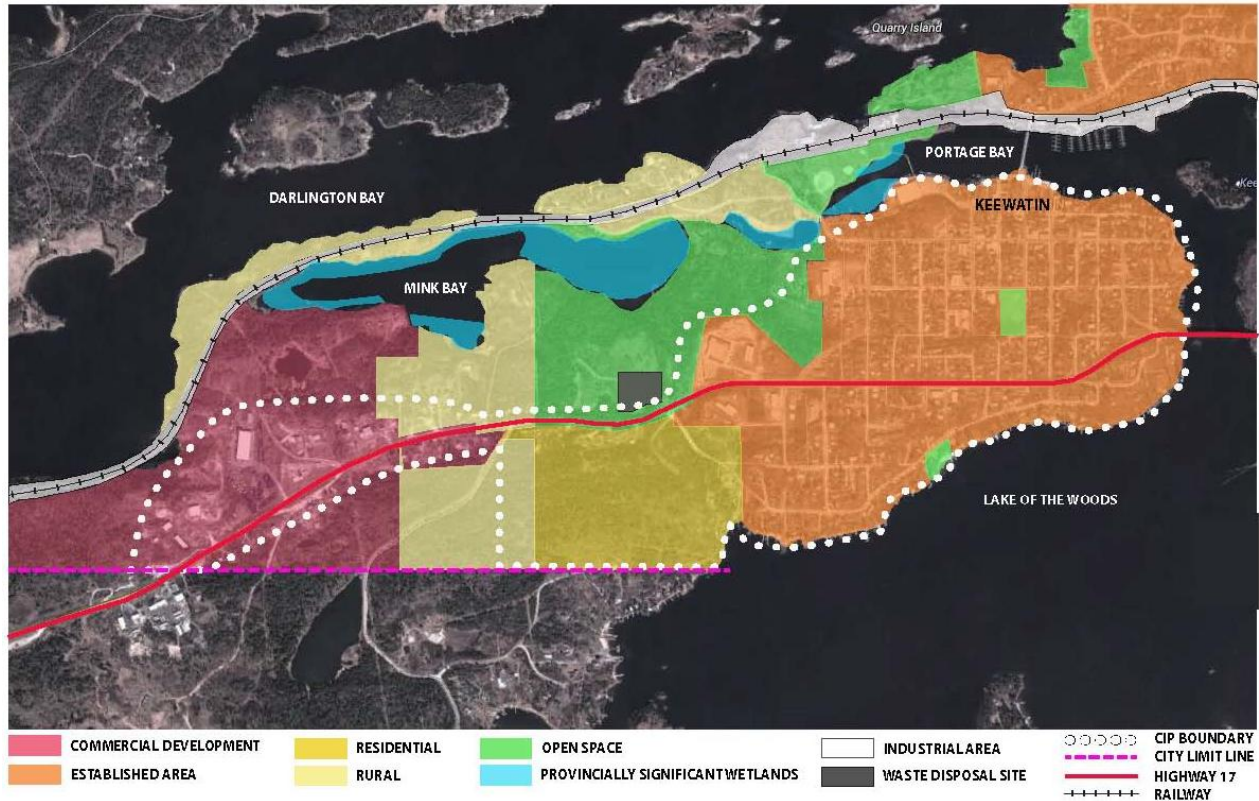


Figure 19: Keewatin land uses

3.3 Vision

At the August 20th workshop, members of the KWG identified the components of its vision for Keewatin in the future. These elements are combined in a composite vision statement for the community:

Vision Statement

Keewatin will be a quaint, year-round healthy lifestyle community offering passive and active recreational and cultural activities that are accessible by land and by water for all to enjoy. Its main streets will be visually appealing and vibrant, providing places to live, work, shop, and play for all members of the community.

3.4 Goals / Objectives

Based on input from the KWG, a set of goals were established to implement the Vision Statement outlined in Section 3.3 above:

<p style="text-align: center;">Goal #1 Improve streetscape and the public realm</p> <p style="text-align: center;">Goal #2 Encourage development of affordable housing</p> <p style="text-align: center;">Goal #3 Enhance existing businesses and promote establishment of new businesses, and encourage the clustering of complementary uses</p> <p style="text-align: center;">Goal #4 Improve wayfinding</p> <p style="text-align: center;">Goal #5 Establish a set of design guidelines for Keewatin</p>

3.5 Design Guidelines

To realize Goal #5 in Section 3.4, a set of design guidelines for Keewatin are presented on the following pages.

Public Spaces

Objective: to make public spaces accessible, convenient, and safe for seniors, children, pedestrians, and cyclists.

Streets

1. Keewatin will be accessible by all means of transportation in all seasons
2. Insert green median strips or landscape buffer strip of approximately 3m between main streets and parking areas to screen cars
3. Screen utilitarian equipment or programs, such as industrial uses, from the main streets
4. Bury power lines and servicing wherever possible
5. Develop a continuous and accessible pedestrian link along the water edge and across downtown
6. Create bike paths
7. Design all sidewalks to be minimum of 2m wide
8. Differentiate paving materials and textures throughout main street and popular commercial settings (pavers, coloured asphalt)
9. Increase vegetation on the streets through trees or planters every 6-10m
10. Incorporate gateway features at the terminus main streets
11. Install bike stands, benches sheltered wherever possible), and flower beds
12. Feature public art, permanent or temporary installations



Coloured asphalt helps prioritize pedestrians



Piano street furniture



Street Parklet



Public art along waterfront



Street planters in Port Credit (Mississauga)

Public Spaces

Parks

1. Balance between paved and green spaces
2. Utilize natural shades (trees) and natural seating (rocks, stumps, etc).
3. Encourage local crafts and events
4. Create safe playgrounds for children
5. Install water features, fountains, and shallow pools to encourage outdoor activities
6. Plant evergreens to improve winter scenery
7. Designate an area for community gardens
8. Utilize Lake of the Woods for seasonal recreation, such as swimming in the summer and skating in the winter
9. Install temporary structures for seasonal recreation



Green spaces with paved walkways



Wooden bench and landscaping



Gazebos make excellent event venues



Water features for public enjoyment



Community gardens – social networking



Ice rink in Whitecap Pavilion, Kenora

Public Spaces

Footbridge

1. Promote landmark, extend public spaces around the bridge
2. Design seating and planting features
3. Integrate lighting design
4. Modify materiality, dimension, accessibility



Lillefjord Footbridge, Norway



The Portage Bay Bridge is a Keewatin landmark



Footbridge linking to a public space



Benches incorporated into bridge design



Lighting improves safety and adds interest at night



Railings improve accessibility

Streetscape

Objective: to have harmony in visual and physical transparency on main commercial streets. Shops and public institutions (libraries, community centres, etc.) provide welcoming and lively spaces for residents and visitors.

Façade Features

1. Keewatin's heritage interpretation will be integrated into design
2. Preserve original masonry
3. Repair and revitalize existing façades
4. Extend shopfront to patios or gardens with seating area to create continuity of indoor / outdoor spaces
5. Incorporate and balance natural shading (trees) with artificial shading (awnings)
6. Install decorative lighting and upgrading light fixtures to improve experience at night and to accentuate architecture
7. Maximize natural lighting by redesigning façade openings (glazing dimension, colour, and architectural sunshade details to accommodate summer / winter sun)
8. Introduce mixed-use mid-rise buildings to accommodate affordable housing and businesses
9. Set maximum building height up to six (6) storeys, or 16.5 metres, in the waterfront area
10. Buildings shall be in scale with the existing community, having appropriate public access and quality of scenic views



Heritage conservation and interpretation



Patios create street activity and interest



Awnings can provide shade and visual interest



Decorative lighting features enhance architecture



Mixed-use buildings create vibrant communities

Streetscape

Colour Palette

1. Incorporate lighter, more transparent glazing into building design.
2. Streetscaping will include “Boreal-type” design and colour palettes will be established through specific guidelines:
 - Brown: historical reference to timber industry and bricks;
 - White: water waves and clean modern colour
 - Blue: water
 - Green: vegetation and environment
 - Grey: rocks
3. Material palette:
 - Wood
 - Glass
 - Metal siding
 - Stones



Generous glazing achieves an active frontage



Boreal colour palette



Boreal colour palette



Metal siding



Boreal colour palette and stone masonry



Wood building materials

Streetscape

Signage

1. Improve signage with large, bold, clear and modern displays
2. Design clear wayfinding signage, mapping, sightlines, points of interest, address, etc.
3. Account for snow, snow clearance, and surrounding vegetation when locating and designing signage
4. Consider light, grade changes, and surrounding features when designing for visibility



Directional signage to major destinations



Unique street signage



Streetlight banners to advertise events or places



Wayfinding for tourism and recreation



Signs directing to local businesses



Information kiosks direct pedestrians (Kenora Signage Study)



Sign using local materials / colour palette

4 City-Initiated Projects

The City has a key role to promote the CIP through infrastructure and parkland improvements.

The following section outlines the City's potential role in each of these key areas. It is recommended that the City and its funding partners consider implementing the following types of projects. In order to keep the energy and momentum of the CIP, a minimum of two (2) projects should be budgeted for on an annual basis.

Infrastructure

During the CIP consultation process, the public and the Keewatin Working Group indicated a strong desire for better signage and transportation elements in the community. It is recommended that the City and its funding partners consider implementing the following projects:

- Consider installation of a new **entrance sign on City property at the Highway 17/ Erie Street intersection**. The purpose of the sign would be to alert passersby that they are entering Keewatin.
- Increase **directional signage along Highway 17:**
 - i) Examine the implementation of Tourist-Oriented Directional Signage along Highway 17 with the Ministry of Tourism, Culture and Sport and Canadian TODS Limited, a private, third-party company that operates, manages, maintains and finances this program on behalf of the Ministry.
- Conduct a **Traffic Study** to:
 - i) Determine the most feasible traffic patterns in the core area
 - ii) Analyze which roadways should be dedicated to cycling lanes.
- **Improve the usability and aesthetics of key streets and sidewalks** especially on Ottawa Street through the implementation of street furniture, hard and soft landscaping, banners, pedestrian-scaled lighting, etc.
- **Increase the number of docks and pedestrian access points** along the southern and eastern boundaries of Keewatin along the shoreline of Lake of the Woods (eg. 5th St., Bay St.).

Parkland

Input from the public and the Keewatin Working Group indicated that the existing Portage Bay and Recreational areas could be improved or enhanced to include beach volleyball courts to the area. If the City decides to install additional docks at the locations identified above, there might be an opportunity to connect or introduce other parkland areas on the southern and eastern boundaries of the community.

The City of Kenora has experience with building community partnerships with the private sector, such as the creation of the Rotary Way Trail. Other opportunities for Public-Private Partnerships ("P3s") will be explored to achieve the above projects.

Figures 20 and 21 illustrate concept plans for Beatty Park and Portage Bay Park, respectively, from the 2010 Beaches, Parks and Trails Development Project.



Figure 20: Beatty Park Concept Plan



Figure 21: Portage Bay Concept Plan

Community Gardens

The City of Kenora Official Plan encourages urban agriculture as an important community resource and an attractive alternative source of food for residents. In particular, community gardens can represent an environmentally sustainable practice that produces health, social, and economic benefits.

As a close-knit neighbourhood with a “village” feel, the Keewatin neighbourhood represents a sensible location for the creation of community garden. Local residents have indicated a willingness to organize and operate community gardens, which provide an opportunity to achieve some of the goals and objectives established in this CIP.

The City of Kenora will work towards a potential partnership with residents of Keewatin to create a community garden program. Through this partnership, the City may provide a range of resources necessary to facilitate the community gardens.

5 Financial Incentive Programs

5.1 Introduction

A comprehensive set of financial incentive programs has been established to achieve the goals of this CIP. The incentive programs listed in this section were developed based on discussions with community members, City Staff, and City Council, as well as a review of best practices used by other municipalities.

The financial incentive programs have been created to encourage private sector redevelopment in Keewatin. Applicants may use individual incentive programs, or combine multiple programs for a single site or development. This section outlines the purpose, description, and eligibility requirements for each financial incentive program. Eligible projects may also be augmented with other federal and provincial programs.

All programs are subject to funding allocated by City Council on an annual basis.

5.2 General Program Requirements

All of the financial incentive programs contained in this CIP are subject to the following general requirements, as well as the individual requirements specified under each program. The general and program-specific requirements contained in this CIP are not necessarily exhaustive and the City reserves the right to include other requirements and conditions as deemed necessary:

- a) An application for any financial incentive program contained in this CIP must be submitted to the City prior to the commencement of any works to which the financial incentive program applies and prior to an application for a building permit;
- b) If the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application;
- c) An application for any financial incentive program contained in this CIP must include plans, estimates, contracts, reports and other details, as required by the City, to satisfy the City with respect to project costs and conformity to this CIP, as well as all municipal by-laws, policies, procedures, standards and guidelines, including application Official Plan, Zoning By-law, and Site Plan requirements and approvals;
- d) Heritage Kenora will review applications and supporting materials for aesthetic programs such as façade improvements, landscaping, and signage. Heritage Kenora will evaluate applications against program eligibility requirements and approve applications, as appropriate;

- e) City Staff will review applications and supporting materials for CIP programs relating to residential, commercial, mixed-use, and accessible development. Applications will be reviewed by a committee of City Staff, comprised of: Manager, Property & Development; Planning Administrator; Treasurer; Chief Building Official; and other designates, as required. The committee will evaluate applications against program eligibility requirements and approve applications and a recommendation to City Council or Council's designate. The application is subject to approval by City Council or Council's designate;
- f) As a condition of application approval, the applicant may be required to enter into an agreement with the City. The Agreement will specify the terms, duration, and default provisions of the incentive to be provided;
- g) Where other sources of government and/or non-profit organization funding (Federal, Provincial, etc.) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application. Accordingly, the grant may be reduced on a pro-rated basis;
- h) The City reserves the right to audit the cost of any and all works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- i) The City is not responsible for any costs incurred by an applicant in relation to any of the programs, including and without limitation, costs incurred in anticipation of a tax assistance and/or grant payment;
- j) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the City, the City may delay, reduce or cancel the approved tax assistance and/or grant payment and require repayment of the approved tax assistance and/or grant;
- k) The City may discontinue any of the programs contained in this CIP at any time, but applicants with approved tax assistance and/or grant payments will still receive said payment, subject to meeting the general and program specific requirements;
- l) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City;
- m) Eligible applicants can apply for one, more, or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost. Also, the total of all tax assistance and grants provided in respect of the subject property for which an applicant is making application under the programs

contained in this CIP shall not exceed the eligible cost of the improvements to that property; and

- n) The City can consider initiating one or all of the programs retroactively.

5.3 Keewatin CIP Incentive Programs

1) Affordable Living Grant

Purpose: The Affordable Living Grant promotes the development of new affordable living in and around Keewatin through the funding of background studies. The grant applies to new projects or to the renovation of existing dwellings. Funding for conversions may also be considered on a case-by-case basis, if the units are accessible.

Description: A one-time grant of 50% to a maximum of \$5,000 of eligible project costs for studies to support an affordable living development of 4 or more units in the CIP area. Examples of studies could include hydrogeological and terrain analyses, environmental reports and/or Record of Site Condition, architectural drawings including site plan/landscape drawings, and Business Plans.

Requirements: Eligible projects feature housing that is affordable to those households earning the median income in Kenora or less per year, as defined by Statistics Canada. The Affordable Living Grant is targeted to projects that provide housing for a broad range of demographics, including retirees, young professionals, and first-time homebuyers.

2) Mixed Use Development Grant

Purpose: Funding is available to help promote the development of multi-use buildings to include new affordable living along with a commercial/retail use. This grant is intended to fund background studies for mixed-use developments in Keewatin, specifically on Ottawa St. which may be applied to new projects or to the renovation of existing buildings. Funding for conversions may also be considered on a case-by-case basis if the units are accessible.

Description: A one-time grant of 50% to a maximum of \$5,000 of eligible project costs for studies to support an affordable living development of four (4) or more units and a commercial/retail component of 35 m² gross floor area, or in accordance with the Ontario Building Code. Examples of studies could include hydrogeological and terrain analyses, environmental reports and/or Record of Site Condition, architectural drawings including site plan/landscape drawings, and Business Plans.

Requirements: Eligible projects must be specifically designed and marketed to be affordable for those households earning the median income in Kenora or less per year, as defined by Statistics Canada. The Mixed-Use Development Grant program will only apply to the area around Ottawa Street.

3) Affordable Housing Tax Increment-Based Grant

Background: The intent of this program is to stimulate the rehabilitation, renovation, or redevelopment of existing buildings, vacant lands, or under-utilized sites to promote the creation of affordable housing units.

The current tax structure can hinder private investment by basing property taxes on the value of buildings and property. There is a direct correlation between investments in improvements to land or buildings for housing purposes, the corresponding increase in property value and, by consequence, an increase in the taxes payable.

Like other tax incentive programs, there is no “cost” to the City to be proactive. Property taxes collected for underutilized or vacant sites and/or buildings are low, reflecting their depressed value. Without any incentive to invest, property owners are unlikely to develop their land or improve their buildings. While the municipality forgoes the tax increases of redeveloped property in the short term, the investment spurs economic activity, producing much needed housing, revitalizing building stock and neighbourhoods, and eventually results in a higher level of tax revenue.

Program Assistance: This program would provide a grant to property owners who undertake rehabilitation projects that would result in a reassessment of their properties. The amount of the grant is calculated based on the incremental increase in the municipal taxes that results from the completed work. The total amount of the grant provided would not exceed the value of the work that resulted in the reassessment. For that reason, the total value of the work, plus the amount of the municipal taxes paid prior to and after the redevelopment, must be known. In this program, “municipal taxes” refers to only the general portion of municipal taxes, and excludes any other taxes or fees such as education and all urban service levies.

It is proposed that this program would be implemented over a ten-year period. Owners of properties participating in this grant program who apply in any year of the program will be eligible for the full grant.

The grant amount for this program shall not exceed 100% of the increase in the municipal portion of the taxes in years one to five of the program, decreasing to 80% in year six, 60% in year seven, 40% in year eight, 20% in year nine and with the owner paying the full amount of taxes in year ten.

The property owner would be responsible for the full payment of taxes, after which the City would provide the grant. For that period beyond ten years, the owner would be required to pay the full amount of the taxes with no grant provisions.

Applicants participating in the program would file a grant application along with an application for Building Permit. The amount of municipal taxes paid would be determined, and upon completion of the works, the municipal taxes to be paid would be calculated based on the result of the final reassessment by the Municipal Property Assessment Corporation (MPAC). The difference between the municipal taxes paid prior to the works being undertaken and the municipal taxes after the completion of the works would be the portion eligible for a grant under this program.

The grant will be provided on a declining rate basis for a 10-year period with a grant generally equal to 100% of the incremented taxes for the redeveloped property in Year 1. Year 1 is defined as the first full calendar year in which taxes are paid after the project has been completed and reassessed. By using the Building Permit process as the “trigger” for establishing participation in the program, the approximate value of the rehabilitation/redevelopment work to be undertaken can also be determined. The total value of the grant will not exceed the value of the completed work. At the Building Permit stage, the construction value of the project is known, as this is what establishes the cost of the permit. In some cases, an audit may be required to confirm the construction value.

This program does not exempt property owners from an increase in municipal taxes due to a general tax rate increase or a change in assessment for any other reason after the property has been improved, except by reason of an assessment appeal.

Eligibility Requirements

- Only applicable to “affordable” housing projects, as outlined in the Affordable Housing section of this CIP.
- Any property owner within the Community Improvement Project Area may apply for the program in writing at the time of making an application(s) for a Planning or Building Permit approval.
- The subject property or any other properties owned by the owners shall not be in a position of property tax arrears.
- Outstanding Work Orders from the City’s Fire Services or Building Services Division and Requests to Comply shall be addressed prior to grant approval.
- Improvements made to the buildings or land shall be made pursuant to a Building Permit, and constructed in accordance with the Ontario Building Code and all

applicable Zoning requirements, Council-approved design guidelines and any other necessary approvals.

- The subject building shall be rehabilitated and remediated, or the land shall be redeveloped, to an extent that such investment will result in an increased assessment of the property.
- In the case of the rehabilitation of vacant or cleared sites within the target area for new buildings, to determine the pre-development assessment base for these projects, the assessment shall be based upon the property as it existed on the date of Building Permit issuance.
- The grant shall be forfeited by the owner and repaid to the City if the housing is demolished before the grant period elapses.
- If a participating property is sold before the grant period elapses, the City may, at its discretion, continue the program for the prescribed timeframe and/or accept a new application from any subsequent owners of the property for additional works to be undertaken.

4) Seniors Housing Study Grant

Purpose: Funding is available to encourage development of new housing for Keewatin’s seniors population. The incentive is focused on new projects, rather than the renovation of existing dwellings. However, funding for conversions could also be considered on a case-by-case basis if the units are accessible (in tandem with the Accessibility Grant outlined below, where applicable).

Description: A onetime grant of 50% to a maximum of \$5,000 of eligible project costs for studies to support a new seniors housing development of 4 or more units in the CIP area. Examples of studies could include hydrogeological and terrain analyses, environmental reports and / or Record of Site Condition, architectural drawings, and Business Plans.

Requirements: Eligible projects must be specifically designed and marketed for occupancy by low- and moderate-income seniors.

5) Commercial Space Conversion Grant

Purpose: Funding is available to help new businesses looking to locate in Keewatin. Some existing residential properties along Ottawa Street, Front Street, and 10th Street may also be desirable for conversion into new businesses to increase overall

business activity in the neighbourhood. The program provides financial assistance for projects creating new commercial/employment opportunities within existing buildings or through additions.

Description: A onetime grant of 50% to a maximum of \$1,000 of eligible project costs for projects that increase commercial building stock within the CIP area.

Requirements: Eligible projects can include: conversion of existing residential units to commercial uses; redevelopment of vacant commercial space; additions to existing commercial buildings; or construction of new commercial buildings to support new businesses. Equipment or other movable items are not eligible. The City may consult with the Northern Ontario Community Futures Development Corporation (NOCFDC) in deciding whether to award the grant. All projects must comply with the Ontario Building Code.

6) Building Façade Design Grant

Purpose: Funding is available to assist with improving the aesthetics of buildings, including façades, signage, and lighting.

Description: A one-time grant of 50% to a maximum of \$1,000 will be available to fund the cost of preparing architectural plans for building façade improvements.

In addition, a one-time grant of 50% to a maximum of \$1,000 will be available to fund the cost of preparing a site plan suitable for approval by the City in accordance with the Property Standards, Sign By-law, Design Guidelines and regular site plan requirements.

These grants would be paid at 50% (to a maximum of \$500 each) upon completion of design, and the remaining 50% after implementation.

Requirements: Designs for eligible projects must be prepared by a qualified professional. The grant will be conditional on City approval of the architectural plans, to ensure that the guidelines outlined in the Keewatin Community Improvement Plan are implemented.

7) Building Façade Improvements Grant

Two grants would be available for commercial building owners:

Primary Grant

Purpose: Funding is available for commercial building owners to improve a building façade in accordance with the Keewatin Community Improvement Plan.

Description: The City will provide a one-time grant of 50% (to a maximum of \$15,000) of the costs to assist with improvements to buildings. The grant would be structured to provide additional funding at a rate of \$1,000 per additional storey, once the grant exceeds the maximum \$15,000. The grant would include building materials, labour and professional fees.

Secondary Grant

Purpose: Funding is available for improvements to each exterior side and rear of buildings that front onto a street and back onto a lane.

Description: The City will provide a one-time grant of 50% (up to \$5,000) of the costs per exterior or rear building face. Where buildings exceed two stories, the grant may be increased by an additional \$1,000 per storey.

Requirements: The following renovation/restoration projects will be considered to be eligible projects under this program:

- repair or replacement of exterior facades including cladding materials, windows, and doors;
- brick cleaning façade treatments, such as power washing;
- repair or repainting of façade masonry and brickwork. The maintenance of brick facades will be encouraged;
- installation, repair or replacement of architectural details and features;
- installation, repair or replacement of awnings or canopies;
- façade restoration, including painting and cleaning;
- installation of lighting;
- installation of exterior decorative lighting and upgrading of fixtures;
- redesign of business front;
- professional design services required to complete eligible work; and
- other similar improvement projects may be approved that demonstrate improvement to the quality of the property.

Eligible façades include both front and side facades (for corner properties). Rear façade improvements will be considered secondary for the purposes of allocating funds. The improvement grant may not be used solely for window improvements. Grants would be paid upon completion of the work in accordance with the agreement between the City and the landowner.

8) Signage Grant

Purpose: Funding is available for private property owners who replace an existing sign that does not comply with the urban design guidelines outlined in this report.

Description: A grant of 50% (up to \$2,000) will be available toward the cost of replacing an existing sign on the property. Backlit signs will not be eligible for this grant.

Requirements: The following will be considered to be eligible projects under this program:

- Repair, including a clean up or painting of existing signage on private property.
- Installation of new signage on private property.

Grants would be paid upon completion and installation of the sign.

9) Landscaping and Property Management Grant

Purpose: Funding is available for private property owners to improve the aesthetics of their outdoor landscaping.

Description: The City will provide a grant of 50% (up to a maximum of \$15,000) of the costs associated with improvements to outdoor landscaping on private property. This grant is limited to properties located along Highway 17 West.

Requirements: Grants shall be provided for the rehabilitation and/or construction of the installation of hard or soft landscaping elements which would include:

- patios
- gardens
- trees & shrubs
- walkways
- park benches
- waste receptacles
- fountains
- retaining walls
- fencing
- outdoor lighting
- accessibility structures, and
- any other outdoor landscape related improvements.

The grant will be payable upon completion of the works.

10) Application and Permit Fees Grant

Purpose: The purpose of this incentive program is to waive any associated planning approval and building permit fees for the landowner/developer. Although this incentive is not included under Section 28 of the Planning Act, the waiving of building permit fees is permitted under Section 7 of the Ontario Building Code Act.

Description: The City will provide a grant equivalent to the cost of the City's planning application and building permit fees for approved projects in accordance with Section 69 of the Planning Act and the City's Tariff of Fees By-law.

Requirements: Any property or business owner who undertakes redevelopment of lands and/or buildings in the CIP project area is eligible for this grant. The owner would be responsible for all mapping and registration costs for agreements and plans where applicable.

All grants for planning application fees and building permit fees will be equal to 100% of the application fees paid by the applicant, to a maximum of \$5,000.

11) Accessibility Grant

Purpose: To improve the accessibility to existing buildings in accordance with the Accessibility for Ontarians with Disabilities Act, 2005.

Description: Property owners or businesses within the CIP project area are eligible to apply for funding to renovate existing buildings to make them accessible according to the Accessibility for Ontarians with Disabilities Act, 2005.

Requirements: A one-time grant of 50% to a maximum of \$2,500 is available to assist property owners, tenants, or assignees to encourage the provision of accessibility to the existing buildings.

6 Implementation Strategy

6.1 Interpretation

The Keewatin Community Improvement Plan must be read and interpreted in its entirety, and in conjunction with the Planning Act, Municipal Housing Act and all other municipal planning documents for the City of Kenora.

In addition, this Community Improvement Plan will be interpreted at the sole discretion of the City of Kenora in consultation with, or based on advice from the City's Planning and Property Department.

6.2 Timing

The Keewatin Community Improvement Plan will remain in effect for ten (10) years. After five (5) years, the CIP may be reviewed by City Council to evaluate its effectiveness and the degree of uptake. If necessary, amendments may be made to the CIP to improve its programs.

6.3 Severability

If a court of competent jurisdiction declares any section or part of a section of the Keewatin CIP by-law to be invalid, such section or part thereof shall not be construed as having persuaded or influenced City Council to pass the remainder of the by-law, and it is hereby declared that the impugned section shall be severable and distinct from the remainder of the by-law, and the remainder of the by-law shall be valid and remain in force.

6.4 Application Process

Prior to submitting an application for funding under one of the financial incentive programs contained in this CIP, all applicants will be required to have a pre-application consultation meeting with City of Kenora Staff to evaluate the project's eligibility for the program. At this meeting, the applicant should present the following materials:

- the details of the work to be completed;
- an estimate of the associated costs to complete the work;
- a timeline for completion;
- plans or drawings illustrating the details of the project; and
- any additional materials required to review the application, as determined by Staff.

Subsequent to the meeting, Staff will provide comments on whether the project (or which components of the work) meets the objectives of the CIP and which incentive programs could be accessed. If a project is determined to be eligible, Staff will accept the application. Acceptance of the application does not necessarily mean program approval. The applicant will be advised of approval or non-approval within 30 business days of the receipt of a complete application.

Application submission materials will generally include a detailed work plan and estimated costs to complete the eligible work. However, at the discretion of City Staff, additional submission materials may be required to assist in the review of the application. Applications that are determined to meet the objectives of the CIP will be recommended for approval by City Staff. A recommending report will be prepared by City Staff and submitted to the Council's designate for review and approval. Upon approval an agreement will be enacted between the City and the applicant outlining the nature of the works to be completed and the details of the financial incentive and timeframe. Generally the payments of grants will occur once the work has been completed as outlined in the agreement to the satisfaction of City Staff. Figure 22 illustrates the administrative steps involved in accessing the CIP program.

Step 1 Pre-consultation and Application Submission	Step 2 Application Review and Evaluation	Step 3 Application Approval	Step 4 Payment of Funds
<p>Applicant presents project to City Staff</p> <p>Staff provides comments regarding project eligibility and required application submission materials</p> <p>Applicant submits complete application</p>	<p>Staff reviews application in relation to CIP objectives</p> <p>Staff prepares report to Council's designate for review and the appropriateness of the project to access program funding</p>	<p>Application is approved by Council's designate and an agreement is executed between the City and the applicant</p>	<p>Applicant demonstrates to Staff work has been completed, as outlined in agreement</p> <p>Funds are distributed to applicant, or tax incentives are applied, or fees waived</p>

Figure 222: Portage Bay Concept Plan

6.5 Other Funding Opportunities

Investment in Affordable Housing for Ontario Program

The Investment in Affordable Housing for Ontario program (IAH) provides funds for the creation and repair of affordable housing in the province. Funding may be provided to municipal Service Managers, housing proponents, or other housing partners. The program has the following objectives:

- Improve access to affordable housing that is safe, sound, suitable, and sustainable for households across Ontario.
- Provide Service Managers and housing proponents with the flexibility to meet local needs and priorities.
- Offer funding for an array of housing options that address affordable housing needs across the housing continuum.
- Incorporate energy efficiency requirements and accessibility into affordable housing units and building design.
- Provide Service Managers with the flexibility to design strategies to alleviate homelessness and help move households in their communities along the housing continuum.

The IAH originally began in 2011 and was recently extended to March 31, 2020.

Places to Grow Implementation Fund

The Places to Grow Implementation Fund provides funding to organizations engaged in furthering growth planning in Ontario. Specifically, it supports innovative projects that promote and help achieve the policies or goals in of growth plans such as the Growth Plan for Northern Ontario, 2011.

The deadline for applications for the 2014-2015 program expired on September 26, 2014. The City of Kenora should enquire about future funding programs in 2015.

Northern Ontario Heritage Fund Corporation Infrastructure and Community Development Program

This program supports infrastructure projects that best align with the vision of the Growth Plan for Northern Ontario to help create jobs and build capacity in northern communities. Although aesthetic improvements are not covered under the program, projects that support brownfield site redevelopment and/or encourage infill development are eligible for funding. Applications for funding are accepted until March 31, 2017.

Lake of the Woods Business Incentive Corporation

Financing for new businesses in Keewatin is available from the Lake of the Woods Business Incentive Corporation. The organization provides financing for business development and community development projects in Kenora District, and is also currently offering micro-loans in support of the City of Kenora Harbourtown Community Improvement Plan.

Municipal Heritage Incentives

Under the Ontario Heritage Act, the City may offer incentives such as property tax relief, for preservation of cultural heritage assets in Keewatin.

Age-Friendly Communities Funding

The Government of Ontario has made funding available for municipal projects and planning initiatives that respond to the province's aging population. Priority for this funding is given to projects that target small municipalities and communities with diverse populations, and those in rural and remote areas of Ontario. The City of Kenora has applied for funding under this program, and, if successful, these funds may be available for programs contained in this CIP.

7 Marketing Strategy

The successful implementation of the CIP depends on the ability of the initiatives and funding opportunities to be effectively communicated to property owners, developers, tenants, and the community. A Marketing Strategy targeting potential participants could include information on the City's Portal outlining the nature of the programs and examples of eligible projects.

Social media also represents an effective tool to disseminate information about the CIP to members of the community. The City of Kenora could produce a short video (approximately 1 minute in length) explaining the intent of the CIP, eligible projects, and the application process. The video is intended as a short summary of the CIP, and should refer viewers to additional resources or contacts for more information. Once complete, the video could be posted on YouTube or a similar website, along with direct links to the video from the City's Portal and from social media platforms such as Facebook and Twitter.

The City's Planning and Economic Development staff may also consider the preparation of a marketing brochure for the CIP programs, to be made available at City Hall, Operations Centre, key business areas, real estate agencies, and other key locations in Keewatin and across Kenora. The brochure would provide information and increase awareness of the program's objectives and financial incentive programs.

Engagement of the Keewatin Working Group is also critical for success of the CIP. The City of Kenora will ensure that members of the KWG are well-informed of the CIP vision, the incentive programs, and the benefits of achieving the plan's objectives. In turn, members of the KWG will inform friends and colleagues in their respective networks of the opportunities presented in the CIP.



Residents of Keewatin should also be encouraged to invite out-of-town relatives, friends, and business associates to visit the neighbourhood. The City of Kenora may consider implementing an awareness campaign to encourage word-of-mouth promotion, which may involve printing simple marketing messages on residents' monthly utility or tax statements, posting information on the City of Kenora website, or including promotions in local media.

To encourage economic activity in the neighbourhood, a "Shop Local" initiative could be implemented in Keewatin or on a City-wide scale. An advertising campaign promoting the initiative could appear in a range of local media, such as newspapers, radio,

television, and online. Further initiatives may be developed by the City of Kenora's Economic Development Department.

Hosting events in Keewatin is also an effective way to bring people to the neighbourhood and increase business activity. Existing outdoor spaces such as Beatty Park could be used during the summer months, and winter activities can be programmed throughout the neighbourhood in colder seasons. For example, a Christmas light festival similar to the Alight at Night Festival at Upper Canada Village near Kingston, Ontario could bring visitors to the community. Midnight Madness sales, concerts, or outdoor skating parties could also be combined to create synergy.

Other innovative methods of communication may be effective in encouraging visitors Keewatin community generally. Informational signs or billboards can direct travelers or passersby to a website, telephone hotline, or radio station frequency, where information can be accessed or marketing material presented. Voice-over-Internet Protocol (VoIP) technology allows organizations to create cloud-based telephony systems without the requirement of call-centre staff. Generally, pre-recorded messages of approximately 10-15 minutes are recorded, and are available to multiple callers simultaneously. Similarly, a non-commercial, short-range radio station can be established to broadcast information, on a permanent or temporary basis, for a nominal licensing fee.



The Walk [Your City] initiative is another means of promoting local business or recreational opportunities, while simultaneously encouraging active transportation. Cardboard signs can be ordered from the organization's website (<https://walkyourcity.org>), which are designed to be appended to lampposts or other street furniture. Each sign advertises a particular amenity or business and its distance in time for pedestrians or cyclists. Signs also include a Quick Response (QR) code that can be scanned with a Smartphone to receive directions to the location.

8 Monitoring Program

This CIP is intended to provide a proactive approach to the revitalization of Keewatin. As such, monitoring of the uptake and performance of the incentive programs should be done on a regular basis, with results reported to Council regularly. Equally, feedback from users of the incentive programs should be considered and utilized to adjust the incentive programs in order to improve their effectiveness and ensure that the incentive programs remain effective for the range of project types and sizes in the project area. The following

list provides qualitative and quantitative measures the City of Kenora should track to monitor the effectiveness of the program and provide a basis for future amendments:

- Monitor the number of approved applications by financial program type;
- Monitor the number of unsuccessful applications and determine the reason for project ineligibility;
- Monitor the total value of funding allocated by financial program type;
- Monitor the number of housing commercial units created through CIP programs;
- Monitor the increase in municipal property taxes based on improvement to properties accessing the programs;
- Monitor the improvement of the visual appearance of the community as result of projects accessing the funding programs;
- Encourage program participants to submit comments based on their experiences accessing program funding; and
- Annually report on the success of the Plan.

Based on information from these monitoring procedures, required revisions to the CIP may become evident over time. Refinements to the Plan can occur without amendment to the plan, however, the Ministry of Municipal Affairs and Housing is to be consulted regarding proposed changes to the Plan.

8.1 Review of the CIP

This CIP and the programs contained within it will be valid for ten (10) years (2025) from the date of Council adoption (2015). City of Kenora Staff will have an opportunity to conduct a review of this plan after five (5) years, and may bring forward a recommendation to Council on whether the CIP requires amendments or an extension of the timeframe. The option for renewal of this CIP will be included as a corporate issue for the next term of Council.

9 Amendments to the CIP

As the CIP is implemented, the plan may be refined to better achieve its objectives. The individual financial incentive programs contained within this CIP can be altered at any time by Council without amendment to the plan. An expansion of the CIP area or an increase to the value of the financial programs requires amendment of the plan, in accordance with Section 28 of the Planning Act.

10 Conclusion

The Keewatin Community Improvement Plan is designed to provide a framework that brings vitality and prosperity to the community. It outlines a set of goals and objectives to implement an overall community vision for the area. The overall direction and priorities established in this CIP were devised through partnership and consultation with members of the Keewatin community, City Council, City of Kenora Staff, and other stakeholders.

The CIP focuses on affordable housing, streetscape and façade improvements, and brownfield redevelopment. Programs apply to an area centred primarily around the Ottawa Street and Highway 17 West corridors.

A set of financial incentives are established to stimulate and leverage private sector investment in Keewatin. Implementation and monitoring of this plan will be undertaken by the City of Kenora, in partnership with community members and the Keewatin Working Group.

The Keewatin Community Improvement Plan will remain in effect for ten (10) years. After five (5) years, the CIP may be reviewed by City Council to evaluate its effectiveness and the degree of uptake. If necessary, amendments may be made to the CIP to improve its programs.

The success of this CIP is rooted in the community. The members of the Keewatin Working Group, in collaboration with the City, need to keep the Keewatin CIP spirit alive. Success builds upon success. Working together, establishing tangible and realistic priorities and / or action items, and patience will help to achieve the community’s vision:

Vision Statement

Keewatin will be a quaint, year-round healthy lifestyle community offering passive and active recreational and cultural activities that are accessible by land and by water for all to enjoy. Its main streets will be visually appealing and vibrant, providing places to live, work, shop, and play for all members of the community.



Appendix A: Community Consultation

The Keewatin Community Improvement Plan (CIP) was prepared in consultation with members of the community and the Keewatin Working Group (KWG). The following organizations were represented on the KWG:

- 901 Westside
- Docks and Lifts
- Friends of Keewatin Ballpark
- Friends of Keewatin Beach
- Heritage Kenora
- Keewatin Arena
- Keewatin Industrial Mall
- Keewatin Library
- Keewatin Place
- Keewatin Senior's Centre
- Kenora & District Chamber of Commerce
- Kenora District Services Housing Board
- Kenora Parks
- Kenora Urban Trails
- Lake of the Woods Development Commission
- McMunn & Yates
- Nature's Inn
- North American Lumber
- Kenora Planning Advisory Committee
- St. Andrew's United Church
- Woodlake Marine
- City Council
- Private Sector

On August 20, 2014, the City and FOTENN Consultants hosted a full-day workshop for the KWG at the Keewatin Public Library. The workshop features the following activities:

Bus Tour and Walkabout

The KWG took a bus tour of Highway 17 West and a walking tour of Ottawa Street. The purpose of these excursions was to allow the group to view two main streets through the lens of a CIP and to imagine possible improvements to the neighbourhood.

Mapping Exercise

Following the walkabout and a lunch break, the members of KWG were invited to brainstorm ideas for the CIP. Breakout groups placed coloured stickers on aerial maps to indicate areas that could be improved, and discussed revisions to the CIP area boundary.

There was consensus that the CIP incentives should apply to the entire project area, rather than specific streets or land parcels.

Visioning and Goal-Setting

A facilitated session also gathered input on a vision for the community, as well as specific goals to realize the vision. Participants wrote descriptive words on cue cards that summarized their sense of Keewatin today, as well as words that described what they wished their neighbourhood to be in the future. Several prominent themes emerged from the activity:

Keewatin Today	
Theme	Submitted Words
Atmosphere and safety	Comfort, safe, relaxed, sleepy, serenity, quiet convenience
Home and belonging	Home
Character and size	Community, village, quaint village, quaint neighbourhood, unique
Inclusivity and access	Accessibility, access, knowable, walking community
Positivity and connection	Fun, friendly, friendly community, proud
Economic success and contribution	Thrive, potential industrial village, work
Assets and location	Tourist destination, lifestyle, recreation, historical, gateway
People	People, family, family-oriented, family
Water and boating	Water, waterfront, marina, lake, ice fishing, northwind
Decline	Dying, tired, neglected, resistant to amalgamation

Keewatin in the Future	
Prosperity	Productive, business, economic hub, visible, purposeful, self-contained (i.e. all services available), revitalized, vibrant, rehabilitated, markets, more business, attractive (to people, sport, business)
Inclusivity and cleanliness	Inviting, safe, maintained, clean, quaint, charming, unique, community
Connection to water	Harbour, centre for boaters, boater attraction
Intensification	Developed, higher density
Active	Trails, connected, recreation, active
Environmental protection	Green, unspoiled
Positivity and connection	Inclusive, welcoming, home
Age in Place	Retirement, a place to stay

Destination	Destination, tourist destination
Misc.	Pub, resourceful, "Kenora version of Grand Marais, Minnesota"

Following the cue card exercise, participants formed breakout groups for discussion. The groups brainstormed ideas for an overall vision for Keewatin, as well as some specific goals to implement the vision. The recorded notes are presented below:

Group 1	
<p>Vision</p> <ul style="list-style-type: none"> - Gateway to Lake of the Woods - Charming, friendly, safe village - A charming year-round healthy lifestyle; youth facilities - Waterfront village providing safe amenities - Providing safe, affordable living - Village – self sustaining - Walk able community - Riverfront and Lakefront - Rehabilitated - Vibrant, active - Health and wellness - Recreational – year round - "Movable" – all modes <ul style="list-style-type: none"> o Cross-country skiing o Cycling o Bus - Accessibility (to services e.g. bank, grocery store) 	
<p>Defining Core</p> <ul style="list-style-type: none"> - Ottawa Street – retail with residential above - Seniors housing 	
<p>Goal Setting</p> <ul style="list-style-type: none"> - Rehabilitate infrastructure (signage, sidewalks, streets) - Establish cohesive design in the core - Better access to the lake (docking and parking) -> (Public and launching) - Signage at Nature’s Inn to bring people into Keewatin *Erie Street* → Sign on City property. Existing opportunity for City - Signage on Hwy. 17 to "Keewatin" that exists (2 services) - Delineate cycling lanes on the road - Which roads are better for cycling? - Ottawa St. to run east or west bound (one way) - Check for existing traffic patterns for potential future re-routes one way 	

Group 1
<p>Design</p> <ul style="list-style-type: none"> - Brick - Rock/cliffs (e.g. Canmore, Whistler ?)
<p>Marketing</p> <ul style="list-style-type: none"> - Vibrancy - Provide facilities/amenities – youth - Portage Bay – recreation area – ball fields – key tournament area of choice - Beach volleyball - Maybe Keewatin should be the tennis community – class A level tennis facility - The Legion – community centre

Group 2
<ul style="list-style-type: none"> - Open up federal locks / lifts - Signage / wayfinding - Need docks on south portion of Keewatin along Lake of the Woods shore - Route from Hwy 17 + Ottawa St. Should be highlighted (eg. Signage for visitors) - Boat access + pedestrian access on south side - Enlarge boundary to allow for further water access and trails, etc. - Home - Safe - Quaint - Community / neighbourhood - Connection to water - Recreation + leisure (4-season) - Inclusive (re: businesses) - Accessible - Connectivity - “Jewel in the Rough”
<p>In the future, Keewatin will mark the gateway to the Great Canadian Shield through its accessibility, outdoor lifestyle, while retaining its identity as a charming community</p> <ul style="list-style-type: none"> - Roads and sidewalks will be maintained to “resort standards” - Streetscaping will include “Boreal-type” design and colour pallets will be established through specific guidelines - Keewatin will be accessible by all means of transportation in all seasons - Keewatin will feature clear wayfinding signage, mapping, sightlines, points of interest, etc. - Keewatin’s heritage interpretation will be integrated into design - We will promote unique independent businesses + industries - culture

Online Survey

Following the workshop, members of the KWG and the broader Keewatin / Kenora community were invited to complete an online survey at www.kenoraonline.com. The survey contained a total of eight (8) questions, including:

What is the Vision for Keewatin?

1. Describe in 1 or 2 words what you think of when you hear the word "Keewatin."
2. Describe in 1 or 2 words what you would like Keewatin to be in the future.
3. A CIP is a tool that allows the City to encourage and stimulate economic development and community revitalization through financial incentives. CIPs provide many community benefits such as:
 - a. Stimulating private sector investment in targeted areas through grants and loans from the City.
 - b. Promoting revitalization and place-making to attract tourism, business investment, and economic development opportunities.
 - c. Developing affordable housing.
 - d. Promoting brownfield cleanup and redevelopment.
 - e. Enhancing streetscapes and building façades.
 - f. Effectively use community infrastructure.

The CIP will cover all of the topics below. What do you think should be the top priority?

- Redevelopment for the provision of affordable housing
- Building façade improvements (e.g. signage, colours, materials)
- Streetscape improvements (e.g. street lighting, landscaping, street furniture)
- Brownfield redevelopment

Please explain why you chose this as the priority.

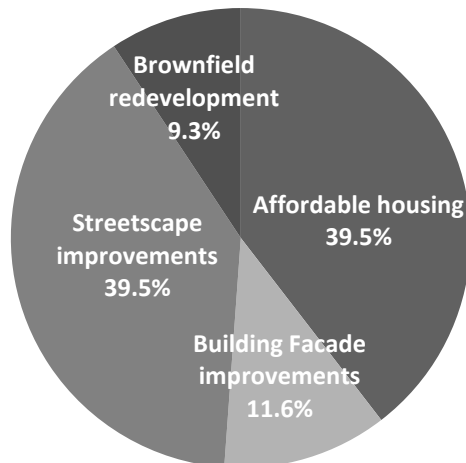
4. Which sites or locations would be desirable for affordable housing?
 5. Which buildings / businesses should be the focus for façade improvements?
 6. Which street corridors should be a priority for beautification through enhanced streetscaping? Ottawa Street? Highway 17 West? Both? Other street corridor?
 7. Which sites should be the focus for brownfield redevelopment?
 8. Additional information:
 - Are you a resident of Keewatin?
 - If yes, how long have you been a resident of Keewatin?
 - Do you have any other questions, comments, or concerns?
-

Results of Question 3: A CIP is a tool that allows the City to encourage and stimulate economic development and community revitalization through financial incentives. CIPs provide many community benefits such as: Stimulating private sector investment in targeted areas through grants and loans from the City; Promoting revitalization and place-making to attract tourism, business investment and economic development opportunities; Developing affordable housing; Promoting Brownfield cleanup and redevelopment; Enhancing streetscapes and building facades; and Effectively use community infrastructure.

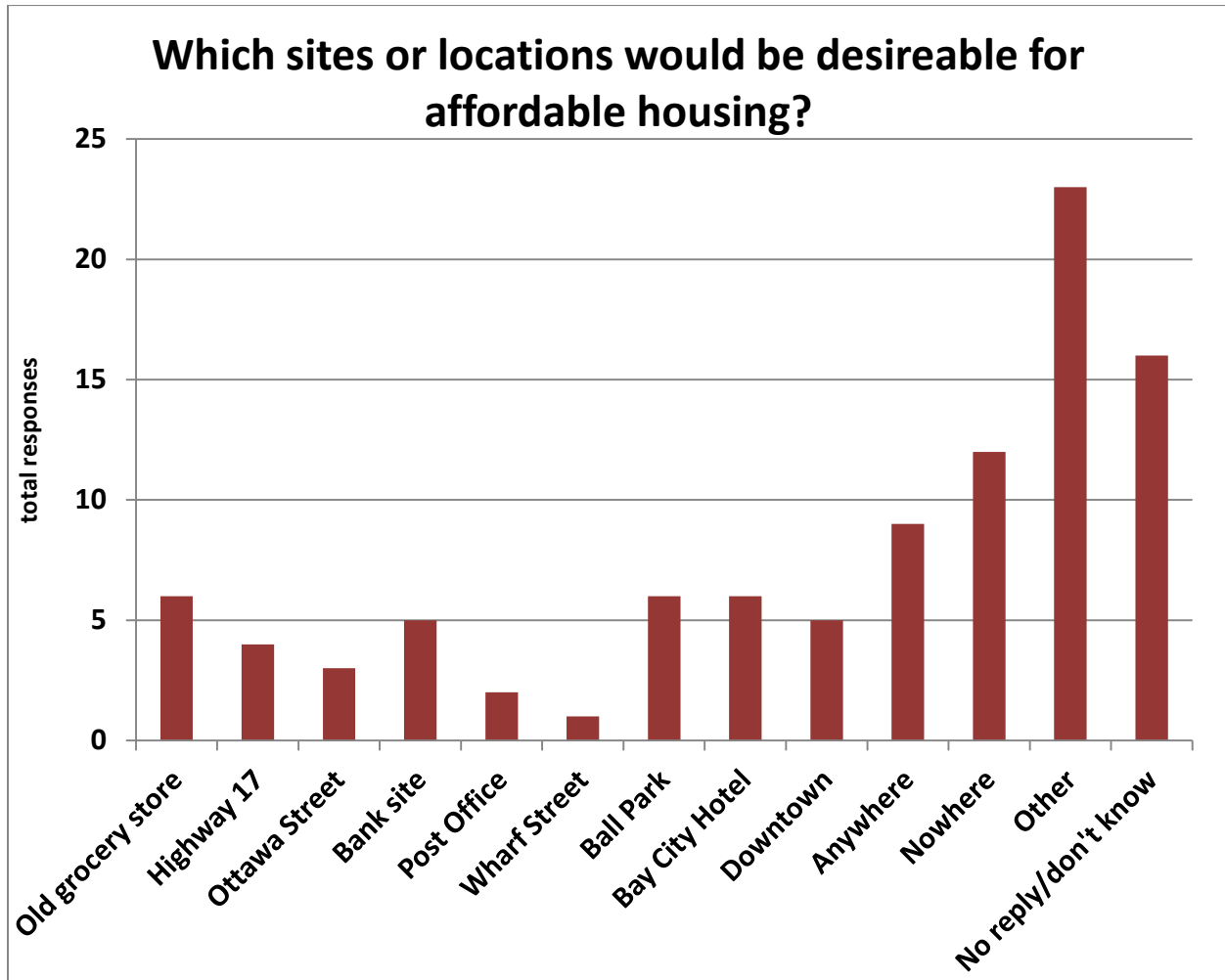
The CIP will cover all of the topics below. What do you think should be the top priority?

- Redevelopment for the provision of affordable housing
- Building facade improvements (eg. Signage, colours, materials)
- Streetscape improvements (eg. Street lighting, landscaping, street furniture)
- Brownfield redevelopment

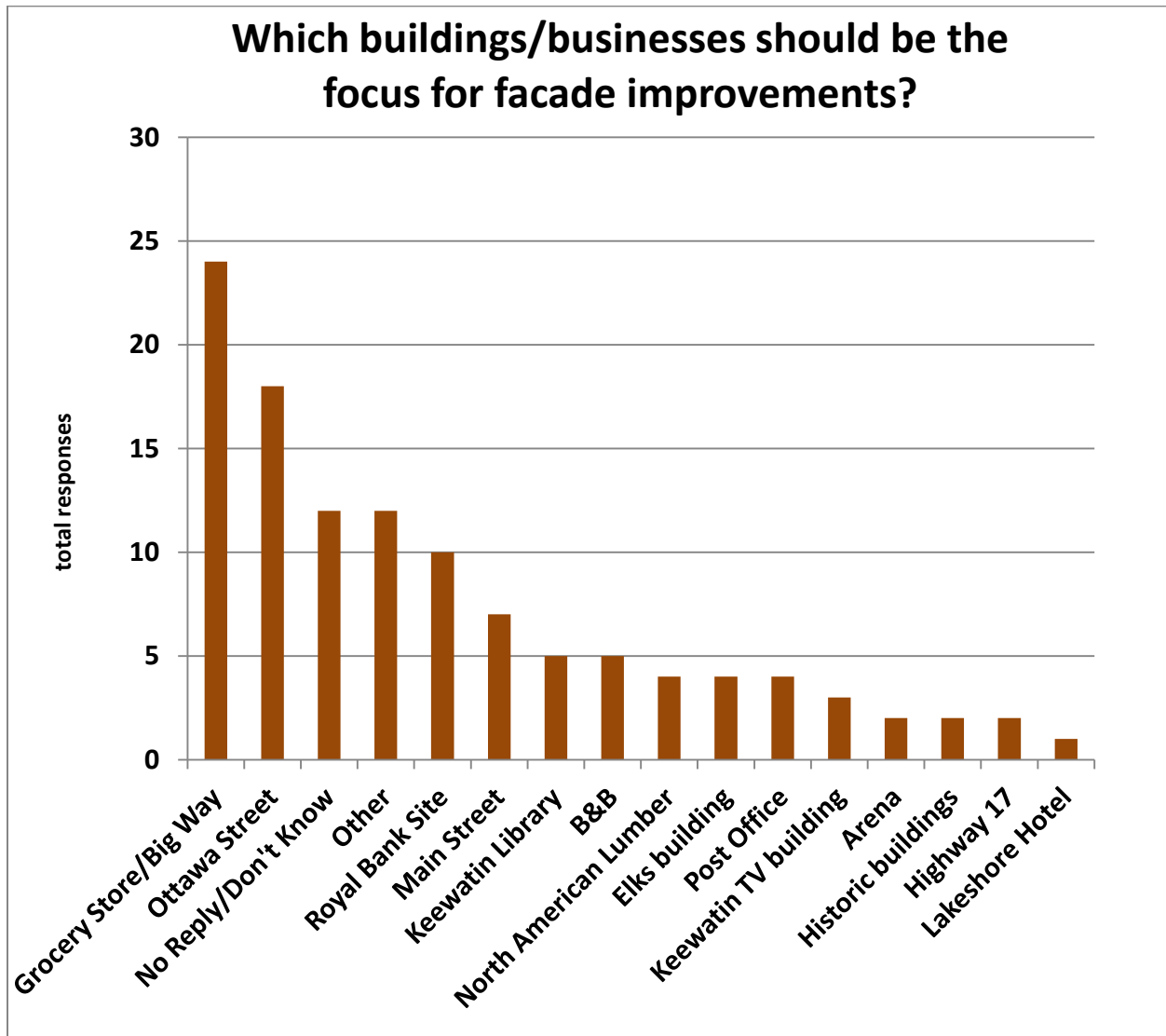
What do you think should be the top priority for Keewatin's Community Improvement Plan?



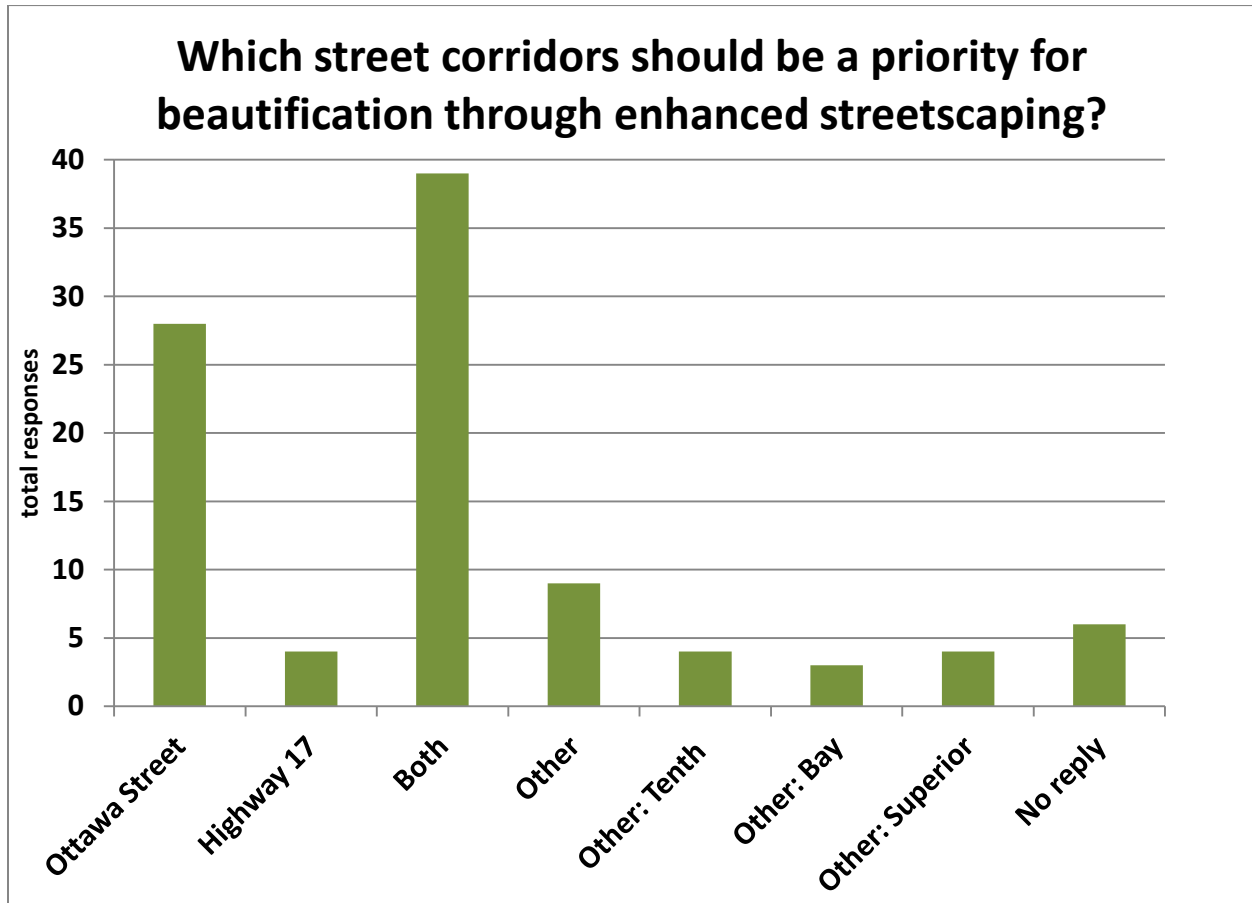
Results of Question 4: Which sites or locations would be desirable for affordable housing? Please note that the locations listed in the graph below were suggested by respondents, and that the total number of responses here adds up to more than 86 (the total number of responses collected) as every suggested location was counted even when multiple suggestions were made on a single survey. Please also note that some other specific locations were recommended as well. Please refer to the complete survey data for a full list.



Results of Question 5: Which buildings / businesses should be the focus for façade improvements? Please note that the locations listed in the graph below were suggested by respondents, and that the total number of responses here adds up to more than 86 (the total number of responses collected) as every suggested location was counted even when multiple suggestions were made on a single survey. Please also note that some other specific locations were recommended as well. Please refer to the complete survey data for a full list.

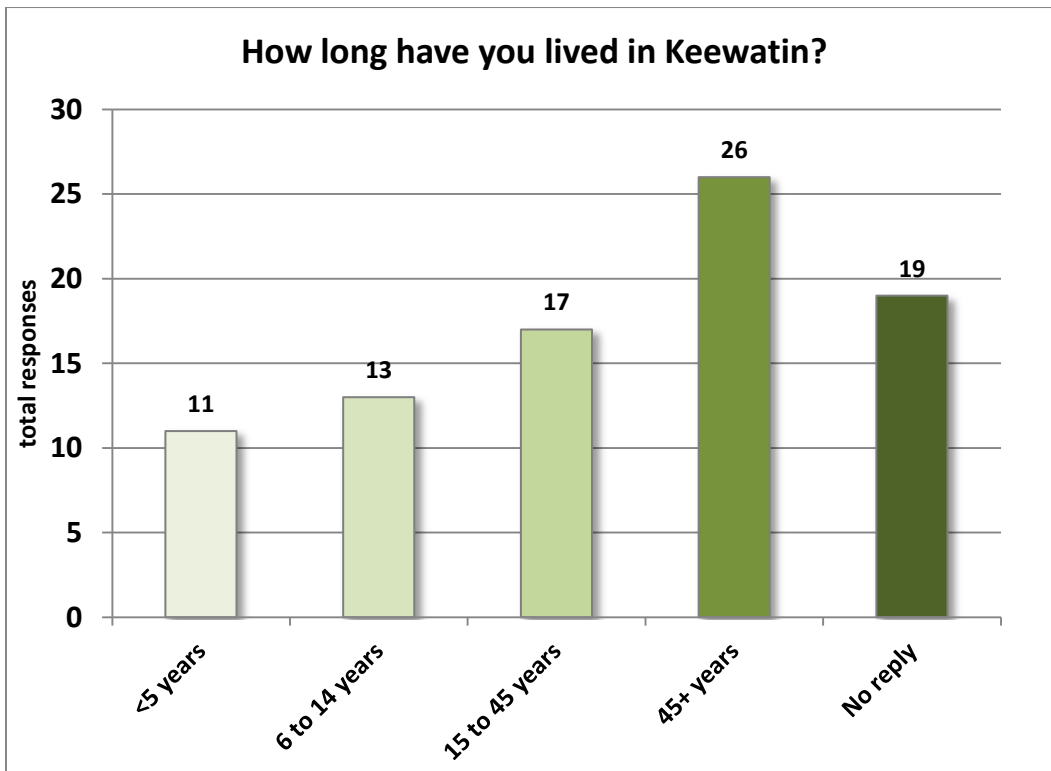
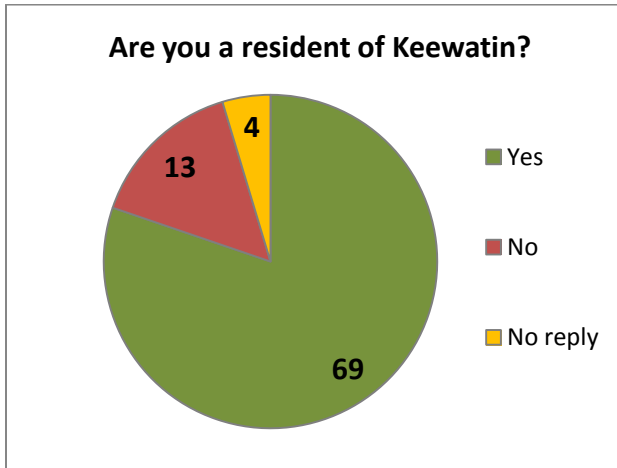


Results of Question 6: Which street corridors should be a priority for beautification through enhanced streetscaping? Ottawa Street? Highway 17 West? Both? Other street corridor? Please note that where respondents suggested other locations, these have been listed only when they were suggested more than once. Some other locations were recommended as well. Please refer to the complete survey data for a full list.



Results of Question 7: What sites should be the focus of brownfield redevelopment? 37 of 86 respondents (43%) indicated that they did not understand the meaning of the term “brownfield”, put a “?” in the response box or replied “n/a” or “unsure”. Other respondents listed things they would like to see built in the community: “we need a grocery store”, and “we need a seniors’ activity centre”. As there seems to have been a broad lack of understanding of the question, responses to this question have not been graphed. A number of locations were suggested however, and these include the Mill area, Royal Bank site, ball park, and others.

Results of Question 8: Question 8 contains demographic information and the “any other comments” section. Demographic data is displayed in the tables below. The complete list of other comments is also attached below. Please note that some individuals have been asked to be informed of the results of the survey and have provided contact information.



Other comments received as part of question 8:

Services in Keewatin have gone downhill since amalgamation, especially snow removal to roads and sidewalks. Keewatin on its own did a much better job!
Where is brownfields?
We have many vacant buildings to use for developing
For Keewatin to grow - we need library, some kind of big facility, post office
I wonder if any of this will really occur!
Would like to see more animal contact, specifically cats
Improve bus service, change ATM machine to local area
ATM downtown
Try?
Please bring back essential services, improve bus service, change ATM in Keewatin place to permit cheque deposit if we cannot have a bank.
Glad this is being discussed
Our parks and sidewalks are disgusting with dog droppings
We need shopping bus
We need a shopping bus as we have no close store to buy our daily needs. Even if we have to pay a small sum to use it.
The two towns should work better together
Things have been taken from us we need to have all this returned to make it comfortable
Please don't eliminate the library
See above pages.
Long came the winter of 2014. I live in apartment building unable to get out even to go to the post office. Snow 3 and 4 feet deep couldn't use the walker. Never felt so house bound in my life before. We all need to be treated as your neighbour. We did not create the problems.
Stop wasting taxpayers money on your so called redevelopments!
As far as I am aware, this survey was only available online. I think a hard copy should have been available so more people could complete the survey, particularly seniors who may not have access to a computer to complete the online survey. There are a lot of seniors in Keewatin with much valuable insight to offer and I think perhaps the city is missing out on their input.
Re-open Big Way, Keewatin Place pricey, inconvenient
Personally - I go to Kenora to shop as there is nothing in Keewatin.
I am excited about the opportunity comment and the future of Keewatin. I would also like to see more accessibility to the lake no docking signs should never be on a dock!
That all the vacant houses look bad due to the grass not being mowed and the houses or/and garages in need of repair.
Keep Keewatin unique - we are NOT Kenora nor do we want to look like Kenora!
It could be a trendy little artisan community that can attract families with an amazing walkability score to all amenities
Keewatin is a desirable community to live in. Let's make it great!
As stated, we have received nothing from amalgamation. Start treating the residents here with more respect!
City should improve infrastructure for permanent residents who live here year round and

support the community.
This redevelopment has been a long time coming
Since the closure of Southview Bistro, there are no more outdoor local patios where friends can meet for a dinner/drinks during the summer. We really miss that! Many of our friends have expressed the same...
Keewatin needs a hub spot and a coffee shop with local crafts foods wares would be awesome - Could be a mini economy within and for Keewatin plus a draw for Kenorites and tourists
Old ball park developed for seniors (lawn bowling) bocce ball etc.
Keep the info flowing!
Don't litter this area with low income housing. I like our safe community
None thanks for asking.
There are no financial institutions or grocery stores within walking distance or reasonable delivery fees. Everything is in Kenora but our taxes are the same as fully serviced areas.
Thank you for allowing residents to give their opinion on this forthcoming development. It does need to happen sooner than later; Keewatin has been neglected far too long and too much emphasis put on the Harbourfront in Kenora. We have a lot to offer for tourism as well - the beautiful Keewatin Beach, Beatty Park, the historic Mather Walls home; the pot holes, playgrounds (and I would like to state that the park at the Old Keewatin Ball Park always has young children/families at the playground; we need to keep our library, and our arena - if you want young families you have to have those available.
Please insist all development initiatives are environmentally sound
I don't want our community a place for low rental.
Happy to follow along
Belle Ave is in need of some attention, very poor shape
I think Ottawa street should be developed as a destination for shopping eg. gift shops local artists coffee shops etc.
We are on the lake. We do some shopping in Keewatin.
How do we get involved in this process?
Make Keewatin a priority! It's the first thing people see when they drive in from Winnipeg. If we're trying to attract tourists, we need to make all of Kenora feel welcoming and safe.
No I participated in the Keewatin Neighbourhood working group



November 23, 2015

City Council Committee Report

To: Mayor and Council

Fr: Tara Rickaby, Planning Administrator

Re: City of Kenora Zoning By-law No. 101-2015 – Third and Final Reading

Recommendation:

Whereas Council adopted the City of Kenora Final Official Plan (2015) in May of 2015; and
Whereas the Minister of Municipal Affairs approved the City of Kenora Official Plan, with modifications, which approval was not appealed; and

Whereas the City of Kenora gave two readings to the City of Kenora Zoning By-law 101-2015 on June 23, 2015; and

Therefore be it resolved that Council of the City of Kenora gives third and final reading to By-law 101-2015; and further

That bylaw number 160-2010 be hereby repealed; and further

That Zoning By-law Number 101-2015 shall come into force and take effect on the date of passing if no objection is filed within the time provided.

Background:

Section 26 of the Planning Act requires that official plans be reviewed at least every five years, while zoning by-laws must be revised within three years after a new official plan is in effect. The current City of Kenora Official Plan and Zoning By-law came into effect on August 19, 2010. In the spring 2014, the City of Kenora initiated the five-year review of its Official Plan as mandated by the Planning Act. The Official Plan was adopted by Council in May, 2015 and was subsequently forwarded to the Ministry of Municipal Affairs and Housing for approval. The Ministry has returned the Official Plan with six modifications, as listed in Appendix A.

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.

The Minister of Municipal Affairs and Housing approved the City of Kenora Official Plan (2015), with modifications. One of those modifications was the following:

4. **SECTION 3.21 POLICIES ON SECONDARY DWELLING UNITS** by adding a new sentence at the end of section b) as follows: "Secondary units shall be permitted in ancillary structures where they are not accessible via public laneway."

As a result of this modification, FoTenn and the City of Kenora, with input from the Kenora Planning Advisory Committee, City Staff and the Northwestern Health Unit, have drafted the following for approval:

Definitions:

Secondary dwelling (interior), which means a self-contained dwelling unit created by either an interior renovation within an existing dwelling, or as an detached addition, provided that one entire face of the addition is attached to the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

Secondary dwelling (detached), which means a self-contained dwelling unit located within an accessory building on the same lot as the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

Revised Section 3.28:

3.28.1 General Provisions

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 per lot shall be permitted in any single-detached, semi-detached, 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;
 - iv) The principal dwelling, and the secondary dwelling, must be connected to both municipal water and municipal sewage service.
- 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.
- e) 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 m, whichever is the lesser.
- f) 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.

- g) 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.

3.28.1 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 principle dwelling if any portion of the secondary dwelling is located at or above grade. Except for entrances, any secondary dwelling unit located entirely in the basement may occupy the entire basement regardless of size.

3.28.2 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 m 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 m.
- f) No secondary dwelling (detached) shall be permitted on a lot with water frontage.

Also as the result of the final review of the zoning by-law, and in order to ensure that the two documents are complementary, secondary dwelling units will not be permitted in accessory structures on waterfront lots, and not permitted at all in the RR and RU zones. This will ensure that a) at capacity lakes are not further developed; and b) that there are no issues with respect to private services; and c) that the zoning by-law has regard for the PPS 2014 and the City's Strategic Plan: Our Vision is 20/20.

Notification of intention to adopt Zoning By-law

The City of Kenora's Committee of the Whole Agenda for September 15, 2015, will include notification of the intention of Council to adopt the Zoning By-law, per the City's Notice By-law.

Statutory Public Meeting

The statutory public meeting, held under Section 34 of the Planning Act was held on Tuesday, April 14, 2015 at 10:00 a.m. in the Council Chambers. The March 2015 annotated version of the Zoning By-law was considered.

There were several members of the public in attendance, however no objections have been received, to date.

Budget:

Operating Budget – Planning and Property

Communication Plan/Notice By-law Requirements:

COW and Council agenda/minutes, Notice by-law and regulations of the Ontario Planning Act , Planning Administrator, Managers, Keewatin CIP Working Group, Kenora PAC, Minister of Municipal Affairs and Housing

Strategic Plan or other Guiding Document:









City of Kenora Official Plan
Ontario Planning Act
Provincial Policy Statement, 2014

Schedule A



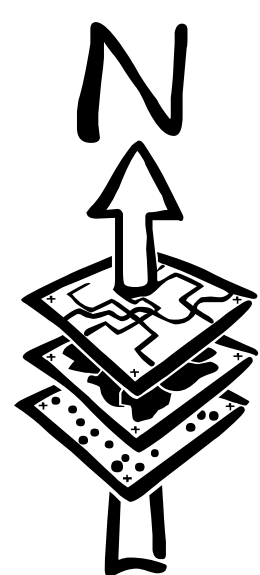
OCHIICHAGWE BABIGO'INING
(The Dalles)

City of Kenora Zoning By-law 101-2015

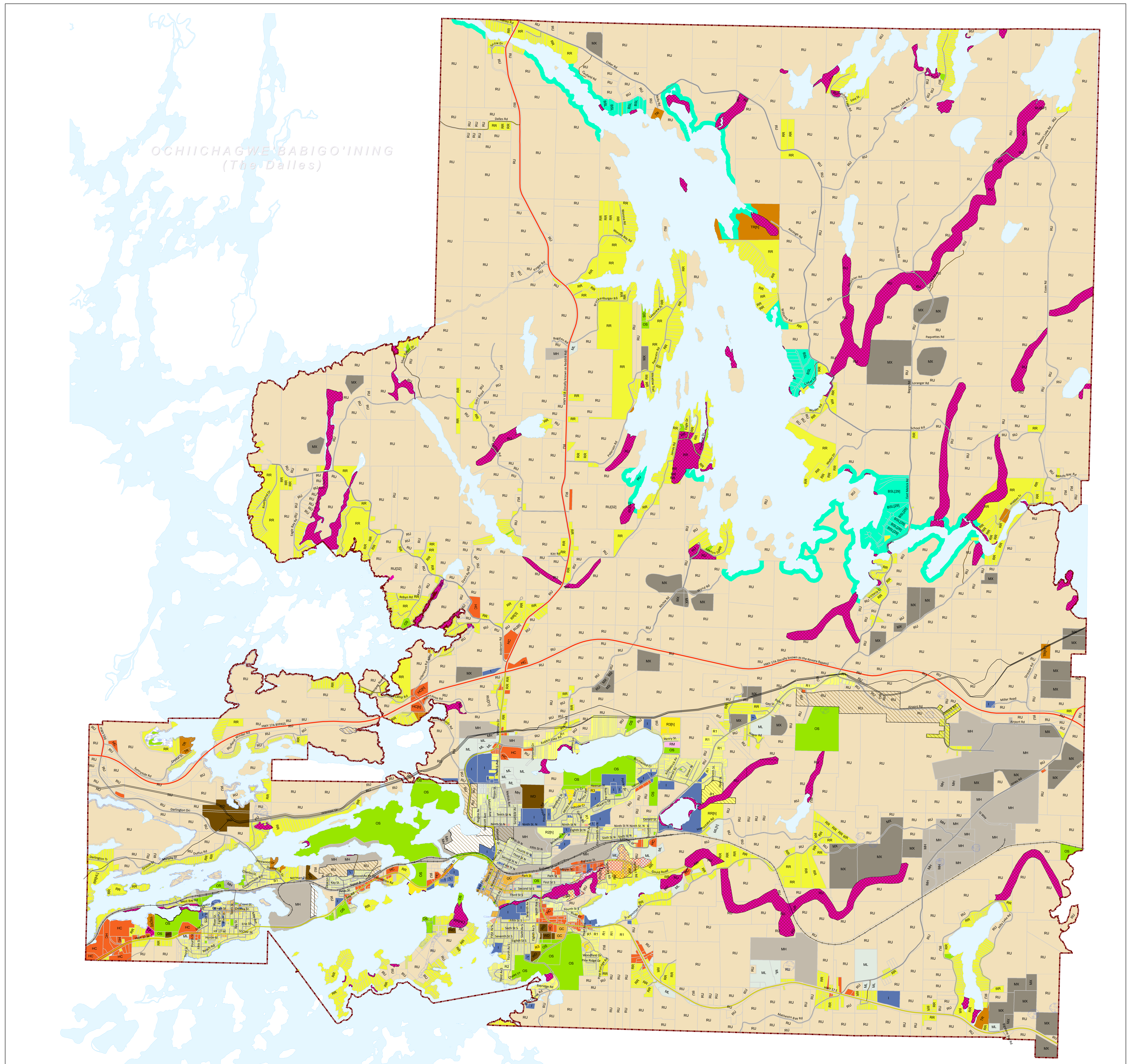
-  Provincial Highway
-  Arterial Road
-  Collector Road
-  Local Road
-  Private Road
-  City Limits
-  CP Rail Line
-  Property Lines

Zoning

-  BSL- Black Sturgeon Lake
-  EP - Environmental Protection
-  FD - Future Development
-  GC-General Commercial
-  HC- ighway Commercial
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-  LC-Local Commercial
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-  R2-Residential Second Density
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-  RM-Residential Mobile
-  RR-Rural Residential
-  RU-Rural
-  TR-Tourist Recreational
-  WD-Waste Disposal



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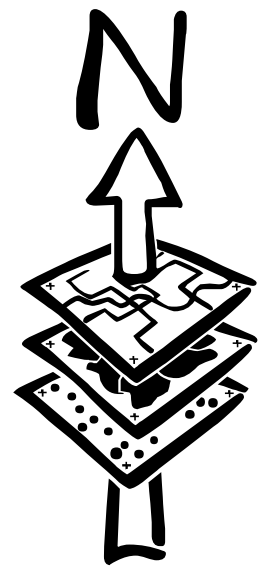
Schedule A Map 1 - Northeast



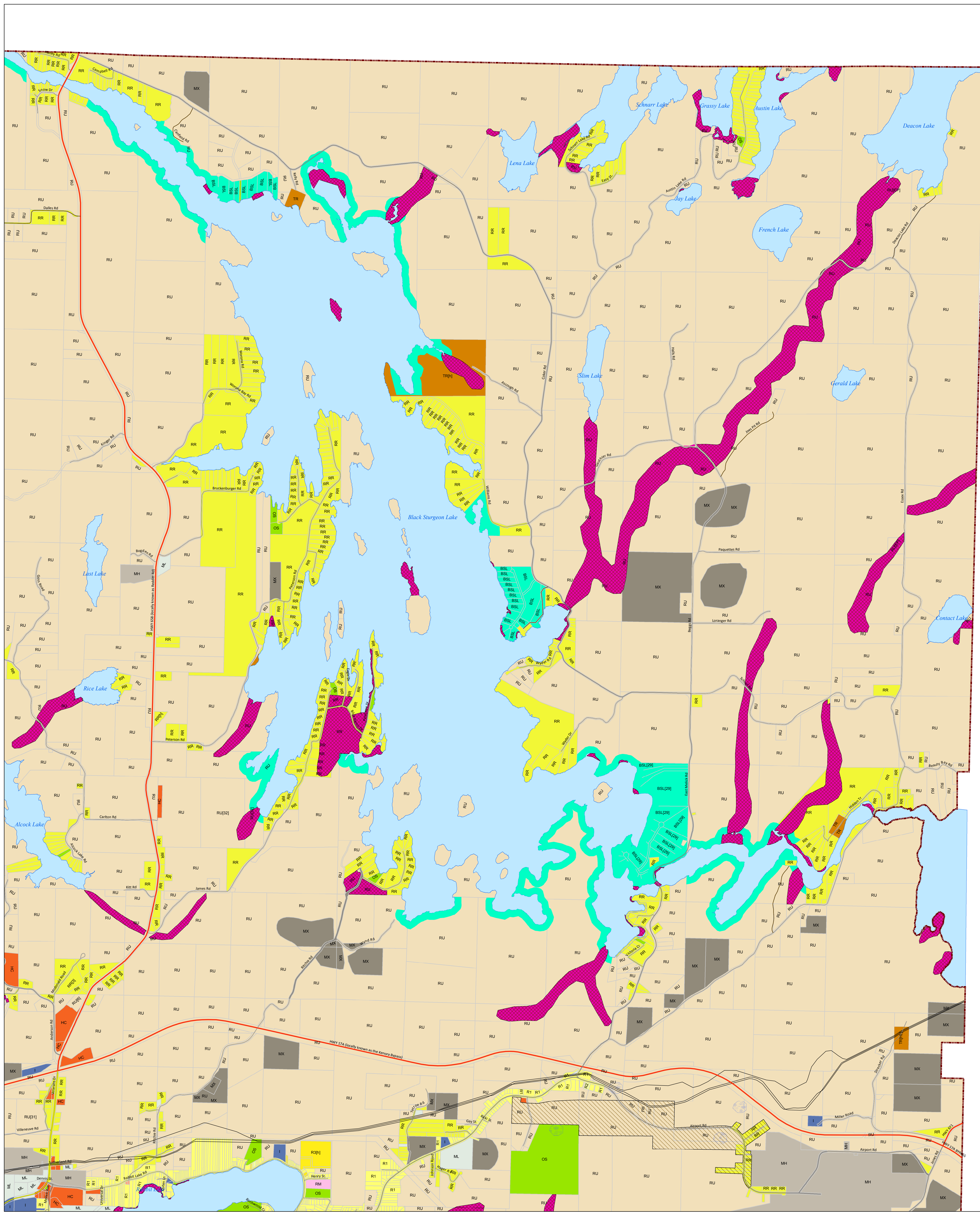
City of Kenora Zoning By-law 101-2015

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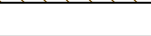


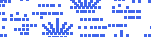



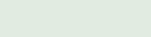


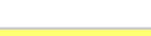






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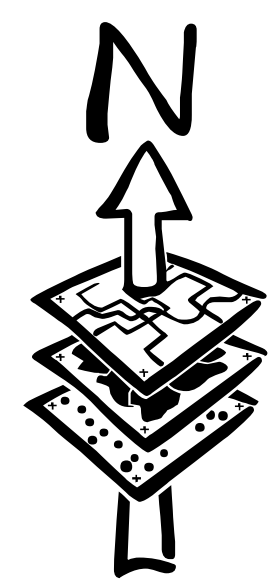


Schedule A Map 2 - Northwest

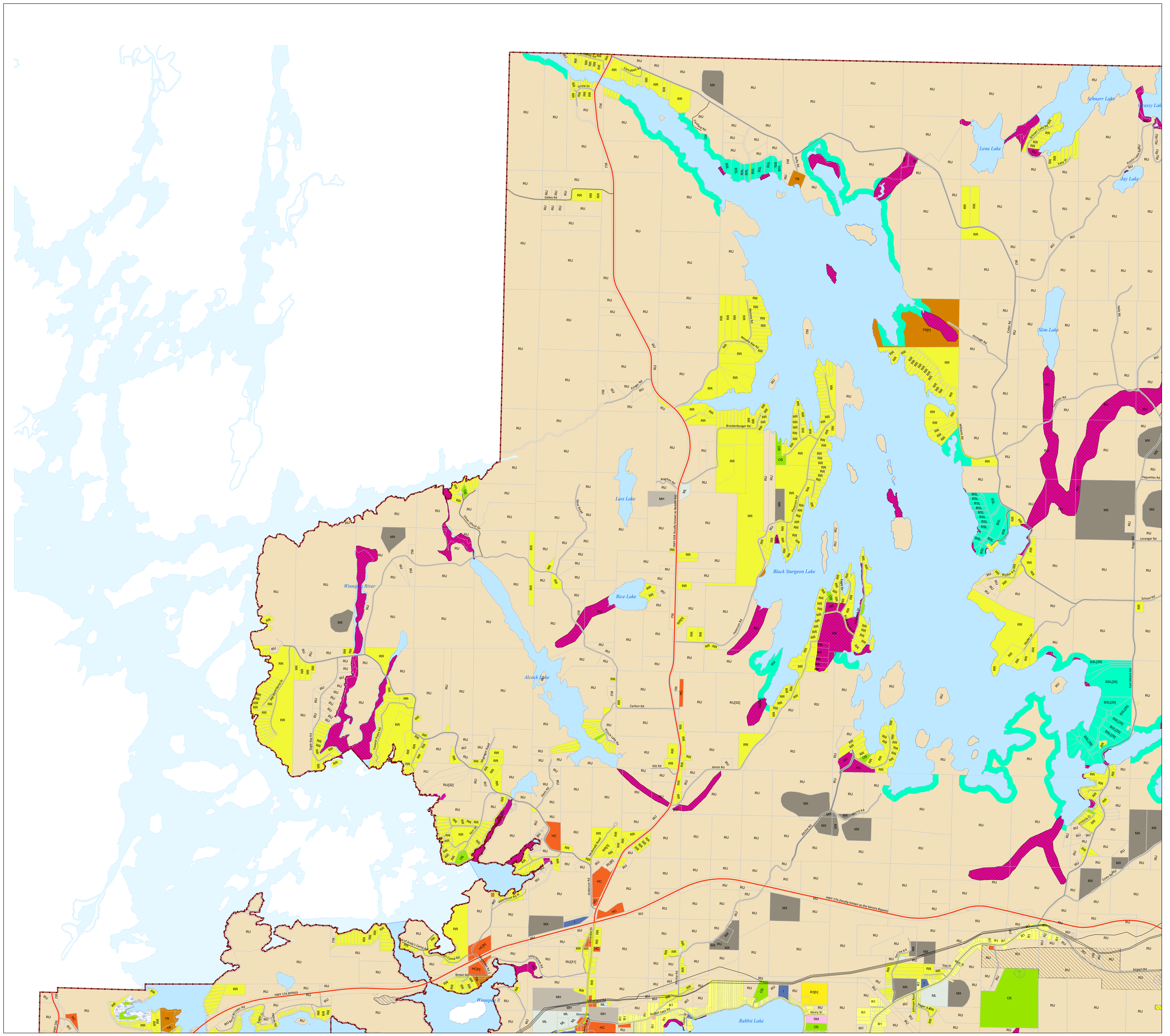


City of Kenora Zoning By-law 101-2015

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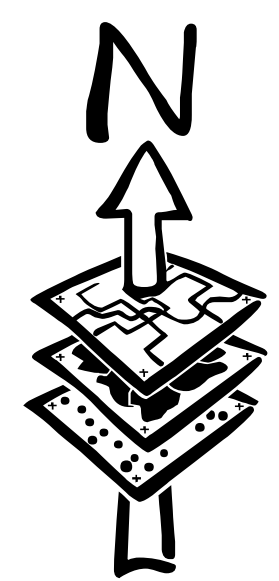


Schedule A Map 3 - West

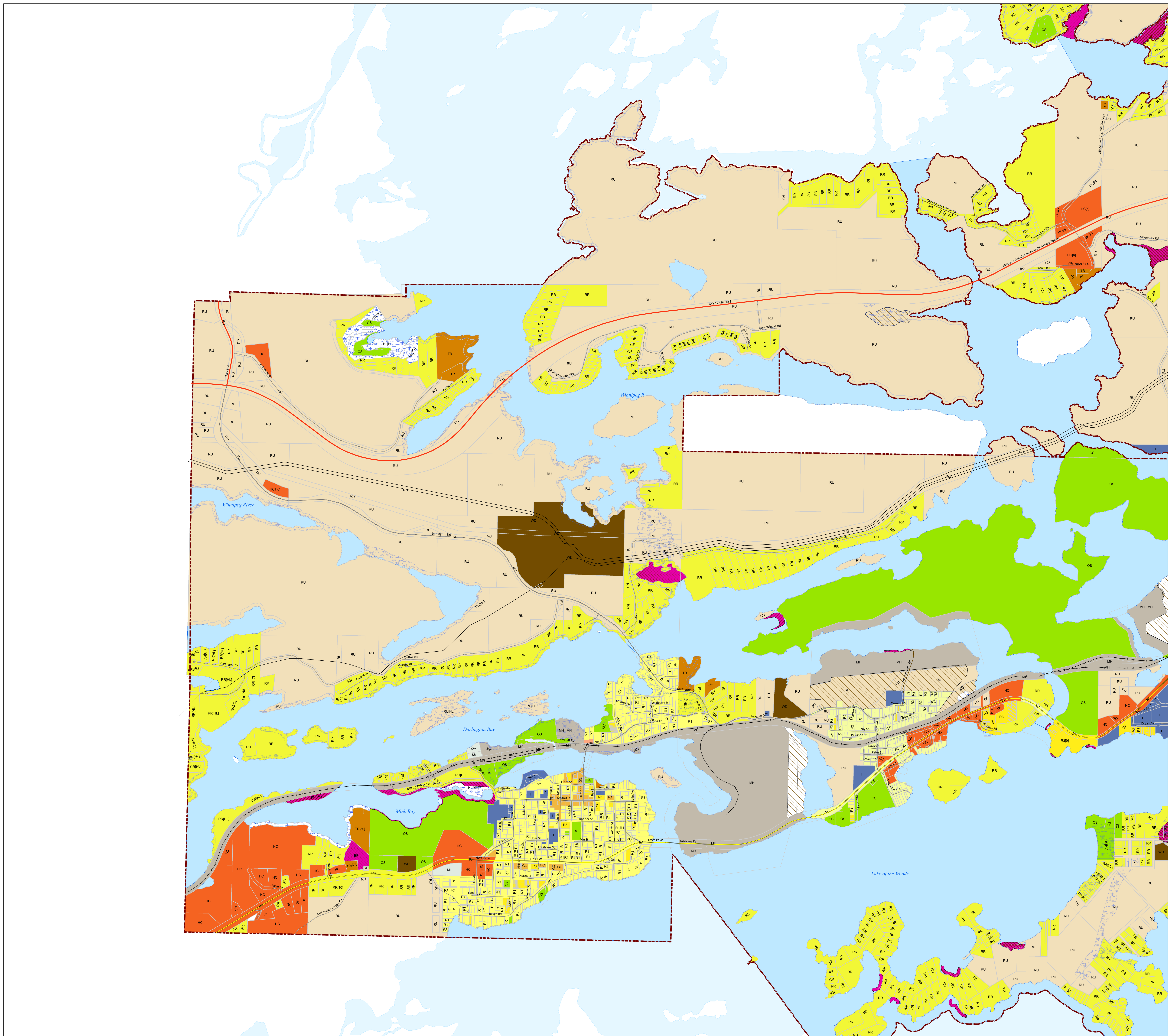


City of Kenora Zoning By-law 101-2015

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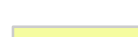
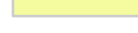


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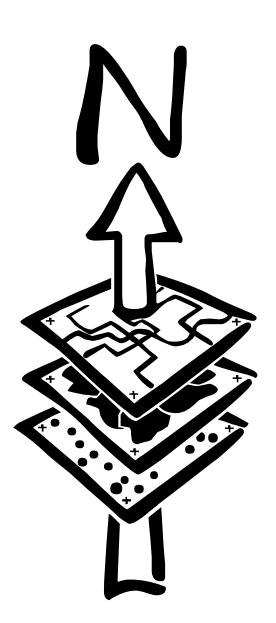


Schedule A Map 4 - Central

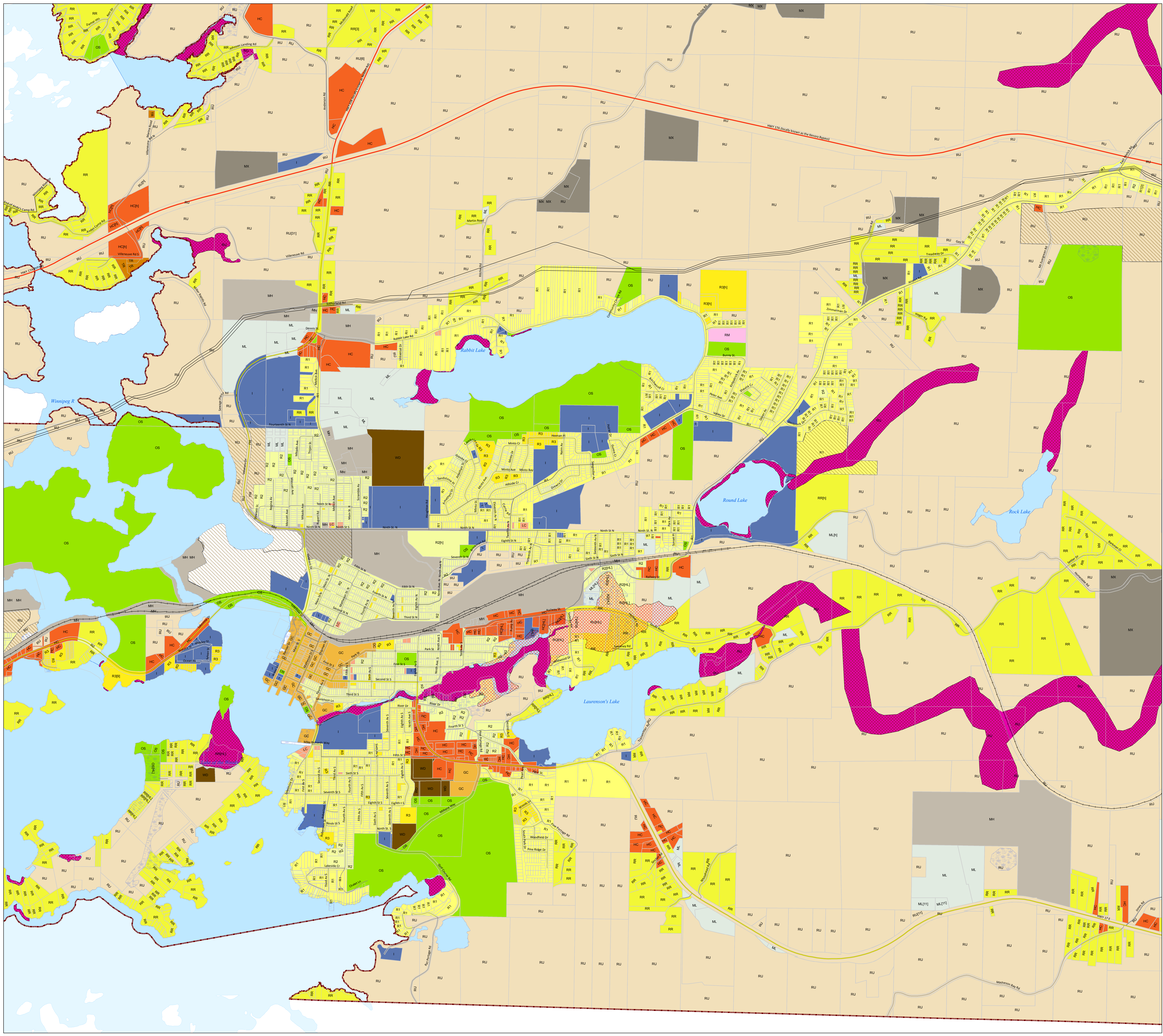


City of Kenora Zoning By-law 101-2015

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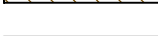






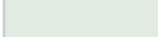


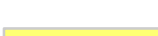






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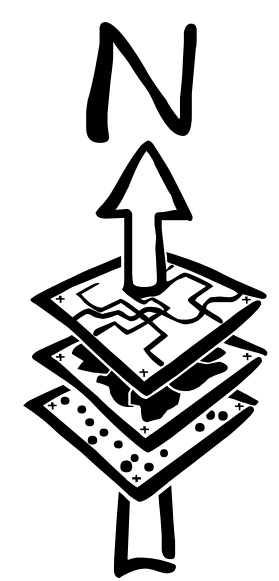


Schedule A Map 5 - East

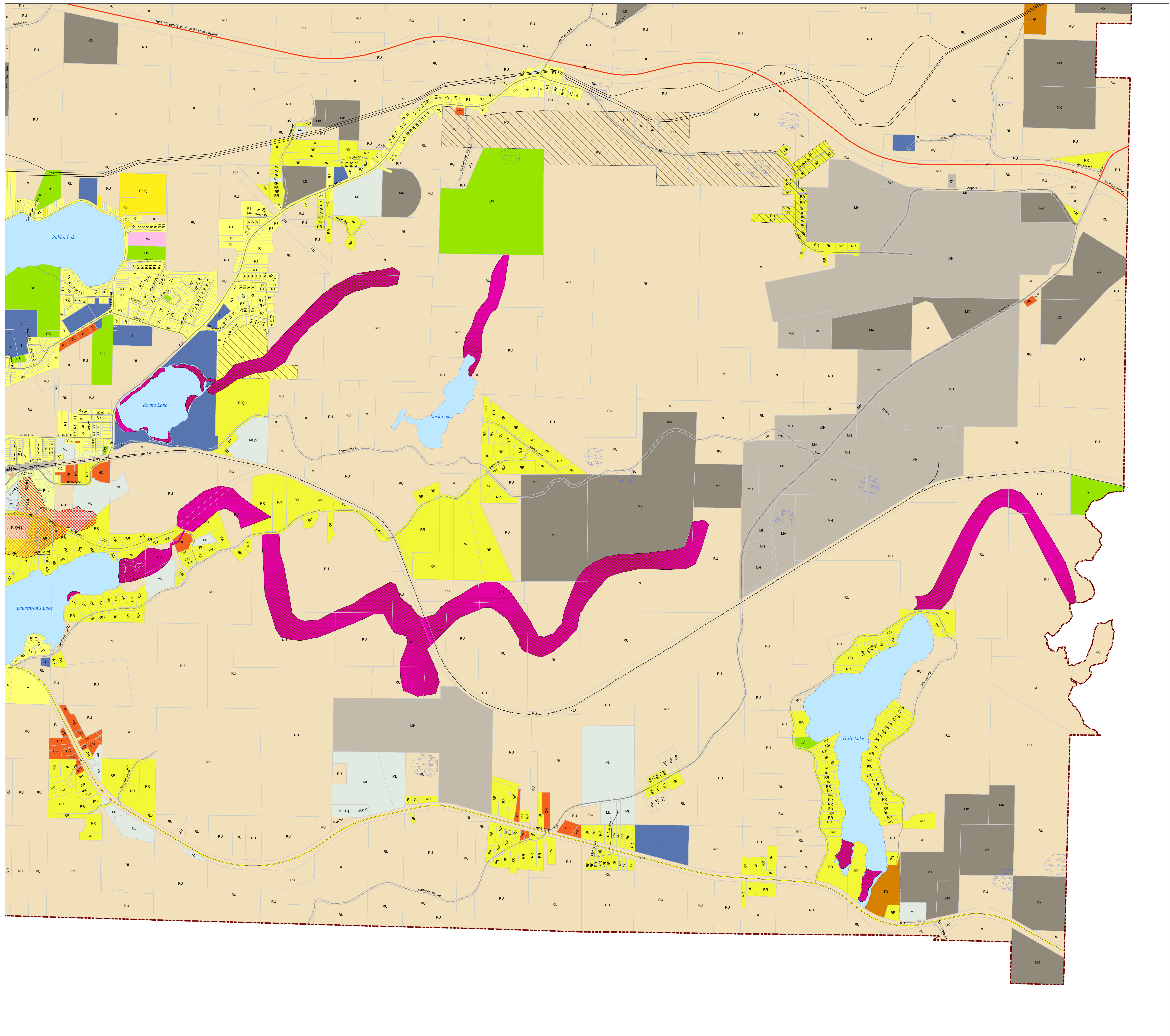


City of Kenora Zoning By-law 101-2015

-  Provincial Highway
-  Arterial Road
-  Collector Road
-  Local Road
-  Private Road
-  City Limits
-  CP Rail Line
-  Property Lines
- Zoning**
-  BSL - Black Sturgeon Lake
-  EP - Environmental Protection
-  FD - Future Development
-  GC - General Commercial
-  HC - Highway Commercial
-  HL - Hazard Land
-  I - Institutional
-  LC - Local Commercial
-  MH - Heavy Industrial
-  ML - Light Industrial
-  MX - Extractive Industrial
-  OS - Open Space
-  R1 - Residential First Density
-  R2 - Residential Second Density
-  R3 - Residential Third Density
-  RM - Residential Mobile
-  RR - Rural Residential
-  RU - Rural
-  TR - Tourist Recreational
-  WD - Waste Disposal



1:9,000





C I T Y O F K E N O R A

Zoning By-law



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FOTENN PLANNING &
URBAN DESIGN

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Section 1 Administration and Interpretation

1.1 Title

This By-law may be cited as the "City of Kenora Zoning By-law."

1.2 Scope of By-law

1.2.1 Lands Subject to By-law

The provisions of this By-law shall apply to all lands within the corporate limits of the City of Kenora.

1.2.2 Compliance with Other Restrictions

This By-law shall not reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction for any such restriction.

1.3 Interpretation of By-law

1.3.1 Definitions

In this By-law, unless the context requires otherwise, the definitions set out in Section 2 shall apply. Where a term is not defined, its common usage shall apply.

1.3.2 Number

In this By-law, unless the context requires otherwise, words used in the singular number include the plural, and vice versa.

1.3.3 "Shall" is Mandatory

In this By-law, the word "shall" is mandatory.

1.3.4 "Used" and "Occupied"

In this By-law, the words "used" and "occupied" shall include "intended", "arranged", and "designed" to be used or occupied.

1.3.5 Measurements

Measurements of length and area used in this By-law are given in metric units (e.g. metres, hectares).

1.3.6 Holding Zones

Holding zones are created by adding a lower-case "h" to the zone code on the zoning maps, and that have the effect of allowing the uses set out in the corresponding text of the by-law at some time in the future, when the holding symbol is removed by an amendment to the zoning by-law once specified conditions are met (e.g. such as conditions related to environmental, transportation, servicing matters).

1.3.7 Primary Zones

Primary zones are the basic structural unit of this Zoning By-law and identify a land use category with permitted uses and regulations. Primary zones are indicated by a set of symbols, for example R1 represents the Residential First Density Zone in this By-law.

1.3.8 Subzones

Subzones are created by adding a number to the primary zone code, and have the effect of modifying the uses or the regulations of the primary zone to the extent set out in the text of the provisions for that subzone.



Section 1 – Administration and Interpretation

1.3.9 Exception Zones

Where a zone classification is followed by square brackets [] and a number (e.g. RR[10]), this denotes an Exception Zone. Lands so zoned shall be subject to all of the provisions of the zone represented by the classification except as otherwise provided by the Exception provisions, which are listed in Section 5 in this By-law.

1.3.10 Temporary Use By-law

Where a zone classification is followed by a dash (-) and the letter "T", this denotes a temporary use By-law pursuant to Section 39 of the Planning Act, R.S.O. 1990. Details concerning the temporary use are listed at the end of the specific zone category and/or listed in the Exceptions Section of this By-law.

1.3.11 Split Zoning

Those lands shown on the Schedules to this By-law which have two zone categories such as RR-HL are subject to the most restrictive zone with respect to permitted uses and zone provisions.

1.3.12 Conflict

In the event of a conflict between this By-law and amendments thereto and any other general or special by-law of the Municipality, the most restrictive By-law shall prevail.

1.3.13 Request for Amendments

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.

1.4 Structure

This zoning by-law is composed of six (6) main sections:

- 1) Administration and Interpretation
- 2) Definitions
- 3) General Provisions
- 4) Zones
- 5) Exceptions
- 6) Zoning Schedules (Maps)

Section 1 – Administration and Interpretation sets out the area covered by the By-law, requirements for compliance, interpretation of wording, and other administrative matters. This By-law is subject to the Interpretation Act.

Section 2 – Definitions outlines the definitions of key terms used throughout the By-law in order to facilitate the interpretation of the document. Illustrations are also provided in Section 2 to illustrate a definition.

Section 3 – General Provisions sets out uses regulations that apply to all zones and matters such as parking, landscaping, and other provisions for land development. It also outlines those circumstances in which provisions of this By-law shall not apply.

Section 4 – Zones sets out the general intent of each zone, the permitted uses and the zoning regulations for development.

Section 5 – Exceptions sets out site-specific uses and provisions that apply to certain properties that are subject to exception provisions through Zoning By-law amendments or special consideration under previous by-law. Properties subject to exception zones are indicated on the Maps.

Section 6 – Zoning Schedules (Maps) contains maps which specify the zones that apply to all properties within the municipality. This complements the text and forms part of this By-law, which sets out the specific uses and regulations that apply within each zone.

1.5 Zoning Schedules (Maps)

1.5.1 Zones

For the purposes of this By-law, the zones may be referred to by the name (e.g. Residential First Density) or by the zone code (e.g. R1).

1.5.2 Schedules

Schedule A consists of (Maps 1 to 6) which form part of this By-law. The extent and boundaries of all zones are shown on Schedule A (Maps 1 to 6). A key map of the area of the City is provided on each Map in the top right hand corner for geographical reference purposes.

The colours provided on Schedule A (Maps 1 to 6) are for easy reference and zone distinctions. The colours do not form part of this By-law.

1.5.3 Determination of Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on the zoning maps, the following rules shall apply:

- a) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- b) A zone boundary shown approximately in the centre line of a street or lane is considered to be at the centre line of the street or lane.
- c) A zone boundary shown as following approximately a shore line or the centre line of a watercourse is considered to be the present shore line or centre line and moves with any natural change in the watercourse. Unless the location of a zone boundary is specified by dimensions on the Schedule (Maps), a zone boundary, which lies within a lot, shall be fixed by the scale of such schedule upon which it is shown.
- d) Unless otherwise indicated on the zoning schedules, streets, lanes, hydro corridors, or rights-of-way for railroads, shall be deemed to be in the same zone as the adjacent lands and where such streets, lanes or rights-of-way separate different zones, unless otherwise indicated on the zoning schedules, the centre lines of these shall constitute the boundary between the zones.
- e) All land below the surface of a water body or watercourse as of the date of this By-law came into effect shall be deemed to be in the same zone as per the split-zoning on the land.

1.6 Illustrations

Illustrations are provided and form part of this By-law to clarify the intent of a definition.

1.7 References to Statutes and Agencies

Where reference is made in this Zoning By-law to other documents, such as federal or provincial Acts, or other legislation, or to other documents that are not part of this By-law, it is understood that it is the latest approved version of the document that is being reference unless otherwise specified.

Where this By-law makes reference to the jurisdiction of a public agency, and where the name or responsibilities of such public agency are changed hereafter, the said reference shall be deemed to include any and all successors to such public agency having jurisdiction over the matters to which the said reference applies.

1.8 Permits

No building permit or license shall be issued where the permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

1.9 Change of Use

No person shall change the existing use of any lands, building or structure to a different type or class of use without determining that the intended use is in accordance with the provisions of this By-law.

1.10 Application for Building Permits

Applications for building permits are required, per the *Ontario Building Code Act* and *Ontario Building Code*.

1.11 Provincial Statutes

References to Provincial Statutes throughout this by-law shall include any amendments and successors thereto.

1.12 Enforcement and Penalties

1.12.1 Enforcement

Unless otherwise stated, this By-law shall be administered and enforced by the City's Community Development Manager or designate, including City of Kenora By-law Officers [Kenora By-law #70-2014].

1.12.2 Penalty

Any person convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$25,000 and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which that person was first convicted in accordance with the Planning Act.

Any Corporation convicted of violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction, to a fine of not more than \$50,000 and on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which that Corporation was first convicted, in accordance with the Planning Act.

Where any building or structure or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality pursuant to provisions of the Planning Act, 1990, as amended, and/or any other legislation applicable.

1.12.3 Remedy of Violation

In the event that a person is found guilty of contravening this By-law and is directed to remedy any violation but fails to do so, the remedy may be carried out by the City at the expense of the offender.

1.13 Severability

Should any clause, section, sub-section or provision of this By-law be held invalid by a court of competent jurisdiction, the validity of the remainder of this By-law shall not be affected.

1.14 Repeal of Existing By-laws

All previous by-laws of the Corporation passed pursuant to Section 34 of the Planning Act or its predecessors, are hereby repealed.

1.15 Effective Date

This By-law shall take effect the day after the last date for the filing of objections where there are no objections received or where objections are received upon approval of the Ontario Municipal Board.

1.16 Request for Amendments

A request for an amendment to this By-law shall be accompanied by a completed copy of the appropriate application form and all required supporting studies and documents as requested by the City staff or Council.

Section 2 Definitions

To the greatest extent possible, the words in this By-law have their ordinary meanings and interpretations, unless otherwise defined in this By-law. Definitions are given in this By-law to aid in the understanding and implementation of the spirit, intent and meaning of this By-law.

A

Abattoir

A building, structure, or lot or part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering.

Abut or Abutting

Abut means to share a common lot line, and abutting has a corresponding meaning.

Accessory

Accessory means aiding or contributing in a secondary way to a principal use to carry out its function, and having regard to this definition:

- a) an accessory use is a land use that is accessory to a principal use;
- b) an accessory building is a building that houses an accessory use;
- c) an accessory structure is a structure, that is not a land use, but is accessory to a principal use and this definition is broadened to include tower antennas, satellite dishes, wind turbines, and helicopter landing pads.

Act

The Planning Act, R.S.O. 1990, as amended.

Agricultural Use

The cultivation of the soil to produce crops and the raising of farm animals, and without limiting the generality of the foregoing includes:

- a) the growing of crops;
- b) nurseries, greenhouses, market gardens, orchards, vineyards, agro-forestry operations and maple syrup production;
- c) the keeping and raising of livestock, fowl, fish, bees, fur or wool bearing animals;
- d) farm-based home industry involving the production of value-added or value-retained products from produce grown or raised on-site;
- e) a farm produce outlet selling agricultural products produced on the premises; or
- f) uses of a farm-tourism nature that are secondary to and subordinate to the agricultural use such as seasonal festivals or events, recreational activities, or educational displays.
- g) any building or structure customarily used in connection with a farm, and as defined in the *Ontario Building Code* as a farm building.

Airport

The use of lands, buildings or structures for the purposes of air transportation services, and certified by Transport Canada.

Alcove

A recessed or built in area of a room usually including both sides and top.

Alter

When used in reference to a building or part thereof, means to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, means to change any of the lot dimensions, or to change any

of the required yard dimensions, landscaped open space or parking areas, or to change the location of any boundary of such lot in relation to a public highway or laneway, whether such alteration is made by conveyance or otherwise. The words "altered" and "alteration" shall have corresponding meanings.

Amenity Area

The total passive or active recreational area provided on a lot for the personal, shared or communal use by the residents of a building or buildings, and includes balconies, patios, rooftop gardens and other similar features, but does not include indoor laundry or locker facilities.

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.

Animal Care Establishment

An establishment for the caring, grooming and training of household pets, but does not include a kennel or an animal hospital.

Animal Hospital

A facility:

- a) operated by one or more licensed veterinarians and associated staff;
- b) providing medical, surgical, grooming or similar services solely for household pets, but may include livestock where this use is permitted in a Rural or Industrial zone; and
- c) providing shelter in conjunction with the hospital only during the period of recovery.

Attached

When used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.

Art Gallery

A building, place or area where paintings, sculptures or other works of art are exhibited, and shall also include a cultural interpretive centre.

Attic

The space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof, as defined in the *Ontario Building Code*.

Auction Centre

A building or part thereof used for the retail sale of goods or articles, to members of the public, bidding the highest offer for those goods or articles during the sale proceedings.

Automobile Body Shop

A place where the painting, major or structural repairs are made to motor vehicles.

Automobile Dealership

A building or structure where a dealer displays new or used motor vehicles for sale or lease and may be in conjunction with an automobile service station, automobile gas bar or an automobile body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

Automobile Gas Bar

A development used for the sale of automotive fuel, oils, propane, automotive fluids and associated convenience store products. The gas bar may include a car wash as an accessory use.

Automobile Rental Establishment

A place where new or used motor vehicles other than heavy vehicles are rented.

Automobile Service Station

A place that has one or more service bays or facilities for a mechanic to service and repair motor vehicles other than heavy vehicles, which may also retail fuel and other automotive products; or has one or more service bays which provide one or more single or specialized service product installation for motor vehicles other than heavy vehicles such as mufflers or oil changes.

B

Bakery

A building where the production, mixing, compounding of baked goods is carried out, and which may have an associated retail component.

Balcony Barn

A horizontal structure that projects from the exterior of a building and can only be accessed from within the building.

Barn

A building used for the storage of equipment, supplies and vehicles related to agricultural use, the housing of livestock and may include a workshop area.

Basement

One or more storeys of a building located below the first storey, as defined by the Ontario *Building Code*.

Bed and Breakfast

An owner-occupied private home where accommodation and meals are provided to the travelling public but does not include a boarding house, hostel, hotel, motel, or resort.

Boarding House

A building containing rooming units, and which may also contain dwelling units and an accessory administration office.

Boathouse

A detached accessory building or structure for the storage of watercraft and watercraft related equipment but does not include open walkways or uncovered docking facilities or kitchen and bathroom facilities, and is not for human habitation.

Boat Port

An unenclosed accessory building or structure which is used to place a boat into or take a boat out of a water body or used to moor, berth or store a boat. This definition may include a boat launching ramp, boatlift, or dock, but shall not include any building used for human habitation nor any boat service, repair or sales facility or retail use.

Boat Slip

A single parking space for a boat or other marine vessel, forming part of a dock, boathouse, boat port or other mooring facility.

Breezeway

A roofed enclosed passage connecting two or more buildings or the main wall and a deck, where the deck is part of the main building.

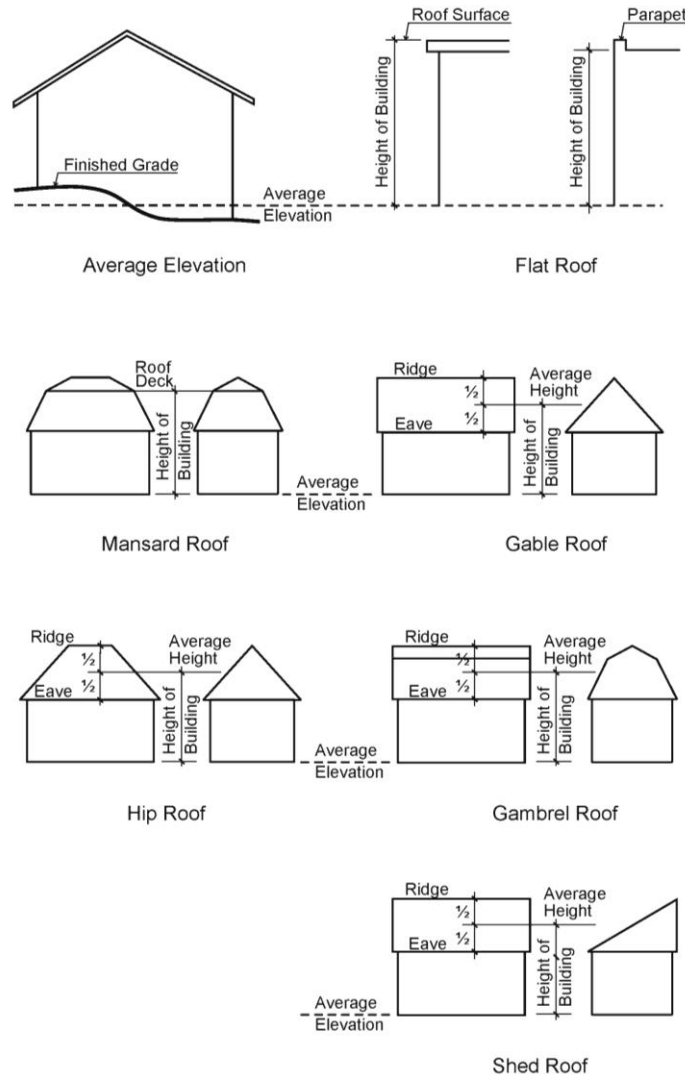
Building

A fully or partially enclosed structure having a roof supported by walls, columns, piers or other structural systems.

Building height

The vertical distance between the average elevation of the finished grade of the ground and a horizontal plane through to:

- a) the highest point of the roof in the case of a building with a flat roof; or
- b) the average point between eaves and ridges in the case of a gable, gambrel, shed or hip roof; or
- c) the underside of the roof deck in the case of a mansard roof.



Illustrations of Building Heights

Bulk Sales and Storage Establishment

The use of land, a structure, or building for the purposes of buying and selling coal, fuel, oil, wood, lumber and/or building materials but does not include any manufacturing, assembling or processing uses.

C

Campground

Land used for the parking and temporary use campsites occupied by tents, trailers, recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and a convenience store.

Camp Site

A parcel of land within a campground that is maintained as a site for the location and temporary occupation of a tent, trailer or recreational vehicle, but not for a mobile home.

Car Wash

A building or structure containing facilities for the washing of motor vehicles for a fee.

Carport

An accessory building either attached to or detached from the main building and which has at least 40% of the perimeter open and unobstructed by any wall, door, post or pier and which is used for the parking of vehicles. For the purpose of this By-law, perimeter includes the wall of a building to which the carport is attached.

Cellar

A portion of a residential building, used for storage purposes only, which is more than 50% below grade.

Cemetery

Land used or intended to be used for the burial of the deceased and dedicated for cemetery purposes, including crematories, mausoleums, mortuaries, and columbaria when operated in conjunction with and within the boundary of such cemetery and operated under the Cemeteries Act.

Chief Building Official

The official appointed by the City of Kenora under the Building By-law or pursuant to the provisions of the *Ontario Building Code Act*, as amended.

Cinema

A place where motion pictures are exhibited for public viewing.

City

The Corporation of the City of Kenora.

Clinic

A building or part of a building where a medical doctor, dentist or other legally qualified health care practitioner has a practice, and includes a medical or dental laboratory and an ancillary retail store.

Commercial Storage Facility

Premises where individual enclosed areas are made available to the public for keeping or storing goods or commodities, but does not include any hazardous material or fuel storage.

Communication Facility

Any tract of land, building or structure used for receiving and/or transmitting voice, picture or printed signals, or otherwise defined in the Radio Communication Act.

Community Centre

A multi-purpose facility that offers recreational, cultural, day care, social, community service, informational or instructional programs, and may include a clinic as an ancillary use.

Community Garden

A communal garden provided for the sole use of or consumption by the individual or individuals working the garden.

Conservation

The preservation, protection and improvement of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

Continuum Care Facility

A facility providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going services, such as medical or nursing care or counselling and social support services.

Contractor Service

A place of business for persons employed in trades such as construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support services areas shall be accessory to the principal Contractor Service use.

Convenience Store

A retail store where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such household items are sold in small quantities.

Conversion

Change in use of land or a building or an act done in relation to land or a building which results in, or is likely to result in, the change in the use of such land or building.

Correctional Facility

A place of secure temporary detention and a place of secure custody such as a secure custody group home.

Council

The municipal Council of the Corporation of the City of Kenora.

D

Day Nursery

A premises as defined by the Day Nurseries Act, RSO, 1990, that receives more than five children primarily for the purpose of providing temporary care or guidance (or both) for a continuous period not exceeding 24 hours, and the children are:

- a) under 10 years of age; or
- b) under 18 years of age if the day nursery will be for children with a developmental disability.

Deck

A structure without a roof, having a foundation to hold it erect, the floor which at any point of the perimeter is more than 600 mm above adjacent grade, either accessible from within the building or from outside when at grade and attached to or abutting one or more walls of a building or constructed

separate from a building, with or without direct access to the ground, but shall not include a landing or step.

Development

The creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.

Dock, Private

A private non-commercial wharf or pier where boats can remain for loading, unloading or storage and shall include the water space occupied by any boat.

Drive-Through Facility

An establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in vehicles that are in designated stacking aisles. A drive-through facility may be in combination with other uses, such as a bank, restaurant or gas station.

Driveway

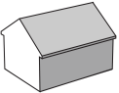



A private way used for vehicular access from a parking space or parking lot to a public street, and includes a right-of-way, or any land used to access other land.

Dry Cleaning Establishment

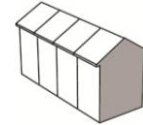
A building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on.

Dwelling

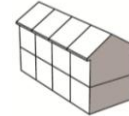
A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or seasonally, irrespective of tenure or ownership, but shall not include a seasonal dwelling, recreational vehicle, trailer or motor home. Dwelling includes:

- a) **Dwelling unit**, which means a room or rooms in which kitchen, sanitary conveniences and sleeping quarters are provided for the exclusive use of the occupants and with a private entrance from outside the building or from a common corridor or stairway inside the building.
- b) **Dwelling unit, Accessory**, means a dwelling unit that is in a separate building or structure which is accessory to and located on the same lot as the principal use, building or structure, but not including a building or structure which is used as a dwelling unless specifically permitted.
- c) **Single-detached dwelling**, which means a detached building containing one dwelling unit only. 
- d) **Semi-detached dwelling**, which means a residential use building divided vertically into two separate dwelling units each of which has an independent entrance. 
- e) **Duplex dwelling**, which means the whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule. 
- f) **Triplex dwelling**, which means whole of a three-storey building divided horizontally into three separate dwelling units, each of which has an independent entrance either directly or through a common vestibule. 

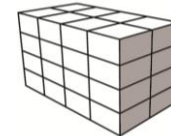
- g) **Multiple attached dwelling**, which means the whole of a residential use building containing three or more dwelling units that are divided vertically, each of which has an independent entrance. For the purpose of this Zoning By-law, a rowhouse is considered to be a multiple-attached dwelling.



- h) **Stacked dwelling**, which means a residential use building containing four or more dwelling units, where the units in each pair are divided horizontally, and the pairs are divided vertically, and in which each dwelling unit has an independent entrance.



- i) **Apartment dwelling**, which means a building containing four or more dwelling units, in which dwelling units have a common entrance from street level and are served by a common corridor.



- j) **Secondary dwelling (interior)**, which means a self-contained dwelling unit created by either an interior renovation within an existing dwelling, or as a detached addition, provided that one entire face of the addition is attached to the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

- k) **Secondary dwelling (detached)**, which means a self-contained dwelling unit located within an accessory building on the same lot as the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

- l) **Converted dwelling**, which means a residential use building that has been altered, but not demolished and replaced, to increase the number of dwelling units to three or more.

E

Embayment

A bay or bay-like formation on Black Sturgeon Lake.

Emergency Service

Includes police, fire, ambulance, search and rescue services, and may include training facilities associated with the use.

Emergency Shelter

An establishment providing temporary accommodation to individuals who are in immediate need of emergency accommodation and food, and may include ancillary health care, counselling and social support services.

Equestrian Establishment

An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

Erect

To build, construct, re-construct, alter or relocate and includes any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Existing

In existence as of the date of the final passing of this By-law.

F

Farm

The use of land, building or structure for agricultural purposes, such as, without limitation, the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry and maple syrup production.

Financial Establishment

A place that provides a range of financial services, which may include a bank, trust company or other financial institution, and automated bank machines as an accessory use.

Floor Area, Gross

The total area of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls except that, in any other occupancy than a residential occupancy, where an access or a building service penetrates a firewall, measurements shall not be taken to the centre line of such firewall.

Floor Area, Gross Leasable

The total floor area designed for tenant occupancy and exclusive use, measured from the interiors of outside walls excluding floor area occupied by party walls and excluding:

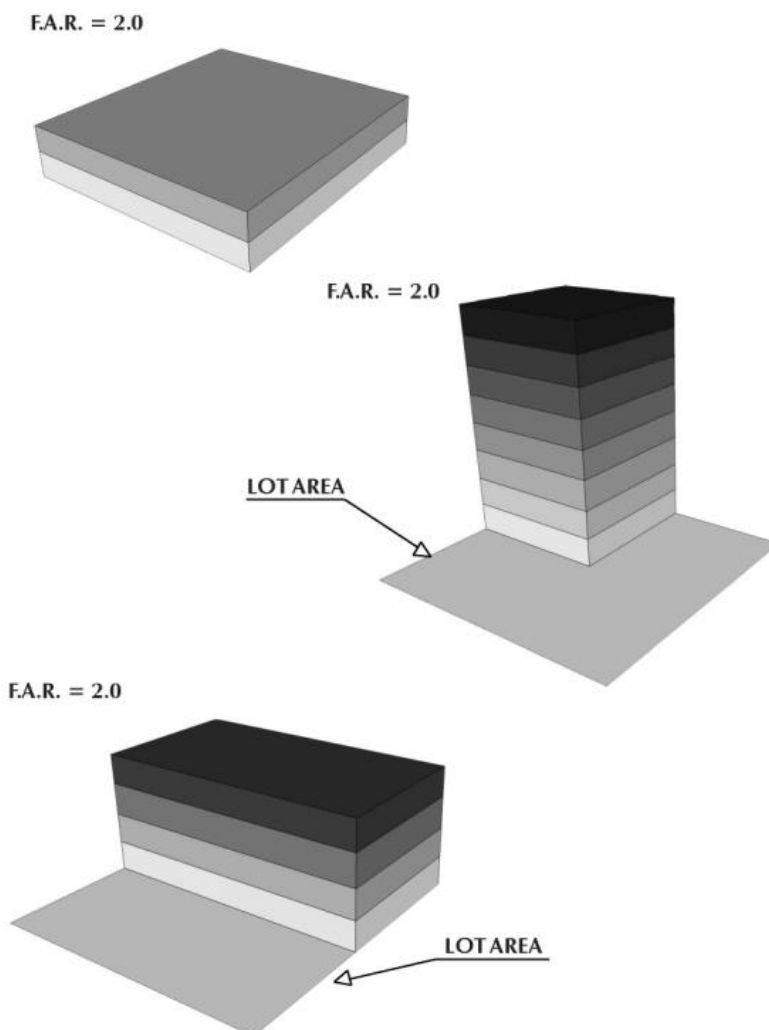
- a) floor area occupied by mechanical, service and electrical equipment that serve the building;
- b) hallways; corridors; stairwells, elevator shafts and other voids; steps and landings;
- c) pedestrian malls serving as a common area between stores;
- d) administration or management offices;
- e) bicycle parking; motor vehicle parking or loading facilities;
- f) common washroom facilities that serve the building or tenants;
- g) storage areas that are accessory to the principal use of the building; and
- h) living quarters for a caretaker of the building.

Floor Area, Habitable

Means the design of floor areas and spaces as permitted by the *Ontario Building Code*.

Floor Area Ratio

The ratio of the gross floor area of a building to the total area of the lot on which the building is located.



Food Processing Plant

An industrial use where agricultural or fish products are prepared, processed, preserved, graded or stored, but does not include a restaurant or abattoir.

Food Service Vehicle

Any vehicle from which ready-made food is sold for consumption by the public offsite and includes, without limiting the generality of the foregoing, wagons, trailers and trucks, but does not include push carts, bicycle carts or other similar devices which rely on human motive power to move, or a restaurant as defined elsewhere in this By-law.

Forestry Use

The general raising, harvesting and milling of wood.

Fuel Storage Tank

A tank for the bulk storage of petroleum products or other inflammable fluids or kept on the premises of a retail store or in a storage tank incidental to the primary use of the premises, in compliance with applicable regulations.

Funeral Home

The business premises of an undertaker or funeral director whether or not the same includes a school of instruction in embalming or preparation for burial of the human remains.

G

Garage, Private

An accessory building or structure, including a portion of a building designed or used for the sheltering of private motor vehicles and recreational vehicles and is incidental to the residential occupancy and in which there are no facilities for the repairing or servicing of vehicles for remuneration or commercial use. This definition includes a carport.

Golf Course

A public or private area operated for the purpose of playing golf and includes a club house and recreational facilities, accessory driving ranges and miniature golf courses and similar uses.

Grade

The average level of proposed or finished ground adjoining a building at all exterior walls, as defined by the *Ontario Building Code*.

Group Home

A supervised residential use building for a maximum of ten persons, exclusive of staff who live as a group in a single household living arrangement, and where the residents require support or supervision on a daily basis, but excludes correctional facilities and emergency shelters.

H

Heavy Equipment and Vehicle Sales, Rental and Servicing

A building or part of a building or structure in which heavy vehicles including farm vehicles or equipment, and transport trucks or trailers are offered or kept for sale or, rent, or service, but shall not include any other establishment defined or classified by this By-law.

Heavy Industrial Use

Uses of a heavy industrial nature including:

- a) the manufacture or processing of products from raw materials;
- b) the production or use of flammable, explosive or other hazardous materials;
- c) the storage of these products and materials; or
- d) a wrecking yard.

Heavy Vehicle

A commercial motor vehicle as defined in the Highway Traffic Act, as amended or re-enacted from time to time, and includes a bus, fire apparatus, road-building machine or farm vehicle as defined in that Act, and all other types of construction equipment, but excludes a motor vehicle.

Home Day Care

Premises used for the temporary care of five persons or less where such care is provided in a dwelling unit, for a continuous period not exceeding twenty-four hours.

Home Industry

Any occupation conducted entirely within a building or part of building accessory to a main dwelling unit that includes but not limited to processing, assembly, manufacturing or a workshop within.

Home Occupation

Home occupations shall include occupations or professions which are conducted entirely within a dwelling unit. Home occupations shall not be permitted in accessory buildings.

Horticultural Nursery

Buildings or structures and associated lands, used for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and associated goods which are sold at retail from such building or lot to the general public.

Hospital

Premises used as a private or public hospital under Province of Ontario legislation for the care or treatment of:

- a) persons afflicted with or suffering from sickness, disease or injury;
- b) convalescent or chronically ill persons;
- c) persons suffering from substance addictions; or
- d) persons suffering from emotional, or psychological disorders; and may include ancillary uses such as a restaurant, or a hostel for the short-term accommodation of patients' families during treatment or convalescence.

Hostel

An establishment providing short-term semi-private commercial or non-profit accommodation, which may include some limited accessory uses such as restaurants or meeting rooms.

Hotel

Premises used by a business establishment to cater to the needs of the travelling public by providing sleeping accommodation in rooms or suites, and may include an ancillary restaurant and meeting rooms.

I

Instructional Facility

A facility that provides practical instruction or training in an art, hobby, skill or trade; and includes a studio, a computer training facility, a martial arts school and any other similar facility.

Interpretive Centre

A building or group of buildings that provides interpretation of a place of interest, such as the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include facilities such as a refreshment stand or gift shop.

K

Kennel

A place for the keeping, breeding or temporary shelter of domestic animals, and may include the following specific types of kennels as defined in the City of Kenora Animal Control By-law, as amended:

- a) Shelter kennel, which means a place where animals are kept, for a fee, and operated as a commercial business or by the Humane Society as a service to the community.
- b) Breeding kennel, which means a place where animals are kept for the purposes of reproduction, and the use of or sale of the offspring. A breeding kennel may be hobby or a professional type enterprise where the breeding is to produce improved specimens of the breed and there is no more than two (2) breeding animals of no more than two (2) breeds.

- c) Working kennel, which means a place where a group of dogs are kept for a specific purpose, such as hunting, security, tracking, obedience or rescue, or mushing. The kennel owner must be a member in good standing of The Canadian Kennel Club for a minimum of six (6) years and are registered with a recognized association.

L

Landscaped Open Space

The part of a lot located outdoors that is available or used for the placement of any or a combination of the following elements:

- a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover;
- b) hard landscaping consisting of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, excluding monolithic concrete and asphalt and any area used for parking, and including such features as a walkway, patio, deck or in-ground pool; and
- c) architectural elements consisting of decorative fencing, walls, sculptures, gazebos, trellises, planters, benches and other similar features.

Landscaped Buffer Strip

An open space free of buildings or structures which is used for the growing and maintenance of a continuous row of shrubs, trees or other natural vegetation to screen or separate land uses from one another or a public street.

Lane

A public roadway of no more than 6.1 m in width which is intended primarily to give access to the rear of buildings and associated parking.

Library

A library, branch library or distribution station to which the provisions of the Public Libraries Act apply, as amended.

Light Equipment Sales And Rental Establishment

A building or structure or part of a building or structure in which light machinery and equipment such as automotive tools, cleaning equipment, concrete and masonry equipment, electric tools and accessories, gasoline generators, moving equipment; painting and decorating equipment; plumbing tools and other similar tools and accessories are offered or kept for sale or rent under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

Light Industrial Use

Uses of a light industrial nature, including:

- a) warehousing or distribution of finished parts or finished products;
- b) the manufacture from previously prepared materials of finished parts or finished products;
- c) factory or assembly-line processes that involve the manufacture, processing, assembly or packaging of finished parts or finished products made from previously prepared materials; or
- d) the repair or servicing of such products.

Loading Space

An off street space or berth on the same lot with a building, or contiguous with a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

Lot

A parcel of land or an assembly of contiguous parcels, including a:

- a) corner lot which means a lot situated at the intersection of two or more streets or at the intersection of a street and a railway right-of way having an angle of intersection of less than 135 degrees;
- b) irregular lot which means a lot where any interior angle formed by any two lot lines is other than ninety (90) degrees;
- c) through lot which means a lot bounded on two opposite sides by streets, provided that if any lot qualifies both as a through lot and a corner lot as defined herein, such lot is considered to be a corner lot for purposes of applying the zoning by-law;
- d) interior lot which means a lot other than a corner lot and a through lot;
- e) waterfront lot which means a lot that has water access on a shoreline either directly, or by abutting a shore reserve or unopened shore road allowance;
- f) backlot is a lot without water frontage but with frontage onto a publicly maintained road, but near a waterfront area that has been created through a severance or subdivision where access to the water is provided through tenants in common or other approved legal interest.

Lot Area

The total area within the lot lines of a lot.

Lot Coverage

The proportion of the lot area that is covered by buildings, structures and covered decks excluding parking areas, driveways, patios and sidewalks.

Lot Depth

The horizontal distance measured between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot Frontage

The horizontal distance between the side lot lines of a lot, measured parallel to the front lot line at a point that is equal to the front yard setback requirement for the zone. For a waterfront lot as defined in this By-law, the frontage shall be measured as the horizontal straight line distance between the intersections of the side lot lines with the shoreline.

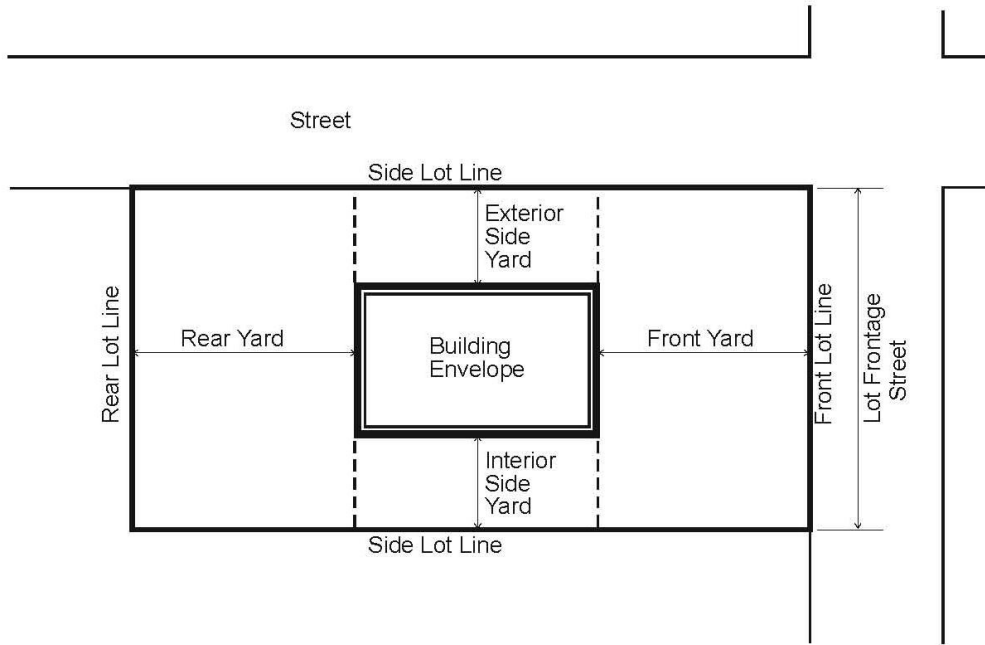


Illustration of Corner Lot (Parallel Lot Lines)

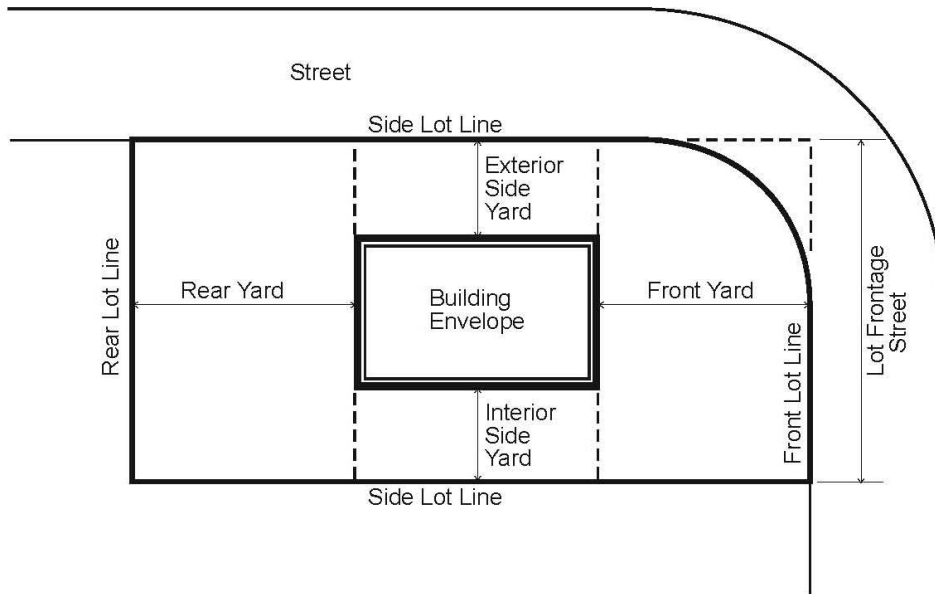


Illustration of Corner Lot (Curved Side)

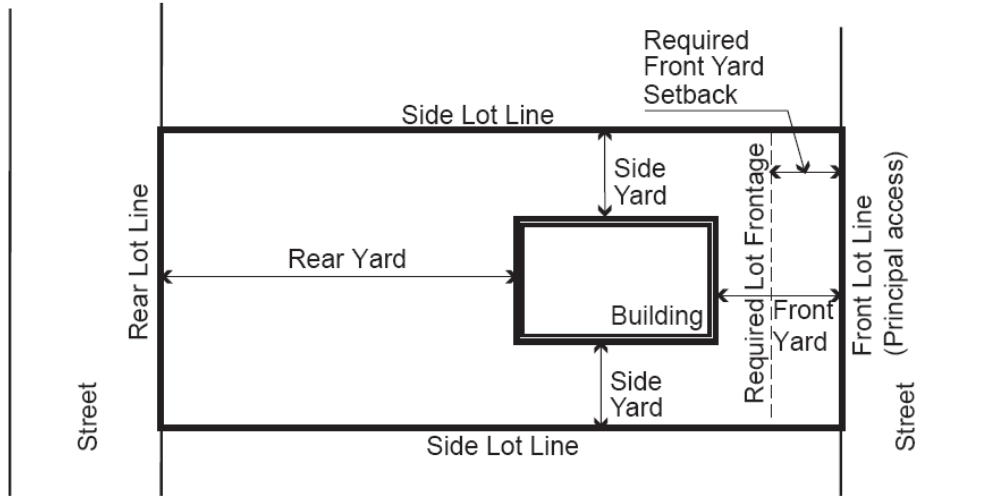


Illustration of Through Lot

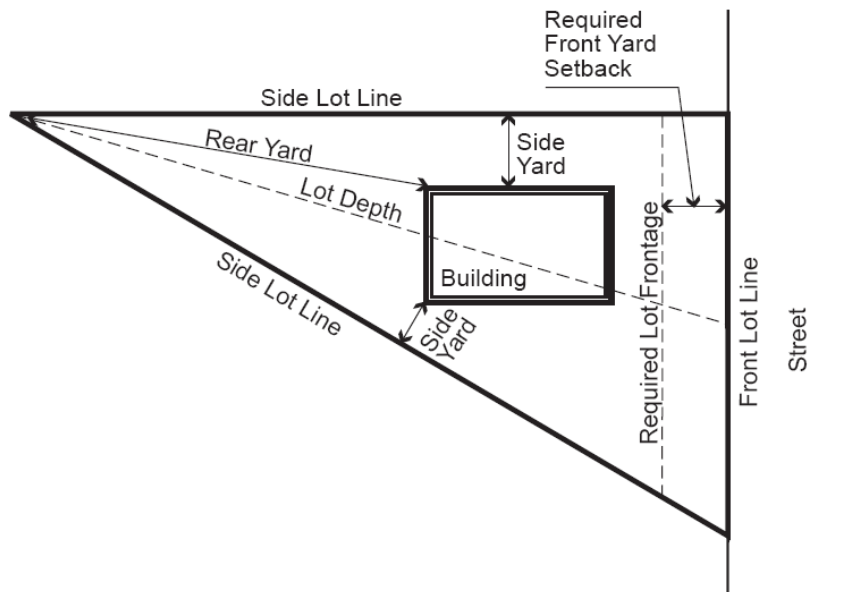


Illustration of Irregular Lot (No Rear Lot Line)

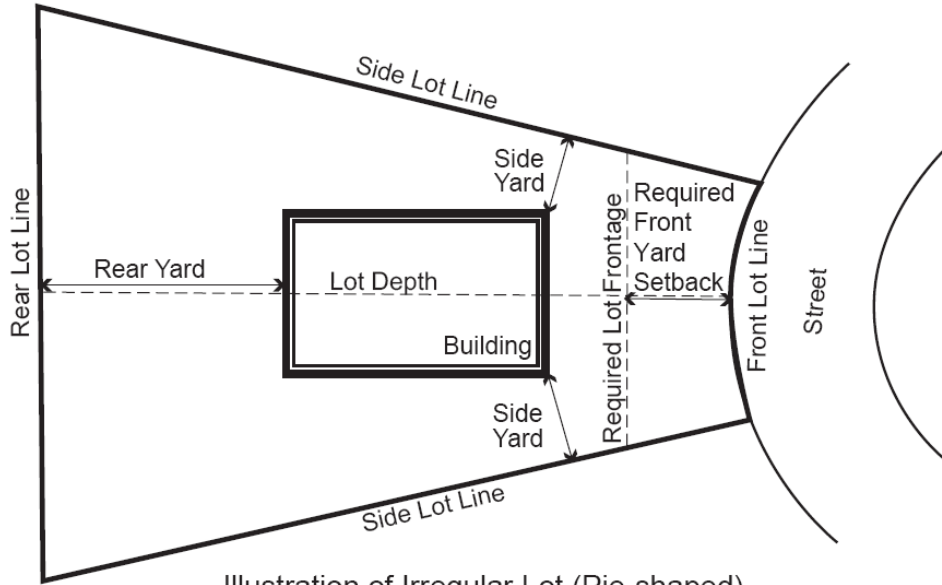


Illustration of Irregular Lot (Pie-shaped)

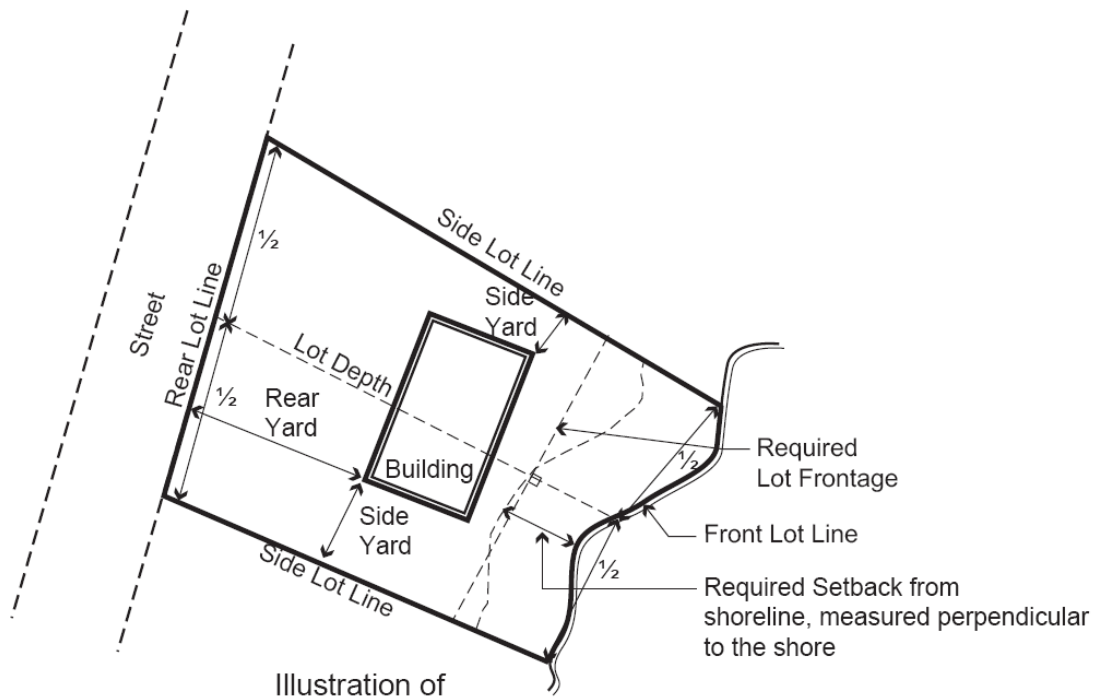


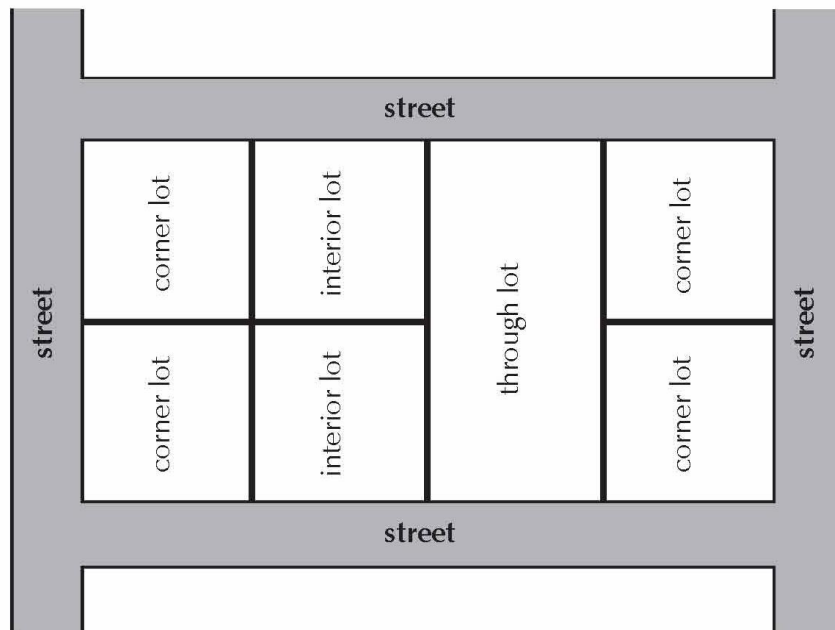
Illustration of Waterfront Lot Abutting a Street

Lot Line

Any boundary line of a lot, including a:

- a) front lot line which means, in the case of an interior lot, the line dividing the lot from the street. In the case of a through lot or a corner lot, the shorter lot line abutting a street shall be the front lot line. In the case of a corner lot or a through lot where the lot lines abutting a street have the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In the case of a waterfront lot, the lot line abutting the waterway shall be the front lot line.
- b) rear lot line, which means the lot line farthest from or opposite to the front lot line. If the lot has less than four (4) lot lines there shall be deemed to be no rear lot line.
- c) side lot line, which means a lot line other than a front or rear lot line.

ILLUSTRATION OF LOT TYPES



M

Maintenance and Storage Yard

Any land, building and/or structure owned by a public entity that is used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicles used in connection with public works.

Marina

A commercial establishment or premises, containing docking facilities and located on a watercourse or navigable waterway, where boats or boat accessories are berthed, launched, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided and may include a convenience store and/or a restaurant as an accessory use.

Micro-Brewery

A brewery, completely contained within a structure that produces less than 12,500 hectolitres of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional

three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryouts and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

Mineral Aggregate Operation

An operation that includes:

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of this and other municipal By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Mining Operation

Operations, land and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use, as regulated by the Mining Act.

Mobile Home

A dwelling unit transported in one piece suitable for long term occupancy, designed to be transported on its own wheels or by other means and arriving at a site ready for occupancy apart from incidental accessories and mechanical connections such as location on foundation supports or anchoring arrangements and connections to utilities. Such dwellings shall be certified to have been manufactured to the structural requirements for mobile homes as specified in CAN/CSA standard Z240.2.1 and to the Plumbing Requirements for Mobile Homes as specified in CAN/CSA Standard Z240.3.1.

Mobile Home Park

A tract of land under single ownership, or condominium, which has been planned and intended for the placement of mobile homes, and which consists of a group of not less than two (2) individually serviced sites for the location of mobile homes.

Mobile Home Site

A parcel of land within a mobile home park that is serviced and used for the exclusive purposes of one mobile home.

Modular Home

Means a prefabricated or factory built residential building consisting of two or more sections, neither of which comprises a dwelling unit, that may be attached side-by-side or above and below to form one or more complete dwelling units for year round residential occupancy, but this definition does not include recreational vehicles, or mobile homes. The building shall be designed and constructed in compliance with CSA A277 "Procedures for Factory Certification of Buildings".

Motel

One or more buildings for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation, provided that each guest room may be entered from a separate entrance to the outside.

Motor Vehicle

An automobile, truck, motorcycle, recreational vehicle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a heavy vehicle.

Museum

An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of cultural or historical interest.

N

Navigable Waterway

A body of water that is capable of affording reasonable passage of floating vessels of any description for the purpose of transportation, recreation or commerce.

Night Club

A place where alcoholic beverages are served to the public for a fee, with or without food.

Non-Commercial Farm

A lot used principally for residential use and where accessory uses may include small scale market gardening for retail. Livestock, including horses, will be limited to a maximum of 4 nutrient units, as defined by the Nutrient Management Act, and able to meet the Minimum Distance Separation formula.

Non-Complying

A permitted use which does not comply with one or more regulations of this By-law for the Zone in which such building or structure is located on the date of passing of this By-law or amendments thereto.

Non-Conforming

A use of land that is not listed as a permitted use in the zone in which it is located but which is tolerated because Section 34.(9), Planning Act (R.S.O. 1990) allows it to continue so long as the use is not changed or discontinued from the date when the zoning by-law was passed or amended.

Normal High Water Mark

The mark made by the action of water under natural conditions on the shore or bank of a watercourse or water body or as established by a survey.

O

Obnoxious Use

Any use which is offensive by the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any lot lines of the premises.

Office

A building or part thereof designed, intended or used for the practice of a profession, the transaction and/or management of a business, or the conduct of public services and administration, but shall not include a clinic or a financial establishment.

Off-Leash Dog Area

A fenced facility where residents have the opportunity to exercise and socialize their dogs off leash within a controlled environment.

Open Air Market

A temporary market held in an open area or in a building or structure where groups of individual sellers display and offer goods or agricultural produce for sale to the public, but does not include a garage sale.

Open Storage

Goods, materials, or refuse associated with a use, located outside of a building or structure visually screened by a fence or other visual barrier, but shall not include such items where they are not in the direct ownership of the occupant.

Outdoor Recreational Facility

An area available to the public at large for sports and active recreation conducted outdoors and may also include accessory buildings or structures and may also include a restaurant.

P

Park

Includes a playground, sports field, botanical garden, outdoor public swimming pool or parkway, and may also include accessory buildings or structures such as a maintenance building, washroom or canteen.

Parking Lot

An area, building or structure used for the temporary parking of motor vehicles and includes any related aisles and parking spaces but shall not include any part of a driveway, a street or lane. This definition may include a parking garage.

Parking Space

A portion of a parking lot or parking garage used for the temporary parking or storage of a motor vehicle, exclusive of any aisles or driveways.

Patio

A platform or surfaced area without a roof that is accessory to a dwelling or commercial use which at any point of the walking surface perimeter is 600 mm or less in height from adjacent grade.

Person

An individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

Personal Service Business

Personal service business means a place where:

- a) a service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon; tattoo and piercing parlours; spa; tanning salon; shoe repair shop; dry cleaning establishment; laundromat; tailor shop or dressmaker shop; or massage therapy service but excluding a body rub parlour;
- b) a consultation or information service is provided by a professional, other than a medical professional, including a travel agency or an interior decorator, or
- c) other personal or business services are provided, including a printing, publishing, photocopying, picture framing or photofinishing service, including self-service operations.

Place of Assembly

A building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political or social purposes and shall include a banquet hall, convention centre or private club.

Place of Worship

Includes, but is not limited to churches, chapels, temples, mosques, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

Portable Asphalt Plant

A small, portable facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Concrete Plant

A small, portable facility:

- a) with equipment designed to mix and/or crush cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Post-Secondary Institution

A public educational institution that includes a:

- a) university which means a place of higher education, which has a body of teachers and students on the premises, and that offers instruction at the undergraduate level, post-graduate level, or both, and which is empowered by law to grant a degree upon the successful completion of a prescribed course of study;
- b) college which means a college of applied arts and technology or other similar place of post secondary education which has a body of teachers and students on the premises, and that provides instruction in business, a trade, or a craft; and that is empowered by law to grant diplomas, licenses or certificates that permit the holders to represent themselves as qualified to work in a particular trade or occupation; or
- c) any residential use buildings, dwelling units or rooming units ancillary to and located on the same lot as a university or college.

Principal

The primary use of land or of a building.

Provincial Highway

A public, improved road under the jurisdiction of the Ministry of Transportation.

Public Authority

Any Federal, Provincial, District or Municipal agencies, and includes any public commission, board, authority or department established by such agency.

R

Recreational Facility

Premises where entertainment is offered for profit such as a cinema, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, and all other similar places of amusement, and may include a restaurant.

Recreational Rental Establishment

The use of land or structures for the rental of outdoor sports and games equipment, including but not limited to boating and water sports, which may be run for-profit or non-profit, but does not include a recreational vehicle or boat sales establishment.

Recreational Vehicle

A motorized vehicle designed to provide temporary living accommodations but does not include a mobile home, trailer or other motor vehicle defined herein.

Recreational Vehicle or Boat Sales Establishment

A building or place where new or used recreational vehicles, trailers, snowmobiles, boats and accessories are sold, rented or repaired.

Research and Development Centre

A place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products, and may include a research laboratory; but excludes industrial and manufacturing operations other than those required as part of the research.

Resort

A tourist establishment that provides accommodation throughout all or part of the year and that may or may not have facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes, and which may also include accommodation facilities for staff.

Restaurant

A building or part of a building where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises. Where licensed, a restaurant may also serve alcohol.

Retail Store

A place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own use, and includes a garden centre and a pharmacy.

Retirement Home

A residential use building containing rooming units or a combination of rooming and dwelling units, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home.

Rooming Unit

A room, or a suite of rooms, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the principal dwelling or building intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms.

S

Satellite Dish

A structure used for the reception of television or radio signals relayed via a transmitter.

School

As defined in the Education Act, and includes any other place of primary, elementary, or secondary education which has a body of teachers and students on the premises, and that provides instruction in the primary, elementary or secondary courses of study authorized or approved by the Minister of Education for Ontario, and also includes adult education and English or French as a second language programs.

Seasonal Dwelling

A single-detached dwelling constructed according to the cottage standards established in the *Ontario Building Code*.

Service and Repair Shop

A place where personal effects and household goods and appliances are repaired, but does not include the repair of large equipment such as motor vehicles or heavy equipment.

Setback

The least horizontal distance measured from and at right angles to the street line abutting a front lot line to the nearest part of any building or structure on the lot, or the nearest open storage use of the lot.

Sewage Facility

Any works by a public authority for the collection, storage or treatment and disposal of sewage.

Shipping Container

An article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal shipping containers, body of transport trailer or straight truck box but does not include a motor vehicle. Shipping containers include containers originally used as an article of transportation equipment.

Shopping Centre

A group of predominantly commercial and service occupancies that:

- a) is designed, developed and managed as a unit whether by a single owner or a group of owners or tenants acting in collaboration;
- b) is either in a single building or in multiple buildings on the same lot or abutting lots, and may, but shall not be required to, be considered as one lot for zoning purposes;
- c) is made up entirely of uses permitted or lawful non-conforming on the site;
- d) has a minimum size greater than a cumulative total of 2,000 m² of gross leasable floor area; and has either:
 - i. a common parking lot or parking garage or a combination thereof; or
 - ii. a group of parking lots or parking garages or a combination thereof which are managed as a unit by the same owner, owners or tenants of the commercial and service occupancies required in subparagraph (a) above, and are on the same lot or lots as the commercial and service occupancies required in subparagraph (a) above.

Shore Road Allowance

Means a 20 m wide allowance along the shore of a navigable waterway and designated road allowance originally reserved by the Crown along the shore of a navigable waterway, but does not include an allowance that has become a road or has been closed and conveyed.

Shore Reserve

A 20 m reserve owned by the Crown along a navigable waterway.

Sidewalk

A paved area for pedestrians and is usually beside a street or road.

Sleep Cabin

A building accessory to and subordinate to a permitted residential use designed to provide additional sleeping quarters for occasional guests of the owner and without kitchen facilities.

Snow Disposal Facility

A facility to which snow is transported for storage from other off-site locations.

Solid Waste Disposal Facility

A facility providing for the long-term storage or destruction of municipal solid waste, and includes a landfill site or an incinerator.

Storage Yard

Land used for outdoor storage, including:

- a) the storage of vehicles, including an automobile salvage operation or scrap yard;
- b) the storage of road maintenance material such as gravel or sand;
- c) the storage of construction, building or landscaping material; and
- d) the storage of heavy vehicles or construction equipment, and includes an accessory maintenance garage used for the service and repair of the stored vehicles and equipment.

Storey

That portion of a building other than a cellar or attic storey which is included between one floor level and the next higher floor level or the ceiling.

Street or Road

Any highway, road, boulevard, or other improved thoroughfare which has been dedicated or deeded for public use.

Structure

Anything constructed that is fastened to or rests on the earth.

Studio

Building, or part thereof, used as a workplace for a photographer, craftsman or artist, or for the instruction of art, music, dancing, languages or similar disciplines. The sale of any artifacts produced therein shall only be as an accessory use.

Swimming Pool

A structure which is located on or in or above the ground, or within a building, and which is capable of containing an artificial body of water for swimming, wading, diving or recreational bathing with a water depth of 0.6 m or more at its deepest point and may include a hot tub.

T

Taxi Stand

A lot or building used as a dispatch office and the parking of taxis and/or limousines when not engaged in transporting persons or goods.

Technology Industry

An operation where advanced or sophisticated devices especially in the fields of electronics and computers are manufactured, assembled, packaged or stored in an office, studio or laboratory setting.

Theatre

A place where live theatrical performances or concerts are given on a stage before an audience.

Trailer

A vehicle that is, at any time, drawn upon a highway by a motor vehicle, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, does not include a mobile home.

Transportation Depot

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes, or for ticket purchases, and may include a convenience store or restaurant.

U

Use

Means a use of land for any purpose; and “used” and “using”, and other such forms of the word, have a corresponding meaning.

Utility Installation

The actual building plant, works, utility line, tower, transmitter, relay, receiver, pedestal or other equipment used to make or deliver a utility product, commodity or service, and includes a storm water management facility, wind turbine, wind turbine farm, solar panels, solar farm or similar facility. It also includes electricity generation facilities, as well as transmission and distribution systems.

W

Warehouse

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include accessory wholesale facilities, but shall not include a truck or transport terminal or yard.

Waste Processing and Transfer Facility

A facility where waste is sorted, recycled, processed or temporarily stored prior to transfer off site and may include a source separated organics and bio-solids processing and storage facility.

Watercourse

A water body or the natural channel for a permanent or intermittent stream of water, including a river, stream or lake, and which may include a navigable waterway.

Waterfront

A piece of land that has lot frontage along a watercourse.

Wayside Pit or Quarry

A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of a road construction and not located on the road right-of-way.

Wildlife Conservation Reserve

A natural area including land and/or water used for the purpose of planned management of natural resources, including wood lot management and the preservation and enhancement of the natural environment, and which may also include facilities for active and/or passive recreation.

Wind Turbine

A machine or device for converting the kinetic energy in wind into electrical energy that is suitable for use. A wind turbine includes a tower, housing, blades, and related appurtenances.

Wind Turbine, Height

The vertical distance between the average finished grade and the highest point of the structure measured as the aggregate total of the base, tower and blade, when the blade is in a vertical position.

Y

Yard

An area of a lot abutting a building that is intended for use for such purposes as privacy space, landscaping, parking or access, and includes a:

- a) front yard which means that yard that extends across the full width of the lot between a front lot line and the nearest point of the principal building, not including any permitted projections;
- b) rear yard which means that yard that extends across the full width of the lot between a rear lot line and the nearest point of the principal building not including any permitted projections;
- c) interior side yard which means that yard not abutting a public street or lane that extends from the front yard to the rear yard between a side lot line and the nearest point of the principal building, not including any permitted projections; and
- d) exterior side yard which means that yard abutting a public street or lane that extends from the front yard to the rear yard between a side lot line and the nearest point of the principal building, not including any permitted projections.

Yard, Required

The minimum distance required by this By-law between a lot line and a building, and includes a required:

- a) front yard which means the shortest distance between the front lot line and any part of a building, not including any permitted projections;
- b) rear yard which means the shortest distance between the rear lot line and the nearest point of the principal building, not including any permitted projections;
- c) interior side yard which means the shortest distance between the side lot line not abutting a street or lane and any part of a building between the front and rear yards, not including any permitted projections; and
- d) exterior side yard which means the shortest distance between a side lot line abutting a street or lane and any part of a building between the front and rear yards, not including any permitted projections.

Section 3 General Provisions

3.1 Access to Provincial Highways

Direct access onto a Provincial Highway shall be restricted. Development is encouraged to utilize municipal roads wherever possible. Access will only be considered to properties that meet the minimum safety and geometric requirements of the Ministry of Transportation.

In addition to all applicable municipal requirements, all development located adjacent to Provincial Highways shall require all necessary permits from the Ministry of Transportation prior to any construction.

3.2 Adequate Municipal Services

No land shall be used or the intensity of any use of land expanded or any building placed, erected, altered, enlarged, or used within the City of Kenora unless the land is serviced by municipal water and sewer systems that have adequate capacity, except under the following conditions:

- a) where municipal water and/or sewage systems are not available, private services approved by the Northwestern Health Unit may be permitted; or
- b) where lands are subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreement with the City of Kenora, such lands are considered to be in compliance with this By-Law.

3.3 Amenity Area

Amenity areas must be provided for a residential use that is a permitted use in the zone in which it is located, in accordance with Table 1 and the following provisions:

- a) Amenity area must be located on the same lot as the use for which it is provided.
- b) Amenity area provided outdoors must not be located in a required front or exterior side yard.
- c) Where amenity area is located outside at grade, it may be included in the landscaped area requirements.
- d) Minimum required community amenity area may only be included as part of a required landscaped buffer strip where it is aggregated into areas of 54 m² or more.

Table 1: Amenity Area Requirement

Use	Total Amenity Area	Communal Amenity Area	Layout of Communal Amenity Area
Apartment dwelling, Boarding house, Nine (9) or more dwelling units above commercial uses, Retirement home, Stacked dwelling with nine (9) or more dwelling units	6 m ² per dwelling unit and/or 10% of the gross floor area of each rooming unit	Minimum of 50% of the total required amenity area	Aggregated into areas of up to 54 m ² , and where more than one aggregated area is provided, at least one must be a minimum of 54 m ² .
Continuum care facility	10% of the gross floor area of each rooming unit	All of the total amenity area	
Other uses	Not required		

3.4 Bed and Breakfast

A bed and breakfast shall comply with the following:

- a) The bed and breakfast forms part of a single-detached dwelling;
- b) A new bed and breakfast shall meet the provisions of the zone in which it is located;
- c) A bed and breakfast shall be operated by a live-in owner with a maximum of four (4) guest rooms; and
- d) A bed and breakfast shall not change the residential character of an existing dwelling unit.

3.5 Boarding House

A boarding house shall provide accommodation for at least three people and no more than ten. Additional occupancy regulations may be specified in the relevant provisions for each zone.

3.6 Boat, Recreational Vehicle, and Trailer Storage

Parking and storage of boats, recreational vehicles, trailers and similar vehicles shall be permitted in any zone subject to the following provisions:

- a) Boats, recreational vehicles, trailers or similar vehicles shall not be parked or stored overnight in any commercial zone, unless commercial storage or commercial sales are permitted.
- b) Boats, recreational vehicles, trailers or similar vehicles shall not be parked or stored in any portion of a front yard.
- c) Boats, recreational vehicles, trailers or similar vehicles may be parked or stored in a garage.
- d) Boats, recreational vehicles, trailers or similar vehicles shall be parked or stored in an interior side or rear yard provided that the boat, recreational vehicle, trailer, or similar vehicle is set back a minimum of 0.6 m from any lot line, and the line dividing the side yard from the front yard, and shall be visually buffered from the view of a street and abutting properties.
- e) Any recreational vehicle or trailer shall not be occupied while parked or stored on a lot.
- f) Any number of boats, recreational vehicles, trailers or similar vehicles, together not exceeding a total length of 11m may be stored in an interior side or rear yard in any residential, rural residential or rural zone, provided that the boat(s), recreational vehicles or trailers being stored are setback a minimum of 0.6m from any lot line and the line dividing the side or rear yard from the front yard.
- g) The regulations of this section do not apply to any recreational vehicles or trailers parked or stored within a campground.
- h) The regulations of this section do not apply to any boats or trailers parked or stored within a marina, or boat sales or commercial storage, or in conjunction with any permitted dock, boathouse or boat port on the same lot.
- i) Notwithstanding any other provision in this By-law, boats, recreational vehicle and trailer storage shall be permitted in any residential driveway between May 1st and October 31st.

3.7 Communication Towers

Notwithstanding any other provision of this By-law, the erection of communication towers shall be subject to the City's Installation of Communication Towers Policy, as amended, and the federal Radio-communication Act.

3.8 Compliance with Existing Setbacks

Notwithstanding any other provisions of this By-law, in any zone where undeveloped lots exist or are created by consent between developed lots, or where a dwelling is to be reconstructed on a lot between developed lots, said lots being within the same block and abutting the same street, the required front yard may be:

- a) not less than the minimum required within that zone, if adjoining buildings comply with or exceed the required set-back;
- b) not less than the average of the setbacks of the adjoining primary use buildings if that average is less than the required yard setback for that zone.

3.9 Existing Vacant Undersized Lots

Lots individually owned on the effective date of this By-law shall be deemed to meet the frontage and lot area requirements of the applicable zone provided that all other applicable provisions of this By-law are complied with.

An existing vacant lot having less than the minimum lot frontage or lot area required by this By-law may be developed for all uses in the appropriate zone provided that:

- a) all other provisions of the By-law are satisfied;
- b) the lot is serviced by public water supply and public sanitary sewer disposal facilities or alternatively meets the requirements of the authority having jurisdiction; and
- c) the lot has a minimum frontage of 7.5 m or on a publicly owned and maintained road or street.

Development may be permitted in any zone on a lot which is substandard with regard to lot frontage or lot area, provided that the lot was legally registered and existing at the time of final passage of this By-law and that the development meets all other requirements of this By-law regarding that zone.

3.10 Expropriation

Notwithstanding any other provisions of this By-law, a lot that becomes undersized by reason of expropriation or purchase by any government agency for road use, the lot may be used for a purpose permitted in the zone in which it is located provided that all other requirements of the By-law are complied with.

3.11 Frontage on a Public Road

All lots shall front on a provincial or municipal road. Notwithstanding this requirement, existing lots that do not front on a public road may be used in accordance with the other provisions of this By-law.

3.12 General Provisions for Commercial and Industrial Zones

3.12.1 Adjacent to a Residential Zone

Notwithstanding any other provisions of this By-law, where a lot in any Commercial Zone or Industrial Zone fronts on a road opposite a Residential Zone or abuts a Residential Zone, the following provisions shall apply:

- a) No employee or visitor parking spaces, loading spaces or open storage shall be permitted in any required front yard adjacent to a Residential Zone;
- b) Open storage shall be prohibited in any required yard adjacent to a Residential Zone.

3.12.2 Automobile Service Stations

Notwithstanding any other provisions of this By-law, where Automobile Service Stations and Gas Bars are permitted in Commercial Zones, the following provisions apply:

- a) No portion of any pump island shall be located closer than 4.5 m to the lot line along any street;
- b) No portion of any ingress or egress driveway shall be located closer than 9 m to the intersection of any street;

- c) No portion of any ingress or egress driveway along any street line shall be located closer than 3 m to any side lot line which abuts any other lot;
- d) The width of any ingress or egress driveway along any street line shall not be more than 9 m or less than 7.5 m;
- e) The minimum distance between two driveways shall not be less than 9 m; and
- f) The minimum interior angle of any driveway to the street line shall be greater than 60 degrees.

3.12.3 Drive-Through Facility

Where a drive-through facility is a listed permitted use, and is provided on a site, off-street motor vehicle queuing space must be provided for that drive-through facility leading both to and from each service bay, window, kiosk or booth for the uses specified and at the rate set out in Table 2.

Table 2 – Minimum Number of Queuing Spaces Required

Land Use		Minimum Number of Queueing Spaces Required	
		Leading to Use	Leaving Use
Car Wash	Conveyor Type	10 before/in each wash bay	1 after each wash bay (if a through bay)
	Automatic Type	10 before/in each wash bay	
	Manual Type	5 before/in each wash bay	
Financial establishment with accessory bank machine		3 before/at each machine	1 after each machine
Restaurant		No order board: 4 spaces before/at service window;	
		With order board: 11 spaces	
In all other cases		3 spaces before/at service window	

All drive through facilities and queuing spaces shall be designed, constructed and maintained in accordance with Table 2 and the following provisions:

- a) each queuing space shall be a minimum of 3 m in width and 5.7 m in length;
- b) no queuing line, drive-through window or order board may be located within 3 m of any lot line abutting a residential zone.
- c) despite subsection b), where a queuing line, drive-through window or order board is located 3 m or more from a residential zone, but is still within a yard abutting a residential zone, it must be screened from view from that residential zone by an opaque screen with a minimum height of 1.5 m.

3.13 General Provisions for Residential and Rural Zones

3.13.1 Residential Lot Occupancy

No more than one single-detached, semi-detached, duplex, triplex, stacked, apartment, multiple attached or converted dwelling shall be erected on any lot. Accessory structures may include detached, secondary dwelling units, in accordance with specific zone provisions. In the Black Sturgeon Lake (Restricted Development Area), Rural Residential or Rural Zones one (1) sleep cabin shall also be permitted provided that the sleep cabin complies with all other zone requirements.

3.13.2 Through Lots

- a) Notwithstanding any other provisions in this By-law, for any through lot that is not also a corner lot in any Residential Zone, the minimum required front yard setback applies on each street in accordance with the provisions of the Residential zone in which the lot is located and the minimum required rear yard setback does not apply.

- b) Where through lot is also a corner lot in a Residential Zone, the exterior side yard and rear yard provisions apply.

3.13.3 Parking and Storage of Commercial Vehicles and Equipment in Residential Zones

- a) A maximum of one (1) commercial vehicle may be parked or stored on a serviced lot in a residential zone, provided that the commercial vehicle has a permitted load capacity of 1.0 metric tonne or less and the commercial vehicle is operated by the resident of the associated dwelling unit on the lot.
- b) On unserviced residential or rural lots, commercial vehicles may be parked or stored at a ratio of one (1) vehicle per 2,000 m² of lot area.
- c) Within the Rural (RU) zone, a maximum of two (2) school buses which are operative and currently licensed may be parked or stored on any lot.

3.13.4 Conversion of Residential Buildings

A converted dwelling may be created from a single-detached dwelling in any R3 Zone provided that:

- a) The single-detached dwelling existed prior to the passing of this By-law;
- b) Each dwelling unit within the converted dwelling shall have a gross floor area of at least 45 m²;
- c) No external stairways other than an open fire escape are created as part of the conversion.

3.13.5 Lot Depth

Notwithstanding any other provisions of this By-law, no lot created after the effective date of this By-law shall have a lot depth that is more than five (5) times the frontage of the lot.

3.13.6 Swimming Pools & Hot Tubs

The swimming pool and / or hot tub shall be enclosed by a fence in accordance with the City of Kenora Fence By-law as amended.

3.13.7 Outdoor Wood Burning Furnaces

Where an outdoor wood stove or furnace is established for heating of the primary building or structure, it shall be considered as part of such building or structure and shall conform to the provisions of the Forest Fires Prevention Act, and the City of Kenora Outdoor Wood Burning Appliances By-law, as amended and all yard requirements of the applicable zone. Outdoor wood burning furnaces are subject to the following provisions:

- a) Shall be permitted only in the RR and RU zones;
- b) May only be installed on lots having an area of 1.0 hectares or greater;
- c) Shall be supported by a non-combustible base or foundation that is designed according to the manufacturer's instructions to support the weight of the appliance. The base must in all cases extend a minimum of 0.3 m in all directions from the appliance on all sides;
- d) The top of the chimney for an appliance using solid fuel and installed and erected outdoors shall be a minimum of 5 m above the adjacent ground and shall be equipped with a spark arrestor and a rain cap;
- e) Shall be located at least 15 m from any property line;
- f) Shall be located at least 3 m from any trees or non-habitable structures;
- g) Shall not be located in a front yard.

3.14 Group Homes and Emergency Shelters

Group homes and emergency shelters are permitted in the R1, R2, R3, RR, and RU zones subject to the following provisions:

- a) A group home or emergency shelter shall occupy a dwelling unit that is permitted in the zone;

- b) When a residential use building is converted to a group home or emergency shelter, the group home or emergency shelter must occupy the whole of the building including all attached units within the building;

3.15 Home Occupations and Home Industries

3.15.1 Home Occupations

- a) Permitted uses as a Home Occupation may include:
 - i. Business and professional offices such as professions in the field of engineering, accounting, planning, architecture/landscape architecture, lawyer, family and personal counselling;
 - ii. Health related professionals such as a physician, dentist or veterinarian, physiotherapist, drugless practitioner, or chiropractor, so long as the use is a general practice and does not function as a clinic for any type of surgical procedure;
 - iii. Personal services businesses services such as a hairdresser, aesthetician and pet grooming, dressmaker, tailor, seamstress, tutor, music teacher;
 - iv. Artist's studio for the production and sale of arts and crafts;
 - v. Mobile services such as boat cleaning/repair, business equipment repair, chimney cleaning services, physical therapy, window cleaning services, gardening/landscaping, handyman/maintenance, janitorial services, so long as the service is not provided on the premises;
 - vi. Catering services;
 - vii. Mail order services, providing no merchandise is sold to customers attending the property on which the dwelling, or home occupation is located.

Where home occupations are permitted subject to the individual zones, the following shall apply:

- b) The home occupation shall be operated by an occupant of the dwelling unit;
- c) Not more than one assistant who is not a resident in the dwelling unit may operate in and from the dwelling;
- d) Not more than 25% or 41.8 m² of the total floor area of the dwelling unit, whichever is the lesser, is devoted to the home occupation;
- e) The residential character of the dwelling shall not be altered or changed in any way as a result of the home occupation;
- f) There shall be no goods, wares or merchandise, other than arts and crafts produced on the premises, offered for sale on the premises;
- g) The occupation shall not create or become a nuisance by way of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood;
- h) There shall be no outside storage or display of materials, containers, or finished products, and no mechanical equipment used except that of a type used for housekeeping purposes and/or recreational hobbies;
- i) Where a home occupation is the office of a veterinarian, physician, or dentist, the use shall be for consultation and emergency treatment only and not as a clinic or hospital; and,
- j) There shall be no display, other than a non-illuminated sign of less than 0.3 m² in size, attached to the residence, to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential.
- k) Except for one licensed motor vehicle with a maximum of 3500 kgs gross vehicle weight (gvw), no business related materials, including machinery or vehicles, shall be visible at any time on any lot upon which a home occupation is carried out, nor shall any machinery or vehicles be parked or stored on the lot unless completely enclosed within a building.
- l) The width of the driveway, or any area dedicated to off street parking on the premises, shall not exceed 40% of the width of the front lot line.

3.15.2 Home Industries

- a) Home Industries shall be permitted in the Rural (RU) and Rural Residential zone (RR), provided that the minimum lot size is 2.0 ha.
- b) Permitted uses as a Home Industry could include, but not limited to:
 - i. Welding;
 - ii. Service and repair shop;
 - iii. Wood working shop.
- c) The home industry shall be operated by an occupant of the dwelling unit;
- d) A maximum of three non-resident employees per principal dwelling unit shall be permitted on site;
- e) The residential character of the dwelling shall not be altered or changed in any way as a result of the home occupation;
- f) If the home industry is located within a dwelling unit, the cumulative size of the home industry shall not exceed 25% of the unit's gross floor area or 28 m² whichever is the greater;
- g) Sales areas are restricted to within the principle dwelling unit and accessory buildings only;
- h) No part of any garage or accessory building used for a home industry shall be located closer than 10 m to any residential use on another lot, or to the side lot line if the neighbouring lot is not developed within a residential use;
- i) A maximum cumulative 5% of the total lot area or 100 m², whichever is the lesser shall be permitted to be used for outdoor storage associated with the home industry;
- j) Outdoor storage shall be restricted to the rear yard and shall be located within 10 m of the rear lot line. Outdoor storage shall be screened from view from any abutting public street or abutting property with an opaque screen or fence, with a minimum height of 1.4 m;
- k) On-site storage of hazardous chemicals or explosives is prohibited;
- l) No open storage shall lead to the creation of a salvage yard.

3.16 Kennels

Kennels are only permitted in the Rural (RU) zone and shall comply with the following provisions in addition to the requirements of the RU zone:

- a) The kennel shall comply with all applicable municipal animal control and licensing by-laws;
- b) The kennel shall not create or become a nuisance by way of noise, fumes, dust, odour, or traffic; There shall be no outside storage or display of materials or containers; and
- c) The kennel shall be a minimum distance separation of 150 m between the kennel and any residence (not including the kennel owner's residence).

3.17 Landscaped Open Space and Landscaped Buffer Strips

Landscaped open space and buffer strips shall be provided in accordance with the following general provisions:

- a) Any part of a lot subject to Site Plan Control which is not occupied by buildings, structures, parking area, loading spaces, driveways, excavations or permitted outdoor storage areas shall be screened or buffered, except that this provision shall not apply to any agricultural use.
- b) Where landscaped open space of any kind, including a landscaped buffer strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being crossed by pedestrian walkways or a permitted driveway, provided that the minimum angle of intersection between a driveway and a required landscaped buffer strip shall be 60 degrees.
- c) No part of any driveway, parking area, loading space, porch, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.

- d) Where the lot line of a lot containing a non-residential use abuts a Residential Zone, or abuts a street, then the portion of the non-residential use lot directly abutting the residential zone or the street shall be used for a continuous landscaped buffer strip with a minimum width of 3.0 m.

3.18 Loading Space Requirements

3.18.1 Loading Spaces Required

Any non-residential use or building, shall provide and maintain on the same lot as the permitted use, facilities comprised of one (1) or more off-road loading spaces in accordance with the provisions outlined in Table 7 and this Section.

Table 3: Required Loading Spaces

Use		Minimum Number of Loading Spaces Required
All Non-Residential Uses (Gross floor area)	0 – 500 m ²	0
	501 – 2,500 m ²	1
	2,501 – 7,500 m ²	2
	Over 7,500 m ²	3

3.18.2 Loading Space Regulations

All loading spaces shall be designed, constructed and maintained in accordance with the following provisions:

- a) Each loading space shall have a minimum width of 3.5 m, a minimum length of 9 m and a minimum vertical clearance of 4.2 m, and each space shall be visibly designated and marked;
- b) Driveways used for ingress and egress shall be clearly marked.
- c) Loading spaces shall not be located within any required front or exterior side yards and may not overlap any required parking spaces.
- d) Where a loading space is located in a front or exterior side yard, or in any yard abutting a residential zone, the loading space(s) must be screened from the roadway or the residential zone by an opaque fence or hedgerow of at least 2 m in height, except within the sight triangle area.

3.19 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is a conflict such as in the case of lot size or lot frontage, the more restrictive or stringent standards shall apply.

3.20 Multiple Zones on One Lot

Where a lot is divided into more than one zone, each portion of the lot must be used in accordance with the provisions of the applicable zone; however, the zone boundary is not to be treated as a lot line. Where two or more provisions are equally applicable, all provisions must be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions must be complied with. This provision does not apply to lands that are subject to a Holding (h) Provision.

3.21 Non-Conforming/Non-Complying Uses

3.21.1 Non-Complying Building and Structures

- a) Reconstruction, Enlargement and Extension

- i. Where a legal non-complying building or structure is damaged, destroyed, or demolished, the building or structure may be reconstructed within its original location, provided:
 - The situation of non-compliance is not further increased; and
 - All other provisions of the By-law are complied with.
 - ii. A legal non-complying building or structure may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.
- b) Development is permitted on any vacant lot existing as of the date of the passing of this By-law and which lot is legally non-complying with respect to lot width and lot area, provided:
- i. The proposed use is a use permitted in the zone in which the lot is located; and
 - ii. The proposed use does not contravene any other provisions.

3.21.2 Non-Conforming Uses

a) Continuation of Existing Uses

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

b) Restoration of Buildings to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or part thereof, lawfully used on the date of the passing of this By-law, provided that such strengthening or restoration does not increase the building height, size, volume, or change the use of such building.

c) Reconstruction of Damaged Existing Building

Nothing in this By-law shall apply to prevent the reconstruction of any legal non-conforming building which existed on the date of the passing of this By-law, which is damaged by causes beyond the control of the owner, and such building may be reconstructed in accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law, provided that the building height, size, volume, or lot coverage is not increased [City of Kenora By-law #12-2013].

3.22 Open Storage

Notwithstanding any other provisions of this By-law, open storage shall not be permitted in any required front yard in any zone within the Municipality.

3.23 Parking Provisions

3.23.1 Parking Spaces Required

When any new development is constructed, or a use is changed, provision shall be made for off-road motor vehicle parking spaces in accordance with the requirements of Table 4 and this Section. All parking and loading spaces, and all associated driveways and aisles shall be provided in accordance with the provisions of this By-law, and shall:

- a) be set aside for and used exclusively for that purpose;
- b) not be obstructed; and
- c) be located on the same lot as the use or building for which they are provided, except where otherwise permitted.

Table 4: Required Parking Spaces

Use	Minimum Number of Parking Spaces Required
Residential Uses	
Apartment dwelling	1.5 per dwelling unit
Bed and breakfast	1 per dwelling unit plus 1 per guest room
Boarding house	0.5 per boarding unit
Continuum care facility	0.25 per rooming unit or 4 beds plus 1 per 100 m ² of gross floor area used for medical, health or personal services
Converted dwelling	0.5 per dwelling unit
Duplex	1 per dwelling unit
Emergency shelter	1 per 100 m ² of gross floor area
Group home	1 per 100 m ² of gross floor area
Mobile home park / mobile home site	1 per mobile home site plus 5 for each accessory commercial or recreational use building
Multiple attached dwelling	1.5 per dwelling unit
Retirement home	0.5 per dwelling unit or 4 beds plus 1 per 100 m ² of gross floor area used for medical, health or personal services
Secondary dwelling	1 per dwelling unit
Semi-detached dwelling	1 per dwelling unit
Single-detached dwelling	1 per dwelling unit
Stacked dwelling	1.5 per dwelling unit
Triplex dwelling	1 per dwelling unit
Non-Residential Uses	
Abattoir	0.9 per 100 m ² of gross floor area plus 3.3 per 100 m ² of accessory office space
Agricultural use	2 per farm plus 3 per 100m ² of floor area of farm produce outlet
Airport	0.5 per 100m ² of gross floor area used for passenger terminal or aircraft hangar
Animal care establishment	4 per 100 m ² of gross floor area
Animal hospital	4 per 100 m ² of gross floor area
Art gallery	2 per 100 m ² of gross floor area
Auction centre	2.2 per 100 m ² of gross floor area
Automobile body shop	3 per service bay
Automobile dealership	Sales/showroom area: 2 per 100 m ² of gross floor area Service area: 2 per service bay Other areas: 1 per 100 m ² of gross floor area
Automobile gas bar	Greater of 1 per 100 m ² of gross floor area or 2 per service bay
Automobile rental establishment	Sales/showroom area: 2 per 100 m ² of gross floor area Service area: 2 per service bay Other areas: 1 per 100 m ² of gross floor area
Automobile service station	Greater of 1 per 100 m ² of gross floor area or 2 per service bay
Bakery	2 per 100 m ² of gross floor area
Boat port	None
Campground	1 per camping site within campground
Car wash	None
Cemetery	None

Use	Minimum Number of Parking Spaces Required
Cinema	1 per 4 fixed seats
Clinic	5 spaces per practitioner
Commercial storage facility	0.8 per 100 m ² of gross floor area
Communication facility	2.3 per 100 m ² of gross floor area
Community centre	4 per 100 m ² of gross floor area
Contractor service	0.8 per 100 m ² of gross floor area
Correctional facility	1 per 100 m ² of gross floor area
Convenience store	3.4 per 100 m ² of gross floor area
Day nursery	2 per 100 m ² of gross floor area
Dry cleaning establishment	0.8 per 100 m ² of gross floor area
Emergency service	1 per 100 m ² of gross floor area
Equestrian establishment	None
Financial establishment	3.4 per 100 m ² of gross floor area
Food processing plant	0.9 per 100 m ² of gross floor area plus 3.3 per 100 m ² of accessory office space
Forestry use	None except where an office is associated with the use, the office parking space requirement shall apply
Funeral home	7 per 100 m ² of gross floor area
Golf course	1 per 100 m ² of gross floor area plus 4 per hole
Heavy equipment and vehicle sales, rental and servicing	0.75 per 100 m ² of gross floor area
Heavy industrial use	0.8 per 100 m ² of gross floor area
Home day care	2 per 100 m ² of gross floor area
Home industry	1 per home industry in addition to residential dwelling type requirement
Home occupation	1 per home occupation in addition to residential dwelling type requirement
Horticultural nursery	3 per 100 m ² of floor area of farm produce outlet
Hospital	1.4 per 100 m ² of gross floor area
Hostel	0.5 per guest room plus one space per 10 m ² of gross floor area devoted to public uses such as dining rooms, licensed beverage rooms and banquet rooms
Hotel	1 per guest room plus one space per 10 m ² of gross floor area devoted to public uses such as dining rooms, licensed beverage rooms and banquet rooms
Instructional facility	3.4 per 100 m ² of gross floor area
Kennel	1 per kennel with 4 or less dog runs 4 per kennel with more than 4 dog runs
Library	2 per 100 m ² of gross floor area
Light equipment sales and rental establishment	2.5 per 100 m ² of gross floor area
Light industrial use	0.8 per 100 m ² of gross floor area
Maintenance and storage yard	2.3 per 100 m ² of gross floor area
Marina	1 per boat slip plus any required parking spaces required hereby for associated uses, including but not limited to, a Restaurant and a Retail Store
Mineral aggregate operation	None
Mineral mining operation	None
Motel	1 per guest room plus 1 space per 100 m ² of gross floor area for accessory office areas
Museum	2 per 100 m ² of gross floor area
Non-commercial farm	2 per farm plus 3 per 100m ² of floor area of farm produce outlet

Use	Minimum Number of Parking Spaces Required
Office	2.3 per 100 m ² of gross leasable floor area
Off-leash dog area	None
Open air market	3.4 per 100 m ² of gross leasable area
Open storage	None
Outdoor recreational facility	4 per game surface plus 10 per 100 m ² of gross floor area used for dining assembly or common area
Park	Sports field – the greater of 1 per 4 fixed seats or 4 per sports field Other cases - none
Parking lot	None
Personal service business	3.4 per 100 m ² of gross leasable floor area
Place of assembly	10 per 100 m ² of gross floor area
Place of worship	10 per 100 m ² of gross floor area
Portable asphalt plant	None
Portable concrete plant	None
Post-secondary institution	1 per 100 m ² of gross floor area
Recreational facility	4 per game surface plus 10 per 100 m ² of gross floor area used for dining assembly or common area
Recreational vehicle or boat sales establishment	Sales/showroom area: 2 per 100 m ² of gross floor area Service area: 2 per service bay Other areas: 1 per 100 m ² of gross floor area
Research and development centre	0.8 per 100 m ² of gross floor area
Resort	1 per guest unit plus one space per 10 m ² of gross floor area devoted to public uses such as dining rooms, licensed beverage rooms and banquet rooms
Restaurant	10 per 100 m ² of gross floor area
Retail store	3.4 per 100 m ² of gross leasable floor area
Shopping centre	3.4 per 100 m ² of gross floor area
School	Elementary School: 1.5 per classroom (includes portables) Secondary School: 4 per classroom (includes portables)
Service and repair shop	3.4 per 100 m ² of gross floor area
Sewage facility	None
Sleep cabin	None
Solid waste disposal facility	None
Snow disposal facility	None
Storage yard	1 per 100 m ² of gross floor area
Studio	2.5 per 100 m ² of gross floor area
Taxi stand	Three (3)
Technology industry	0.8 per 100 m ² of gross floor area
Theatre	1 per 4 fixed seats
Transportation depot	0.8 per 100 m ² of gross floor area
Utility installation	0.8 per 100 m ² of gross floor area
Warehouse	0.8 per 100 m ² of gross floor area
Waste processing and transfer facility	2.4 per 100 m ² of accessory office space
Wayside pit or quarry	None
Wildlife conservation reserve	None

3.23.2 Minimum Visitor Parking

Visitor parking shall be provided on the same lot for the following residential uses: apartment dwelling, multiple attached dwelling, and stacked dwelling. The minimum visitor parking shall be 0.2 spaces per dwelling unit.

3.23.3 Driveway Provisions for Residential Zones

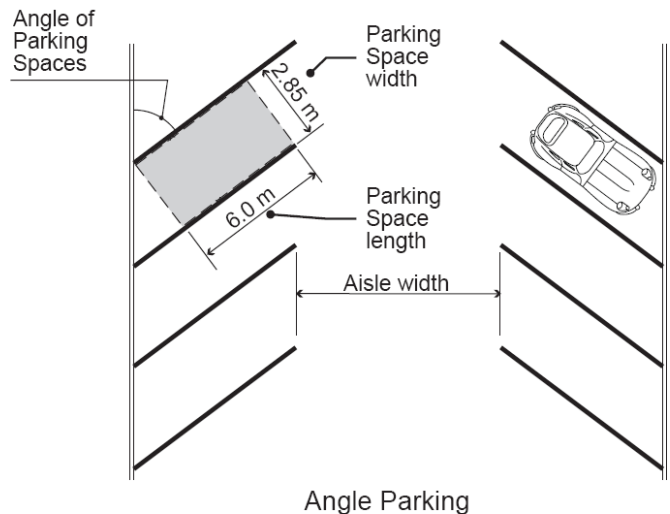
The following provisions shall apply to residential uses that are permitted in all Residential Zones in this By-law:

- Driveways shall be permitted subject to other provisions of the Zoning By-law and subject to the approval of an entrance permit application by the City's Road Supervisor.
- The maximum width of driveways shall be 6 m in R1 and R2.
- The maximum width of any abutting driveways along a common lot line shall be 9 m.
- The maximum width of a driveway cannot exceed 40% of the lot frontage, or 10 m, whichever is less in the R3, RR, and RU zones.
- The minimum distance of 15 m shall be required for two driveways on 1 lot.

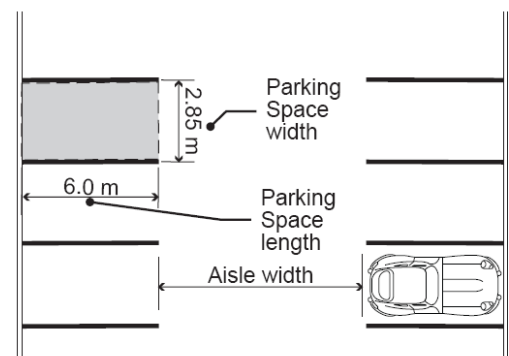
3.23.4 Design of Parking Areas and Spaces

All off street parking areas and spaces and below-grade parking areas and spaces shall be designed, constructed and maintained in accordance with Table 5 and the following provisions:

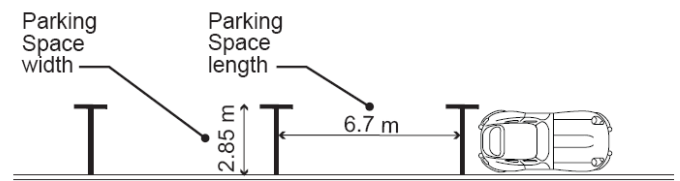
- Except in the case of single-detached, semi-detached, duplex dwellings, multiple attached, stacked, no parking spaces may access directly onto a public road.
- Each regular or angled parking space shall have a minimum width of 2.85 m and a minimum length of 6 m and shall be visibly designated and marked.
- Each parallel parking space shall have a minimum width of 2.85 m and a minimum length of 6.7 m.
- Driveways used for ingress and egress shall be clearly marked.
- Any off-street parking area providing more than four (4) parking spaces shall be designed with adequate drainage facilities and may be maintained with a hard, stabilized and dust-preventative surface, dependant on Site Plan Control Agreement.



Angle Parking



90° Parking



Parallel Parking

Illustration of Parking Space Definitions

Table 5: Design of Parking Areas and Spaces

Angle of Parking Spaces	Parking Space Width (Minimum)	Parking Space Length (Minimum)	Aisle Width (Minimum)
90°	2.85 m	6.0 m	6.7 m
60°	2.85 m	6.0 m	5.5 m
45°	2.85 m	6.0 m	4.0 m
30°	2.85 m	6.0 m	3.4 m
Parallel	2.85 m	6.7 m	3.0 m

3.23.5 Barrier-Free Parking Spaces

Barrier-free parking spaces shall be provided at the rate specified in Table 6, and shall meet all specifications of the *Ontario Building Code* regarding Barrier-Free Parking Design including, at a minimum:

- a) Each barrier-free parking space shall have a minimum width of 3.7 m and a minimum length of 7 m;
- b) If two adjacent spaces are designated for the disabled, then the total width of both spaces together shall be 6.4 m if a 1.5 m wide access aisle separates the two spaces;
- c) If no access aisle separates the spaces, the total width of the two spaces shall be 7.4 m;
- d) Barrier-free parking spaces shall be located on level ground within close proximity and access to the building entrance;
- e) Barrier-free parking spaces shall be clearly marked and reserved for the exclusive use of physically disabled persons.

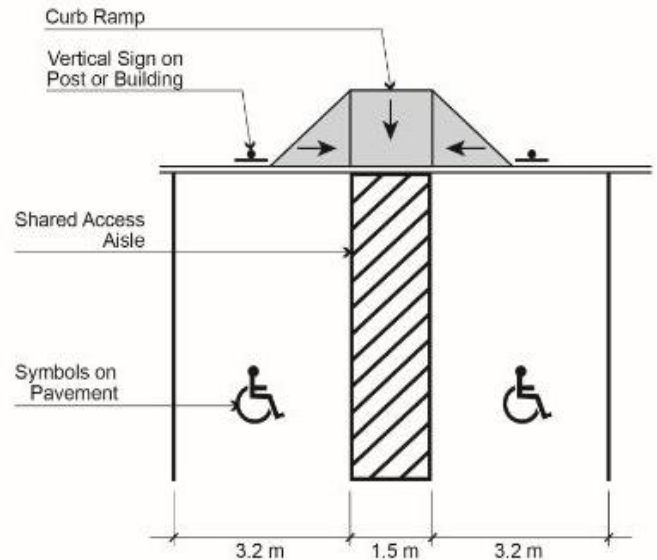


Table 6: Required Barrier-Free Parking Spaces

Capacity of Public Parking Area (Number of Parking Spaces)	Minimum Number of Barrier-Free Parking Spaces
1-10	0
11-25	1
26-50	2
51-75	3
76-100	4
More than 100	3% of total to a maximum of 10 spaces

3.23.6 New Uses in Existing Buildings

Notwithstanding any other provision in this By-law, when a new use commences in an existing building, the new use need only supply the difference between the required parking for the old use, and the required parking for the new use, as outlined in Table 3. These spaces are in addition to the actual number of spaces that existed on the day of the passing of this By-law, provided that the building’s gross floor area is not increased. The barrier-free parking requirements outlined in Table 5 shall only be applied to the new parking spaces that are supplied on the lot.

3.23.7 New Uses in Existing Buildings in Harbourtown Centre

When a new use commences in an existing building located in the area designated Harbourtown Centre in the Official Plan, no additional parking is required beyond that already supplied, provided

that the building's gross floor area is not increased. If the building's gross floor area is increased, the parking requirements in Table 4 shall be applied to the additional gross floor area. The barrier-free parking requirements outlined in Table 5 shall only be applied to the new parking spaces that are supplied on the lot.

3.23.8 Off-Site Parking

Within any Commercial Zone, the required parking spaces may be supplied off-site within 90 m of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided that a Site Plan Agreement is registered on the title of the lands used for parking, which commits the parking spaces to the related commercial site.

3.23.9 More than One Use

Where more than one use is located on a lot, the total number of parking spaces required shall be the sum of the parking space requirements for each separate use.

3.24 Permitted Projections Above the Height Limit

The maximum height limits do not apply to the structures listed below or to any other similar structures that may require a height in excess of maximum height limits in order to serve their intended purpose, unless otherwise specified in the by-law and provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve:

- a) barn, silo, or other farm-related buildings or structures
- b) bridge
- c) chimney or smokestack
- d) clock tower, church spire, steeple or belfry
- e) construction equipment during the construction process
- f) mechanical and service equipment or penthouse, elevator or stairway penthouses
- g) flag pole
- h) hydro and other utility transmission and distribution towers
- i) landscaped areas, roof-top gardens and terraces and associated safety guards and access structures
- j) ornamental dome, skylight, cupola or parapet
- k) solar panels or solar collectors
- l) utility poles
- m) television, radio or telecommunication antenna, excluding a satellite dish or tower antenna accessory to a permitted use in a residential zone
- n) water tower
- o) wind turbine and tower on a lot greater than 1.0 ha in area.

3.25 Permitted Yard Encroachments

Despite any other provision to the contrary, the following features are permitted to encroach into a required yard in accordance with Table 3. This section does not apply to:

- a) accessory buildings; or
- b) the encroachment of any listed feature into the minimum required setback from watercourses or waterbodies; or
- c) the encroachment of any listed feature into any required sight triangle.

Table 3: Permitted Yard Encroachments

Feature	Required Yard	Maximum Extent of Encroachment
Ornamental structures: Sills, belt courses, cornices, eaves, canopies, chimneys, pilasters or other ornamental structures	Any required yard	0.75 m but not closer than 0.6 m to any lot line
Fire escapes, exterior stairways, stoops, landings, steps and ramps	Side or rear yard	1.5 m but not closer than 1.0 m to any lot line
Exterior stairway from a dwelling to waterfronts.	Side or rear yard	No limit
Accessibility ramps	Any required yard	No limit
Alcoves	Front, rear, interior or exterior side yard	0.5 m
Bay windows	Front, rear or exterior side yard	1 m but not closer than 0.6 m to any lot line
Balconies attached to single-detached, semi-detached, duplex, triplex and stacked dwellings;	Front, rear or exterior side yards	1.8 m or half the required yard whichever is least
Balconies attached to other residential buildings	Any required yard	1.8 m or half the required yard whichever is least.
Unenclosed porches, decks and uncovered terraces	Front or rear yard	2.5 m including eaves and cornices, but not closer than 1.0 m to any lot line.
Clotheslines	Interior side or rear yard	No limit
Carports	Interior side or rear yard	No closer than 1 m to any lot line.
Private swimming pools, hot tubs, saunas and gazebos, pump houses including any accessories	Interior side or rear yard in a Residential Zone	No closer than 1.5 m to the side or rear lot line
Drop awnings, flag poles, trellises, and signs	Any required yard	No closer than 1.0 m to any lot line
Retaining walls	Any required yard	No closer than 1.0 m for retaining walls exceeding 1,000 mm in exposed height.
Air conditioners, heat pumps or similar equipment	Interior side or rear yard	1.0 m but not closer than 0.3 m to any lot line
Boathouses, boat ports, boat slips and docks (private)	Front yard of a lot fronting on a navigable waterway	No closer than 4.5 m to a side lot line. Boathouses and boat ports shall not project more than 15 m from the high water mark. Docks shall not project more than 20 m from the high water mark. On the Winnipeg River, the following elevations are from the Dalles First Nation upstream to the rapids below Rideout Bay at Old Fort Island below 320.6 m Canadian Geodetic Vertical Datum of 1928(CGVD28); old Fort Island upstream to the Lake of the Woods dams below 321.4 m CGVD28 datum. On the Lake of the Woods, the elevation is 324.60 m CGVD28

Feature	Required Yard	Maximum Extent of Encroachment
		datum.
Fences	Fence regulations are subject to the City’s Fence By-law.	Fence regulations are subject to the City’s Fence By-law.
Roof-top solar panel	Any Yard	1.0 m but no closer than 0.3 m to any lot line.

3.26 Prohibited Uses

Notwithstanding anything contained in this By-law, no land or building in any zone shall be used for any purpose which from its nature or from the materials used is declared to be a health hazard under the Health Protection and Promotion Act without the consent of the local Medical Officer of Health as provided in that Act.

3.27 Regulation For Consolidated Lot Development

Where two or more abutting lots owned by the same entity are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations, provided that development on the consolidated lots complies with all applicable regulations of this By-law.

Where a comprehensive plan of condominium or plan of subdivision has received draft plan approval, as well as any required site plan approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium or plan of subdivision is to be located, shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall plan of condominium or plan of subdivision, not to internal lot lines resulting from the registration of any phase of a plan of condominium or plan of subdivision.

3.28 Secondary Dwelling Units

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:

- a) A maximum of one secondary dwelling unit shall be permitted in any single-detached, semi-detached, 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.

3.29 Septic Systems

No building or structure shall be erected on land used for a septic leaching bed or within 5 m of the perimeter of a raised or partially raised septic field. No buildings or structures shall be erected in the downslope direction of a raised or partially raised septic leaching bed for 15 m from the perimeter of the raised area. On-site septic disposal fields shall be located at least 30 m from a watercourse or water body, or as far back from the watercourse or waterbody as determined by the Chief Building Official of the approval authority.

3.30 Setback from Watercourses and Waterbodies

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

- a) Subject to subsection (c), despite the provisions of the underlying zone, the minimum setbacks set forth in subsection (b) must be provided to provide a margin of safety from

hazards associated with flooding and unstable slopes and to help protect the environmental quality of watercourses and water bodies.

- b) Except for flood or erosion control works, or a public bridge or a marine facility, no building or structure, including any part of a sewage system, which does not require a plan of subdivision, or Site Plan Control approval, shall be located closer than:
 - i. 20 m to the normal high water mark of any watercourse or water body, or
 - ii. 15 m to the top of the bank of any watercourse or water body, whichever is greater.
- c) Development requiring a plan of subdivision or development that is subject to Site Plan Control will be subject to the watercourse or water body setbacks as determined by the conditions of draft approval or site plan approval respectively.

3.31 Sight Triangle

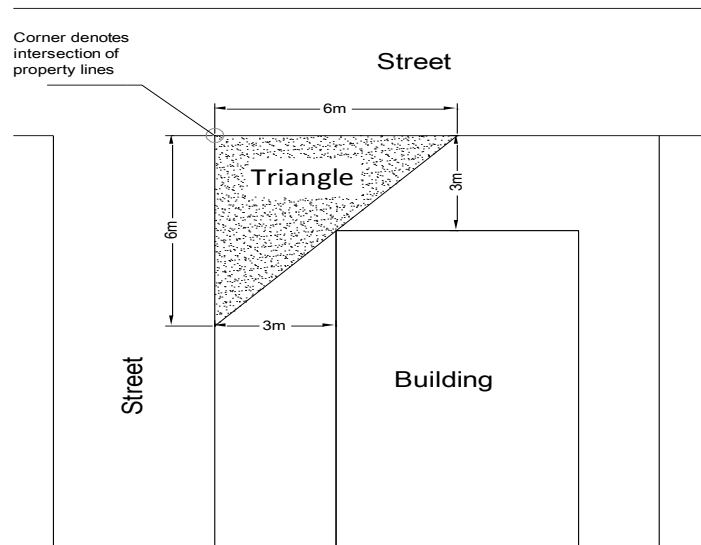
3.31.1 Sight Triangle Area

On any corner lot no building or structure shall be erected, and no hedge, shrub, bush, tree or other plant shall be permitted to grow to a height greater than 0.9 m above the grade of the roadways that abut the lot, within a triangular area formed by the part of the lot lines measured along each property line from the intersection of those lines at the corner of the property closest to the street corner and a line joining points on the property lines at a distance of 6 m from the point of intersection.

3.31.2 Fences within the Sight Triangle

Fences located within the sight triangle area are permitted in accordance with the City of Kenora Fence By-law.

ILLUSTRATION OF CORNER SIGHT TRIANGLES



3.32 Sleep Cabin

Sleep cabins shall only be permitted in the Black Sturgeon Lake (Restricted Development Area), Rural or Rural Residential Zone subject to the following provisions:

- a) The habitable floor area of a sleep cabin shall not exceed 53.5 m²;
- b) A maximum of one (1) sleep cabin is permitted on a lot;

- c) Sleep cabins shall not be equipped with kitchen facilities;
- d) A sleep cabin may be incorporated into the second floor of a detached garage, provided that the building height of the garage is less than 7 m; and
- e) A sleep cabin shall not be incorporated into a boathouse or any other building, except as provided in subsection (d) above.

3.33 Special Land Use Provisions

3.33.1 Minimum Distance Separation Formulae

All farm and non-farm development is to be established in compliance with the Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

- a) Minimum Distance Separation I (MDS I)

Notwithstanding any other provisions of this By-law to the contrary, lands to be rezoned from a RU zone, to a Zone to permit residential, institutional, commercial, industrial or recreational use, will comply with the MDS I calculated using the requirements of the Ministry of Agriculture, Food and Rural Affairs, as amended.

Notwithstanding any other provisions of this By-law to the contrary, a residential use to be located upon an existing lot of record, greater than 1.0 hectares in size and permitted by a RU zone, will comply with the MDS I calculated using the requirements of the Ministry of Agriculture, Food and Rural Affairs, as amended.

Notwithstanding any other provisions of this By-law to the contrary, a residential use to be located upon an existing lot of record 1.0 hectares or less in size and permitted by a RU zone, will not be required to comply with the MDS I calculated using the requirements of the Ministry of Agriculture, Food and Rural Affairs, as amended.

- b) Minimum Distance Separation II (MDS II)

Notwithstanding any other provisions of this By-law to the contrary, a new or expanding livestock facility permitted by a RU zone, will comply with the MDS II calculated using the requirements of the Ministry of Agriculture, Food and Rural Affairs, as amended.

Notwithstanding any other provisions of this By-law to the contrary, the MDS II calculated separation distances will be measured from the nearest point of an existing vacant lot of record 1.0 ha in size, or less, to the nearest point of the proposed livestock facility.

A new or expanding livestock operation permitted by a RU zone in proximity to an active cemetery shall comply with MDS II calculated using the requirements of the Ministry of Agriculture, Food and Rural Affairs, as amended, and in accordance with Official Plan policies.

A closed cemetery will be subject to MDS II Guidelines and will be treated as Type A uses in accordance with Ministry of Agriculture, Food, and Rural Affairs, as amended.

3.33.2 Separation Distances - Solid Waste Facilities

- a) No person shall use any land, building or structure for a sensitive land use (e.g. residential use, daycare centre, educational and health facility) or for a use that would impact a sensitive land use or other as identified unless it complies with the following minimum separation distances:

Separation distances shall meet the following requirements:

- i. No development shall be permitted within 30 m of the perimeter of a licensed Solid Waste Disposal Facility or Waste Processing and Transfer Facility.

- ii. No Solid Waste Disposal Facility or Waste Processing and Transfer Facility shall be located within 30 m of the high water mark of any water body. The distance separation shall be measured from the property boundary of the Solid Waste Disposal Facility or Waste Processing and Transfer Facility.
- iii. No Solid Waste Disposal Facility or Waste Processing and Transfer Facility shall be permitted on land covered by water or in any area subject to flooding.

3.33.3 Height Restrictions on Lands in the Vicinity of the Airport

Lands in the vicinity of the Kenora Airport are subject to the federal Kenora Airport Zoning Regulations (SOR/93-524), as amended. All development in this area shall comply with these height restrictions and all other applicable federal regulations.

3.34 Uses Permitted in All Zones

Any lands may be used and any building or structure may be erected, altered, enlarged or used in any zone for the following purposes, provided that such uses, buildings, or structures shall be in compliance with the provisions and standards of the zone in which they are located:

3.34.1 Accessory Buildings, Uses or Structures

- a) An accessory use is permitted in any zone if:
 - i. it is on the same lot as the principal use to which it is accessory; and
 - ii. it exists to aid and contribute to the principal use to carry out the function of that principal use.

- b) Accessory buildings, uses or structures are permitted in any zone, subject to the provisions of this By-law for the particular zone in which said building, use or structure is located and provided that such accessory building, use or structure shall not (be):
 - i. used for human habitation, except where a dwelling is a permitted accessory use;
 - ii. built closer to the front lot line or waterfront than the minimum distance required by this By-law for the main building on the lot;
 - iii. located in the required front yard or the required exterior side yard in the case of a corner lot;
 - iv. built closer to the street than the main building is to that street, except in the case of a waterfront property in the R1 – Residential First Density Zone, a waterfront property in the R2 – Residential Second Density Zone, or a property in the RR – Rural Residential, BSL – Black Sturgeon Lake (Restricted Development Area) or in the RU – Rural zones. In the case of a waterfront property in the R1 – Residential First Density Zone or R2 – Residential Second Density Zone, the accessory structure shall be located at least 3 m from the rear lot line.
 - v. built closer than 1 m to any interior side or rear lot line;
 - vi. exceed 10% coverage of the total lot area;
 - vii. built within 2 m of the main building or structure; and,
 - viii. exceed 7.0 m in height.

- c) When a boathouse, boat port, sauna, gazebo / picnic shelter, storage building, pump house, dock, shoreline deck is erected on a lot that abuts a navigable waterway, including for commercial and industrial uses, the following provisions shall apply:
 - i. no minimum setback is required for marine accessory uses on the lot line that abuts the navigable waterway, but other uses are subject to setback provisions in the applicable zone;
 - ii. a minimum side yard setback of 4.5 m is required for accessory uses located between the principal building and the navigable waterway;
 - iii. a minimum rear yard setback of 3 m where access to the rear yard is from a lane or street;

- iv. a minimum rear yard setback of 1 m in all other cases;
 - v. any accessory buildings or structures located in the yard abutting the navigable waterway shall be limited to the following:
 - boathouse (except in the Black Sturgeon Lake [Restricted Development Area] Zone)
 - boat port
 - sauna
 - gazebo/picnic shelter
 - storage building
 - pump house
 - dock
 - shoreline deck; and
 - the accessory building or structure shall not exceed 80 m² in size.
 - vi. Only one of a boathouse or boat port is permitted per lot, which shall not exceed 83 m² in area, measured independently of any other accessory building, use, or structure permitted in this section.
 - vii. Docks shall not exceed 80 m², measured independently of any other accessory building, use, or structure permitted in this section.
- d) When a dwelling accessory to a non-residential use is permitted, such dwelling unit shall:
- i. have a minimum gross floor area of 37 m²;
 - ii. have bathroom and kitchen facilities that are separate from the non-residential use;
 - iii. have a separate parking space; and,
 - iv. have a building entrance that is separate from the non-residential use.
- e) Where a satellite dish or a television/radio antenna is established as an accessory structure in any zone, it shall:
- i. not be located in any front or exterior side yard;
 - ii. have a maximum height of 4 m in the case of a satellite dish, or 10 m for a television/radio antenna; and
 - iii. not be permitted in a non-residential zone except by Site Plan Control.
- f) When an accessory garage is permitted it may not be built in advance of the principal dwelling, except in the RR – Rural Residential Zone, RU – Rural Zone, and the BSL – Black Sturgeon Lake (Restricted Development Area) Zone.
- g) When a shipping container is permitted, such shipping container shall:
- i. be used exclusively for the storage of goods and materials and shall not be used as a garage, as human habitation, or to accommodate uses such as work areas, shops, or offices;
 - ii. only be permitted in the following zones: HC – Highway Commercial, ML – Light Industrial, MH – Heavy Industrial, MX – Extractive Industrial and RU – Rural, Open Space and I – Institutional;
 - iii. be located no closer to the road than the principle structure;
 - iv. not be located in any front yard where there is no other structure; and
 - v. Site Plan Control shall be used for exterior finishes.

3.34.2 Construction Facilities

Any sheds, scaffolds, portable trailers, or other structures incidental to construction or repair work in progress, which work has not been abandoned or finished, shall be permitted in any zone, so long as the said structure(s) are not equipped with kitchen facilities, sleeping quarters or other overnight accommodations. Structures incidental to construction do not include recreational vehicles, trailers etc.

3.34.3 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits and quarries, portable asphalt plants and portable concrete plants are permitted in any zone for the duration of the construction of a public road or similar project with the consent of the City.

3.34.4 Utility Installations

- a) A utility installation including electricity generation facilities and transmission and distribution systems are permitted in all zones other than EP, MX or HL subject to the following provisions:
 - i. the form and appearance of any building containing the utility installation must blend in with surrounding development and must comply with zone setback provisions;
 - ii. no offices, maintenance uses or indoor or outdoor storage facilities are permitted except where otherwise allowed in the zone; and
 - iii. no dust, smoke, noise or odour may be produced that is likely to be dangerous or obnoxious.
- b) Despite any provisions of this By-law, utility installations that are subject to the requirements of the Environmental Assessment Act are permitted in all zones, and are not subject to the provisions of this Section.
- c) A utility installation need not comply with the minimum lot area and minimum lot frontage specified for the zone in which it is located.
- d) Hydro distribution and transmission and telecommunications towers providing service from utility operators may exceed the height limit applicable to the zone, but must be no higher than is necessary to operate effectively and safely.
- e) Parking shall be provided on the basis of the actual gross floor area of the utility installation.
- f) Despite subsection (a), poles, pedestals, drop lines, cables, pipelines, kiosks, cabinets and other similar equipment used to provide services from a utility installation to a use, building or structure are not considered to constitute a utility installation and are not subject to the provisions this Section.
- g) Despite subsection (a), electrical substations are not permitted within the EP or HL zones.
- h) Despite the yard and setback requirements of the By-law to the contrary, ground-mounted solar panels may be permitted in any zone provided that:

In residential zones:

- i. It is setback at least 0.3 m from a lot line;
- ii. It may not be located in a front yard, except within the RR – Rural Residential Zone; and
- iii. It may not be located in an exterior side yard.

In non-residential zones:

- i. In a yard abutting a residential zone, it is setback at least 0.3 metres from a lot line;
- ii. It may not be located in a front yard, except within the RU – Rural Zone;
- iii. Despite provision (ii), solar panels shall not be permitted in the front yard of lots abutting a navigable waterway in the RU – Rural Zone; and
- iv. In all other cases, there are no restrictions.

3.34.5 Public Uses

This By-law permits the use of land in any zone or the use, construction or re-construction, of any building or structure for the purposes of the provision of public services by the City or of any telephone company, cable company, transportation or other public utility owned, operated or authorized by or for the City of Kenora, any department of the Federal or Provincial Governments, including TransCanada Pipeline, Hydro One or any conservation authority established by the Government of Ontario provided that:

- a) the use, building or structure complies with the provisions of that zone;
- b) any building or structure is designed and maintained in general harmony with the buildings and structures in that zone; and

- c) there is no exterior storage of goods, materials or equipment in any Residential zone.

Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory to adjacent land uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks Inc.

Section 4 Zones

4.1 Residential – First Density Zone (R1)

4.1.1 General Purpose

This zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer or with municipal water only.

4.1.2 Permitted Uses

- Bed and breakfast
- Community garden
- Emergency shelter
- Group home
- Home day care
- Home occupation
- Modular home
- Park
- Secondary dwelling
- Single-detached dwelling

4.1.3 Zone Regulations

The following zone regulations apply to all permitted uses in the R1 Zone:

Zoning Mechanism	Provisions for servicing conditions	
	Municipal Water and Sewer	Municipal Water Only
(a) Lot frontage (minimum)	15 m	30 m
(b) Lot area (minimum)	450 m ²	1,200 m ²
(c) Front yard (minimum)	7.5 m	7.5 m
(d) Interior side yard (minimum)	1 storey: 1.5 m 2 storeys: 2.5 m	1 storey: 1.5 m 2 storeys: 2.5 m
(e) Exterior side yard (minimum)	4 m	4 m
(f) Rear yard (minimum)	8 m	8 m
(g) Gross floor area (minimum)	80 m ²	80 m ²
(h) Lot coverage (maximum)	40%	40%
(i) Building height (maximum)	10 m	10 m

(j) In cases where waterfront lots are adjacent to a 20 m shore reserve, the minimum front yard requirement shall be reduced to 1 m.

(k) Modular homes must be a minimum width of 6 m.

4.2 Residential – Second Density Zone (R2)

4.2.1 General Purpose

This Zone allows for the development of single detached, semi-detached and duplex housing, and other compatible uses on municipal water and sewer services.

4.2.2 Permitted Uses

The following are permitted uses in the R2 Zone:

- Bed and breakfast
- Boarding house
- Community garden
- Duplex dwelling
- Emergency shelter
- Group home
- Home day care
- Home occupation
- Modular home
- Park
- Secondary dwelling
- Semi-detached dwelling
- Single detached dwelling

4.2.3 Zone Regulations

The following zone regulations apply to all permitted uses in the R2 Zone:

Zoning Mechanisms	Provisions
(a) Lot frontage (minimum)	15 m
(b) Lot area (minimum)	450 m ²
(c) Front yard (minimum)	7.5 m
(d) Interior side yard (minimum)	1 storey: 1.5 m 2 storeys: 2.5 m
(e) Exterior side yard (minimum)	4 m
(f) Rear yard (minimum)	8 m
(g) Gross floor area (minimum)	80 m ²
(h) Lot coverage (maximum)	40%
(i) Building height (maximum)	10 m

(j) In cases where waterfront lots are adjacent to a 20 m shore reserve, the minimum front yard requirement shall be reduced to 1 m.

(k) The minimum interior side yard setback shall be reduced to zero for the lot line corresponding to the party wall of a semi-detached dwelling.

(l) For any boarding house, the maximum number of rented rooms is four (4).

(m) Modular homes must be a minimum width of 6 m.

4.3 Residential – Third Density Zone (R3)

4.3.1 General Purpose

This Zone allows for the development of a full range of housing forms and other compatible uses serviced by municipal sewer and water.

4.3.2 Permitted Uses

The following are Permitted Uses in the R3 Zone:

- Apartment dwelling
- Bed and breakfast
- Boarding house
- Community garden
- Converted dwelling
- Duplex dwelling
- Emergency shelter
- Group home
- Home day care
- Home occupation
- Modular home
- Multiple attached dwelling
- Park
- Retirement home
- Secondary dwelling
- Semi-detached dwelling
- Single-detached dwelling
- Stacked dwelling
- Triplex dwelling

4.3.3 Zone Regulations

The following zone regulations apply to all permitted uses in the R3 Zone:

Zoning Mechanism	Provision					
	Dwelling Type					Other permitted uses
	Single-Detached Dwellings	Semi-Detached and Duplex Dwellings	Triplex and Converted Dwellings	Multiple-Attached and Stacked Dwellings	Apartment Dwellings	
(a) Lot frontage (minimum)	15.0 m	18.0 m	23.0 m	6.0 m/unit	30.0 m	15.0 m
(b) Lot area (minimum)	450 m ²	600 m ²	700 m ²	180 m ² /unit	800 m ²	450.0 m ²
(c) Front yard (minimum)	7.5 m	7.5 m	7.5 m	6.0 m	7.5 m	7.5 m
(d) Interior side yard (minimum)	1 storey: 1.5 m 2 storeys: 2.5 m	1 storey: 1.5 m 2 storeys: 2.5 m	4.0 m	2.5 m	4.0 m	1 storey: 1.5 m 2 storeys: 2.5 m
(e) Exterior side yard (minimum)	4 m	4 m	4 m	4 m	4m	4m
(f) Rear yard (minimum)	8 m	8 m	10 m	8 m	10m	8m
(g) Gross floor area (minimum)	80 m ²	65 m ² /unit	45 m ² /unit	65 m ² /unit	37 m ² /unit	80 m ²
(h) Lot coverage (maximum)	40%	40%	40%	40%	40%	40%
(i) Building height (maximum)	10 m	10 m	10 m	11 m	10 m	10 m

(j) For semi-detached and duplex dwellings fronting onto a Provincial Highway, the minimum lot frontage shall be 45 m when the posted speed limit is 80 km/h, and 31.5 m when the posted speed limit is 50 km/h.

(k) The minimum interior side yard setback shall be reduced to zero for the lot line(s) corresponding to the vertical party wall(s) of semi-detached, multiple attached and stacked dwellings.

(l) The maximum number of dwelling units in a multiple attached dwelling is eight (8).

(m) For any boarding house, the maximum number of rented rooms is four (4).

(n) Modular homes must be a minimum width of 6 m.

4.4 Residential – Mobile Home Zone (RM)

4.4.1 Purpose

This Zone allows for the use of mobile homes and other compatible uses, serviced by piped municipal sewer and water.

4.4.2 Permitted Uses

The following are Permitted Uses in the RM Zone:

- Home occupation
- Mobile home
- Mobile home park
- Park

4.4.3 Zone Regulations

The following zone regulations apply to all permitted uses in the RM Zone:

Zoning Mechanism	Provision
(a) Lot frontage (minimum)	15 m
(b) Lot area (minimum)	450 m ²
(c) Front yard (minimum)	6 m
(d) Interior side yard (minimum)	3 m
(e) Exterior side yard (minimum)	4 m
(f) Rear yard (minimum)	6 m
(g) Gross floor area (minimum)	60 m ²
(h) Lot coverage (maximum)	40%
(i) Building height (maximum)	8 m

(j) The maximum density shall be fifteen (15) lots per gross hectare.

(k) At least seven (7) percent of the mobile home park area shall be provided for the park.

(l) A buffer strip of at least 7.5 m in depth adjoining all boundaries and free from any buildings or structures shall be provided. Such strip shall be utilized for landscaping in accordance with the Landscaped Open Space and Landscaped Buffer Strips section of the By-law.

4.5 Rural Residential Zone (RR)

4.5.1 Purpose

This Zone allows for the development of low density single-detached, seasonal or permanent housing and compatible uses in a rural setting.

4.5.2 Permitted Uses

The following are permitted uses in the RR Zone:

- Bed and breakfast
- Boarding house
- Community garden
- Emergency shelter
- Group home
- Home day care
- Home industry
- Home occupation
- Modular home
- Non-commercial farm
- Park
- Seasonal dwelling
- Single-detached dwelling
- Sleep cabin

4.5.3 Zone Regulations:

The following zone regulations apply to all permitted uses located on surveyed roadways in the RR Zone:

Zoning Mechanism	Provision
(a) Lot frontage (minimum)	61 m
(b) Lot area (minimum)	1.0 ha
(c) Front yard (minimum)	15 m
(d) Interior side yard (minimum)	3 m
(e) Exterior side yard (minimum)	15 m
(f) Rear yard (minimum)	8 m
(g) Gross floor area (minimum)	80 m ²
(h) Lot coverage (maximum)	25%
(i) Building height (maximum)	10 m

(j) For lots abutting a non-surveyed roadway, the front property line shall be deemed to be 10 m from the centre-line of the roadway. All zone regulations shall follow from this measurement.

(k) For waterfront lots, the minimum front yard requirement shall be 20 m. In cases where waterfront lots are adjacent to a 20 m shore reserve, the minimum front yard requirement shall be reduced to 1 m.

(l) For those permitted uses fronting on both a navigable waterway and a municipal street, the minimum lot frontage requirement along the street shall be 11 m and for the waterfront side shall be 61 m.

(m) For any non-commercial farm, the minimum lot area shall be 2 hectares.

(n) For any boarding house, the maximum number of rented rooms is four (4).

(o) Modular homes must be a minimum width of 6 m.

4.6 Local Commercial Zone (LC)

4.6.1 Purpose

This zone allows for the development of commercial, office and service uses to meet the day to day needs of residents, along with limited residential uses above the ground floor.

4.6.2 Permitted Uses

The following are permitted uses in the LC Zone:

- Animal care establishment
- Bakery
- Clinic
- Community garden
- Convenience store
- Day nursery
- Drive through facility
- Dwelling unit
- Financial establishment
- Light equipment sales and rental establishment
- Office
- Personal service business
- Recreation facility
- Restaurant
- Retail store
- Service and repair shop
- Studio

4.6.3 Zone Regulations

The following are zone provisions for permitted uses in the LC Zone:

Zoning Mechanism	Servicing Condition	
	Municipal Water and Sewer	Municipal Water Only or No Piped Municipal Services
(a) Lot frontage (minimum)	18 m	25 m
(b) Lot area (minimum)	500 m ²	1.0 ha
(c) Front yard (minimum)	6 m	6 m
(d) Interior side yard (minimum)	3 m	4 m
(e) Exterior side yard (minimum)	7 m	7 m
(f) Rear yard (minimum)	8 m	8 m
(g) Floor area ratio (minimum)	1.0	1.0
(h) Lot coverage (maximum)	40%	40%
(i) Building height (maximum)	10 m	10 m

(j) Dwelling units may only be located above or to the rear, but within the same building, of one or more permitted uses that occupy the first floor of a non-residential building.

(k) For lots abutting a non-surveyed roadway, the front lot line shall be deemed to be 10 m from the centre-line of the roadway. All zone regulations shall follow from this measurement.

(l) 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 m².

(m) For lots where the side or rear yard abuts a residential zone, the required side yard shall be 6 m and the required rear yard shall 7.5 m, respectively.

4.7 General Commercial Zone (GC)

4.7.1 Purpose

This Zone allows for a wide range of uses and services to meet the needs of residents, businesses and tourists.

4.7.2 Permitted Uses

The following are permitted uses in the GC Zone:

- Animal care establishment
- Animal hospital
- Art gallery
- Automobile gas bar
- Automobile rental establishment
- Automobile service station
- Bakery
- Car wash
- Cinema
- Clinic
- Communication facility
- Community garden
- Continuum care facility
- Day nursery
- Apartment dwelling unit(s)
- Financial establishment
- Funeral home
- Hostel
- Hotel
- Instructional facility
- Library
- Marina
- Micro-brewery
- Office
- Open air market
- Outdoor recreation facility
- Parking lot
- Personal service business
- Place of assembly
- Recreation facility
- Recreational rental establishment
- Retail store
- Restaurant
- Service and repair shop
- Shopping centre
- Studio
- Taxi stand

4.7.3 Zone Regulations

The following are zone regulations for permitted uses located on surveyed roads in the GC Zone:

Zoning Mechanism	Land Use Condition
	GC Zone abuts a residential zone
(a) Side yard (minimum)	5 m
(b) Rear yard (minimum)	8 m

- (c) The maximum building height of any permitted use is 11.0 m.
- (d) Dwelling units may only be located within the same structure and above one or more permitted uses that occupy the first floor of a non-residential use building. In one-storey buildings in the GC Zone, residential dwelling units are permitted, provided that:
 - i. Commercial uses occupy the front of the building; and
 - ii. Residential uses comprise no more than 40% of the gross floor area of the building.
- (e) Residential dwelling units in multi-storey buildings are not permitted on the ground floor.
- (f) Each permitted dwelling unit shall have a minimum gross floor area of 37 m².
- (g) Commercial uses are permitted only on the ground floor of a building in the GC Zone, unless the commercial use on upper storeys is an extension of the ground floor use.
- (h) Restaurants shall not include drive through facilities.

4.8 Highway Commercial Zone (HC)

4.8.1 Purpose

This Zone allows for commercial development along major roads that serves the travelling public and often requires large land areas for development.

4.8.2 Permitted Uses

The following are permitted uses in the HC Zone:

- Automobile dealership
- Automobile gas bar
- Automobile service station
- Automobile rental establishment
- Animal hospital
- Car wash
- Clinic
- Commercial storage facility
- Community garden
- Convenience store
- Drive through facility
- Financial establishment
- Food service vehicle
- Funeral home
- Horticultural nursery
- Hostel
- Hotel
- Light equipment sales and rental establishment
- Light industrial use
- Micro-brewery
- Motel
- Office
- Outdoor recreation facility
- Parking lot
- Personal service business
- Place of assembly
- Recreation facility
- Recreational rental establishment
- Recreational vehicle or boat sales establishment
- Restaurant
- Retail store
- Service and repair shop
- Studio

4.8.3 Zone Regulations

The following are zone regulations for permitted uses in the HC Zone:

Zoning Mechanism	Servicing Condition	
	Municipal Water and Sewer	Municipal Water Only or No Piped Municipal Services
(a) Lot frontage (minimum)	18 m	25 m
(b) Lot area (minimum)	600 m ²	1.0 ha
(c) Front yard (minimum)	6 m	10 m
(d) Side yard (minimum)	3 m	3 m
(e) Rear yard (minimum)	4 m	4 m
(f) Floor area ratio (minimum)	1	1.0
(g) Lot coverage (maximum)	50%	50%
(h) Building height (maximum)	10 m	10 m

(i) A maximum of one dwelling unit shall be permitted as an accessory use to any commercial use. The dwelling unit must be occupied by the business owner, caretaker, security guard or similar employee.

(j) For lots abutting a non-surveyed roadway, the front property line shall be deemed to be 10 m from the centre-line of the roadway. All zone regulations shall follow from this measurement.

(k) For lots where the side or rear yard abuts a residential zone, the required side yard shall be 6 m and the required rear yard shall be 7.5 m, respectively.

Tourist Recreational Zone (TR)

4.8.4 Purpose

This zone allows for a variety of accommodations to be established for recreational and tourism purposes.

4.8.5 Permitted Uses

The following are Permitted Uses in the TC Zone:

- Automobile gas bar
- Automobile rental establishment
- Bed and breakfast
- Campground
- Community garden
- Convenience store
- Food service vehicle
- Marina
- Motel
- Outdoor recreation facility
- Recreation facility
- Recreational vehicle or boat sales establishment
- Recreational rental establishment
- Resort

4.8.6 Zone Regulations

The following are zone regulations for permitted uses in the TC Zone:

Zoning Mechanism	Servicing Condition	
	Municipal Water and Sewer	Municipal Water Only or No Piped Municipal Services
(a) Lot frontage (minimum)	20 m	50 m
(b) Lot area (minimum)	2,000 m ²	1.0 ha
(c) Front yard (minimum)	8 m	10 m
(d) Side yard (minimum)	4.5 m	10 m
(e) Rear yard (minimum)	8 m	10 m
(f) Floor area ratio (minimum)	1.0	1.0
(g) Lot coverage (maximum)	40%	40%
(h) Building height (maximum)	10 m	10 m

(i) A maximum of one dwelling unit shall be permitted as an accessory use to any commercial use. The dwelling unit must be occupied by the business owner, caretaker, security guard or similar employee.

(j) For lots abutting a non-surveyed roadway, the front property line shall be deemed to be 10 m from the centre-line of the roadway. All zone regulations shall follow from this measurement.

(k) For rental units within any permitted resort, motel or campground, the minimum total gross floor area shall be 20 m² per unit.

(l) For any convenience store accessory to any permitted resort, motel or campground, the maximum total gross floor area of the convenience store use shall be 300 m².

4.9 Light Industrial Zone (ML)

4.9.1 Purpose

This zone allows for a wide range of low-impact light industrial land uses as well as complementary commercial uses.

4.9.2 Permitted Uses

The following are permitted uses in the ML Zone:

- Animal hospital
- Automobile dealership
- Automobile body shop
- Automobile service station
- Automobile rental establishment
- Bulk sales and storage establishment
- Commercial storage facility
- Contractor service
- Drive through facility
- Dry cleaning establishment
- Emergency service
- Financial establishment
- Food processing plant
- Forestry use
- Funeral home
- Light equipment sales and rental establishment
- Light industrial use
- Modular home (as an accessory use)
- Office
- Open storage
- Outdoor recreation facility
- Parking lot
- Recreation facility
- Recreational rental establishment
- Recreational vehicle or boat sales establishment
- Service and repair shop
- Snow disposal facility
- Transportation Depot
- Warehouse
- Waste processing and transfer facility

4.9.3 Zone Regulations

The following are zone provisions for permitted uses in the ML Zone:

Zoning Mechanism	Servicing Condition	
	Municipal Water and Sewer	Municipal Water Only or No Piped Municipal Services
(a) Lot frontage (minimum)	18 m	25 m
(b) Lot area (minimum)	1,000 m ²	1.0 ha
(c) Front yard (minimum)	6 m	8 m
(d) Interior side yard (minimum)	4 m	6 m
(e) Exterior side yard	6 m	6 m
(f) Rear yard (minimum)	6 m	8 m
(g) Floor area ratio (minimum)	1.0	1.0
(h) Lot coverage (maximum)	75%	75%
(i) Building height (maximum)	11 m	11 m

(j) A maximum of one dwelling unit shall be permitted as an accessory use to any permitted use. The dwelling unit must be occupied by the business owner, caretaker, security guard or similar employee.

(k) For lots where the front, side or rear yard abuts a residential zone, the required front and/or side yard shall be 12 m and the required rear yard shall 15 m, respectively.

(l) For any permitted waste processing and transfer facility, the nature of the wastes will be limited to inorganic and non-hazardous wastes that do not have the potential to generate significant odours (e.g. a recycling plant or depot).

(m) For any permitted restaurant or drive through facility, the maximum total gross floor area of the permitted use shall be 300 m².

4.10 Heavy Industrial Zone (MH)

4.10.1 Purpose

This zone allows for a wide range of industrial uses, which by their nature, may generate noise, fumes, odours and that may be obnoxious or hazardous. Some limited complementary commercial and service-oriented uses are also permitted.

4.10.2 Permitted Uses

The following are permitted uses in the MH Zone:

- Abattoir
- Airport
- Animal hospital
- Auction centre
- Automobile body shop
- Automobile dealership
- Automobile gas bar
- Automobile service station
- Automobile rental establishment
- Bulk sales and storage establishment
- Car wash
- Contractor service
- Drive through facility
- Dry cleaning establishment
- Emergency service
- Food processing plant
- Forestry use
- Fuel storage tank
- Heavy industrial use
- Heavy equipment and vehicle sales, rental and servicing
- Light equipment sales and service establishment
- Light industrial use
- Maintenance and storage yard
- Modular Home (as an accessory use)
- Open storage
- Parking lot
- Recreational facility
- Recreational vehicle or boat sales establishment
- Research and development centre
- Restaurant
- Retail store
- Service and repair shop
- Sewage facility
- Snow disposal facility
- Storage yard
- Technology industry
- Transportation depot
- Warehouse
- Waste processing and transfer facility

4.10.3 Zone Regulations

The following are zone provisions for permitted uses in the MH zone:

Zoning Mechanism	Servicing Condition	
	Municipal Water and Sewer	Municipal Water Only or No Piped Municipal Services
(a) Lot frontage (minimum)	18 m	25 m
(b) Lot area (minimum)	500 m ²	1.0 ha
(c) Front yard (minimum)	6 m	6 m
(d) Interior side yard (minimum)	3 m	4 m
(e) Exterior side yard	6 m	6 m
(f) Rear yard (minimum)	8 m	8 m
(g) Building height (maximum)	10 m	10 m

(h) A maximum of one dwelling unit shall be permitted as an accessory use to any permitted use. The dwelling unit must be occupied by the business owner, caretaker, security guard or similar employee.

(i) For lots where the front, side or rear yard abuts a residential zone, the required front, side or rear yard shall be 18 m, respectively.

(j) A retail store is only permitted as an accessory use to another permitted use in the MH zone and may not exceed 25% of the gross floor area of the principal use on the lot.

4.11 Extractive Industrial Zone (MX)

4.11.1 Purpose

This Zone allows for industrial uses associated with mineral and aggregate extraction and processing as well as complementary industrial and commercial uses.

4.11.2 Permitted Uses

The following are permitted uses in the MX zone:

- Contractor service
- Forestry use
- Mineral aggregate operation
- Mineral mining operation
- Open storage
- Transportation depot

4.11.3 Zone Regulations

The following are the zone regulations for permitted uses in the MX Zone:

Zoning Mechanism	Provision
(a) Lot frontage (minimum)	25 m
(b) Lot area (minimum)	2 ha
(c) Front yard (minimum)	20 m
(d) Side yard (minimum)	20 m
(e) Rear yard (minimum)	20 m
(f) Lot coverage (maximum)	75 %
(g) Building height (maximum)	30 m

(h) For lots abutting a non-surveyed roadway, the front lot line shall be deemed to be 10 m from the centre-line of the roadway. All zone regulations shall follow from this measurement.

(i) For commercial uses fronting onto a Provincial Highway, the minimum lot frontage shall be 45 m when the posted speed limit is 80 km/h, and 31.5 m when the posted speed limit is 50 km/h.

4.12 Rural Zone (RU)

4.12.1 Purpose

This Zone allows for the production of farm produce as well as recreational and other compatible uses, as well as limited development of low density single-detached, seasonal or permanent housing compatible uses in a rural setting.

4.12.2 Permitted Uses

The following are Permitted Uses in the Rural Zone:

- Agricultural use
- Animal hospital
- Art gallery
- Bed and breakfast
- Boarding house
- Cemeteries
- Community garden
- Contractor service
- Day nursery
- Emergency shelter
- Equestrian establishment
- Food processing plant
- Forestry use
- Golf course
- Group home
- Home day care
- Home industry
- Home occupation
- Horticultural nursery
- Interpretive centre
- Kennel
- Library
- Marina
- Mineral aggregate operation
- Mineral mining operation
- Mobile home
- Modular home
- Museum
- Non-commercial farm
- Open storage
- Outdoor recreation facility
- Park
- Recreation facility
- Retirement home
- Seasonal dwelling
- Single-detached dwelling
- Sleep cabin
- Snow disposal facility
- Wildlife conservation reserve

4.12.3 Zone Regulations

The following zone regulations apply to all permitted uses located on surveyed roadways in the RU Zone:

Zoning Mechanism	Provision
(a) Lot frontage (minimum)	90 m
(b) Lot area (minimum)	2.0 ha
(c) Front yard (minimum)	15 m
(d) Side yard (minimum)	10 m
(e) Rear yard (minimum)	15 m
(f) Gross floor area (minimum)	90 m ²
(g) Lot coverage (maximum)	10 %
(h) Building height (maximum)	24 m

(i) A maximum of one accessory dwelling unit shall be permitted in conjunction with any agricultural use.

(j) For lots abutting a non-surveyed roadway, the front property line shall be deemed to be 10 m from the centre-line of the roadway. All zone regulations shall follow from this measurement.

(k) For waterfront lots, the minimum front yard requirement shall be 20 m. In cases where waterfront lots are adjacent to a 20 m shore reserve, the minimum front yard requirement shall be reduced to 1 m.

(l) Any open storage must be associated with another permitted use, and shall comply with the open storage provisions in this By-law.

(m) For those permitted uses fronting on both a navigable waterway and a municipal street, the minimum lot frontage requirement along the street shall be 11 m.

(n) Modular homes must be a minimum width of 6 m.

4.13 Open Space Zone (OS)

4.13.1 Purpose

This Zone provides land for active and passive recreational uses and landscaped buffers.

4.13.2 Permitted Uses

The following are permitted uses in the OS Zone:

- Community centre
- Community garden
- Food service vehicle
- Golf course
- Interpretive centre
- Off-leash dog area
- Open-air market
- Outdoor recreational facility
- Park
- Parking lot
- Recreational facility
- Recreational rental establishment
- Wildlife conservation reserve

4.13.3 Zone Regulations

The following zone regulations apply to permitted uses in the OS Zone:

Zoning Mechanism	Provision
(a) Front yard (minimum)	6 m
(b) Interior side yard (minimum)	3 m
(c) Exterior side yard (minimum)	6 m
(d) Rear yard (minimum)	8 m
(e) Building height (maximum)	15 m

(f) Notwithstanding any other provision in this By-law, a park, parking lot, outdoor recreational facility, and a wildlife conservation reserve shall be permitted uses on Tunnel Island.

4.13.4 OS1 - TransCanada Pipeline Subzone

Any development adjacent to TransCanada Pipeline facilities shall comply with the following regulations:

- a) Pre-consultation with the City and with TransCanada or its designated representative is required for any development within 200 m of the OS1 subzone.
- b) Any excavation, blasting or moving of heavy equipment within the OS1 subzone or within 30 m of the OS1 subzone must be approved in writing by TransCanada.
- c) No permanent building or structure may be located within the OS1 subzone or within 7 m of the OS1 subzone.

4.14 Institutional Zone (I)

4.14.1 Purpose

This zone allows for the development of public and privately owned facilities of an institutional or community service nature.

4.14.2 Permitted Uses

The following are permitted uses in the Institutional (I) Zone:

- Art gallery
- Cemetery
- Clinic
- Community centre
- Community garden
- Continuum care facility
- Correctional facility
- Day nursery
- Emergency service
- Group home
- Hospital
- Instructional facility
- Library
- Museum
- Office
- Off-leash dog area
- Outdoor recreational facility
- Park
- Place of assembly
- Place of worship
- Post-secondary institution
- Recreational facility
- Retirement home
- School
- Studio
- Theatre

4.14.3 Zone Regulations

The following zone regulations apply to permitted uses in the Institutional (I) Zone:

Zoning Mechanism	Servicing Condition	
	Municipal Water and Sewer	Municipal Water Only or No Piped Municipal Services
(a) Lot frontage (minimum)	15 m	25 m
(b) Lot area (minimum)	450 m ²	1.0 ha
(c) Front yard (minimum)	6 m	6 m
(d) Interior side yard (minimum)	3 m	4 m
(e) Exterior side yard (minimum)	4 m	6 m
(f) Lot coverage (maximum)	40%	40%
(g) Rear yard (minimum)	10 m	10 m
(h) Building height (maximum)	10 m	10 m

4.15 Waste Disposal Zone (WD)

4.15.1 Purpose

This Zone is intended for uses associated with disposal and treatment of municipal solid waste.

4.15.2 Permitted Uses

The following are permitted uses in the WD Zone:

- Solid waste disposal facility
- Waste processing and transfer facility

4.15.3 Zone Regulations

The following zone provisions apply to permitted uses in the WD Zone:

Zoning Mechanism	Provision
(a) Lot frontage (minimum)	100 m
(b) Lot area (minimum)	10 ha
(c) Front yard (minimum)	20 m
(d) Side yard (minimum)	20 m
(e) Rear yard (minimum)	20 m

4.16 Environmental Protection Zone (EP)

4.16.1 Purpose

This Zone provides protection to those areas which have historical and natural significance such as First Nation burial grounds, fish and wildlife habitat. In addition, this zoning is applied to land that is designated as Provincially Significant Wetland in the City of Kenora Official Plan.

4.16.2 Permitted Uses

The following are permitted uses in the EP Zone:

- Wildlife conservation reserve

4.16.3 Zone Regulations

The following zone regulations apply to permitted uses in the EP Zone:

- a) The cutting, removal or burning of trees and other natural vegetation is prohibited.
- b) The placement or removal of topsoil is prohibited.

4.16.4 EP1 Subzone

- a) Notwithstanding any other provision in this By-law, no buildings or structures shall be permitted on the Provincially Significant Wetlands zoned as EP1 on the Zoning Schedule (Maps) to this By-law.

4.17 Hazard Land Zone (HL)

4.17.1 Purpose

This 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.

4.17.2 Permitted Uses

- Wildlife conservation reserve
- Dock
- Farm, excluding any building
- Park, provided there are no buildings located thereon except building used as an open pavilion and for sanitary facilities or change houses for bathers.
- Parking lot or any similar non-structural use accessory to a permitted use or accessory to a permitted use in an adjacent zone, but on the same lot

4.17.3 Zone Regulations

- a) The placement or removal of fill is subject to engineering studies demonstrating minimal risk of environmental damage and/or the reduction of potential hazards for which the land is designated.
- b) All lands within 250 m of an abandoned mine hazard site, as designated on Schedule A of the Official Plan, shall be included in the HL Zone.
- c) No habitable building or structure in this Zone shall have a window or other opening on the Winnipeg River for the following elevations:
 - i. from the Dalles First Nation upstream to the rapids below Rideout Bay at Old Fort Island below 320.6 m Canadian Geodetic Vertical Datum of 1928(CGVD28);
 - ii. Old Fort Island upstream to the Lake of the Woods dams below 321.4 m CGVD28 datum.
- d) No habitable building or structure in this Zone shall have a window or other opening on the Lake of the Woods where the elevation is below 324.60 m CGVD28 datum.

4.18 Black Sturgeon Lake (Restricted Development Area) Zone (BSL)

4.18.1 Purpose

The purpose of the Black Sturgeon Lake (Restricted Development Area) Zone is to implement the Black Sturgeon Lake (Restricted Development Area) Special Policy Overlay in the City’s Official Plan.

4.18.2 Permitted Uses

- Dock, private
- Seasonal dwelling
- Single-detached dwelling
- Sleep cabin

4.18.3 Zone Regulations

The following zone regulations apply to permitted uses in the BSL Zone:

Zoning Mechanism	Provision
(a) Lot area (minimum)	1.0 ha
(b) Lot area for back lot (minimum)	2 ha
(c) Lot frontage in areas that are not in a restricted development area (minimum)	61 m
(d) Lot frontage in a restricted development area (minimum)	122 m
(e) Road frontage for back lot	90 m
(f) Front yard – Backlot	15 m
(g) Front yard – Waterfront lot	20 m
(h) Front yard – Waterfront lot, adjacent to a 20-metre shore reserve	1 m
(i) Side yard (minimum)	3 m
(j) Rear yard (minimum)	8 m
(k) Lot coverage (maximum)	10%
(l) Building height (maximum)	7.5 m
(m) Gross Floor Area (minimum)	80 m ²

(n) For those permitted uses fronting on both a navigable waterway and a municipal street, the minimum lot frontage requirement along the street shall be 11 m and for the waterfront side shall be minimum 90 m, or 61 m in a restricted development area, as per the above table.

(o) Shoreline disturbance for any land on Black Sturgeon Lake shall be restricted to a maximum of 25% of the lot frontage. This applies to, but is not limited to, all structures, removal of vegetation, pathways, decks and docks.

4.19 Future Development Overlay

4.19.1 Purpose

The purpose of the Future Development Overlay is to recognize land designated as Special Policy Overlay – Future Development Area in the City’s Official Plan that represent older industrial sites or rural areas that may be prime locations for development or redevelopment.

4.19.2 Permitted Uses

Notwithstanding the permitted uses in the underlying zone, development in the Future Development Overlay shall be restricted to the following uses:

- Existing uses

4.19.3 Overlay Regulations

Development on lands within the Future Development Overlay is subject to the provisions of the underlying zone.

Section 5 Exceptions

The provisions of this By-law have been modified for the lands to which the exceptions described in the table below have been applied, and are shown on the Zoning Schedules (Maps) by the applicable exception number indicated in square brackets “[#]” in the zone code.

Where an exception applies, the provisions imposed by that exception prevail over any other provision in this By-law.

Exception Number	Provisions
[1]	Notwithstanding any other provisions of this By-law, on lands noted by [1] on the Schedules to the By-law, the minimum side yard requirement shall be 1.5 m for both 1 and 2 storey dwellings.
[2]	Notwithstanding any other provisions of this By-law, on lands noted by [2] on the Schedules to the By-law, are subject to a minimum front yard setback of 20 m.
[3]	Notwithstanding any other provisions of this By-law, on lands noted by [3] on the Schedules to the By-law, additional permitted uses are: meat processing, meat packing and associated retail facility.
[4]	Notwithstanding any other provisions of this By-law, on the lands noted by [4], on the Schedules to this By-law, the following uses shall be permitted to the HC – Highway Commercial zone: dwelling units above commercial uses, not to exceed six (6) storeys or 20 m in height, and business and/or professional offices, and to adjust setback requirements to the front yard (water) 7 m, rear yard (road) 5 m, north side 1.5 m and south side 3 m from the lot lines which will permit condominium units and business and/or commercial offices.
[5]	Notwithstanding any other provisions of this By-law, on the lands noted by [5] on the Schedules to this By-law, the minimum front yard setback requirement shall be zero (0) m.
[6]	Notwithstanding any other provisions of this By-law, on the lands noted by [6] on the Schedules to this By-law, the following use shall be permitted: training centre.
[7]	Notwithstanding any other provisions of this By-law, on the lands noted by [7] on the Schedules to this By-law, the GC – General Commercial zoning shall apply to the Museum Annex and 6 m, on the east side of the building and 6 m on the south side of the building.
[8]	Notwithstanding any other provisions of this By-law, on the lands noted by [8] on the Schedules to this By-law, the following use shall be permitted: single detached dwelling.
[9]	Notwithstanding any other provisions of this By-law, on the lands noted by [9] on the Schedules to this By-law, the maximum building height shall be 15 m.
[10]	Notwithstanding any other provisions of this By-law, on the lands noted by [10] on the Schedules to this By-law, a retail store shall be permitted.

Exception Number	Provisions
[11]	Notwithstanding any other provisions of this By-law, on the lands noted by [11] on the Schedules to this By-law, the following use shall be permitted: single detached dwelling.
[12]	Notwithstanding any other provisions of this By-law, on the lands noted by [12] on the Schedules to this By-law, the following use shall be permitted: drive through restaurant facility.
[13]	Notwithstanding any other provisions of this By-law, on the lands noted by [13] on the Schedules to this By-law, the placement or removal of topsoil or fill shall not be permitted without expressed permission of the City of Kenora; or the cutting, removal or burning of trees and other natural vegetation shall not be permitted without the expressed permission of the City of Kenora.
[14]	Notwithstanding any other provisions of this By-law, on the lands noted by [14] on the Schedules to this By-law, the minimum lot size shall be 0.78 hectares.
[15]	Notwithstanding any other provisions of this By-law, on the lands noted by [15] on the Schedules to this By-law, the minimum lot size shall be 450 m ² and the minimum lot frontage shall be 15.24 m.
[16]	Notwithstanding any other provisions of this By-law, on the property described as Concession 6 of Jaffray, North Part of Lot 6, Part 2 of Plan KR725, 418 Rabbit Lake Road, in the former Town of Jaffray Melick, now in the City of Kenora, and as noted by [16] on the Schedules to this By-law, the maximum number of units permitted shall be four (4).
[17]	Notwithstanding any other provisions of this By-law, on the property described as Farm Location 222E, Duffus Road, and as noted by [17] on the Schedules to this By-law, the minimum lot area shall be 0.4 ha and proposed Lot 14 shall require a 15.24 m side yard requirement on the east side of the lot.
[18]	Notwithstanding any other provisions of this By-law, on the property described as 503 First Street South, PLAN 3 BLK 2 LOT 168, the permitted uses shall be limited to a clinic, personal service establishment, studio, dental or other professional offices and a residential use above.
[19]	Notwithstanding any other provisions of this By-law, on the property described as 21 Mikado Avenue, PLAN M1 BLK 2 RP KR428 PART 1 and 21 ½ Mikado Avenue PLAN M1 BLK 2 E OF LOT 6, the frontage requirement for each unit in a stacked dwelling shall be reduced from 6 metres per unit (24 metres) to 3.35 metres per dwelling unit (13.4 metres), and the maximum width of a driveway in an R3 zone shall be increased from 40% (or 10 metres) of the lot frontage to 64% or 8.55 metres [City of Kenora By-law 175-2010].
[20]	Notwithstanding any other provisions of this By-law, on the property described as 540 Second Street South, PLAN 3 BLK 2 LOT 149E, the maximum number of dwelling units shall be 4 and the west side yard shall be reduced from 2.5 metres to 2.13 metres [City of Kenora By-law 78-2011].
[21]	Notwithstanding any other provisions of this By-law, on the property described as 701 First Street South, PLAN 3, BLOCK 4, PART LOT 21, six parking stalls are required, with two on the west side to be parallel stalls, and a lease agreement must be entered into between the City of Kenora and New Beginnings Church for the use of municipal property for parking purposes [City of Kenora By-law 145-2011].

Exception Number	Provisions
[22]	Notwithstanding any other provisions of this By-law, on the property described as 1 B Matheson Bay Road, CON 1J PT LOT 14 EB1628 PCL; 20681 and 1A Matheson Bay Road CON 1J PT LOT 14 LOC KM196 DES RP KR1543 PART 1 PCL 27161, the residential use is permitted to continue in addition to the contractor service light industrial use.
[23]	Notwithstanding any other provisions of this By-law, on the property described as 192 Kerr Drive, PLAN M755 BLK 22 PCL 32914, the permitted frontage on Kerr Drive shall be reduced to 10 metres.
[24]	Notwithstanding any other provisions of this By-law, on the property described as 211 Sixth Street South, PLAN M8 W PT LOT 57 PCL 15340 and PLAN M8 E PT LOT 57 PCL 17378, the required floor area per unit shall be reduced to 55m ² .
[25]	Number not assigned.
[26]	Notwithstanding any other provisions of this By-law, on the property described as 1429 Highway 17 East, PLAN M63 PT LOT 256 & 257 PCL 20983 the property may include a duplex as a use in addition to the HC – Highway Commercial Use.
[27]	Notwithstanding any other provisions of this By-law, on the property described as 350 Second Street South, PLAN 25 LOT 273 TO 274 the property may include a micro-brewery in conjunction with restaurant/food service and to include retail and wholesale production/sale to the GC – General Commercial zoning of the property, and to add a definition of “micro-brewery” under “Definitions”.
[28]	Notwithstanding any other provisions of this By-law, on the property described as Plan M11, Lot 41 and north part of 40, 322 First Avenue South the property may include an office use as an additional permitted use in the R2 – Residential, Second Density zoning of the property.
[29]	Notwithstanding any other provisions of this By-law, on the property described as Part of Lot 5, Concession 1, Geographic Township of Melick, City of Kenora, District of Kenora, the road frontage for Lot 19 shall be reduced from 90 metres to 46 metres [City of Kenora By-law #11-2013].
[30]	Notwithstanding any other provisions of the By-law, the lands described as 1808 Highway 17 West, PT ML 233 PLAN PCL 26309, the following uses shall be permitted: <ul style="list-style-type: none"> a) campground/tourist resort, including limited agricultural uses, with accommodations limited to tents and cabins; b) an outdoor recreation facility, with a maximum of one accessory dwelling unit; and c) uses and structures normally incidental to the foregoing [City of Kenora By-law #120-2014].
[31]	Notwithstanding any other provisions of this By-law, on the property described as 31 Villeneuve Road, CON 7JS PT LOT 3 RP KR126 PARTS 3-5 PCL 22741, City of Kenora, District of Kenora, shall be zoned to permit Rural Uses and a storage facility, including structures normally incidental to the foregoing [City of Kenora By-law #148-2014].
[32]	Notwithstanding any other provisions of this By-law, on lands noted by [32] on the Schedules to the By-law the minimum required lot frontage shall be reduced to 11 metres [City of Kenora By-law #40-2015].
[33]	Notwithstanding any other provisions of this By-law, on lands noted by [33] on the Schedules to the By-law, a single lane access driveway shall be permitted in addition to the EP – Environmental Protection uses.
[34]	Notwithstanding any other provisions of this By-law, on lands noted by [34] on the Schedules to the By-law, a bed and breakfast shall be permitted as an additional permitted use.

Section 6 Zoning Schedules (Maps)

This Section includes the Key Map and the five (5) Zoning Schedules (Maps) for the entire City of Kenora. The City is divided into 5 areas for easy reference. A key map is provided in the top right hand corner of each Map for geographical reference purposes.