



C I T Y O F K E N O R A

Official Plan



FOTENN

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Section 1 Introduction

1.1 Purpose of the Official Plan

The Ontario Planning Act requires municipalities to prepare and adopt an Official Plan to provide guidance for the physical development of communities. The purpose of the City of Kenora Official Plan is to establish a vision, guiding principles, objectives, and policies to manage and direct physical development and the effect of change on the social, cultural, economic, and natural environment for the planning horizon (i.e. until the year 2031).

This Official Plan is consistent with the Ontario Provincial Policy Statement, 2014, particularly the new policies relating to active transportation, northern and rural communities, infrastructure, climate change, mineral aggregate resources, and Aboriginal issues. Furthermore, this Official Plan also reflects the matters of provincial interest identified in the Planning Act.

The City of Kenora, in fulfilling its responsibilities under the Ontario Planning Act, R.S.O. 1990, ch. 13, shall have regard to, among other matters, matters of provincial interest such as the:

- a) protection of ecological systems, including natural areas, features and functions;
- b) protection of the agricultural resources of the Province;
- c) conservation and management of natural resources and the mineral resource base;
- d) conservation of features of significant architectural, cultural heritage, historical, archaeological or scientific interest or value;
- e) supply, efficient use and conservation of energy and water;
- f) adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) minimization of waste;
- h) orderly development of safe and healthy communities;
- i) accessibility for persons with disabilities to all facilities, services and matters to which the Act applies;
- j) adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- k) adequate provision of a full range of housing;
- l) adequate provision of employment opportunities;
- m) protection of the financial and economic well-being of the Province and its municipalities;
- n) co-ordination of planning activities of public bodies;
- o) resolution of planning conflicts involving public and private interests;
- p) protection of public health and safety;
- q) appropriate location of growth and development; and
- r) promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

The Province of Ontario issues Provincial Policy Statements periodically to provide direction on matters of provincial interest. Where these are in effect, the decisions of the City shall be

consistent with the Provincial Policy Statement that is in effect on the date of Council's decision. Where provincial plans are in effect, such as the Growth Plan for Northern Ontario, planning decisions must conform or not conflict with them.

In accordance with the requirements of the Planning Act, the Official Plan will be reviewed every five (5) years and may be amended by the City to reflect changing circumstances or new priorities. The main implementation tool, the Zoning By-law, will be updated within three years of each Official Plan update.

The policies contained herein, together with land use Schedule(s) and any amendment(s) which are adopted and finalized pursuant to the *Planning Act*, constitute the Official Plan of the City of Kenora.

The Kenora Official Plan provides direction on how the City should position itself for its future through specific guidance for developing a sustainable lifestyle community for future generations to enjoy. The policies and Schedule "A" contained herein are established primarily to guide the physical development of the City while having regard to the relevant social, cultural, economic and natural environmental matters.

1.2 Effect of the Plan

After this Official Plan is adopted and finalized pursuant to the *Planning Act*, no public or private work shall be undertaken and, except as provided for under the *Planning Act*, no By-law shall be passed for any purpose that does not conform to the policies of this Plan.

1.3 Basis of the Plan

The City of Kenora was incorporated in 2000 by the amalgamation of the Towns of Kenora, Keewatin and Jaffray Melick. Located in Northwestern Ontario, approximately 200 km east of Winnipeg, Kenora occupies a land area of approximately 249 km². The main access routes to Kenora are Highways 17 and 17A from the east and west and Highway 71 from the south. Several roads such as Highways 596 and 671 provide access to communities north of Kenora, such as the Dalles (Ochiichagwe'babigo'ining) First Nation community.

The neighbourhood of Keewatin is the City's "gateway" from the west, and has a full range of services including residential, commercial, and recreational. Keewatin's location on the waterfront, with its beaches and parks are an attraction for tourists and seasonal residents. As a neighbourhood in the City, Keewatin plays a significant role in raising the profile of Kenora. Keewatin is designated as a Community Improvement Plan area.

The natural resources of Kenora have historically supported its three primary industries: forestry, mining (i.e. gold, copper, nickel, platinum, uranium, and granite), and tourism. Although the closure and demolition of the former Abitibi-Consolidated newsprint mill has created a major impact to the economic fabric of the City, and a shift from the processing of wood products, it has also created an opportunity for the City to shift its economic and land use focus away from the primary-resource industries to enhancing and celebrating the natural environment through tourism and economic development opportunities.

The closure of the former Abitibi Mill has also created a benefit through the gift of returning Tunnel Island to the City of Kenora, Grand Council Treaty #3 and the three First Nations that formed the original Rat Portage Band: Wauzhusk Onigum, Ochiichagwe 'Babigo' Ining

and Obashkaandagaang Bay. Tunnel Island is approximately 150 hectares of undeveloped land located in the middle of the City, and is considered valuable for its cultural heritage and Aboriginal importance. Tunnel Island is now common ground, which can be enjoyed and celebrated by all.

Kenora's resources are enhanced by the beautiful natural environment, in particular the Lake of the Woods, Winnipeg River, Black Sturgeon Lakes and numerous smaller lakes and islands around the City. These natural areas are major attractions and provide recreational opportunities for residents, tourists and cottagers, many of whom originate from the neighbouring province of Manitoba and the United States. Development of residential condominiums along the waterfront has become increasingly common in Kenora, expanding the range of housing options for residents. Kenora's healthy and active downtown is in a prime location on the Lake of the Woods waterfront, creating a prominent skyline and views to and from the water. This core area is characterized by a mix of uses and is also home to the Matiowski Farmers Market as well as several festivals and events.

The City has developed around its commercial downtown centre, with a variety of land uses existing within a compatible land use pattern in the core of the City. This land use pattern is not anticipated to change significantly over the lifetime of this Plan. Significant changes that have not been anticipated by this Plan will require an amendment to the document. Amendments to this Plan will not be required for minor changes to land use provided that the uses are permitted in the Established Area. The Zoning By-law will provide the primary planning tool for dealing with changes in land use.

The rural area of the City is characterized by low-density residential development, waterfront residential and very limited farm, tourist commercial and resource-based operations. These areas shall generally be of resource activity, resource-based recreational activity and a mix of rural-oriented land uses.

Kenora is located on the north side of Lake of the Woods, a two-hour drive east of Winnipeg on the Trans-Canada Highway. As a result of this location, the City has developed as a major seasonal cottaging area and tourist destination, as well as being the regional centre for resource-based industrial and commercial growth.

In general, Kenora's economy has improved in recent years, experiencing more robust business activity, rising property values, a growing population, and an increased number of tourists and visitors. As the community continues its transition from a resource town to a lifestyle centre, it will continue to focus on sustainable growth and a diversified economy.

1.3.1 The Challenge Ahead – Kenora's Growth Strategy

Many communities in Northern Ontario face the challenge of maintaining and increasing population. The City of Kenora is growing and continues to experience an aging population. As a result, land use planning in the City should provide sufficient residential land to ensure the availability and affordability of housing for a minimum of ten years. Other land must be available to provide recreational opportunities for active living, such as trails, as well as open space for community gardens, for example. Connectivity through the provision of sidewalks and pathways shall be important for continued access to land uses and community services.

Another challenge in Northern Ontario is youth retention. It is not uncommon for youth in northern communities to migrate and remain in larger centres in search of educational and employment opportunities. The City must ensure that sufficient land and opportunities exist for institutional and employment uses so that youth can attend school, particularly post-secondary institutions, and find employment without leaving Kenora.

Like many communities across Canada, the City has an emerging Aboriginal youth population. If opportunities are provided, the Aboriginal people may sustain and increase the City's overall population. Aboriginal communities, in or in close proximity to urban centres such as Kenora, also desire opportunities for social and economic development.

In order to accommodate a potential population increase, and as required by the Province at the time of a 5-year Official Plan review, a growth management analysis was completed to identify the land supply and to estimate the residential demand for the planning horizon to 2031. The purpose of the analysis was to examine the potential for future land supply and demand for housing units based on the availability of vacant land and potential population to 2031.

The method of population projection employed for the growth management analysis considered recent trends in Kenora's population growth. The rate of growth between the 2006 and 2011 Censuses was extrapolated across the horizon timeline to predict the population in 2031 and determine land requirements. Other recent population projections for Kenora have used alternative methodologies, which have a shorter-term outlook. The extrapolation of recent demographic trends has been demonstrably successful in the past and was the preferred method for the purposes of determining land requirements for the planning horizon year of 2031 for this Official Plan.

In general, Kenora's economy has improved in recent years, experiencing more robust business activity, rising property values, a growing population, and an increased number of tourists and visitors. Growth in tourism and cottaging is particularly strong, now estimated to contribute \$200 million to the City's economy. The City will experience a growing population as a result of these economic changes.

Based on recent demographic trends, the City of Kenora's population could potentially increase by 4.58% by 2031. This change in population represents an increase from 15,348 (2011 Census) to 16,051 in 2031. This potential population would generate a demand of 460 housing units to the year 2031. The total vacant land area within the settlement area boundary, which includes the former Abitibi Mill site, and vacant parcels within the Harbourside Centre designation is approximately 1,574 hectares. Within the settlement area boundary, the supply of vacant land for residential uses within the Established Area and the Residential Development Area is 216 hectares. The results of the vacant land supply analysis indicated that there is sufficient land within these two designations to accommodate the projected housing unit demand to the year 2031, while leaving some additional supply if demand increases as a result of new economic development.

1.4 Settlement Area

"Settlement Areas" are defined as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. of the Provincial Policy Statement, 2014. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

The settlement area in Kenora consists of land designated in this Official Plan as Established Area, Residential Development Area, Harbourtown Centre, Commercial Development Area, Industrial Development Area, Railyard, and Special Policy Overlay Future Development Area. Schedule "A" shall be used to determine whether a parcel of land is within the settlement area. The settlement area shall be the focus of growth and redevelopment, and its vitality and regeneration shall be promoted. The settlement area is the existing boundary of land that is serviced with existing municipal water and sewer and designated for residential, commercial and industrial development in the current Official Plan. Future Development Areas are required to be on full municipal services.

Changes to the settlement area boundary may be allowed only at the time of a comprehensive review of this Official Plan, which is required every five (5) years. A comprehensive review means, for the purposes of policies 1.1.3.8 and 1.3.2.2 of the Provincial Policy Statement, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

- Is based on a review of population and employment projections and which reflect projections and allocations by municipalities and provincial plans, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
- Utilizes opportunities to accommodate projected growth or development through intensification and redevelopment; and considers physical constraints to accommodating the proposed development within existing settlement area boundaries;
- Is integrated with planning for infrastructure and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- Confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
- Confirms that sewage and water services can be provided in accordance with policy 1.6.6 of the Provincial Policy Statement, 2014; and
- Considers cross-jurisdictional issues.

1.5 Structure of the Official Plan

This Official Plan contains written policies and Schedules. The Plan is divided into 10 Sections, including broad policy directions and objectives, specific land use designations and policies, and implementation measures:

Section 1 – Introduction explains the role and structure of the Official Plan and the political and administrative framework within which land use planning is carried out in Ontario.

Section 2 – City Vision outlines a vision for the City of Kenora, as well as the key strategic guiding principles and objectives to guide land use planning.

Section 3 – General Development Policies contains development policies that apply to all land use designations.

Section 4 – Land Use Designations is the core of the Official Plan, establishing land use designations and associated policies which will guide decisions for the use of land to 2031.

Section 5 –Special Policy Overlays contains policies that must be considered in areas having a Special Policy Overlay as illustrated on Schedule “A” to this Plan. Special Policy Overlays include natural environment and wildlife areas, aggregate and mineral resource, cultural heritage sites, and for specific locations in the City, such as Black Sturgeon Lake, and the former Abitibi Mill site.

Section 6 – Municipal Services consists of policies related to the sanitary, water and sewer infrastructure.

Section 7 – Transportation contains policies for a multi-modal transportation network and policies for encouraging non-vehicular modes of travel.

Section 8 – Implementation contains policies and planning tools related to the implementation of the Official Plan, as well as requirements for development applications.

Section 9 – Interpretation contains policies related to the interpretation of the Official Plan.

Section 10 – Schedules contains maps which provide a geographical reference for the Official Plan policies.

1.6 How to Read the Official Plan

The introductory paragraphs of each section are meant to provide context for the subsequent policies. The policies provide specific direction and are to be implemented through a variety of mechanisms, including the Zoning By-law. Areas having a Special Policy Overlay are subject to the underlying land use designations and corresponding policies in the Special Policy Overlay section of this Plan.

Section 2 City Vision

This section of the Plan establishes the fundamental vision, guiding principles, and objectives that will guide future development in the City of Kenora. The policies and land use designations contained in this Plan are based on achieving these objectives. In the event that clarification of the intent of these policies is required, the Objectives listed in this section should be considered. Should any of these factors change significantly, the Plan shall be reviewed to determine whether major policy or land use designation changes are warranted.

2.1 Vision

The following vision statement and guiding principles for the City of Kenora to 2031 is a synthesis of collective aspirations and reflections from past initiatives and from community and Aboriginal engagement.

“The City of Kenora shall be an inclusive, sustainable, healthy, 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 meaningful lives.”

2.2 Guiding Principles and Objectives

The Official Plan offers a sustainable approach to land use planning in Kenora, focusing on the integration of land use, transportation, and sustainable development to ensure that social, cultural, economic, natural environment, built environment, and governance factors are considered in the management of change for the City’s future.

Growth and development should be directed to locations where it makes financial sense by using existing and planned infrastructure. New development should be designed to use land efficiently, be responsible to the natural environment and be compatible with existing land uses.

To protect and enhance the quality of life and shape change, the Official Plan subscribes to the following Guiding Principles for land use. Under each principle are several key objectives to help achieve the overall vision for the City.

2.2.1 Principle 1 – Sustainable Development

Kenora shall promote sustainable development to enhance the quality of life for present and future generations.

Objectives:

- To promote compact development by using land and existing infrastructure efficiently.
- To plan for development that enables and facilitates active transportation, transit, and freight movement.
- To direct residential development to land within the settlement area boundary by way of infilling and residential redevelopment in the Established Area and Harbourtown Centre and the Residential Development Area.

- To support infill and intensification in built-up areas (e.g. Harbourn Centre) where services exist.
- To permit limited residential growth in the Rural Area, where lot size and configuration can support private water supply and sanitary sewage systems, and where the development would be compatible with the character of the land use in the surrounding area.
- To permit limited industrial development in the unserved area in size and number, except where the development consists of a resource-based industry that requires a large land area and is compatible with the land uses of the area.
- To ensure the preservation of agricultural activities and agricultural land where they presently exist.
- To provide opportunities for the adaptive re-use of former industrial areas and brownfield sites where the industrial use is no longer viable.

2.2.2 Principle 2 – Natural Environment

Kenora shall support the protection and integrity of the natural environment, as valued by the community.

Objectives:

- To protect natural heritage features and areas, surface water features, and ground water features.
- To limit shoreline development.
- To minimize negative impacts to air quality and climate change by encouraging energy-efficient buildings and development.
- To maintain Tunnel Island as a recreational open space.
- To protect and preserve hazard lands, sensitive areas, areas of historical significance and important natural resources such as fish and wildlife habitat areas, wetlands and minerals and aggregates.

2.2.3 Principle 3 – Affordable Housing

Kenora shall support the location of affordable housing in an integrated manner within new or existing development.

Objectives:

- To provide a mix and range of housing types that shall meet the physical and financial needs of all current and future residents, in particular the aging population and new entrants to the housing market, with the goal of providing a timely response to housing needs associated with a diversified economy.

2.2.4 Principle 4 – 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.

Objectives:

- To support existing businesses and attract a diverse range of new employment opportunities for new and existing residents.
- To promote a diversified economy in both the urban and rural areas of the City.
- To attract new post-secondary educational facilities to stimulate investment and training in a range of employment sectors.
- To support the Airport as an economic driver for the City and encourage employment uses to locate on land surrounding the Airport.
- To continue fostering partnerships with First Nations, Métis, and Grand Council Treaty #3 to identify economic development and other opportunities.
- To develop the City as a centre of excellence for telecommunications, health care, industry, trade, commerce, tourism and services throughout Northwestern Ontario, western Canada and Midwestern United States.
- To ensure that there are sufficient municipally serviced lands for the expansion of industrial development that may expand and diversify the City's economy.
- To cluster complementary and supporting uses to promote synergy between economic activities.

2.2.5 Principle 5 – Tourist Destination

Over the lifetime of this Plan, the City of Kenora shall continue to expand its role as an urban, cultural service centre and tourist destination, providing services to the traveling public and residents of the area.

Objectives:

- To increase opportunities for training and post-secondary education institutions.
- To support the development of the heritage sector to meet visitor expectations by identifying and conserving cultural heritage resources, including heritage buildings and other structures, heritage areas, cultural heritage landscapes, archaeological sites, and other elements that defines or represents Kenora's history, such as the murals.
- To provide opportunities to enhance the Harbourtown Centre and the downtown as a destination for visitors by providing access to the water, and development standards that support more walkable and bikeable streetscapes and bike parking facilities.
- To recognize and enhance Coney Island for recreational purposes, including opportunities for arts and festival events for citizens and tourists.
- To explore opportunities to incorporate local artists' work into developments and public works projects, such as public art.

2.2.6 Principle 6 – Complete Communities

Kenora shall encourage new development (e.g. buildings, new neighbourhoods) to provide for a mix of uses in planning for complete communities.

Objectives:

- To support mixed-use neighbourhoods.
- To enhance the quality of life for existing and future residents by improving access to parkland, cultural and recreational facilities, and linking recreational settings with active transportation networks wherever practical.
- To provide opportunities for the redevelopment of the former Abitibi Mill site with employment uses.
- To provide a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.
- To promote a mix of uses in the area around mainstreets such as Ottawa Street in Keewatin.

2.2.7 Principle 7 – Neighbourhood Design

Kenora shall promote a desirable built form in any development or re-development.

Objectives:

- To promote built form that addresses the needs of present and future generations (i.e. live, work, play).
- To ensure that all aspects of neighbourhood design (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.
- To encourage place making in any development through the implementation of public art and public spaces.

2.2.8 Principle 8 – Multi-Modal Transportation System

Kenora shall provide a range of mobile transportation modes that are accessible for persons of all ages and abilities by connecting people and places through coordinated land use, urban design, and transportation planning efforts.

Objectives:

- To develop and promote an efficient and safe multi-mode transportation system for all users.
- To prioritize public streets, infrastructure, trails, and pathways to facilitate and increase community connectivity and active transportation.
- To implement a linked network of safe and active transportation trails and pathways.
- To minimize the loss of future opportunities for trails and pathway development through land acquisition at the time of development.
- To design roads as complete streets, where possible, to allow pedestrians, cyclists, transit riders and motorists of all ages and abilities to interact and move safely along and across municipal streets.

2.2.9 Principle 9 – Community and Aboriginal Engagement

Kenora shall promote inclusivity of all people and backgrounds to participate and collaborate in achieving the City's vision.

Objectives:

- To ensure that all stakeholders and the public have appropriate and adequate opportunities to participate in planning processes.
- To recognize and respect the cultural values and heritage of First Nations and Métis populations, and to engage Grand Council Treaty 3, Rat Portage – Wauzhusk Onigum, The Dalles –Ochiichagwe’Babigo’ining, and Washagamis Bay – Obashkaandagaang, which are within and/or adjacent to the City’s boundary.

Section 3 General Development Policies

The following policies apply to all development the City of Kenora. When considering development proposals for Official Plan Amendments, Zoning By-law Amendments, Consents, Plans of Subdivision or any other form of development requiring approval from the City, the following policies shall be considered.

For specific developments, whenever it is deemed to be appropriate, the City shall refer to other agencies for technical assistance related to these general development policies.

3.1 Accessory Uses

Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.

Where permitted in the Zoning By-law, residential dwelling units shall be permitted in commercial buildings. However, the commercial use must remain the dominant use in the building and must comprise entire frontage of the building along the street.

3.2 Affordable Housing

Affordable housing is a critical component of a healthy community. The opportunity to rent or purchase suitable and affordable housing allows all residents to participate fully in the community and in the workforce. The following policies are intended to ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants into the housing market.

- a) Affordable housing consists of housing options combined with shelter costs that do not exceed more than 30% of a household's gross annual income.
- b) The City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to:
 - i. Density bonusing;
 - ii. Deferral or waiving of fees and charges;
 - iii. Alternative development standards;
 - iv. Land; and
 - v. More flexible zoning.
- c) The processing of development applications from non-profit housing corporations and housing cooperatives, for the development of affordable housing, will be given priority by the City.
- d) Secondary Dwelling Units are permitted in accordance with Section 3.21 (Secondary Dwelling Units) of this Plan.

3.3 Air Quality and Climate Change

Climate change can be defined as a long-term change in average weather conditions, including temperature, wind patterns and precipitation, primarily due to increases in greenhouse gas emissions related to human activities. It may involve, for example, increased frequency and severity of extreme weather events, as well as erratic weather patterns. Climate change is highly complex and dynamic, and the timing, nature and severity of its impacts on communities are difficult to predict and will vary locally and regionally. However, scientific research and analysis suggest that communities will need to

adjust to the effects of climate change in one way or another, despite our best efforts at reducing our greenhouse gas emissions in the future.

Several policies in this Official Plan may directly or indirectly contribute to reducing the City's overall impact in terms of greenhouse gas emissions. These include a focus on increased energy efficiency, support for alternative means of transportation, and the promotion of mixed-use communities. However, a broader approach is required to establish more comprehensive mitigation strategies and adaptation strategies to cope with the expected effects of climate change over the planning period.

- a) In collaboration with agencies such as Natural Resources Canada and Health Canada, the City may consider the preparation of a Climate Change Mitigation and Adaptation Plan that outlines:
 - i) Mitigation strategies to reduce the City's contribution to climate change; and
 - ii) Adaptation strategies to assist the City in coping with the effects of climate change on its communities.

3.4 Community and Neighbourhood Design

The purpose of this section is to provide guidance with respect to land use and urban design for future development within the City of Kenora. Urban design objectives and compatibility criteria contribute to the creation of liveable, complete communities and neighbourhoods, and to uses in all designations.

A concentration on urban design focuses attention on how buildings and the spaces around them look and function in their setting. It contributes to creating lively places with distinctive character and establishing meaningful connections between people and the built environment. The best urban design is informed by a solid appreciation of the place being built, the people in it, and the community around it.

This Plan promotes the development of complete communities and neighbourhoods throughout Kenora, which include a range of uses to meet the residential, employment, shopping, and recreational needs of residents. Where appropriate, establishing community hubs allows the co-location of public service facilities to provide convenient, integrated, and cost-effective services.

The urban design principles outlined below are high-level and are intended to assist those involved in development. The principles recognize that development proposals should be given the flexibility to address design matters in different ways, allowing for creativity and dialogue, particularly since different design responses may be appropriate depending on the context of each area.

In addition, the Planning Act provides municipalities with the ability to include the following in the site plan approval process:

- Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design; and
- Sustainable design elements on any adjoining highway under a municipality's jurisdiction.

3.4.1 Urban Design Principles

The following urban design principles should be considered in the preparation and review of development proposals in the Established Area, Residential Development Area, and the Harbourtown Centre designations. New development should:

- a) recognize and reflect on the history and cultural values of the community;
- b) reflect a thorough and sensitive understanding of place, context and setting;
- c) establish a built form that evolves through architectural style and innovation;
- d) enhance and enliven the quality, character and spatial delineation of public spaces, including streets;
- e) be visible and safe;
- f) prioritize the needs of pedestrians and cyclists by providing barrier-free, aesthetically-pleasing pedestrian and cycling linkages. Linkages such as trails, sidewalks and bike lanes between residential, commercial, employment, industrial and institutional and open space lands shall be provided and maintained, where practical, as part of the community's transportation system to encourage and support recreational and utilitarian active transportation;
- g) contribute to attractive public spaces and important views, and protect sightlines to resources of cultural heritage interest or value;
- h) accommodate the needs of a range of people, including children, seniors, and people with disabilities;
- i) complement, integrate and enhance existing environmental features and landscapes;
- j) achieve a more compact form over time;
- k) generally be based on a modified grid network in order to provide a well connected and integrated road system, and encourage active forms of transportation;
- l) achieve compatibility with existing uses;
- m) integrate energy efficient and green design features; and
- n) conserve, retain, and enhance built heritage including bridges and monuments, ruins, districts, cultural heritage landscapes, and archaeological resources through effective community design.

3.5 Communication Towers

The City of Kenora recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of service. Local Zoning By-laws cannot prevent a telecommunication tower from being constructed, since the Federal Government has the approval authority under the Radio Communications Act. Industry Canada recognizes the importance of considering the potential impact of communication towers on the adjacent surroundings and the community. A proponent seeking to establish a communications tower shall work with the City, seek input from the community, and meet the requirements as set out in the Council approved Installation of Communication Towers Policy.

3.6 Development and Redevelopment Adjacent to Railway / Transportation Corridors

Transportation corridors are linear tracts of land used for the movement of travelers and goods. This plan protects these corridors for the long term. Development that may preclude or negatively affect the use of the corridor for its intended purpose shall not be permitted.

New development proposed on lands adjacent to existing or planned transportation corridors and transportation facilities shall be compatible with, and supportive of, the long-term purposes of the corridor. The design of new development shall avoid, mitigate, or minimize negative impacts on and from the corridor and transportation facilities.

Where required, noise studies shall be prepared by qualified individuals according to the Ministry of Environment and Climate Change (MOECC) Noise Assessment Guidelines.

Development along the railway corridor and near rail yards should be limited to industrial and commercial uses. Where planning approvals are required to allow for development or redevelopment near a railway corridor or rail yard, consideration shall be given to the impacts of noise and vibration.

Except for limited infilling on existing lots of record, new residential development and other sensitive land uses shall not be permitted within 300 m of a rail yard. Notwithstanding the above, where a planning approval is required (except for a comprehensive Zoning By-law update or consolidation, or a minor variance) limited residential development of a restrictive infill nature may be permitted. In these cases, completion of a site-specific study to the satisfaction of Council is required in consultation with CP Rail to identify potential negative impacts on the long-term function of the rail yard and prevent or mitigate adverse effects and minimize risk to public health. The study shall be completed to the satisfaction of Council, in accordance with applicable policies and guidelines, including the Ministry of the Environment and Climate Change "Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation" and land use compatibility guidelines. The study must include provisions for appropriate noise mitigation measures.

Applications for planning approvals to allow for residential or other sensitive land uses between 300 and 1000 m of a rail yard, or within 300 m of a railway corridor shall be accompanied by a noise study, to the satisfaction of Council in consultation with CP Rail, demonstrating that applicable provincial policies and guidelines with respect to noise and land use compatibility have been addressed. Such applications shall be permitted only where Council is satisfied that appropriate noise mitigation measures will be implemented at the time of development.

Where development is proposed within 75 m of a rail yard or railway corridor, submission of a vibration study, prepared to the satisfaction of Council in consultation with CP Rail, and addressing the potential impacts of vibration and recommended mitigation measures, may be required. Where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.

Appropriate safety measures, such as setbacks, berms and security fencing, shall be provided in association with all development proposals adjacent to rail yards or railway corridors, to the satisfaction of the City in consultation with the rail companies.

Notwithstanding any other policy in this Plan, the City, in consultation with CP Rail, may undertake a comprehensive study to determine appropriate noise mitigation measures to be incorporated into new development proposed in close proximity to rail yards or rail corridors. Any such study shall be updated on a regular basis to reflect current rail operating conditions.

The extent of the Railyard is shown on Schedule “A”. For the purposes of this Plan, all other rail lines shall be deemed to be railway corridors.

3.7 Development in the Vicinity of the Kenora Airport

Development of airport lands is an integral part of the Industrial Park in the eastern part of the City. All buildings and structures within the area of the airport must comply with Federal height restrictions.

All development in the Municipality shall recognize the long term importance of air transportation to the economy of the City. When considering applications for development in the vicinity of the Airport, Council shall ensure that the long-term operation and economic role of the Airport is protected.

3.7.1 Permitted Uses

- a) Development proposals in close proximity to the Kenora Airport shall be subject to Section 3.15 (Land Use Compatibility) of this Plan.
- b) No new residential or other sensitive land uses shall occur on lands where the Noise Exposure Forecast (NEF) of the Kenora Airport exceeds 25 NEF. Some commercial establishments (e.g. hotels, motels) are considered sensitive by MOECC during application of regulations related to noise.
- c) Where planning approvals are required for residential or other sensitive uses at or above the 25 NEF, a noise study, to the satisfaction of Council in consultation with Transport Canada, shall be required.
- d) As a certified airport, the Kenora Airport is federally regulated by Transport Canada through the Aeronautics Act and the Kenora Airport Zoning Regulations (SOR/93-524). All development in the vicinity of the Kenora Airport shall comply with these height restrictions and all other applicable federal regulations.

3.8 Development on Private Roads

Development on private roads may create new infrastructure needs that are difficult to monitor and maintain. Such development may also direct pressure away from defined settlement areas and may reflect unjustified and/or uneconomical expansion. Development on private roads shall generally be discouraged, but may be permitted in exceptional circumstances. In these cases, land division may be permitted subject to such conditions set out in a Private Roads Agreement with the City. Any transfer of private roads to the municipality, or the transfer of non-dedicated municipal roads shall be in accordance with the City’s Private Roads/Dedication of Public Roads Policy. Where development is approved on private roads, environmental, public health, and safety concerns must be considered (e.g. fire suppression and other emergency services access).

The City may monitor the application of this policy and may, during the life of this Plan, consider a comprehensive study of the planning, financial, and legal implications of lot creation through severances and development on private roads.

3.9 Drive- Through Facility

New drive-through facilities will not be permitted in the Harbourn Town Centre and Residential Development Area designations in order to protect and enhance the unique sense of place of the Harbourn Town Centre and the residential nature of the Residential Development Area. However, there may be exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Harbourn Town Centre and Residential Development Area designations can otherwise be maintained.

In general, where the commercial zones that implement the Residential Development Area designation permit a restaurant, a drive-through facility shall also be permitted. Proposals for new drive-through facilities within the Harbourn Town Centre and Residential Development Area designations where drive-through facilities are not permitted under the implementing zone, will be subject to concurrent applications for a Zoning By-law amendment and Site Plan Control approval. Such applications will only be considered for approval in circumstances where: the location, design, and function of the drive-through facility, including the associated queues; the policies set out under Section 3.15 (Land Use Compatibility) Section in this Plan are addressed; the provision of a Planning Rationale that includes but is not limited to how the proposed development achieves the intent of Section 3.4 (Community Neighbourhood Design and Urban Design Principles) in this Plan; does not change the continuity and character of the existing streetscape; considers the impact on the pedestrian and/or cycling orientation of the land use designation; and, where pedestrian movement into and through the site can be maintained. Additional matters to be addressed may include: the nature of surrounding uses; the character of the area and theme of area; proximity to heritage resources; and opportunities for the integration of the drive-through facility with other uses within the area.

Any application for new development in the Harbourn Town Centre designation will be reviewed during the Site Plan Control review process and shall have regard to the Downtown Revitalization Study, 2004, the Community Improvement Plan, 2007, and the City of Kenora Waterfront Development Guidelines, 2009.

3.10 Energy

The City of Kenora recognizes the importance of supporting policies aimed at reducing energy consumption and reliance on carbon-based fuels in order to develop greener, healthier, active communities and a culture of conservation.

The principles of energy efficiency and energy diversity guide the energy policies. Energy efficiency refers to promoting energy-efficient urban and building designs, appliances, and modes of transportation, while energy diversity refers to promoting the development and use of alternative and renewable energy systems.

3.10.1 Energy Policies

- a) Buildings should be oriented in such a way as to maximize passive solar energy gain.
- b) New developments shall consider the use of green building technologies and rating systems, such as Leadership in Energy and Environmental Design (LEED).
- c) Land use patterns should support the use of alternative modes of transportation.
- d) Development should reduce hard surfaces and maximize site permeability.

- e) The City shall promote landscaping and tree planting programs that help moderate summer and winter micro-climatic conditions.
- f) The City shall promote alternative and renewable energy systems as accessory and standalone uses.
- g) New development should be designed to accommodate more affordable alternative energy and renewable energy technologies in the future.
- h) Council shall support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.
- i) Energy Efficiency and Heritage Conservation Retrofits for energy efficiency in heritage buildings may be undertaken without compromising the heritage integrity of the building.

3.10.2 Alternative and Renewable Energy Systems

Various forms of alternative energy systems and renewable energy systems can generate thermal and electrical power on a site-specific basis or as part of a more expansive utility grid system, thereby providing environmental, social and economic benefits.

Ontario's Green Energy and Green Economy Act, 2009 (Bill 150) was passed into law on May 14, 2009. Through its regulations, in particular Ontario Regulation 359/09, a framework is established for approvals of various types of renewable energy projects which are thereby exempt from municipal approvals. However, municipalities still have an opportunity to be consulted through the provincial Renewable Energy Approval process.

- a) The City will review and provide comments to the proponent with respect to servicing, infrastructure, or any other matter related to a proposed renewable energy project for which a provincial Renewable Energy Approval is required, for which a provincial Renewal Energy Approval is required, as per Ontario Regulation 359/09 or any other applicable legislation or regulations. The proponent must then supply the City's comments to the province with their Renewable Energy Approval (REA) Application.
- b) Hydroelectric projects are a form of alternative/renewable energy generation that does not require REA approval, but must follow the appropriate environmental assessment process. For projects generating less than 200 MW, that process is outlined in the Ontario Waterpower Association's Class Environmental Assessment for Waterpower Projects.

3.11 Forestry Operations

When reviewing proposals to use land within the City for forestry purposes, Council shall consider the incorporation of "good forestry practices" along with the impact of the development on the ability to provide a continuous, sustainable forestry industry in the City.

For the purposes of this Plan, "good forestry practices" means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest productivity and health, and the aesthetics and recreational opportunities of the landscape. Good forestry practices will ensure that no forest values are diminished by protecting key stand components and by minimizing environmental damage during tree

harvesting. Properly managed tree harvest activities shall assure the maintenance of all forest values and a continuous flow of forest products that provide for both short and long-term economic benefits to landowners.

Similarly, forest management plans should recognize and recommend mitigation measures on the impacts of forestry operations on the tourism industry and visual amenities of the City.

3.12 Group Homes

It is the intent of this Official Plan to recognize the need for group homes, to recognize the needs and concerns of residents, and to ensure effective integration of group homes in the community. Group homes shall be permitted in all land use designations which permit residential uses and in the Rural Area.

3.13 Hazard Lands, Docks and Shoreline Development

Environmental conditions, whether naturally occurring or human-made, can result in hazards to human life or health, and damage or loss of value to property. Hazards in the natural environment include flooding, unstable soils, steep slopes, or wildland fires. Human-made hazards include contaminated sites, former landfill sites and abandoned pits or quarries.

The policies of this section of the Plan apply to all navigable water bodies and watercourses within the City of Kenora. These areas provide opportunities for development oriented to the water. This Plan provides for the development of these areas in accordance with the policies of the applicable land use designation and other applicable policies of this Plan, provided that the aquatic environment is protected.

3.13.1 Hazard Lands

For the purposes of this Plan, Hazard Lands include:

- a) Those lands along the Winnipeg River and Lake of the Woods that are defined as Hazard Lands on the basis of elevations identified by the Lake of the Woods Control Board. On the Winnipeg River, the following elevations define the Hazard Land designation 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 correlating to the Hazard land designation is 324.60 m CGVD28 datum.

Lands outside of those areas addressed by the Lake of the Woods Control Board that may also be subject to flooding and erosion, such as lands adjacent to watercourses and waterbodies other than the Winnipeg River or Lake of the Woods. In these areas, Hazard Lands should be defined as follows:

- By engineered flood plain mapping, where it exists; and
- Where there is no engineered flood plain mapping, Hazard Lands, as defined by this Plan should include:
 - i. For slopes equal to or greater than 1:1, all lands within 15 m of the top-of-bank of any watercourse or water body; and
 - ii. For slopes less than 1:1, all lands within 15 m horizontal distance of the 1:100-year flooding elevation along any watercourse or water body.

For those Hazard Lands where there is no engineered flood plain mapping, and where Hazard Lands are defined by the 20 m setback, applications for Zoning By-law amendments to allow development and site alteration shall be considered on an individual basis, provided that such proposals are supported by engineered designs and prepared by a qualified professional engineer in accordance with provincial technical standards and to the satisfaction of the City, demonstrating that the site is safe for development in spite of naturally occurring hazards, such as flooding and erosion.

- b) Development shall not be permitted in Hazard Lands for the following uses:
- i. residential, commercial, industrial;
 - ii. institutional uses, where the institutional use is associated with hospitals, nursing homes, day cares and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the youth during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion;
 - iii. an essential emergency service/facility for fire, police, ambulance stations or electrical substations, which would be impaired during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion;
 - iv. any use associated with the disposal, manufacture, treatment or storage of hazardous materials.
- c) Docks, boat lifts and boat ramps may be permitted on Hazard Lands provided that the required approvals are obtained from the appropriate agencies.
- d) Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansions to such uses will be discouraged: however, reconstruction and/or minor alterations to existing buildings and structures, and additions and extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the City subject to the policies of this section of this Plan. Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authorization from the Province must be obtained.
- e) Development and site alteration, including the erection and/construction of buildings or structures, and the placement or removal of fill, may be permitted, subject to rezoning, where there is no defined floodway and it can be demonstrated, to the satisfaction of the City, that:
- the effects and risk to public safety are minor or can be managed or mitigated in accordance with provincial standards;
 - new hazards shall not be created and existing hazards shall not be aggravated;
 - no adverse environmental impacts will result;
 - vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
 - the development will not include institutional uses or essential emergency services or the disposal, treatment or storage of hazardous substances.
- f) Hazard Lands shall be zoned in the City's Zoning By-law as Environmental Protection, Hazard Land, or may be part of a split zone (e.g. Rural Residential/Hazard Land).

- g) Hazard lands shall not be included in minimum lot area calculations, as established in the Zoning By-law.

3.13.2 Wildland Fire Hazards

Hazardous forest types for wildland fire are forest types assessed as being associated with a high or extreme risk of wildland fire. These areas are generally forested areas which are composed of a certain type and condition of forest fuels. Vegetation (fuel types) that are high to extreme risk for wildland fire include natural conifer forests and unmanaged conifer plantations. There is an inherent risk to the public when changes to the landscape occur, such as encroachment of development into forested areas associated with high to extreme risk. When mapping information from the Ministry of Natural Resources and Forestry (MNR) becomes available, Schedule "A" will be revised to reflect these hazards.

The following policies shall apply to areas near wildland fire hazards:

- a) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- b) Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the MNR.
- c) In the absence of detailed municipal assessments, proponents submitting a planning application shall undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands, to the extent possible. If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.
- d) Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies in Section 5.1.1 (Wildlife Habitat) of this Plan.

3.13.3 Docks and Shoreline Development

Land uses permitted along shorelines shall be as specified in the policies of the applicable land use designation. Proposed development within these areas shall be governed by the policies of Section 3.13.1 (Hazard Lands) of this Plan, the applicable land use designation and other applicable policies of this Plan, in addition to the policies of this section.

- a) Docks, waterfront and marina structures on property abutting water shall:
 - i. be subject to the policies of the MNRF, the Canadian Coast Guard, Fisheries and Oceans, and the City of Kenora, and where such structures are to be on Crown Land covered by water, the comments of adjacent land owners.
 - ii. be designed, constructed and maintained in a manner which contributes to the amenity of the City.
 - iii. be capable of withstanding damaging storms, ice, and high water conditions.
 - iv. not contain sanitary facilities, pressurized water systems or dwelling units.
 - v. be located so as not to interfere with navigation or aids to navigation.
 - vi. be constructed and placed so as to minimize the impact on natural vegetation, and topography and shall not have a negative impact on natural heritage features such as fish habitat, wildlife habitat, habitat of endangered and threatened species, and wetlands.
 - vii. be constructed to meet the requirements of Ontario Regulation R.R.O. 1990, 351 (Marinas) under the Environmental Protection Act, in the case of marinas.
- b) Septic fields servicing shoreline areas shall be located at least 30 m from the high water mark of the abutting water body. All residential lots shall be large enough to ensure that sewage fields are not located within 30 m of a water body.
- c) Commercial uses on the shoreline shall be designed to be compatible with surrounding uses. Developments which contribute to the tourism industry shall be encouraged.
- d) Prior to development or site alteration in areas adjacent to Fish Spawning and Nursery Area as shown on Schedule "A", a Fisheries Assessment and an Environmental Impact Statement shall be prepared to identify the potential impacts of development and site alteration adjacent to other areas of fish habitat and to adjacent watercourses and waterbodies.
- e) Where new development occurs adjacent to any navigable waterway within the City of Kenora, a 5 m natural vegetation area will be required and a 10 m natural vegetation buffer will be strongly encouraged adjacent to the shoreline to minimize the impact of development on water quality in the water body.
- f) Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authorization from the Province must be obtained.
- g) No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without written authorization from the Province. Where required under the federal *Fisheries Act*, prior written authorization from the federal Department of Fisheries and Oceans must also be obtained.
- h) When considering applications for waterfront development, Council shall ensure that cultural heritage resources, both on shore and in the water, are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on resources of cultural heritage interest or value.
- i) Council will encourage owners of properties adjacent to lakes and water bodies to participate in the Ontario Ministry of the Environment and Climate Change Lake Partner Program. The information collected through the program allows the early detection of changes in the nutrient status and/or the water clarity of lakes due to the impacts of shoreline development, climate change, and other stresses.

3.14 Home Based Businesses

For the purpose of this Plan, home-based businesses are categorized into two (2) categories: home occupations; and home industries. The home occupation or home industry shall be accessory to the main residential use of the property and shall not generate adverse impacts on, or otherwise change the character of the surrounding area.

The Zoning By-law shall contain regulations and shall indicate, among other matters, the zones in which home industries and home occupations are permitted, the types of activities considered as home occupations and home industries, as well as appropriate setbacks.

The home occupation or home industry shall relocate to an appropriately zoned site at such time that the home occupation or home industry can no longer be considered secondary to the main residential use of the property.

Entrances serving home occupations or home industries located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and prior approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupation or home industry. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

3.14.1 Home Occupations

Home occupations shall be permitted in the following land use designations: Established Area, Residential Development, Harbourn Centre, and Rural Area. Home occupations shall include occupations or professions which are conducted entirely within a dwelling unit. Home occupations shall not be permitted in accessory buildings.

3.14.2 Home Industries

Home industries are conducted primarily within an accessory building to the main dwelling unit and may include wood working shops, auto body and auto repair shops, window frame shops, welding, electrical, carpentry, machine and blacksmith shops. Home industries shall be permitted in the Rural Area provided that they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means. The Zoning By-law shall set out the use of appropriate mitigating measures such as buffering and separation distances to prevent and minimize the conflict between adjacent residential uses. Proponents of Zoning By-law amendments to permit home industries shall be required to address potential impacts on residential or other sensitive land uses both on and off the property, and to identify appropriate mitigation measures.

Where required by the Environmental Protection Act, a Certificate of Approval must be obtained prior to the commencement of the home industry.

Where contamination is suspected, the reuse of former home industry sites for alternative land uses shall be considered in accordance with the provisions of the Potential Contaminated Sites section of this Plan.

3.15 Land Use Compatibility

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels, the proposed development shall not proceed. Development of land uses that require separation from other uses will be subject to the Ministry of the Environment and Climate Change D-Series Guidelines.

Appropriate buffering will be required so that major facilities such as airports, transportation/transit/rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities, and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

Where planning approvals are required to accommodate the establishment or expansion of major facilities or sensitive land uses, proponents may be required to provide supporting technical studies, prepared by a qualified professional and in accordance with Ministry of the Environment and Climate Change land use and compatibility guidelines. These studies will assist in the evaluation of proposed developments to ensure that land uses will be appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety. If the impacts cannot be minimized to acceptable levels the proposed development shall not proceed.

3.15.1 Agricultural Uses and Cemeteries

As agricultural uses are permitted in the City of Kenora settlement area, minimum distance separation requirements will be enforced in accordance with MDS I and MDS II Guidelines established by the Ministry of Agriculture, Food, and Rural Affairs, as amended. These requirements will apply to development applications under the Planning Act to separate sensitive land uses from livestock facilities.

Closed cemeteries indicated on Schedule "A" of this Plan 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.

3.15.2 Industrial Facilities and Sensitive Land Uses

Proponents of industrial development may be required to provide supporting technical studies, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures. Consideration may also be given to the extent to which increased site plan requirements can reduce the potential impacts.

Separation distances between potentially conflicting land uses shall be measured in accordance with MOECC Guidelines. The following minimum separation distances shall apply between industrial uses and residential or other sensitive land uses:

Class I Industries: 20 m

Class II Industries: 70 m

Class III Industries: 300 m

In the absence of technical studies, which identify an actual influence area, separation distances required between industrial uses and residential or other sensitive land uses shall reflect the following potential influence areas:

Class I Industries: 70 m

Class II Industries: 300 m

Class III Industries: 1,000 m

Proponents may be required to provide buffering measures such as landscaping, plantings, and fencing to minimize the impact of the industrial activity, including visual appearance.

3.15.3 Waste Disposal Sites and Sensitive Land Uses

Any development proposed within 500 metres of a current or former waste disposal site or other waste management system may require the submission of technical studies, to the satisfaction of Council, to establish the potential hazards, adverse effects, or health and safety risks that may result from these facilities. The required technical studies shall also provide recommendations regarding the appropriate mitigation measures, including setbacks, development standards, monitoring requirements, or other remedial measures to prevent adverse effects and minimize risk to public health and safety. Compatibility will be further assessed in accordance with the Waste Disposal Site policies of this Plan and MOECC Guideline D-4: Land Use on or Near Landfills and Dumps.

3.15.4 Sewage Treatment Plants and Sensitive Land Uses

A minimum separation distance of 150 metres is recommended where residential or other sensitive land uses are proposed in proximity to a municipal sewage treatment plant. Compatibility will be further assessed in accordance with MOECC Guideline D-2: Compatibility Between Sewage Treatment and Sensitive Land Uses.

3.15.5 Compatibility Criteria

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

Compatibility of new developments shall be assessed based on the following criteria:

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;
- c) **Outdoor amenity areas:** the privacy of outdoor amenity areas of adjacent residential units must be respected;

- d) **Shadowing:** shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas;
- e) **Lighting:** the potential for light spill-over or glare onto adjacent light-sensitive areas must be minimized;
- f) **Noise and air quality:** the development should be located and designed to minimize the potential for significant adverse impacts on adjacent sensitive uses related to noise, odours, and other emissions.
- g) **Parking:** adequate on-site parking must be provided, with minimal impact on adjacent uses;
- h) **Loading and service areas:** the operational characteristics and visual appearance of loading and services areas (including garbage and outdoor storage areas) must be designed to mitigate adverse effects on adjacent properties and should be located away from residential uses, where possible; and
- i) **Vehicular access:** the location and orientation of vehicular access must take into account impact on adjacent properties including noise, glare and loss of privacy.

3.16 ~~Laneway Housing~~

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

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

~~The following policies apply to laneway housing in Kenora:~~

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

~~[By-law 166-2023]~~

3.17 Residential Densities

Density is a relative term that is used to define the scale and grain of development. It is typically a measure of persons or dwelling units per unit of land area. Net residential density is usually expressed as the number of dwelling units per hectare and measures the area of land used exclusively for residential use, including private roads and parking areas but excluding public streets, rights-of-way, parks, environmental areas and non-residential uses.

Residential densities tend to increase or decrease depending on housing type. Typically, forms of medium- and high-density residential housing include multiple-attached developments such as townhouses and apartment buildings. However, it is important to recognize that higher-density development can also be achieved through detached or semi-detached homes on smaller lots, while apartment buildings surrounded by large parking areas can significantly decrease their density. In other words, housing type can affect density but other factors must also be taken into consideration.

The definition of low, medium and high density differs from place to place. For the purposes of this Official Plan, residential densities are defined as follows:

- Low: up to 16 units/net hectare
- Medium: 17 to 40 units/net hectare
- High: over 40 units/net hectare

3.18 Surface and Groundwater Water Quality

Preservation of water quality is a significant consideration in reviewing any development proposal adjacent to a watercourse or lake. The Lake of the Woods is a particularly valuable water body in Kenora, and protection of its watershed is a priority. As the Lake straddles Ontario, Manitoba, and Minnesota, USA, cooperation among all jurisdictions is critical to protect and restore water quality. The International Joint Commission has assumed responsibility for water quality in the Lake, and is working to ensure protection for the future.

On-site septic disposal fields shall be located at least 30 m from a watercourse or water body.

Where no detailed fish habitat mapping has been completed, all water features – including permanent or intermittent streams, headwaters, seasonally flooded areas, municipal or agricultural surface drains, lakes and ponds (except human-made off-stream ponds) – shall initially be considered fish habitat unless it can be demonstrated to the satisfaction of the City that the feature does not constitute fish habitat as defined by the Fisheries Act.

The natural shoreline vegetation will be retained within 20 m of identified fish and wildlife habitat (e.g. spawning sites, waterfowl staging areas), and subject to recommendations of the fishery assessment and / or environmental impact statement, all of which will be regulated through a combination of the zoning by-law and / or site plan control. The natural shoreline vegetation will be required within 5 m, and strongly encouraged to be preserved within 10 m of all water courses and water bodies.

Development shall not be permitted where the potential exists for contamination of aquifers and groundwater supplies. Council may undertake a groundwater protection study to delineate aquifers that recharge residential wells, and to identify potential sources of impacts and protection mechanisms. For individual development applications, Council may require a hydrogeology study to determine potential impacts of the development on the groundwater resources.

Where development would result in a significant increase in storm water run-off, the City shall require the proponent to complete storm water management works that will ensure

that off-site surface water quality and quantity is not adversely affected by the development.

New development shall consider the impacts of storm water on lands and downstream. A drainage/ storm water management report/plan shall be required as a condition of development approval within the City for any large scale non-residential development or plan of subdivision within the City. A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.

Planning for stormwater management shall:

- a) Minimize, or, where possible, prevent increases in contaminant loads;
- b) Minimize changes in water balance and erosion;
- c) Not increase risks to human health and safety and property damage;
- d) Maximize the extent and function of vegetative and pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low-impact development.

3.19 Private Sewage Disposal and Water Systems

No development shall be permitted unless it can be shown to the satisfaction of the City that there is an adequate water supply, availability of on-site sewage disposal system and public road access to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not have an adverse impact on neighbouring wells and sewage disposal systems.

In considering impacts on ground water quality and quantity, the City shall consider the cumulative impacts of development on the sustainability of ground water resources. Proposals for development or redevelopment served by private services shall also be subject to the provisions of the Private Services section of this Plan. In order to assess the ability of an area to meet the requirements of individual servicing (i.e. supply of water and sewage system) within lot boundaries, proponents shall follow the Ministry of Environment and Climate Change's "Procedure D-5-4 Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Risk Assessment" (Procedure D-5-4) and "Procedure D-5-5 Technical Guideline for Private Wells: Water Supply Assessment" (Procedure D-5-5).

New lots shall generally be a minimum of 1.0 hectare, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with Ministry of the Environment and Climate Change D-Series guidelines or their successor documents.

New sewage systems are encouraged to be located as far back from the shoreline as possible, and septic fields shall be located a minimum of 30 metres from the shoreline, unless it is not physically possible (due to terrain features or lot depth) to locate the septic field at such a distance. If this minimum distance cannot be achieved, the septic field shall be located as far back as possible and in accordance with current legislated minimum setback requirements and on-site phosphorous treatment systems that reduce phosphorus and nitrate from reaching the shoreline shall be used.

3.20 Public Uses

Notwithstanding any policy in this Official Plan, public utilities, including electricity generation facilities and transmission and distribution systems, shall be permitted in all land use designations without an Official Plan amendment.

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.

Notwithstanding any other policy in this Official Plan, a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, shall be permitted in the following land use designations without an Official Plan Amendment, with consideration for the policies in the Land Use Compatibility Section of the Official Plan:

- a) Established Area;*
- b) Residential Development Area;*
- c) Harbourtown Centre; and*
- d) Commercial Development Area.*

[By-law 84-2019]

3.21 Secondary Dwelling Units

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

- a) Secondary dwelling units are permitted in the Established Area, Residential Development Area, Harbourtown Centre, and Rural Area designations.
- b) Secondary dwelling units shall be permitted only in detached, semi-detached, duplex, or multiple-attached dwellings *or in an ancillary structure in accordance with provisions of the zoning by-law. ~~Secondary units shall be permitted in ancillary structures where they are not accessible via public laneway.~~*
- c) ~~Only one secondary dwelling unit~~ *two secondary dwelling units* may be established per lot.

3.22 TransCanada Pipeline

TransCanada is regulated by the National Energy Board, which, in addition to TransCanada, has a number of requirements regulating development in proximity to the TransCanada Pipeline as shown on Schedule "A". The TransCanada Pipeline shall also be zoned in the City's Zoning By-law. Any development adjacent to TransCanada Pipeline facilities shall comply with the following:

- a) Pre-consultation with the City and with TransCanada or its designated representative is required for any development proposal within 200 m of the TransCanada Pipeline;
- b) Activities on or within 30 m of the right-of-way, such as excavation, blasting and any movement of heavy equipment must be approved in writing by TransCanada;
- c) No permanent building or structure may be located within 7 m of the pipeline right-of-way; and

- d) Where development is proposed in close proximity to the TransCanada compressor station, a noise and vibration study to be carried out by TransCanada (at the expense of TransCanada) may be required for development proposals within 750 m of the compressor station in order to determine if provincial guidelines can be achieved, and if necessary, what mitigation measures are required.

3.23 Urban Agriculture

The City recognizes the reality of rising food costs, and a growing culture for locally grown produce. The City shall encourage community gardens/roof top gardens as important resources to the community and as an attractive alternative source of food for residents. The Rabbit Lake Community Garden is a successful example of how a local garden operation can provide social, environmental, and economic benefits. The Keewatin neighbourhood represents a particularly attractive opportunity for a future community garden. The City shall support urban agriculture throughout Kenora by:

- a) Permitting community gardens and roof top gardens in the following designations: Established Area; Residential Development Area; Commercial Development Area; Open Space; and Rural Areas.
- b) Promoting community gardens in all development/redevelopment initiatives;
- c) Identifying sites, including City parks, for the establishment of community gardens;
- d) Providing infrastructure support such as water, compost, and top soil; and
- e) Identifying opportunities for multiple partnerships.

Any development including lot creation proposed in the vicinity of livestock operations and new or expanding livestock operations shall meet the requirements of the Minimum Distance Separation Formulae.

3.24 Water Lots

Any water lot will assume the adjacent land use designation.

3.25 Wayside Pits and Quarries, Portable Concrete and Asphalt Plants

Although not designated on Schedule "A", wayside pits and quarries, portable concrete plants and portable asphalt plants used on public authority contracts shall be permitted, without the need for an Official Plan amendment or a rezoning, or development permit under the Planning Act in all areas, except in those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities. Such uses will be permitted, provided that they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, air emissions or other means. Compatibility will be determined based on the Ministry of the Environment and Climate Change Land Use Compatibility D-Series Guidelines.

- a) Permits, approvals or licenses shall be obtained from provincial authorities, when required, for any air emissions, water takings, and/or water and sewage services.
- b) When considering an application for the enlargement or expansion of an existing pit or quarry, Council shall require the applicant to rehabilitate the existing pit or existing quarry or portable concrete plant in an agreed upon manner.

Section 3 – General Development Policies

- c) Council shall ensure the Ministry of Natural Resources and Forestry requires the rehabilitation of all pits and quarries on Crown Land. The Ministry of Natural Resources and Forestry is required to make this a condition under the Aggregate Resources Act. In assessing an application, the Ministry of Natural Resources and Forestry is encouraged to have regard for the established planning policies of the City.
- d) Council shall conserve cultural heritage resources when considering the establishment of new areas for aggregate or mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

Section 4 Land Use Designations

This section of the Plan establishes policies for the land use areas shown on Schedule "A". These policies identify where different land uses should locate in the City, the extent of land that will be developed for that use and the development standards that apply when new development occurs. The policies in this section should also be read in conjunction with other policies in this Plan, in particular the General Development Policies and the Special Policy Overlays sections of this Plan and referencing the Ministry of Environment and Climate Change's land use compatibility guidelines.

4.1 Established Area

The Established Area of the City includes residential, commercial, existing industrial and institutional uses that presently exist in the City. The designation of lands as Established Area indicates that there will be little change in these areas over the lifetime of this Plan.

4.1.1 Permitted Uses

Residential, commercial, industrial and institutional uses such as schools, places of worship, cemeteries, long-term care homes, hospitals and health care centres shall be permitted in the Established Area designation.

4.1.2 Established Area Policies

- 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 use shall be supported provided that the development is in keeping with the character of the area.
- d) Linkages to recreation and open spaces 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.

4.2 Residential Development Area

Residential Development Areas have been established to meet the needs of new residential development in the City to 2031.

4.2.1 Permitted Uses

Residential and all housing types, commercial, retail, and institutional uses such as schools, places of worship, shall be permitted.

4.2.2 Residential Development Area Policies

- a) New plans of subdivision on full municipal services shall be encouraged to occur in the Residential Development Area in order to optimize the use of the new water and sewer services along the Airport Road corridor to Highway 17A (known locally as the Kenora By-pass). Residential Development must occur outside of the 25 NEF contour.
- b) Development in these areas should occur in a contiguous manner as a logical expansion of existing development.
- c) A range of densities of development shall be encouraged to ensure a variety of housing forms. The Zoning By-law will establish suitable setbacks between different densities of development to ensure that privacy and enjoyment of existing properties are not adversely affected by higher density housing.
- d) In recognition of the future needs of the population, new housing should provide opportunities for affordable housing as well as housing suitable for an aging population and persons with disabilities.
- e) Larger scale developments shall be phased to ensure that sewage capacity is not allocated prematurely.
- f) New development shall strive to include landscaping of lands and streets in a manner that will result in a mature-looking neighbourhood in a short period of time.
- g) Local parks may be developed to serve the needs of new residents within the Residential Development Areas. Where possible, open spaces, recreational areas and parks may be developed as an interconnected system that can be accessed from residential neighbourhoods through a community-wide network of walkways, sidewalks, trails, bicycle lanes and multi-use paths.

4.3 Harbourtown Centre

The Harbourtown Centre designation represents the downtown area of the City, and is considered to be an extremely important component of the commercial and recreational land use system of the City of Kenora. It is the intent of this Plan that this area contains major concentrations of commerce, finance, tourism, entertainment, recreation, residential and business activities, and provides a dynamic commercial core, for the residents of and visitors to, the City of Kenora.

4.3.1 Permitted Uses

- a) Commercial, entertainment, recreation and residential uses shall be permitted. Co-location of public services facilities is encouraged for convenience, cost-effectiveness, service integration, and promotion of active transportation.
- b) Multi-unit residential development in conjunction with commercial uses shall be encouraged in the Harbourtown Centre where the street level is used for commercial purposes.

4.3.2 Harbourtown Centre Objectives

The objectives for this land use designation are:

- a) to recognize and support commercial activities and functions of the Harbourtown Centre area by providing a wide range of goods and services within the overall commercial land use hierarchy established by this Plan;

- b) to promote the Harbourn Centre as a regional commercial, cultural, recreational, entertainment, business and tourism centre;
- c) to encourage the development of major office buildings, hotels, convention facilities, cultural and tourism uses and Government buildings that have a City-wide or regional significance;
- d) to promote the continued development and growth of the Harbourn Centre as the primary office, business, cultural, entertainment, tourism and administrative area for the City of Kenora;
- e) to reinforce the Harbourn Centre as a vibrant and vigorous commercial area offering a full, balanced and diversified commercial land use mix;
- f) to maintain the unique sense of place and human scale derived from the heritage streetscapes and pedestrian orientated characteristics of the Harbourn Centre;
- g) to provide for ongoing integration of the Harbourn Centre with the Lake of the Woods through ongoing waterfront improvements and linkages;
- h) to support and encourage the long term revitalization and strengthening of the Harbourn Centre;
- i) to encourage growth in the residential component of the Harbourn Centre and peripheral areas to support and reinforce the community focus of the area;
- j) to support the development of services and facilities in the Harbourn Centre that may attract and support tourism;
- k) to ensure that the Harbourn Centre continues to be adequately serviced by the public transit system, and;
- l) to consider other planning studies that have been completed for the area, including the Downtown Revitalization Study, 2004, the Harbourn Centre Community Improvement Plan, 2012, and the City of Kenora Waterfront Development Guidelines, 2009.

4.3.3 Harbourn Centre Policies

In order to fulfill the Harbourn Centre objectives of this Plan, the City Council may from time to time:

- a) adopt such special agreements as joint ventures with private enterprise for the acquisition and disposal of such land, the rehabilitation of buildings, the encouragement of the private assembly of land, the pooling of land ownership, and development of land;
- b) carry out special studies and monitoring programs;
- c) develop and implement policies and programs to facilitate discussion, negotiations and agreements involving both public agencies and private enterprise with respect to matters relevant to the Harbourn Centre;
- d) carry out such public works programs as the creation of pedestrian linkages, sidewalk improvements, off-street transit terminals, implementation of streetscape themes and designs, installing street furniture and fixtures, landscaping and providing parking areas, including bicycle parking facilities;
- e) participate in such senior government programs as may be relevant to development, redevelopment, improvement and revitalization of the Harbourn Centre;
- f) support co-operative ventures to improve the general attractiveness of public and private properties, particularly a plan regarding the development of a Harbourn Centre theme, or project, which recognizes the historical importance of the area to

integrate existing and new buildings both aesthetically and architecturally, and additional initiatives including:

- property security and safer streets
- marketing and promotion of the Harbourtown Centre
- parking and traffic flow; and
- signage.

4.3.4 Parking

The parking of vehicles for commercial purposes, employees, residents, customers, clients and visitors is recognized as an important factor in maintaining the commercial health and vitality of the Harbourtown Centre. The following policies shall apply to parking in the Harbourtown Centre:

- a) Off-street parking shall be provided in the Harbourtown Centre designation by means of public and/or private parking areas. The amount of parking provided shall be sufficient to ensure an efficient traffic circulation system.
- b) It is the policy of Council to optimize the use of existing parking facilities and to supplement these facilities with sufficient parking in suitable locations to meet the future demand.
- c) Municipal parking lots will be designed and managed to include walkable streetscapes, pedestrian markings, and bike parking facilities.
- d) The change of use of existing structures from any use to any permitted use other than residential shall not require the provision of additional parking. Conversions to residential uses, new construction or additions to existing structures shall require the provision of additional parking, in accordance with the implementing Zoning By-law. The number of parking stalls shall not be reduced following a change of use, unless the existing supply of parking spaces exceeds the requirement for the new use.

4.3.5 Physical Development

- a) The Official Plan recognizes the role and importance of public and private laneways, alleyways and rights-of-way for such purposes as service, emergency and delivery access and pedestrian circulation to interior blocks of Harbourtown Centre. It is the policy of this Plan that regard shall be had to the functional role of existing adjacent laneways, alleyways, and rights-of-way in the design of new development, redevelopment, infilling or conversion proposals.
- b) Where possible, the design and spacing of new buildings within the Harbourtown Centre shall ensure that desirable, year-round conditions of sun and shade are provided in surrounding open space areas, streets and sidewalks and residential buildings, and that wind conditions are not altered so as to increase wind velocity to undesirable levels or to deflect it from places where it would be desirable.
- c) In areas abutting the Lake of the Woods and Laurensen Creek shorelines, the orientation, spacing and location of new buildings shall also be conducive to the provisions of access to and views to the Lake of the Woods and/or Laurensen's Creek.
- d) The provision of public open space, in the form of active and passive parks, is recognized as an essential component, within the Harbourtown Centre designation

for the enjoyment of workers, residents and visitors to the City. Visual and pedestrian linkages between commercial and related uses in the Harbourn Town Centre and the public open space system along the waterfront shall be encouraged.

4.3.6 Community Improvement Area

In order to implement the objectives set out in the Harbourn Town Centre section of this Plan, the City of Kenora designated the Harbourn Town Centre as a Community Improvement Area under Section 28 of the Planning Act. A Community Improvement Plan was adopted in 2007 and revised in 2012.

4.4 Commercial Development Area

The continued development of retail commercial uses shall be promoted in order to serve the residents of the City of Kenora, Northwestern Ontario, western Canada and the Midwestern United States. Maintaining Highway 17E, Highway 17A (known locally as the Kenora By-pass), Jones Road and Highway 658 (Redditt Road) through the City is paramount to maintaining the economic health of the commercial/retail sector of the local economy.

4.4.1 Permitted Uses

- a) Permitted uses in the Commercial Development Area land use designation shall primarily serve vehicular traffic. Permitted uses include, but are not limited to, 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.
- b) Manufacturing uses accessory and subordinate to a Commercial Development Area use are permitted.
- c) Residential land uses shall be permitted on a limited basis in existing buildings and structures suitable for residential use. New residential development in the Commercial Development Area shall not be permitted.
- d) Mixed-use developments with commercial uses on the ground floor and residential uses located above are permitted. (By-law 139-2024)

4.4.2 Commercial Development Area Policies

- a) The Zoning By-law shall ensure that developments in the Commercial Development Area are appropriately set back from roadways and provincial highways, including outdoor storage and loading areas. They shall be buffered to protect adjacent residential, institutional and open space uses. Adequate on-site parking shall be provided.
- b) A comprehensive review to assess requests to convert Commercial Development Areas to other purposes shall consider such matters as:
 - i) The availability of alternative sites already appropriately designated or zoned for the proposed non-employment use;
 - ii) The appropriateness of the proposed non-employment use(s) based on the land's physical and natural characteristics;
 - iii) The demand that proposed non-employment use(s) may generate with respect to additional municipal amenities and services;

- iv) The sufficiency of the supply of optimum-sized employment land parcels for the range of employment uses anticipated in the Commercial Development Area designation;
- v) The preservation of a diversity of employment lands for a variety of employment uses; and
- vi) The impact of non-employment use(s) on the viability of any remaining employment lands with regard to matters such as compatibility of land use, affordability for employment purposes, visibility of employment lands, maintenance of the identity of the employment area, and any other relevant matter.

4.5 Industrial Development Area

The Industrial Development Area designation is intended to identify employment areas where major industry and related enterprises are encouraged to locate in the City.

The former Abitibi Mill site provides an opportunity for adaptive re-use and an opportunity for mixed-uses. The City has adopted a Community Improvement Plan for the site, which envisions the development employment uses and training facilities.

The Kenora Airport is an important economic driver for the City and to residents, business, and tourists. New industrial development in the City shall be encouraged to locate in the area surrounding the Laminated Veneer Lumber site and the Kenora Airport, as established in the Kenora Airport Authority Growth Plan (2014). The boundary of the Airport lands are illustrated on Schedule "A".

4.5.1 Permitted Uses

- a) Permitted uses in the vicinity of the airport in the Industrial Development Area include hotels, convention centres, and light industrial uses and shall be subject to the policies in Section 3.7 (Development in the Vicinity of the Kenora Airport) of this Plan.
- b) Commercial uses in this area are limited to large scale, special purpose retail uses which, due to their size and parking requirements, cannot be situated in the other commercial areas of the City. Commercial uses directly related to the airport and transportation uses are also permitted. In addition, retail sales associated with industrial uses shall be permitted.
- c) Industrial uses include manufacturing, processing and service operations which are conducted primarily indoors with minimal outdoor storage.
- d) Light industries are those industrial uses which are entirely contained within a building, except for accessory vehicle parking and limited outdoor storage and do not emit noticeable or noxious noise, dust or air emissions. These uses may be situated in close proximity to rural and commercial areas, provided that the appropriate buffering measures are undertaken to minimize traffic and visual impacts.
- e) Outdoor storage areas shall be limited in size in through the Zoning By-law. Outdoor display of finished products is permitted.
- f) Residential development shall not be permitted in conjunction with industrial development unless Council is satisfied that the residential component is a

necessary component of the industrial use such as a caretaker's residence. Severances of the residential uses shall not be permitted.

- g) Resource extraction uses, including mineral exploration, mine development, and mining, shall be permitted.

4.5.2 Industrial Development Area Policies

- a) The City shall proceed with the development of fully serviced industrial lands along Airport Road and Jones Road. Future industrial development shall be directed to this area of the City of Kenora.
- b) All industrial uses shall be developed on the basis of full municipal services. The proponent shall follow the Ministry of Environment and Climate Change's *D-4 Land Use On or Near Landfills and Dumps*, *D-5 Planning for Sewage & Water Services*, and *D-6 Compatibility Between Industrial Facilities & Sensitive Land Uses* guidelines.
- c) Where dry industrial uses are proposed on private services, Council may require supporting information, such as groundwater impact assessment or hydrogeological studies, to address matters such as: the susceptibility of groundwater to contamination from sewage effluent; the ability of the site to treat sewage effluent to acceptable standards, the adequacy of groundwater, in terms of both quality and quantity to service the proposed development; and the potential for interference with the water supplies of neighbouring properties. Supporting information is subject to Ministry of the Environment and Climate Change D-Series guidelines, or their successor documents.
- d) Proposals to convert Industrial Development Area to other purposes will require an amendment to this Plan, and may be permitted only through a comprehensive review, and where it has been demonstrated that the land is not required for employment purposes over the life of this Plan, and that there is a need for the conversion. A comprehensive review to assess requests to convert Industrial Development Area to other purposes will consider such matters as:
 - i) A review of the population and employment growth projections and consideration of alternative directions for growth, and which direction would best accommodate the growth while protecting provincial interests;
 - ii) The available supply of employment lands to accommodate a range of employment uses anticipated in the Industrial Development Area designation, as well as the identification of alternative sites that are currently designated or zoned for employment uses that could be developed through intensification and redevelopment;
 - iii) The integration with existing and planned infrastructure and public service facilities;
 - iv) The appropriateness of the proposed non-employment use(s) based on the land's physical and natural characteristics; and
 - v) The impact of non-employment use(s) on the viability of any remaining employment lands with regard to matters such as compatibility of land use, affordability for employment purposes, visibility of employment lands, maintenance of the identity of the employment area, and any other relevant matter.
- e) The retention, renewal and conservation of industrial buildings of historical and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The impact of such development plans on the character of the surrounding area will also be considered.

4.6 Open Space

Open Space and natural environment areas provide opportunities for public access and recreation throughout the City.

4.6.1 Permitted Uses

Uses in the Open Space land use designation include parks, public and private non-commercial recreational uses, and private and municipally-owned and operated recreation facilities.

4.6.2 Open Space Policies

- a) The City shall continue to acquire waterfront areas for public open space uses wherever possible. Parking, multi-use trails, launching and docking facilities shall generally be developed as funding permits.
- b) Open space uses and recreational facilities shall be designed to meet the needs of residents of the City as well as tourists, while preserving the environmental features and functions of those areas. Some examples are:
 - The development of a continuous multi-use trail system throughout the City
 - Future Harbourn town development
 - Future recreation centre development
- c) Where land that is designated as Open Space is under private ownership, this Plan does not intend that this land will necessarily remain as Open Space indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that it will be purchased by a public agency. If proposals to develop such lands are made and no public agency has any interest in its acquisition, then an application for re-designation to another use by amendment to this Plan shall be given consideration.

4.6.3 Parkland Dedication

- a) As a condition of development or redevelopment, the City may require land to be dedicated for a park or other recreational purposes in accordance with the provisions in Section 42 of the Planning Act. The dedicated land should be used for active open space. If land is unsuitable for open space or recreational use due to topography, for example, the City may require payment-in-lieu of the parkland dedication.
- b) As a condition to the approval of a Plan of Subdivision or Plan of Condominium for residential development, 5% of the land shall be conveyed to the City. In the case of commercial or industrial development, 2% of the land shall be conveyed to the City. The City may require payment-in-lieu of the parkland dedication.
- c) An alternative to requiring land conveyance for residential development, City may require that land be conveyed to the municipality for park or other recreational purposes at the rate of 1 hectare for every 300 dwelling units.
- d) All conveyed land as part of parkland dedication must be suitable for recreation purposes and acceptable to the City.

4.7 Railyard

Land designated as "Railyard" on Schedule "A" include land for the railyard and the rail lines and are subject to the following policies.

4.7.1 Railyard Policies

- a) The City shall work with CP Rail to implement relocation of existing rail lines or rail yard.
- b) Applications for planning approvals to allow for residential or other sensitive land uses between 300 and 1,000 m of a rail yard, or within 300 m of a railway corridor shall be accompanied by a noise study, to the satisfaction of Council in consultation with CP Rail, demonstrating that applicable provincial policies and guidelines with respect to noise and land use compatibility have been addressed. Such applications shall be permitted only where Council is satisfied that appropriate noise mitigation measures will be implemented at the time of development. Mitigation measures shall be identified in the study and shall be implemented at the applicant's expense as part of development approval agreement.
- c) The City may require a noise and vibration study for any development proposed within 75 m of land designated as Railyard or railway corridor. Mitigation measures shall be identified in the study and shall be implemented at the applicant's expense as part of development approval agreement.
- d) Appropriate safety measures such as berms, setbacks, security fencing shall be provided to the satisfaction of the City and in consultation with CP Rail for any development adjacent to land designated as Railyard. The City shall ensure that sightline requirements of Transport Canada and the railway are addressed.
- e) Any proposed development shall be subject to policies in the Development and Redevelopment Adjacent to Railway/Transportation Corridors section of this Plan.

4.8 Rural Area

Rural Areas include a variety of agricultural, residential, industrial, commercial, recreational, tourism and open space uses. Over the lifetime of this Plan the Rural Areas may experience limited change.

4.8.1 Permitted Uses

- a) Small-scale commercial and industrial uses shall be permitted.
- b) Residential development shall be limited in the Rural Areas.
- c) Open space uses shall be permitted.
- d) Cemeteries shall be permitted.
- e) Permitted agricultural uses shall include the growing of crops, including nurseries, garden centres and horticulture crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time labour when the size and nature of the operation requires additional employment.
- f) Resource extraction uses, including mineral exploration, mine development, and mining, shall be permitted in all Rural Areas provided that they are compatible with surrounding land uses.

- g) Notwithstanding any policies in this Official Plan, land that is designated Rural Area on Schedule "A" of this Official Plan and fronts onto Black Sturgeon Lake, shall be subject to the appropriate policies regarding Black Sturgeon Lake, Black Sturgeon Lake Restricted Development Areas Special Policy Overlay, and other policies in this Official Plan and shall be zoned appropriately in the Zoning By-law.
- h) New marinas, waterfront landings, or other public docking facilities shall not be permitted on Black Sturgeon Lake.
- i) New mineral aggregate operation uses, except for wayside pits, shall be permitted and shall require an amendment to the Zoning By-law. A Zoning By-law Amendment will only be granted for a new aggregate extraction use if a technical study confirms, to the satisfaction of Council, that the use is not offensive and does not create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means. Appropriate setbacks will be required for these operations as outlined in the Ministry of the Environment and Climate Change guidelines. The City may require the operator to enter into an agreement relating to the operation of extractive uses, landscape buffering and transportation. Permits, approvals or licenses shall be obtained from provincial authorities, when required, for any air emissions, water takings and/or water and sewage services.
- j) Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an Official Plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

4.8.2 Rural Area Policies

The following policies apply to any use permitted in the Rural Area.

- a) Development in areas where a natural heritage feature and/or a Special Policy Overlay is illustrated on Schedule "A", the associated policies must be considered.
- b) Development shall not be located in areas that would adversely affect existing agricultural operations.
- c) Notwithstanding any other policy in this Official Plan, back lot development on Black Sturgeon Lake shall generally reflect the same or less density of the foreshore development. Back lots shall generally be 1.0 hectare, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site, in accordance with Ministry of the Environment and Climate Change D-Series guidelines, or their successor documents.

4.8.3 Residential Development in the Rural Area

- a) Residential development shall be restricted to single-detached dwellings on relatively large lots serviced by private water and sewage;
- b) Development proposals shall be limited in scale and shall not detract from the planned role and function of the settlement area; and
- c) Development shall preserve rural character and the scenic quality of the rural landscape and shall avoid densities more appropriately found in the settlement area.

4.8.4 Small-Scale Uses in the Rural Area

- a) Small-scale commercial and industrial uses that meet the needs of the rural community may be permitted by an amendment to the Zoning By-law provided that those uses are compatible with adjacent uses.
- b) Rural commercial uses permitted shall be restricted to those which serve the needs of the rural economy. General examples of such uses include but are not limited to: small convenience stores, farm machinery sales and service outlets, bed and breakfast establishments, farm vacation establishments, animal shelters, kennels and riding stables.
- c) Tourist commercial uses may be permitted in the Rural Area designation and shall include the full range of commercial facilities that principally serve the tourist trade. Such uses as lodging facilities, campgrounds and resorts, recreation facilities, bed and breakfast establishments, farm vacation establishments, golf courses, parks and facilities related to boat traffic such as marinas, docks and other services.

4.8.5 Industrial Uses in the Rural Area

- a) The primary intent of the City is to encourage industrial use in areas designated Industrial, however certain types of industry have historically been located in Rural Areas and should continue to be allowed to do so. Not only are certain industries acceptable in the Rural Area, they are important to the rural economy. Industrial uses shall be permitted in the Rural Area, subject to the policies of this section and provided that they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, air emissions or other means.
- b) Other industrial uses shall be permitted in the Rural Area designation. Such industrial uses established should preferably be small business, either directly related to the rural uses of the land, or mainly of a service nature and in either case with a predominantly local sphere of operation. Other permitted industries may include those requiring large amounts of land, primarily for storage purposes and/or those which are definitely incompatible with urban-type developments or industrial parks. All industrial uses must obtain the appropriate regulatory approvals.
- c) These small-scale industrial uses shall not be a nuisance or detriment to the rural environment by way of noise, dust, smoke, traffic, pollution, etc. Examples of permitted home industries include carpentry shops, metal work shops, plumbing, electrical shops, small engine repair shops, farm machinery repair shops, storage buildings for school buses, snowmobiles, trailers, boats and farm machinery, storage buildings, farm equipment sales and other heavy equipment sales.
- d) Large scale industries that are unable to locate in the Industrial Development Area due to land area, open storage and transportation requirements may locate in the Rural Area subject to Council being satisfied that the use does not have unacceptable impacts related to noise, odour, emissions, traffic and servicing. Large-scale industry will only be permitted in the Rural Area through an Official Plan Amendment. All industrial uses must obtain the appropriate regulatory approvals.
- e) Dry industrial uses may be permitted in the Rural Area subject to an Official Plan amendment. Dry industrial uses are uses where no washing or cooling water is required, no liquid industrial wastes or process wastes will be generated, and where sewage facilities are less than 4,500 litres per day. Industrial uses in the rural area shall only proceed if approval is granted by the Ministry of the Environment and Climate Change and/or the Northwestern Health Unit for sewage facilities.

Supporting information is subject to Ministry of the Environment and Climate Change D-Series guidelines, or their successor documents. All industrial uses must obtain the appropriate regulatory approvals.

- f) Where dry industrial uses are proposed on private services, Council may require supporting information, such as groundwater impact assessment or hydrogeological studies, to address matters such as: the susceptibility of groundwater to contamination from sewage effluent, the ability of the site to treat sewage effluent to acceptable standards; the adequacy of groundwater, in terms of both quality and quantity, to service the proposed development; and the potential for interference with the water supplies of neighbouring properties.
- g) Permits, approvals or licenses shall be obtained for all industrial uses, when required, for any air emissions, water takings, and/or water and sewage services.

4.9 Waste Disposal Site

Lands designated on Schedule "A" as Waste Disposal Sites are areas which have in the past, are presently or are planned to be used as waste disposal land fill sites. Due to the problems of unstable soil conditions, methane gas and toxic leachates, development on or near these sites is subject to the approval of the appropriate provincial ministry and the municipality.

4.9.1 Waste Disposal Site Policies

- a) To provide for the sanitary, economic, efficient and most environmentally appropriate disposal of waste.
- b) To minimize incompatibilities between waste disposal and other land uses.
- c) Any development on or within 500 m of these sites, as shown on Schedule "A", shall require the submission of technical studies, to the satisfaction of Council, and in accordance with the provisions of the Land Use Compatibility section of this Plan, to address the potential hazards that may be present and to identify appropriate mitigation measures. Proponents of development on closed landfill sites must obtain approval under the Environmental Protection Act prior to development. Any proposal for development within 500 m of an active or former waste disposal site shall be accompanied by gas and leachate migration studies, prepared by a qualified consultant, and completed to the satisfaction of the City, in consultation with the Province.
- d) Waste disposal sites and facilities will be planned and maintained to ensure the sanitary, economic, efficient and most environmentally appropriate disposal of waste. New waste disposal sites shall proceed only by way of amendment to this Plan. New waste disposal sites shall be planned under the Waste Management Projects Regulation under the Environmental Assessment Act and obtain approval under the Environmental Protection Act.
- e) The existing municipal landfill has a 30-year capacity, and is located in an area without municipal incorporation, on the Jones Road, northeast of Kenora. The landfill is currently at 75% capacity and is not expected during the horizon of this Plan.
- f) Best management practices in the area of waste diversion must be pursued in order to extend the lifespan of the existing municipal landfill site.

4.10 Wetlands and Provincially Significant Wetlands

Wetlands are 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. It is the policy of this Plan to protect wetlands and their critical functions.

The Ministry of Natural Resources and Forestry evaluates the biological, social, hydrological and special features of wetlands to determine their relative significance in Ontario and identifies certain areas as Provincially Significant Wetlands.

4.10.1 Provincially Significant Wetlands Policies

- a) The Provincially Significant Wetlands known as the Mink Bay wetland complex, and the Laurenson's Lake/Creek wetland complex are illustrated on Schedule "A", to this Plan.
- b) Development and site alteration shall not be permitted within this area identified unless an EIS demonstrates that there will be no negative impact on the Provincially Significant Wetlands.
- c) Where development or site alteration is proposed within 120 m adjacent to the boundaries of the Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex, the proponent shall provide the City with an Environmental Impact Statement (EIS), prepared by a qualified professional and in accordance with the Environmental Impact Statements section of this Plan which demonstrates that there will be no negative impacts on the wetland or its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 m from significant portions of the Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex, may also require an Environmental Impact Statement.
- d) Any change or interference within or adjacent to Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex may require a permit from the MNRF.
- e) Minor changes to the boundaries of the Mink Bay wetland complex or the Laurenson's Lake/Creek wetland complex, shall not require an amendment to the Official Plan. Notwithstanding the foregoing, this Plan shall be amended to designate new areas as Provincially Significant Wetlands, to extend wetlands to include complexes, or to remove wetlands from the designation. In the period between the identification of changes to wetland boundaries by the MNRF and amendment to this Plan, the policies of this section will apply to the Provincially Significant Wetlands as identified by the MNRF. The approval of the Ministry of Natural Resources and Forestry is required for any refinements other than minor adjustments to the boundary of a Provincially Significant Wetland.
- f) Where the Provincially Significant Wetland areas are in private ownership, public use and access to these lands for any purpose is not permitted without the consent of the owner.
- g) The Mink Bay wetland complex and the Laurenson's Lake/Creek wetland complex and the adjacent lands shall be zoned as Provincially Significant Wetland in the City's Zoning By-law.

4.10.2 Wetlands Policies

- a) All wetlands, including those that are not designated Provincially Significant Wetlands, are important natural heritage values and will be protected from incompatible development and alteration.
- b) A wetland evaluation must be performed before any planning approvals are processed for wetlands that have characteristics or components of a Significant Wetland. Characteristics of a Significant Wetland include significant species or functions. Guidance for wetland evaluations can be found in the Ministry of Natural Resources and Forestry Ontario Wetland Evaluation System – Northern Manual (2013).
- c) Any evaluated wetland that is deemed to be significant will be granted the protections afforded in this section without the need for an amendment to this Plan.
- d) Development proposals on or near a wetland shall be required to submit an Environmental Impact Statement, prepared by a qualified professional, and in accordance with Section 8.9 (Environmental Impact Statements) of this plan.

Section 5 Special Policy Overlays

Special Policy Overlays are shown on Schedule “A” to this Plan. The natural heritage values that are shown as Special Policy Overlays Areas and described in Section 5.1 to this Plan have been supplied by the Ministry’s Natural Resource Values Information System (NRVIS). The values in NRVIS and on Schedule “A” of this Plan are constantly changing and being updated, as new information becomes available. Any new values or changes to values shall be reported to the Ministry of Natural Resources and Forestry for the purpose of updating NRVIS. Areas or sites having a Special Policy Overlay are also subject to the underlying Land Use Designation policies and the General Development Policies of this Plan.

5.1 Natural Heritage

In accordance with the Council-approved Environmental Policy, the City recognizes the importance of the natural environment to its citizens. The City may create a culture of environmental awareness and encourage and enable its citizens, visitors, and businesses to adopt lifestyles of the lowest possible environmental impact while maintaining a sustainable quality of life. As such, the City shall encourage development to demonstrate sustainable design concepts, such as designing with nature as a commitment to environmental protection for future generations.

Natural heritage consists of an overall natural heritage system, which consists of natural heritage features and areas, which are linked by natural corridors, which are important to maintain biological and geological diversity, natural functions, and viable populations of indigenous species and ecosystems. The diversity and connectivity of natural features and the long-term ecological function and biodiversity of the City’s natural heritage systems shall be maintained, restored, or improved, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features.

Natural heritage features and areas include the following elements:

- **Wildlife Habitat** which refers to the habitat for flora and fauna that is ecologically important in terms of features, functions, representation or amount, and contributes to the quality and diversity of an identifiable geographic area or natural heritage system.
- **Fish habitat** which means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life cycle processes.
- **Habitat of endangered species and threatened species** means the habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations.

According to the Ministry of Natural Resources and Forestry, there are no Areas of Natural and Scientific Interest (ANSIs) in Kenora. In addition, since the City is situated on the Canadian Shield, the provincial policies for Significant Woodlands east and south of the Canadian Shield do not apply.

When potential development may have an impact on, or be impacted by, one of the natural heritage features and areas described in this section, the City of Kenora may refer to the appropriate agency for comment. For example, proposals near known nesting sites may be referred to the Ministry of Natural Resources and Forestry.

Council recognizes that all of the undeveloped land of the City is suitable habitat for a variety of wildlife species. Certain wildlife habitat has been identified by the Ministry of Natural Resources and Forestry as having special significance and is shown on Schedule "A". Wildlife habitat has been identified by the Ministry of Natural Resources and Forestry and is illustrated on Schedule "A" to this Official Plan as Fish Spawning and Nursery Area, Waterfowl Habitat, and Nesting Site.

5.1.1 Wildlife Habitat

- a) Wildlife habitats may include one or more of the following characteristics:
 - Seasonal concentrations of animals, such as deer wintering habitat, heronries, and waterfowl concentration areas;
 - Rare vegetation communities and specialized habitats for wildlife;
 - Habitats of species of "special concern" and other wildlife habitats, such as provincially rare plants, reptiles, amphibians and birds, as well as nests of raptors such as osprey and red-shouldered hawk;
 - Animal movement corridors.
- b) Lands designated wildlife habitat are important components of natural heritage systems in Kenora and will be protected from incompatible development and alteration.
- c) A wildlife habitat evaluation must be performed by a qualified environmental professional before any planning approvals are processed for areas that have characteristics or components of a wildlife habitat. Proponents may be required to prepare an Environmental Impact Statement (EIS), in accordance with the EIS section of this Plan, which demonstrates that there will be no negative impacts on wildlife habitat.
- d) Any evaluated habitat that is deemed to be significant will be granted the protections afforded in this section without the need for an amendment to this Plan.

5.1.2 Endangered and Threatened Species

- a) The presence of, or high potential for, Species at Risk (extirpated, endangered or threatened species) shall be identified through the use of the Natural Heritage Information Centre (NHIC) provincial database, and through consultation with Ministry of Natural Resources and Forestry staff (See Appendix A – Species at Risk within the Kenora municipal boundary).
- b) The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a species at risk, and the damaging or destroying of their habitat. As a result, an ecological site assessment should be carried out during the planning of development and site alteration projects to determine whether a listed species or its habitat may be present before carrying out an activity that may contravene the ESA. Proponents should prepare an Environmental Impact Statement (EIS), in accordance with Section 8.8 of this Plan, which demonstrates that there will be no negative impacts on the habitat of endangered and threatened species or its ecological function. The EIS must be completed by a qualified professional to address potential impacts on the habitat of endangered and threatened species. To accommodate endangered and threatened species and their habitats, and to minimize any adverse effects on these species, some activities may need to be modified. Current best management practices may help to mitigate an

activity's impacts. On a case-by-case basis, additional actions may be required to address specific impacts on a species at a particular site or location.

- c) Proponents of development are responsible for ensuring that any development or activity does not contravene the Endangered Species Act, 2007, and all development or site alterations must be planned and considered in accordance with the provisions of the Act.
- d) Where developments or site alteration is proposed within 120 m of the boundary of the habitat of a species at risk, the proponent shall provide the City with an Environmental Impact Statement (EIS) that demonstrates that there will be no negative impacts on the habitat or on its ecological function. If possible impacts are identified, the application cannot proceed unless it is redesigned to avoid the habitat. Where warranted by site and species-specific factors, development proposals further than 120 m from significant portions of the habitat of endangered and threatened species may also require an Environmental Impact Statement.
- e) If impacting an endangered or threatened species cannot be avoided, a permit or agreement under the Act must be obtained before the activity proceeds. The proponent should work directly with Ministry of Natural Resources and Forestry district staff to develop agreements or permits when required. ESA regulation 242-08 provides additional options for managing endangered and threatened species habitat.

5.1.3 Environmental Protection

Land to be protected for environmental reasons for the protection of groundwater or for other environmental reasons will be zoned as Environmental Protection in the Zoning By-law.

5.1.4 Fish Spawning and Nursery Area

- a) Important habitat and natural values are constantly changing and currently values mapping is likely incomplete. As these habitats and values, including the habitats of endangered and threatened species, change the schedules of this Plan will be updated based on information from the Ministry of Natural Resources and Forestry. As these changes are usually minor in nature, formal amendments to this Plan will not be required.
- b) Where detailed habitat mapping has not been completed, all water features will be considered fish habitat, unless it can be demonstrated to the satisfaction of the City of Kenora that the features do not constitute fish habitat as defined in the federal Fisheries Act. Evaluations of water features must be performed by a qualified biologist.
- c) The City of Kenora supports the management of fisheries. Such management has important economic, social and environmental benefits. It is also recognized that it is the mandate of the Department of Fisheries and Oceans to protect and preserve fish habitat on Crown and private land under the Federal Fisheries Act. Under that Act, fish habitat is defined as spawning grounds and nurseries, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
- d) Development or site alteration shall not be permitted within areas identified as Fish Spawning and Nursery Area shown on Schedule "A" unless an EIS demonstrates

that there will be no negative impact on the Fish Spawning and Nursery Area or its ecological function.

- e) Where development or site alteration is proposed within 120 m of a Fish Spawning and Nursery Area, the development should be designed to ensure that there are no negative impacts on the adjacent land, which shall also include land adjacent to all watercourses and waterbodies. The City shall require the proponent to prepare a Fisheries Assessment and an Environmental Impact Statement (EIS) in accordance with the Environmental Impact Statements section of this Plan to be submitted with any development application. The EIS must be completed by a qualified professional. The report shall identify the features of the Fish Spawning and Nursery Area, the nature of the proposed development, the potential impacts that the development may have on the Fish Spawning and Nursery Area and the mitigation measures required to prevent adverse impacts on the Fish Spawning and Nursery Area.

5.1.5 Waterfowl Habitat

Waterfowl Habitat is identified as providing nesting, feeding and staging areas for waterfowl.

- a) Development or site alteration shall not be permitted within areas identified as Waterfowl Habitat shown on Schedule "A" unless an EIS demonstrates that there shall be no negative impact on the waterfowl habitat or its ecological function.
- b) Where development or site alteration is proposed within 120 m of these areas, the development should be designed to ensure that there are no negative impacts on the adjacent sensitive areas. The City shall require the proponent to prepare an Environmental Impact Statement (EIS) in accordance with the Environmental Impact Statements section of this Plan to be submitted with any development application. The EIS must be completed by a qualified professional in support of the development proposal. This report shall identify the features of the Waterfowl Habitat, the nature of the proposed development, the potential impacts that the development may have on the Waterfowl Habitat and the mitigation measures required to prevent adverse impacts on the Waterfowl Habitat area.

5.1.6 Nesting Site

The locations of heronries, nests of ospreys and nests of bald eagles are shown as Nesting Site on Schedule "A" and are considered wildlife habitat areas. Council recognizes the importance of shielding the heronries and nests of osprey and bald eagles from habitat destruction or disturbance and it is a policy of this Plan that:

a) Heronries

- no road or pipeline construction, logging, blasting or other similar heavy development activities should take place within 200 m of a heronry during the sensitive breeding season (between April 1 and August 15).
- no development that would result in activities of any kind, including pedestrian traffic, all terrain vehicles, etc., shall be permitted within 400 m of a heronry during the sensitive breeding season.
- the policies of the Ministry of Natural Resources and Forestry regarding activities permitted within 300 m during the non-nesting season (August 16 to March 31) are supported.

b) Bald Eagles

- The protection of bald eagle habitat shall be tailored to the site specific situation based on an Environmental Impact Statement that demonstrates no negative impacts and includes mitigation measures.

c) Osprey

- no development activity shall take place within a 200 m radius of an osprey nest.
- no development shall take place within 800 m of an osprey nest between April 15 and September 1 inclusive.
- the policies of the Ministry of Natural Resources and Forestry regarding activities permitted within 800 m of an active nest during nesting and non-nesting periods are supported.

5.1.7 Deer Winter Habitat

Although not designated in NRVIS and therefore not illustrated on Schedule “A” to this Plan, winter concentration areas are important for white-tailed deer and these areas should be considered and assessed as part of the development review process.

Development in these areas shall generally be limited to low-density, rural residential. Development patterns should consist of large acreages and frontages that encourage dispersed residential use in a rural setting.

Any development that proceeds by way of plan of subdivision may require an Environmental Impact Statement completed by a qualified professional biologist.

5.2 Cultural Heritage Resources

Cultural Heritage sites include “built heritage resources” and “cultural heritage landscapes” as defined by the 2014 Provincial Policy Statement as follows:

Built heritage resources: means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest, as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a United Nations Educational, Scientific, and Cultural Organization [UNESCO] World Heritage Site).

The City of Kenora recognizes the interests of local Aboriginal and Métis communities in conserving cultural heritage and archaeological resources. Tunnel Island is an example of a cultural heritage site which is owned by Treaty 3 and the City of Kenora. Tunnel Island is important to Treaty 3 as it provides a celebratory space for the Spring and Fall Harvest. This special place is shared with residents and tourists as a recreational area. Tunnel Island is strategically placed between Winnipeg River and Lake of the Woods.

Council shall maintain a heritage register, heritage management plan and/or archaeological management plan for land use planning, to inventory resources of cultural heritage interest or value including heritage sites and areas having archaeological potential within the City of Kenora, together with programs and strategies to conserve resources of cultural heritage value or interest, including archaeological sites. Known archaeological sites were provided to the City of Kenora by the Ministry of Tourism, Culture and Sport. These sites are on file with City staff and will be used for planning purposes. These sites are not shown on Schedule “A” or otherwise documented in this Plan as they are regarded as confidential.

In addition, the following buildings have been designated under Part IV of the Ontario Heritage Act and have been entered into the Municipality’s register of property:

- Nourish – 210 Second Street South
- Cameron House – 1 Seventh Street South
- Canadian Pacific Railway Station – 400 McClellan Avenue
- Kenora City Hall – 1 Main Street South
- Kenora Fire Hall – 350 Second Street South
- Kenricia Hotel – 155 Main Street South
- Mather-Walls House – 1116 Ottawa Street
- Museum Annex (former Land Titles building) – 224 Main Street

The Canadian Pacific Rail Station is also designated under the Heritage Railway Stations Protection Act, while the Museum Annex is also designated by the municipality as being of architectural value or interest as authorized under the Ontario Heritage Act. Council also intends to designate the Mink Bay wetland as a heritage property under Part IV of the Ontario Heritage Act.

5.2.1 Cultural Heritage Policies

- a) Where development or site alteration is proposed adjacent to or across the street from an individually designated heritage building (Part IV of the Ontario Heritage Act), or a property noted above, the City shall require an applicant to undertake a Heritage Impact Assessment. The Heritage Impact Assessment shall be conducted by a qualified professional with expertise in cultural heritage resources to:
 - Identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;
 - Describe mitigation measures that may be required to prevent, minimize or mitigate the adverse impacts; and
 - Demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the property, and/or its streetscape/neighbourhood.

- b) Where there is a conflict between the Ontario Heritage Act or the regulations and the Official Plan, the Ontario Heritage Act will prevail.
- c) Where the results of a heritage impact assessment are in conflict with policies contained within this Official Plan, the Official Plan policies will prevail.
- d) Where development or site alteration affects cultural heritage resources, the City may enter into registered agreements under Section 41 of the Planning Act with the owners of designated heritage properties when it deems that financial securities are necessary to ensure the retention and conservation of heritage properties as part of a development.
- e) The Ontario Heritage Act may be utilized to conserve, protect and enhance cultural heritage interests or values within the City through the designation, by by-law, of individual properties, heritage conservation districts and/or landscapes and archaeological sites.
- f) Heritage Kenora, the Municipal Heritage Committee, shall be maintained by Council, pursuant to the Ontario Heritage Act, to advise and assist Council on matters related to designation and other heritage conservation planning matters. Pursuant to the Act, and in consultation with the Municipal Heritage Committee, Council may by by-law:
 - Designate properties to be of historic and/or archaeological value or interest
 - Define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district.
- g) Council shall have regard to cultural heritage resources in the undertaking of municipal public works, undertakings and/or maintaining properties owned by the municipality. When necessary, Council shall require heritage impact assessments and satisfactory measures to mitigate any negative impacts on identified cultural heritage interests or values.
- h) Council shall consult appropriate government agencies, when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply.

5.2.2 Archaeological Resources

Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the municipality and is usually developed with a licensed archaeologist. Such criteria include features such as proximity to water, current or ancient shorelines, sandy soils, rolling topography, the remains of any building, structure, place, activity, or cultural feature or object such as unusual landforms, portage routes or other places of past human settlement, which due to the passage of time, are on or below the surface of land or water and are significant to history and understanding of a people or place. Significant Native and non-Native cemeteries or unmarked burial sites may also be considered as archaeological resources.

- a) Where a development proposal or site alteration encroaches on lands with archaeological resources or is within an area considered to have archaeological potential, the City shall require an applicant to undertake Stage I Archaeological Assessment of the lands in accordance with requirements of the Ministry of Tourism, Culture and Sport to determine the nature and extent of the resources on the site.

The study shall be conducted by an archaeologist licensed under the Ontario Heritage Act as a condition of any development proposal. The study will be submitted to the City and to the Ministry of Tourism, Culture and Sport.

- b) Where resources are found on site, the City shall require further investigations through a Stage II and Stage III Archaeological Assessment. The study will be submitted to the City and to the Ministry of Tourism, Culture and Sport. Any features identified may be preserved in situ to ensure that the integrity of the resource is maintained. Excavation of any archaeological features by a licensed archaeologist may also be considered. If the site is determined to be of sufficient cultural heritage value or interest, the development may be prohibited.
- c) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the Ontario Heritage Act.
- d) The City may require a marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
- e) Any marine archaeological resource that is identified must be reported to the Ministry of Tourism, Culture and Sport immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed, through excavation, by licensed marine archaeologists under the direction of the Ministry of Tourism, Culture and Sport.

5.3 Black Sturgeon Lake (Restricted Development Area)

Although there are no known immediate threats to water quality in the lake, the pace of development and proximity of Black Sturgeon Lake to the urban centre of the City have raised concerns as to the sustainability of the lake experience. The City of Kenora has undertaken a detailed scientific analysis of the lake system, and developed the following land use policies which will:

- Guide future development in an orderly fashion; and,
- Ensure that future development is managed to prevent detrimental impacts to water quality, fish and wildlife and their habitat, other aspects of the natural environment and the human amenity values associated with recreation on Black Sturgeon Lake.

5.3.1 Water Quality

- a) It is recognized that the protection of water quality is of paramount importance for Black Sturgeon Lake, and it is the objective of this Plan to:
 - Maintain a high level of water quality;
 - Acknowledge that water quality is a key limiting factor to development;
 - Acknowledge that water quality is the keystone resource for the health of other resource values;
 - Recognize that development must be sensitive to the protection water quality through natural shorelines, increased setbacks, and new abatement technology;
 - Encourage shoreline stewardship; and

- Encourage septic inspection program.
- b) The City of Kenora shall update, and monitor, the water quality of Black Sturgeon Lake by: (i) the establishment of a water quality monitoring program, (ii) encouraging landowners to take part in MOECC's Lake Partner program, (iii) Coordinate water quality testing with MOECC on a regular basis, (iv) work with citizen groups to coordinate water clarity and bacterial testing; and, (v) report water quality monitoring results in the City website.
- c) The City of Kenora shall work cooperatively with federal and provincial environmental protection agencies to encourage the implementation of septic system inspection, and follow up compliance, for the entire lake. The City shall promote awareness of threats to water quality through education and best management practices with local and provincial cottager associations.
- d) The City may consider the implementation of bylaws prohibiting the use of fertilizers or pesticides on waterfront properties.

5.3.2 Permitted Uses

- a) Industrial uses, new marinas, waterfront landings, or other public docking facilities shall not be permitted.
- b) Notwithstanding any other policy in this Official Plan, development shall be limited in the Black Sturgeon Lake (Restricted Development Area) as illustrated on Schedule "A" of this Official Plan.
- c) The City's Zoning By-law shall implement the Official Plan policies through appropriate zones the permitted uses and shall establish the appropriate lot sizes and densities.
- d) Notwithstanding any other policy in this Official Plan, back lot development on Black Sturgeon Lake shall generally reflect the same or less density of the foreshore development. Back lots shall generally measure 1.0 hectare in area, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site, in accordance with Ministry of the Environment and Climate Change D-Series guidelines, or their successor documents.
- e) As lots are created, the City will monitor lot creation. Residential uses shall be permitted but not more than 142 new residential lots shall be created during the life of this Plan. Developments of more than 5 lots should be consistent with MOECC's Procedure D-5-4 Technical Guidelines for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment.

5.3.3 Fish and Wildlife Values

- a) The City of Kenora shall update Schedule "A" of the Official Plan to ensure that fish and wildlife values reflect the most recent data available in the Ministry of Natural Resources and Forestry Land Information Ontario (LIO) database. The City shall also update natural values mapping whenever new information is provided to the City.
- b) Site Plan Control may be used for any development on Black Sturgeon Lake, or any navigable waterway in the City, in order to protect natural resource values.
- c) Citizen groups shall be encouraged to participate in Provincial fish and wildlife monitoring programs.

5.3.4 Shoreline Naturalization, Preservation and Wetlands

- a) The City of Kenora shall restrict shoreline disturbance for any property on Black Sturgeon Lake 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.
- b) The undeveloped islands of Black Sturgeon Lake are recognized to be an integral part of the amenity value that comprises the visual landscape. Only one lot of record shall be permitted on any island in order to preserve this unique viewscape.
- c) Limited development, compatible with wetland areas, may be permitted where the integrity of the wetland resource can be preserved and the suitability of the proposed development is confirmed by an Environmental Impact Statement (EIS) report.

5.3.5 Public Access

- a) Water corridors, routes and associated portages shall be preserved, and protected from future development.
- b) The City of Kenora shall retain all road allowances leading to the lake, unless there is no possible future use, or access due to physical barriers or terrain constraints.

5.4 Future Development Area

Land shown as Future Development Area on Schedule A represents older industrial sites or Rural Areas that may be prime locations for development or redevelopment. It is the City's intention to encourage comprehensive development of these lands.

5.4.1 Redevelopment Lands

These lands are existing or former industrial sites which provide opportunities for redevelopment and to potentially accommodate a range of uses. Although these sites may shift from employment-generating use to another land use, the City continues to enjoy an adequate land supply for employment uses. The following will apply:

- a) Connection to full municipal services is required.
- b) Lands may be subject to the preparation of a Community Improvement Plan prior to development. Council may designate these areas by by-law as a Community Improvement Project Area which would be subject to the preparation of a Community Improvement Plan (CIP). Any CIP shall be prepared in accordance with the Community Improvement section of this Plan.
- c) Lands shall be subject to the preparation of a concept plan prior to development. The required concept plan will illustrate land uses, proposed densities, pedestrian and vehicular movements, open space, municipal services, traffic impact, as well as other elements as identified by the City.
- d) Where a change in land use is identified through a CIP or a concept plan, Amendments to the Official Plan and Zoning By-law will be required prior to development. Until a CIP and a concept plan are prepared for Future Development Areas, the underlying land use designation and policies will apply.

5.4.2 New Development Lands

Are large Rural Areas with minimal or no development, which provide opportunities for new development and to potentially accommodate a range of new uses and that should be protected to prevent premature development that will not take full advantage of the economic potential of the site and the availability of municipal services.

- a) Connection to full municipal services is required.
- b) Lands shall be subject to the preparation of a concept plan prior to development. The required concept plan will illustrate land uses, proposed densities, pedestrian and vehicular movements, open space, municipal services, traffic impact, as well as other elements as identified by the City.
- c) A report demonstrating a need / market for the proposed development as well as the benefit to the community.

5.5 Aggregate and Mineral Resources

The 2014 Provincial Policy Statement states that minerals and petroleum resources shall be protected for long-term use. Minerals are defined by the Provincial Policy Statement as metallic minerals (e.g. gold, copper, nickel) and non-metallic minerals (e.g. mica, salt talc). Mineral aggregate resources are defined as gravel, sand, clay, rock, or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes. Areas having high aggregate or mineral resource potential are identified on Schedule "A".

To permit continued development of the City's extractive industry in a logical and controlled fashion, protection of areas having high quality mineral aggregate resources for long-term use shall be considered for any development proposal. In all cases, any new development should not adversely affect the viability of the extraction industry in the future, and uses that are incompatible for reasons of public health, public safety, or environmental impact will not be permitted.

5.5.1 Aggregate and Mineral Resources Policies

- a) In areas shown as Potential Aggregate Area on Schedule "A" and High Mineral Resource Potential on Schedule "B", or on adjacent lands, development which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - resource use would not be feasible or;
 - the proposed land uses or development serves a greater long term public interest; and
 - issues of public health, public safety and environmental impact are addressed.
- b) Non-extractive land uses or developments shall be prohibited in those areas identified as having an aggregate or mineral resource potential unless it can be shown that:
 - extraction would not be feasible; or
 - the proposed land use or development serves a greater long-term interest of the general public than does aggregate or mineral extraction; or
 - the proposed land use or development does not preclude or hinder future extraction and would not be incompatible with future extraction for reasons of public health, public safety, and environmental impact.
- c) Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased in order to accommodate new land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final

rehabilitation shall take surrounding land use and approved land use designations into consideration. An Official Plan Amendment to the new land use designation may be required to implement the subsequent land use. Progressive rehabilitation should be undertaken wherever feasible.

- d) Extractions of any size shall be undertaken in a manner which minimizes social and environmental impacts.
- e) Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- f) Existing mineral aggregate operations shall be permitted to continue without the need for Official Plan Amendment, rezoning or development permit under the Planning Act.
- g) Development of these areas for purposes other than resource extraction shall not be permitted in accordance with Policies 5.5 a) and b). If such development is permitted, the underlying designation will apply.
- h) Development in or adjacent to an area of known mineral or aggregate resources, shall be located and buffered sufficiently to ensure that the extraction is not limited and that the development is not affected by the noise, dust or other health and public safety issues that are related to the extractive activity.
- i) New or expanding aggregate or mineral extraction operations shall be permitted in the Aggregate and Mineral Extraction Overlay, provided that they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, air emissions or other means. New or expanding aggregate or mineral extraction operations should be well removed from residential areas and screened from view to the greatest extent possible. New or expanded aggregate or mineral extraction operations should also not negatively affect existing and future adjacent land uses, social values, and the environment.
- j) Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary Council will require satisfactory measures to mitigate any negative impacts on cultural heritage interests or values.

5.5.2 Abandoned Mine Hazard Site

- a) Mine hazards are any feature of a mine defined in the Mining Act or any related ground disturbance that has not been rehabilitated. Mine hazards may pose a threat of injury and potential loss of life if they are not mitigated or rehabilitated. The Abandoned Mine Hazard symbols shown on Schedule "A" illustrates the approximate location of abandoned mine hazards which may present a constraint to development in the vicinity. These are considered to be hazardous areas and the area within 250 m of the hazard shall be zoned Hazard Land in the Zoning By-law.
- b) The City shall require applicants for any proposed development within 1,000 metres of the Abandoned Mine Hazard Site symbol to consult with the Ministry of Northern Development and Mines regarding the nature of the hazard, and to undertake any remediation measures as legislated under the Mining Act.
- c) Where an Abandoned Mine Hazard Site exists, the City shall require applicants with proposed development on, abutting or adjacent to lands affected by Mine Hazards to be supported by a study that:

- identifies potential safety hazards;
 - demonstrates that the site can be rehabilitated to mitigate the known or suspected hazard;
 - establishes measures to address and mitigate known or suspected hazards.
- d) Development on, abutting or adjacent to lands affected by mine hazards or former mineral resource operations shall be permitted only if measures to address and mitigate known or suspected hazards are underway or have been completed.
- e) Where rehabilitation requirements are known and are feasible, known mine hazards and adjacent lands may be zoned with a Holding Zone. In these instances, rehabilitation of the site in accordance with the requirements of the Mining Act shall be required prior to the removal of the holding symbol. In the interim, uses permitted on such properties will be restricted to existing land uses.

Section 6 Municipal Services

The policies of this Section are intended to provide guidance to Council and the public when determining the extent of municipal services that shall be provided in the City. Municipal services and infrastructure, which includes sanitary sewage, water, and stormwater systems, should be provided in a coordinated manner to promote conservation and efficiency, integral to land use planning, and be phased in an appropriate manner.

6.1 Municipal Services

- a) The City shall encourage infill and redevelopment in areas where there is existing sufficient capacity. The use of existing municipal services should be optimized, wherever feasible, before consideration is given to extending municipal services.
- b) The use of green infrastructure, including natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs, shall be promoted wherever possible.
- c) All development within the settlement area as designated Harbourn Centre, Established Area, Residential Development Area, Industrial Development Area, and Commercial Development Area shall be serviced with municipal sewage treatment and water supply.
- d) Planning approvals to accommodate development on full municipal services shall be granted only where there is sufficient reserve capacity in the water and sewage treatment plants to serve the proposed development.
- e) New development and service extensions shall be phased to promote the efficient use of land and infrastructure, so that service extensions and construction occur in a logical progression, beginning with those areas that are closest to the existing built up and services areas. Larger scale developments shall be phased to ensure that sewage capacity is not allocated prematurely.
- f) Extensions and expansions to municipal services to accommodate new development shall, generally, be done at the cost of the developer. Where services are oversized to accommodate future development, the City may enter into an agreement with the developer to assist in the recovery of additional costs incurred as a result of over sizing services.
- g) When sewage or water treatment plants are at or near capacity, Council will review the matter and, where required, take appropriate action to address the issue by increasing plant capacity prior to approving development proposals that may result in new connections to these facilities.
- h) The extent of municipal services provided beyond the settlement area may be expanded with an Official Plan Amendment if there is evidence through a comprehensive review to support the need to expand the settlement area boundary. There shall be no new development on Hilly Lake, Austin Lake, Schnarr Lake, Grassy Lake, Alcock Lake or Laurenson Lake without the availability of municipal sewer and water services.
- i) In undertaking municipal public works, such as roads and infrastructure projects carried out under the Municipal Class Environmental Assessment (EA) process, Council shall provide for the protection of cultural heritage resources in accordance with the Cultural Heritage Resources section of this Plan.

6.2 Private Services

- a) Lands beyond the settlement area as defined in this Plan shall utilize private sewage disposal and water services.
- b) Notwithstanding Policy (a), limited development in the settlement area may occur on private sewage disposal and water services for the purposes of infilling and rounding out of existing development, where municipal or communal sewage and water services are not available, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- c) In accordance with Ministry of the Environment and Climate Change Guidelines, a Servicing Options Study shall be prepared for any proposed multi-lot/unit development greater than 5 lots/units on privately owned and operated individual or communal wells, privately owned and operated individual or communal septic systems, and if 4,500 litres of effluent or less would be produced per day. The Servicing Options Study is to demonstrate that there is no negative impact.
- d) Where a Servicing Options Study has concluded that multiple lot/unit development serviced by individual on-site services is appropriate, a hydrogeological assessment will be required to assess the adequacy of groundwater quality and quantity and potential impacts on groundwater, in accordance with the Ministry of the Environment and Climate Change technical guidelines, to demonstrate that there is no negative impact.
- e) Lot sizes, soil and groundwater conditions shall be suitable for the proposed sewage and water supply. Sewage and water services shall obtain any required permits and approvals.
- f) Confirmation of available existing or planned capacity for the treatment of hauled sewage will be required prior to the approval of new lots or units serviced by individual on-site sewage disposal systems.
- g) Where dry industrial uses are proposed on private services, Council may require supporting information, such as groundwater impact assessment or hydrogeological studies, to address matters such as: the susceptibility of groundwater to contamination from sewage effluent, the ability of the site to treat sewage effluent to acceptable standards; the adequacy of groundwater, in terms of both quality and quantity, to service the proposed development; and the potential for interference with the water supplies of neighbouring properties. Supporting information is subject to Ministry of the Environment and Climate Change D-Series guidelines, or their successor documents.
- h) The use of municipal water in conjunction with private sewage disposal services shall be discouraged, except where necessary to address failed services in existing development. This situation shall be established in consultation with the Chief Building Official and the Northwestern Health Unit. The proponent may be required to provide technical studies to demonstrate that no negative impacts will result from the partial servicing arrangement. Where this development occurs, the City may pass a temporary use by-law which would establish a maximum period for which the partial servicing may occur and limit the sewage effluent to 4,500 litres per day.
- i) New residential development serviced by communal water and sewage services will not be permitted. New commercial or industrial development serviced by communal water and sewage services is permitted.

Section 7 Transportation

The policies of this section are intended to ensure that the transportation network within and beyond the City limits functions efficiently and in a safe manner for the movement of people and goods. The transportation networks should emphasize alternative modes of transportation, such as walking, cycling, cross-country skiing, and snowmobiling that are accessible for mobility, connectivity, and to provide for a healthy sustainable active community.

Development shall not be permitted in planned transportation corridors that could preclude or negatively affect the use of the corridor for future purposes.

7.1 Provincial Highways

- a) In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within the Ministry of Transportation (MTO)'s permit control area under the Public Transportation and Highway Improvement Act (PTHIA), will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity of, a provincial highway or interchange/intersection within MTO's permit control areas will be subject to MTO's policies, standards and requirements.
- b) Provincial Highways in the City include Highway 17A (known locally as the Kenora By-pass), Highway 658 (Redditt Road), Highway 671 (Jones Road north of Highway 17A), and Highway 596 north of Highway 17A.
- c) Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the requirements of MTO's access management practices and principles. Where necessary, development in the vicinity of Highway 17A (known locally as the Kenora By-pass), may provide for the construction of service roads parallel to this Highway in order to make more effective use of the local land resource.
- d) A transportation study, otherwise known as a traffic impact study, prepared by a professional and certified engineer may be required by a proponent to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development.
- e) The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
- f) Any new proposed access connection (i.e. public road or signalized intersection into a provincial highway) shall meet the Ministry of Transportation's access management practices and principles.
- g) Any proposals for snowmobiles or trail crossings of provincial highway will require the prior approval of the Ministry of Transportation. Trails located along the right-of-way of a provincial highway are not permitted.
- h) A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by the Ministry of Transportation for those developments

located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.

- i) Outdoor storage and loading areas shall be visually screened or appropriately located so as to not be visible to the travelling public.
- j) Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and prior approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.
- k) Only those lands that are compatible with the operation of a patrol yard will be permitted to locate adjacent to, and in close proximity to, the patrol yard (s) located on Part of the South ½ of Lot 3, Concession 7, being Part 1, Plan KR-572, and being Part 1, Plan 23R-8740, which is located north and west of the Highway 658 (known locally as Redditt Road)/Veterans Drive intersection with Highway 17A (known locally as the Kenora By-pass).
- l) For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.
- m) Access to new developments adjacent to provincial highways is subject to the policies and regulations of the Ministry of Transportation. In addition, development adjacent to provincial highways is subject to the Provincial Highways section of this Plan.
- n) Where necessary, the construction of service roads parallel to Highway 17A (known locally as the Kenora By-pass) may be required in order to make more effective use of the local land resource.

7.2 Arterial Roads

Arterial Roads are intended to carry large volumes of traffic between areas and neighbourhoods in urban centres and intersect with Collector and Local Roads. The City shall protect the carrying capacity of Arterial Roads by:

- a) The minimum planned right-of-way for an arterial road is 20 m and a maximum planned right-of-way of 30 m with curb and gutter and hot mix surface for urban areas.
- b) Restricting the number of intersecting streets and driveways.
- c) Encouraging internal access between adjacent commercial and/or residential development so as to limit the number of required road access points and encouraging a shared driveway access.
- d) Control of land use and access locations near major intersections, interchanges, at-grade rail crossings, grade-separated rail crossings, and bridge approaches.

- e) Designing cycling facilities as an integral component of the carrying capacity of the arterial road.
- f) Use of Site Plan Control review.

7.3 Collector Roads

Collector roads are intended to provide efficient access through the City. New access to these roads should be minimized wherever possible.

- a) The minimum planned right-of-way for a collector road is 20 m and a maximum planned right-of-way of 30 m with curb and gutter and hot mix surface for urban areas.
- b) Where new development occurs in the urban area, sidewalks shall be required to be constructed on both sides of Collector roads.

7.4 Local Roads

- a) Local roads shall be constructed on a maximum 20 m right-of-way with curb and gutter and hot mix surface for urban areas. These roads should be logical extensions of existing streets and wherever possible designed utilizing a grid pattern.
- b) Local roads in rural subdivisions shall be constructed on a 20 m right-of-way. Double surface treatment is the preferred method of construction, unless gravel is specified by the City.
- c) Where new development occurs in the urban area, sidewalks shall be required to be constructed on one side of local roads.

7.5 Private Roads

Any transfer of Private Roads to the municipality, or the transfer of non-dedicated municipal roads shall be in accordance with the City's Private Roads/Dedication of Public Roads Policy.

7.6 Trail Pathway System

- a) Walking, cycling, and/or snowmobile lanes shall be provided in all new roadway construction and, wherever possible through reconstruction and resurfacing projects.
- b) The City of Kenora is committed to establishing a safe system of trails for recreation and commuting. In planning the trail system and upgrading related infrastructure, the City shall have regard for the findings of the Beaches, Parks and Trails Development Project (2010), or any updated plans, including:
 - i) Identification of major origins and destinations;
 - ii) The existing trail system and the proposed on-road cycling network; and
 - iii) The importance of connectivity, including completing and integrating the Trans-Canada Trail into the Kenora network.

Trail planning and design shall be focused on trails as both recreation and active transportation infrastructure, including a connected system of trails and bike paths or lanes to permit linkages, where possible.

The City of Kenora may consider preparation of a Trails and Cycling Master Plan to establish policies for the development of trails.

- c) The City of Kenora shall ensure that all new sidewalks and crosswalks associated with roadway developments are barrier-free, and meet minimum design standards for the visually and hearing impaired.
- d) Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails located along the right-of-way of a provincial highway are not permitted.

7.7 Protection of Rights-of-Way

- a) The City may acquire land for rights-of-way or the widening of rights-of-way through conditions of approval for a severance, minor variance, site plan, plan of subdivision, or plan of condominium.

Section 8 Implementation

The following policies are intended to provide direction for the decisions of Council, the use of By-laws and Development Agreements which shall implement policies outlined in this Plan.

8.1 General

- a) This Official Plan shall be implemented by the powers conferred upon the City of Kenora by the Planning Act, as amended and other statutes of the Province of Ontario as applicable. The decisions of City Council shall be consistent with the Provincial Policy Statement.
- b) Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the Plan shall be reviewed at least once every five (5) years at a meeting of Council. Should economic or social changes occur which necessitate an earlier review, or should the monitoring of the Plan identify areas that need further consideration, Council may direct such a review to be undertaken.
- c) Pursuant to Section 24(1) of the Planning Act, no public work shall be undertaken and no by-law shall be passed by the City for any purpose that does not conform to the intent and policies of this Official Plan.
- d) The City may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the Planning Act, and any other applicable statutes of the Province of Ontario.
- e) All development agreements regarding plans of subdivision, plans of condominium, consents, variances, and site plans are required to conform to the policies of this Official Plan.

8.2 Community Improvement

The Community Improvement provisions of the Planning Act allow municipalities to prepare Community Improvement Plans for designated Community Improvement Project Areas as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. For example, the City has adopted Community Improvement By-laws for Harbourside Centre and the former Abitibi Mill sites and intends to pass a similar by-law for Keewatin with this Plan. Future candidate areas for Community Improvement Plans include Railway Street (from the CPR to Tenth Avenue South) and Highway 17 East (from Whitehead Road to Second Street).

8.2.1 Objectives

- a) The objectives of Community Improvement Plans are:
 - 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 conservation, rehabilitation, renewal and reuse of heritage resources, including heritage buildings;
 - To encourage and incentivize construction of affordable housing;

- To encourage private sector investment and the strengthening of the economic base; and
- To enhance the visual appearance of Community Improvement Areas.
- b) Any land use designation in an Official Plan may be designated as a Community Improvement 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, the 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.
- c) Community improvement shall be accomplished through the:
 - Designation, by by-law, of Community Improvement Projects Area(s) based on the criteria listed above,
 - Preparation and adoption of a Community Improvement Plan for each Community Improvement Project Area;
 - Establishment of programs to implement the Community Improvement Plan in effect within a designated Community Improvement Project Area.
- d) Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan:
 - The boundary of the proposed Community Improvement Project Area and the land use designations contained in this Plan;
 - The estimated costs, means of financing and the staging and administration of the project;
 - The provision of sufficient flexibility, as circumstances warrant, where project and costing revisions are necessary;
 - The phasing of improvements, in order to permit a logical sequence of development without generating unnecessary hardship to area residents and the business community;
 - The means of implementation;
 - Citizen involvement.
- e) In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the City of Kenora may undertake a range of actions in accordance with the Planning Act, including:
 - Acquisition of land within the Community Improvement Project Area and subsequent:
 - Clearing, grading, or other preparation of this land;
 - Construction, repair, rehabilitation, or improvement of buildings on this land;

- Sale, lease, or disposition of this land to any person or governmental authority.
- f) Provision of public funds such as grants or loans to owners, tenants and their assignees to pay for the whole or part of the eligible costs of the Community Improvement Plan (e.g. environmental site assessment, remediation, development, redevelopment, etc.)
- g) Application for financial assistance from senior level government programs.
- h) Development proposals located within CIP areas, such as in the Harbourn Centre designation, must have regard to the Community Improvement Plans.

8.3 Zoning By-law

This Official Plan will be implemented through a new comprehensive Zoning By-law adopted under Section 34 of the Planning Act.

8.3.1 Non-conforming Uses

- a) Legally existing uses that do not comply with the land use designations outlined in this Plan may be zoned to permit the continuation of the use and may provide for limited expansion provided that the development policies of this Plan are met.
- b) Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.

8.3.2 Temporary Uses

Council may pass a By-law to allow the temporary use of lands that do not comply with the Land Use designations in this Plan provided that:

- a) the temporary use does not require major capital investment or alteration to the existing landscape;
- b) the proposed use is compatible with surrounding land uses;
- c) the proposed use does not require the extension of municipal services;
- d) the developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and,
- e) the By-law shall specify a maximum time period for which the use may be permitted.

8.3.3 Holding Provisions

Council may utilize Holding provisions as permitted under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of the development. Where Council uses a Holding provision, the use of land may be restricted to existing uses until one or more of the following conditions have been fulfilled:

- a) a Site Plan Agreement, Drainage Management Plan or Subdivision Agreement as may be required has been completed between the municipality and the developer;
- b) all engineering plans and arrangements with respect to municipal services have been completed;
- c) the financial requirements of the municipality have been satisfied; and
- d) site contamination or other environmental constraints have been appropriately addressed; and

- e) an Archaeological Assessment has been performed demonstrating that development will not cause adverse impacts to archaeological resources.

8.4 Site Plan Control

As permitted in Section 41 of the Planning Act, the City shall utilize Site Plan Control to ensure that development in the City is attractive and compatible with adjacent uses. Development at the entrances to the City shall be designed to create a positive first impression to visitors and residents.

Site Plan Control shall be applied to all commercial, industrial, institutional and multi-residential development and to the design of facilities to have regard for accessibility in the City. The entire City shall be designated as a Site Plan Control Area except for lands zoned R1, R2 and for day care uses on land zoned RU or where there are three (3) or more units. The City may also require Site Plan Control in order to protect natural features, and environmental elements as designated in this Official Plan as a Special Policy Overlay.

Site Plan Control may be used for any development on Black Sturgeon Lake, or any navigable waterway in the City, in order to protect natural resource values.

Through the Site Plan Control process, proponents of industrial development may be required to provide buffering measures such as landscaping, plantings, and fencing to minimize the impact of the industrial activity, including visual appearance.

Council may delegate Site Plan Approval to municipal staff in order to ensure that the process does not create undue delay or additional costs in the development process. In all cases, Site Plan Agreements shall be executed by the City before development can occur.

8.5 Public Meetings

- a) Council shall hold public meetings for planning applications in accordance with the requirements of the Planning Act. However, Council may eliminate the requirement for public notice of a meeting for a minor Official Plan Amendment or Zoning By-law Amendment which:
- changes section numbers or the order of text but does not add or delete sections;
 - consolidates amendments which have previously been approved;
 - corrects typographic, grammatical or mapping errors which do not affect the intent or application of the policies or provisions of this Plan; or
 - rewords policies or re-illustrates mapping for the purpose of clarification only, without changing the intent or purpose of the policies or mapping.

8.6 Property Maintenance and Occupancy By-law

- a) The objective of implementing a Property Maintenance and Occupancy By-law is to maintain property values and the enjoyment of private property. Council may pass a By-law under Section 15.1(3) of the Building Code Act to establish minimum standards for the:
- physical condition of buildings and structures;
 - physical condition of lands; and

- adequacy of sanitary facilities.

8.7 Section 37

In accordance with Section 37 of the Ontario Planning Act, the City may pass a by-law that authorizes increases in the height and density of development in exchange for the provision of public facilities or services. The by-law may list examples of qualifying public facilities or services, such as provision of affordable housing, parkland, public art, or heritage conservation.

8.8 Potential Contaminated Sites

Where planning approvals are required prior to the development of any property which may have been contaminated by previous uses, or where a change in use to a more sensitive land use has been proposed, Council shall require the proponent to submit a Record of Site Condition, prepared by a qualified consultant in accordance with the Ministry of Environment and Climate Change guidelines.

If site restoration is required, this shall normally be done prior to the adoption of the amendment or approval of the rezoning in accordance with a site remediation plan prepared to be consistent with Ministry of Environment and Climate Change guidelines.

In some cases, where site remediation requirements are known and feasible, planning approvals using a Holding Zone may be considered. In these instances, the remediation of the site and the submission of a Record of Site Condition, acknowledged by the Ministry of the Environment and Climate Change, shall be required prior to the removal of a holding symbol. In the interim, uses permitted on such properties shall be restricted to existing land uses.

8.9 Environmental Impact Statements

- a) An Environmental Impact Statement (EIS) shall be prepared prior to consideration of a development application in cases when the proposal has the potential to impact the following features, in accordance with Section 5.1 of this Plan:
 - wildlife habitat;
 - fish habitat;
 - Habitat of endangered or threatened species.
- b) An EIS is required if any of the features identified in subsection (a) are known to be present or has high potential to be present. While mapping of these features on Schedule "A" may assist in this assessment, an EIS may be required for features not indicated on the Schedule.
- c) Applicants for development are encouraged to submit any required EIS during the pre-application consultation process to avoid delays and identify opportunities and constraints for the proposed development. A season-specific field assessment may also be required for certain features or areas.
- d) Where required, an EIS shall be prepared by an individual(s) with appropriate environmental qualifications, and shall include, but not be limited to:
 - A description of the existing natural environment, including natural features and ecological functions, that may be affected by the proposed development;

- A description of the potential impacts of the proposed development on the natural features and the ecological functions for which the area is identified;
 - Suggested development alternatives that would avoid these impacts or, if impacts cannot be avoided recommended mitigation measures, including proposed implementation methods; and
 - Recommended monitoring activities.
- e) Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of Environmental Impact Assessments.
- f) Where significant woodlands, wildlife habitat, significant valleylands or other natural heritage features are not designated, development and site alterations shall not be permitted for:
- Any development permitted under the policies of this Plan within the feature;
 - Any development permitted under the policies of this Plan within 120 m of the feature; unless an EIS demonstrates that there will be no negative impacts on the natural heritage features or on its ecological functions.

8.9.1 Scoped EIS

In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot), or one that barely encroaches within the adjacent lands zone, municipal planning staff can exercise discretion and request that the proponent prepare a scoped EIS. This typically involves a simple checklist approach of planning issues that only addresses the key issues identified at the initial assessment stage.

8.9.2 Full Site EIS

For more complex proposals, such as plans of subdivisions/condominiums, and resort/recreational developments (e.g., marinas), a full site EIS is the appropriate mechanism for demonstrating that development can meet the test of municipal and provincial natural heritage policies. Components of a full site EIS typically include consideration of the following:

- a) A detailed description of the natural heritage attributes of the study area, including terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the precise boundaries of the natural heritage feature(s);
- b) A characterization of the existing ecological, hydrological, and hydrogeological functions performed by the significant feature(s);
- c) A detailed description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure (roads, stormwater management, etc.);
- d) A prediction as to potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment;
- e) The identification and evaluation of measures/options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function;
- f) The selection of a preferred mitigation/rehabilitation strategy;

- g) A summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
- h) An evaluation of the need for and the elements of a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy.

Additional guidance regarding the specific technical requirements of an EIS and the approach that should be taken for the preparation of an EIS within the context of a typical municipal planning process are discussed further in the Natural Heritage Reference Manual (OMNRF 2010).

8.10 Pre-Application Consultation and Prescribed Information for Planning Applications

The Planning Act permits the City to require applicants to consult with the City prior to formal submission of planning applications. During the pre-consultation, the City shall determine which studies and information are required by City staff and Council to evaluate the application. Furthermore, City staff shall identify those studies that must be submitted at the time of application submission. All studies shall be prepared by qualified professionals according to all applicable federal, provincial, and municipal guidelines. Although the *Planning Act* does not require it, proponents are strongly encouraged to consult and engage the affected community and Aboriginal and Métis groups early in the planning process in order to identify potential issues, opportunities, and mitigation of potential adverse impacts, prior to finalizing the application(s).

Depending on the nature of the proposed development and planning application, the City may require the following studies or additional information to deem applications complete and to properly evaluate a development application. Any such studies, or peer reviews thereof, shall be at the expense of the applicant/proponent:

- Planning Rationale
- Heritage Impact Assessment
- Environmental Impact Statement
- Transportation Impact Study
- Minimum Distance Separation
- Servicing Options Study
- Drainage/Stormwater Management Report/Plan
- Geotechnical Study
- Hydrogeological Study
- Erosion and Sediment Control Plan
- Noise/Vibration Study
- Noise Control Study (Airport)
- Obstacle Limitation Surfaces (Airport Zoning Regulations)
- Sun-Shadow Study
- Fisheries Assessment
- Shoreline Riparian Control Study

- Cultural Heritage Evaluation Report
- Archaeological Assessments
- Record of Site Condition (RSC)
- Air / Dust Study
- Groundwater Protection Study
- Hauled Sewage / Septage Treatment Capacity Confirmation

For development within 300 metres of a lake's shoreline, a Lakeshore Capacity Assessment shall be completed prior to the consideration of:

- Any subdivisions, commercial or industrial planning approvals for undeveloped lakes;
- Any lot creation, redevelopment, conversion, or the intensification of existing uses on any lake with existing development.

The assessment shall be prepared by a qualified professional according to the Lakeshore Capacity Assessment Handbook (2010). The Ministry of the Environment and Climate Change may be consulted to obtain technical advice or to modify the assessment. Development approval will consider the Lakeshore Capacity Assessment results, including if sufficient development capacity remains to support the proposal.

The requirement for a Lake Capacity Assessment does not apply to development within 300 metres of Lake of the Woods, which falls within the jurisdiction of the International Joint Commission.

8.11 Land Division

8.11.1 Plan of Subdivision or Plan of Condominium

Land development shall generally take place by Plan of Subdivision or Plan of Condominium. Where a Plan of Subdivision or a Plan of Condominium is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street.

8.11.2 Lot of Record

A Plan of Subdivision shall be required where more than three new lots are to be created on a land holding where it is necessary to ensure that surrounding lands are developed in a proper and orderly fashion.

8.11.3 Consents

Consents may be granted when a Plan of Subdivision or Plan of Condominium is not required for the orderly development of the land or the provision of services. When a consent is considered appropriate, it shall be granted in accordance with the policies of this Plan, including the following general policies which apply to all land use designations.

Lot creation through the consent process shall be generally limited to four lots (three severed, one retained). In situations where no extension of municipal roads or municipal services or utilities are required, consents for five lots (four severed, one retained) may be considered.

8.11.4 Creation of New Lots

The consent and subdivision/condominium granting authority shall be guided by policies of this Plan governing minimum lot size and the following policies when considering land severance approvals within the City:

- a) All applications shall be evaluated on the technical information obtained from the applicant and as a result of circulation.
- b) Where appropriate, comments shall be requested by the City from other provincial Ministries, the Northwestern Health Unit, and any other agency deemed appropriate as to the suitability of the site for sewage disposal and water supply.
- c) Direct access to new lots from provincial highways and arterial roads should be restricted and, wherever possible, residential lots should have access only from collector and local roads.
- d) Lots in the Rural Area designation may be approved on the basis of water access where public road access is not available or appropriate, providing that adequate parking and docking is available.
- e) Where one or more new building lots are being created, the City shall receive the cash equivalent of 5% of the land (based on current value assessment). Where a commercial or industrial use is being proposed the City shall receive the cash equivalent of 2% of the land value (based on current value assessment).
- f) Where one or more new building lots are being created, the City may request that the adjacent, publicly owned and maintained road be widened to the extent considered necessary.
- g) Lot creation shall not be granted or approved in the following circumstances:
 - when landlocked parcels are created.
 - for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines or curves or grades.
 - for a parcel of land that is zoned Environmental Protection or Hazard Land which is subject to flooding unless sufficient non-hazardous land forms part of the severance to permit all buildings for human occupation.
 - for residential uses and other sensitive land uses where development would be located close to incompatible land uses such as major highways, railways, waste disposal sites, active industrial sites, or other similar features.
- h) Lot creation shall only be approved when:
 - the newly created lot, as well as the lot to be retained, has permanent frontage, with reasonable access, to an existing public road which is currently maintained for year-round traffic. If the road is not owned by the City, a road transfer shall be made to the City.
 - the access, drainage, or other conditions for development are satisfied.
 - the impact of lot creation on timber and mineral activities, fish and wildlife resources are mitigated.
- i) In areas without municipal servicing, new lots shall generally be a minimum of 1.0 hectare, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site, in accordance with Ministry of the Environment and Climate Change D-Series guidelines or their successor documents.

- j) Hazard lands, as defined in the Hazard Lands section of this Plan, shall not be included in minimum lot area calculations, as established in the Zoning By-law.
- k) Notwithstanding any other policies of this Plan, consents may be granted to correct lot boundaries, to convey land to an adjacent lot, to grant easements, or to separate buildings or structures in existence at the date of the adoption of this Plan, provided that the requirements of the Zoning By-law are met.
- l) Where appropriate, conditions of consent, subdivision and condominium approval and related agreements shall provide for the conservation and protection of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources.

8.11.5 Consent Applications for Properties Adjacent to a Private Road

Development on private roads shall generally be discouraged. A consent abutting a private road may be approved under the following conditions:

- a) the private road was in existence at the time of the adoption of the Plan;
- b) that a private road is of a minimum standard that is acceptable to the City of Kenora;
- c) the new lot abuts the water and represents infilling;
- d) the proposed lot is for residential use;
- e) there are agreements, acceptable to Council, regarding municipal services
- f) that any other service deemed necessary by Council shall exist or shall be provided to the site by the applicant; and,
- g) additionally, consents abutting private roads may be granted for any of the purposes set out in the Private Roads section of this Plan.

8.11.6 Waterfront Development

Land development that will create waterfront lots shall be designed (in the case of registered plans of subdivision and condominium) and considered (in the case of consents) so as to provide for access to the water by owners of present or possible future back lots (lots on the side of the road away from the water). New cottages or waterfront development shall only be permitted to access provincial highways from existing or new public roads.

Section 9 Interpretation

The Official Plan should be read as a whole to understand the comprehensive and integrative intent as a policy framework for priority-setting and decision-making. Sections 1 to 10 and Schedule "A" constitute the Official Plan. Both the preambles and the numbered policies are policy. Where reference is made in the Official Plan to other documents, such as provincial or federal Acts, or other legislation, or to other documents that are not part of the Plan, it is understood that it is the latest approved version of the document that is being referenced, unless otherwise specified. Minor amendments to the Official Plan or the Zoning By-law are permitted without adopting an amendment provided they do not change the intent of the Official Plan or the Zoning By-law. Minor amendments could include: number changes, cross-referencing; correcting grammatical or typographical errors, as well as updating Schedule "A" to this Official Plan as information is updated on the Ministry's Natural Resource Values Information System.

9.1 Land Use Designations

It is intended that the boundaries of the Land Use Designations shown on Schedule "A" of this Plan shall be considered as general only, and are not intended to define the exact limits of such areas except in the case of roads, railways, and other physical barriers that provide definitive boundaries. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform to this Plan.

9.2 Uses

Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. The implementing Zoning By-law shall define specific uses and related regulations for land use designations.

9.3 Amendments to the Plan

Major amendments to Schedule "A" or to the text of this Plan would be required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule "A" with a view of designating additional areas for a particular use, changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have regard to the following criteria:

- a) the need for the proposed uses;
- b) the extent to which the existing areas designated for the use are developed, and the nature and adequacy of such existing development;
- c) the physical suitability of the land for such proposed use; and,
- d) the location of the areas under consideration with respect to:
 - the adequacy of the existing and proposed roadway system;
 - the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
 - the adequacy of the water supply, sewage disposal facilities and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which the Council shall request from the proponent and subject to the

approval of the Medical Officer of Health and any other appropriate authority deemed advisable;

- the compatibility of such proposed use with uses and values in the surrounding area;
- the potential effect of the proposed use on the financial position of the City;
- the impacts of the proposed use on the natural environment; and
- the implications of the Provincial Policy Statement on the proposal.

Section 10 Schedules

The following Schedule "A" – Land Use Designations forms part of this Official Plan. Schedule "A" shall be revised without the need for an Official Plan Amendment to reflect updated information from the Ministry's Natural Resource Values Information System.

APPENDIX A – Species at Risk

This appendix is provided as additional information to support the policies of this Plan; however the appendix does not form part of the Plan and may be updated without the need for an Official Plan Amendment.

Species	Ontario Status	National Status
Western Silvery Aster	Endangered	Threatened
Small-flowered Lipocarpa	Threatened	Endangered
Showy Goldenrod	Threatened	Endangered
American White Pelican	Threatened	Not at Risk
Bank Swallow	Threatened	Threatened
Barn Swallow	Threatened	Threatened
Bobolink	Threatened	Threatened
Chimney Swift	Threatened	Threatened
Eastern Meadowlark	Threatened	Threatened
Least Bittern	Threatened	Threatened
Whip-poor-will	Threatened	Threatened
Bald Eagle	Special Concern	Not at Risk
Black Tern	Special Concern	Not at Risk
Canada Warbler	Special Concern	Threatened
Common Nighthawk	Special Concern	Threatened
Olive-sided Flycatcher	Special Concern	Threatened
Eastern Wood Pewee	Special Concern	Special Concern
Piping Plover	Endangered	Endangered
Rusty Blackbird		Special Concern
Wood Thrush	Special Concern	Threatened
Little Brown Myotis (Bat)	Endangered	Endangered
Eastern Wolf	Special Concern	Special Concern
Lake Sturgeon	Threatened	Special Concern / Endangered
Shortjaw Cisco	Threatened	Threatened
Monarch Butterfly	Special Concern	Special Concern

List of Amending By-laws

By-law No. 84-2019 Text Amendment: Amended Section 3.20 Public Uses to support public uses including but not limited to an institutional use, housing, and supportive housing, but excluding correctional facilities in the Established Area, Residential Development Area, Harbourtown Centre, and Commercial Development Area.

By-law No. 111-2019 Map Amendment: 66 Cambrian Drive from Residential Development Area to Rural Area.

By-law No. 171-2019 Map Amendment: 661 Ninth Street North (former Abitibi Mill site) from Future Development Overlay, Commercial Development Area, Industrial Development Area, and Residential Area, to Commercial Development Area, Industrial Development Area, and Residential Development Area.

By-law No. 33-2021 Map Amendment: Western ½ of Central Park from Open Space Area to Established Area (**repealed by LPAT**)

By-law No. 107-2023 Map Amendment: 43 Rabbit Lake Road from Industrial Development Area to Residential Development Area.

By-law No. 167-2023 Text Amendment: Deleted section 3.16 Laneway Housing and amended section 3.21 Secondary Dwelling Units.