

# NOTICE OF DECISION

With respect to the City of Kenora Official Plan  
Subsection 17(34)  
and Section 26 of the *Planning Act*

A decision was made to approve the new Official Plan for the City of Kenora subject to modifications, August 19, 2010. Appeal period ends September 9, 2010.

## **Purpose and Effect of the Official Plan Amendment**

The new Official Plan will update the existing Official Plan to ensure it is consistent with the 2005 Provincial Policy Statement, and will address planning issues that have arisen during the application of the current Official Plan.

A copy of the decision is attached.

## **When and How to File An Appeal**

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Shannon Smith at the address shown below and it must,

- (1) set out the specific part of the proposed official plan to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario *Municipal Board Act* in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

## **Who Can File an Appeal**

Only individuals, corporations or public bodies may appeal the decision of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group.

## **When the Decision is Final**

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

## **Other Related Applications:**

N/A

## **Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the City of Kenora.

## **Mailing address for Filing a Notice of Appeal**

Ministry of Municipal Affairs and Housing  
Municipal Services Office  
Suite 223, 435 South James Street  
Thunder Bay ON P7E 6S7  
Attention: Shannon Smith  
Manager, Community Planning & Development  
Telephone: (807) 475-1665  
1-800-465-5027 (807 area code only)

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I hereby approve all of the Official Plan for the City of Kenora, adopted by By-law No.97-2010 subject to the following modifications:

1. The City of Kenora Official Plan Policy section 3.13 Drive-Through Facility is deleted and replaced with:

## “3.13 Drive-Through Facility

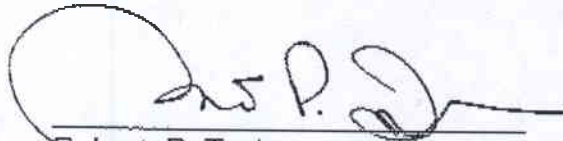
New drive-through facilities will not be permitted in the Harbourtown Centre and Residential Development Area designations in order to protect and enhance the unique sense of place of the Harbourtown Centre and the residential nature of the Residential Development Area. However, there may be exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Harbourtown 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 Harbourtown 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 modification 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 the 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 the Community and Neighbourhood Design and the Urban Design Principles Sections 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 Harbourtown 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."

2. The City of Kenora Official Plan Policy section 4 Land Use Designations is modified by adding "and referencing the Ministry of Environment's land use compatibility guidelines" to the end of the last sentence of the first paragraph.
3. The City of Kenora Official Plan Policy section 8.10.4 Creation of New Lots is modified by adding "policies of this plan governing minimum lot size" between "guided by" and "the following policies", in the first sentence.

Dated at Toronto this 19 of August, 2010



Robert P. Taylor  
Assistant Deputy Minister  
Municipal Services Division  
Ministry of Municipal Affairs and Housing