

Section 3 – General Development Policies

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.

Section 8 - Implementation

- 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.