

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - December 2, 2019 at 8:30 AM

MEETING - Civic Centre - Committee Room

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1. <u>Call to Order</u> Session #18	
2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
3. <u>Approval of Previous Committee Minutes</u>	
3.1 Approval of Previous Committee Minutes.	2 - 3
4. <u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u>	
5. <u>In-Camera</u>	
6. <u>Items Referred from Council</u>	
6.1 Request from R. Socholotuk - Amend Off-Road Vehicles By-Law.	4 - 10
6.2 Plastic Bag Ban By-Law.	11 - 19
7. <u>New Business</u>	
7.1 Site Plan Control - 737 Scott Street (Storage Garage & Parking Lot).	20 - 24
8. <u>Outstanding Items</u>	
8.1 Brewery Definitions & Zoning - Zoning By-Law Amendments.	25 - 29
8.2 Second Units - Zoning By-Law Amendment.	30 - 34
9. <u>Information</u>	
10. <u>Non-agenda Items</u>	
11. <u>Adjourn / Next Meeting Date</u> January 2020.	

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #17

November 18, 2019

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held in the Civic Centre - Committee Room on November 18, 2019 from 8:00 a.m. to 8:50 a.m.

PRESENT: D. Judson - Chairperson, W. Brunetta - Councillor, Mayor J. Caul (ex-officio)

ALSO PRESENT: D. Brown, CAO, C. Vangel, CBO/Planner, P. Briere, Committee Secretary

1. Call to Order - 0830am

Session #17

2. Disclosure of pecuniary interest and the general nature thereof

None.

3. Approval of Previous Committee Minutes

- 3.1 Approval of Previous Committee Minutes.
- Approved as presented.

4. Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.

None.

5. In-Camera

None.

6. Items Referred from Council

- 6.1 Request from R. Socholotuk - Amend Off-Road Vehicles By-Law.
- Deferred to next meeting. Awaiting input from Traffic Safety, OFEC & EDAC.
- 6.2 Joint Letter from D. Taylor & L. Sharp - Sump Pump Discharge - 1015 Third Street East.
- Discussion was had on this item and Administration outlined the By-Law requirements for sump pumps. The Planning & Development Executive Committee is recommending that Operations & Facilities continue to monitor this item in the spring when the sump pump is taken out of winter mode.
- 6.3 Letter from M. Ahrens re: Student Safety & Legion Park Concerns.
- A discussion and overview of the history of these items was discussed and the Planning & Development Executive Committee is recommending that Operations & Facilities Executive Committee forward the Keating Avenue Student Safety concerns to the 2020 budget process for further deliberations. There is Legion Park recommendation to Operations & Facilities Executive Committee. We will support Operations & Facilities Executive Committee's recommendation on this item.

7. New Business

- 7.1 Deeming Application - 214, 216, 218, 220 Fifth Street West.
- A discussion was had on this item and the Planning & Development Executive Committee is recommending that Council approve the report as presented.
- 7.2 Deeming Application - 615 First Street East.
- A discussion was had on this item and the Planning & Development Executive Committee is recommending that Council approve the report as presented.

8. Outstanding Items

- 8.1 Brewery Definitions & Zoning - Zoning By-Law Amendments.
- Deferred to next meeting, research ongoing.
- 8.2 Second Units - Zoning By-Law Amendment.
- Deferred to next meeting, research ongoing.

9. Information
None.

10. Non-agenda Items
None.

11. Adjourn / Next Meeting Date - 0852am
Monday December 2nd, 2019.

Executive Committee Chair

Secretary, Planning & Development Executive
Committee

Administration & Finance Division
Planning & Development Division
Phone: 807-274-5323
Fax: 807-274-8479

Mailing Address for All Divisions:
Civic Centre
320 Portage Avenue
Fort Frances, ON
P9A 3P9



Operations & Facilities Division
Phone: 807-274-9893
Fax: 807-274-7360

Community Services Division
Phone 807-274-4561
Fax: 807-274-3799

email: town@fortfrances.com
www.fort-frances.com

September 10, 2019

Mr. Rick Socholotuk
753 Thompson Street
Fort Frances, Ontario
P9A 2W7

Dear Sir:

At their meeting September 9, 2019, Council referred the letter dated September 4, 2019 from R. Socholotuk re: Off Road Vehicle Use to the Planning & Development Executive Committee for recommendation with additional input from the Operations & Facilities Executive Committee, Traffic Safety Committee, Economic Development Advisory Committee and Police Services Board.

By copy of this letter, your request has been referred as directed.

Please direct any questions you may have to P. Briere, By-law Enforcement Officer / Secretary to Planning & Development Executive Committee, at 274-5323, ext 1218.

Yours very truly,

ADMINISTRATION & FINANCE DIVISION

Elizabeth (Lisa) Slomke, Clerk

ES/kl

- c.c. Planning and Development Executive Committee – Attn: P. Briere, By-Law Enforcement/Committee Secretary
Operations & Facilities Executive Committee – Attn: T. Rob, Mgr. Operations & Facilities
Traffic Safety Committee – Attn: M. Strachan, Transportation Superintendent
Economic Development Advisory Committee – Attn: K. Lawson, Deputy Clerk
Fort Frances Police Services Board – Attn: K. Lawson, Deputy Clerk

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Rick Socholotuk
753 Thompson St.
Fort Frances, On
P9A 2W7



September 4, 2019

Dear Mayor Caul & Council

As a citizen of this town for over seventy years, I think it is time we start taking a different approach to providing activities within the town limits.

As stated in an article in the Fort Frances Times, the Rainy River District OPP and the town of Fort Frances advise the public that the operation of off-road vehicles within the town of Fort Frances is illegal as per by-law #46/15. It's evident that we are one of very few communities in Northwestern Ontario and possibly Ontario in general, where this condition exists.

I believe it's important, if we wish to call ourselves a tourist destination, we must offer people who would come here the chance to enjoy an activity that is available in so many other communities in Northwestern Ontario.

ATV and side-by-side operations are family oriented activities and are not restricted by age or physical ability. If the by-law were changed to allow riders access to the streets within the city limits, it could also provide a less-expensive alternative for transportation to some members of our aging population.

I would be more than willing to discuss this issue in person should you wish further input. Let's work together to create a more tourist-friendly vacation destination.

Sincerely

Rick Socholotuk

November 20, 2019

Report To: Planning and Development Executive Committee

From: Operations and Facilities Executive Committee

RE: Request from Rick Socholotuk RE: Use of ATV on Town Roads

At the September 9, 2019 meeting of Council, a request from Mr. Rick Socholotuk to amend the Traffic Control By-Law to permit the use of All Terrain Vehicles on Town Roads was referred to the Planning and Development Executive Committee with input from the Operations and Facilities Executive Committee and Traffic Safety Committee.

Attached you will find a report and additional materials from the Traffic Safety Committee regarding this request. The recommendation from the Traffic Safety Committee is that the request be denied.

One key consideration brought forward from the Traffic Safety Committee is the safety of these vehicles for use on roadways. Simply put there are no safety standards these vehicles have to meet like a car would, how can we be sure that they are safe to use on the roads. One simple example is lights, not all vehicles, especially older vehicles have lights, in addition until recently brake lights were not available on ATV's. Having these vehicles on the roads with motor vehicles, pedestrians, cyclists, etc. raises too much risk. In many communities that permit the use of ATV's, there exists a network of trails for the riders to use necessitating the need to move about the Town to acquire services such as food or gas. In Fort Frances, this is not the case.

The other impact to this potential change would be the increased opportunity for these machines to get into our parks. Right now, we do, from time to time, have issues at both the Point and St. Francis Sports Fields with ATV's damaging the turf in these areas. Allowing these vehicles throughout the Town would undoubtedly increase the frequency of these issues.

It is the recommendation of the Operations and Facilities Executive Committee to support the recommendation of the Traffic Safety Committee and recommend that the request to allow All Terrain Vehicles to be used on Town roads be denied.

Respectfully Submitted

Rick Wiedenhoeft

Chair, Operations and Facilities Executive Committee

November 8, 2019

Report To: Travis Rob, Manager of Operations and Facilities

From: Milt Strachan, Transportation Superintendent

Re: Letter of request from Rick Socholotuk, that ATVs' and Side-by-Sides' be allowed on the streets in Fort Frances.

I had a meeting with the member from the public on the Traffic Safety Committee, Robert Green, to discuss the request. Dr. Green served as a Coroner and in doing so has been witness to the end result of many accidents resulting from the use of ATVs', scooters etc... Dr. Green has provided an article from the Economist for your perusal. He would also be willing to provide a report from the Coroner if it is chosen to pursue this matter.

We both agree that this request is coming from a small group and that as a whole this is not something that most of the local population would consider a necessity.

There are so many unanswered questions on the safety of these vehicles, age limits, licensing, vehicles being up to safety standards, before even considering the safety of pedestrians, pets and other motor vehicles as well as who polices it?

Tourists do not travel with an ATV to explore Towns and Cities, they use them in the wilderness or on trails and back roads where they are off road. That is the same use that families have them for as a rule.

Dr. Greens parting remark was that we should never entertain convenience at the cost of safety. I could not agree more.

With so many unanswered questions the Traffic Safety Committee recommends that this request be denied.

Respectfully Submitted,



Milt Strachan,
Transportation Superintendent

Micromobility

Growing up

WARSAW

E-scooter startups turn cautious

ON MAY 29TH electric scooters began legally to glide down cycle lanes in the Swedish city of Helsingborg. The next day a rider collided with a car and died. The Swedish Transport Authority immediately called for a ban on the devices. The incident highlights the riskiness of the vehicles—and of the fast-growing micromobility business around the world.

Motorised versions of children's kick scooters are notoriously unsafe. Their silent motors catch pedestrians and other road users unawares. A study by the Portland Bureau of Transportation concluded that e-scooters get into accidents 22 times as often as cars do, and 44 times as often as motorbikes. Another, by the city of Austin, found that one in three users is hurt on their first go. They are also increasingly unwelcome. Abandoned dockless devices obstruct pavements and doorways. In 2018 San Francisco temporarily banned them. The mayor of Nashville recently tweeted that the city's experiment with them "is not working out".

In keeping with the startup credo of asking forgiveness rather than permission, firms often launched large e-scooter fleets without consulting local authorities, sometimes literally overnight. The backlash is making them rethink their approach. Bird, a two-year-old industry pioneer, has introduced a "GovTech platform" to let local authorities designate no-ride and no-park zones, set speed limits and display safety messages on scooter dashboards. Voi of Sweden, whose scooter was involved in last week's accident, accompanies launches with educational pop-ups. It is planning a "virtual traffic school" for novices.

A big remaining obstacle is insurance. In Sweden scooters limited to 20 kilometres per hour (12 miles per hour) are classified as bicycles and do not need motor-liability coverage. In some places, like Germany, authorities demand that micromobility startups take out such policies. Elsewhere, insurance is the responsibility of the renter. Like their customers, then, companies face a balancing act. Thom Rickert of Argo Group, an insurer, talks of a "complicated liability economy". It could get more complicated soon. The latest craze is for even more dangerous-looking electric-powered skateboards.

Patrick Briere

From: Kathy Lawson
Sent: October 25, 2019 11:46 AM
To: Wendy Brunetta; Douglas Judson; John McTaggart; June Caul
Cc: Patrick Briere; Arlene Byrnes; Lisa Slomke; Schmidt, Nathan (OPP); Mclean, Dereck (OPP); Gary Rogozinski; Linda Hamilton; Doug Brown
Subject: Request from R. Socholotuk - Re: Use of Off Road Vehicles

Good Morning Everyone:

At their meeting October 25, 2019, The Fort Frances Police Services Board passed the following resolution:

“THAT the Fort Frances Police Services Board support the use of Off Road Vehicles (ATV’s) within Town limits and further recommend that an appropriate authorizing by-law be supported.”

The Board was not prepared to entertain a discussion respecting the additional request of P&D Executive Committee for inclusion of snowmobiles at this time.

Best regards,

Kathryn M. Lawson, Deputy Clerk
Town of Fort Frances
Phone – 807-274-5323 ext 1212
Fax – 807-274-8479
Email klawson@fortfrances.ca

Date: November 20th, 2019

Report To: Planning & Development Executive Committee.

From: By-Law Enforcement Officer Department.

Re: Request from R. Socholotuk RE: Use of ATV's on Town Roads.

As you will recall at the regular meeting of Council on September 9th, 2019, Council referred a request letter from Mr. R. Socholotuk, in regard to a request to allow Off-Road Vehicle's on Town Roads to the Planning & Development Executive Committee with input from Operations & Facilities Executive Committee, Traffic Safety Committee & the Economic Development Executive Committee. The above-mentioned Committees have reviewed the request letter and their input is attached.

This office, is in agreement with Operations & Facilities Executive Committee & Traffic Safety Committee's input regarding safety standards for these types of vehicle's operating on Municipal Roads, the increased opportunity for these machines to gain access to our parks, no ATV trail network developed for these machines to operate on and remark's brought forward by Dr. Green in the Traffic Safety Committee report.

With this said, we are it is the recommendation of the By-Law Enforcement Office to support the recommendations from Operations & Facilities Executive Committee & the Traffic Safety Committee that the request to allow Off-Road Vehicle's to be used on Town roads be denied.

Respectfully submitted,

Original Signed by

Patrick Briere
By-Law Enforcement Officer

Original Signed by

Arlene Byrnes
By-Law Enforcement Officer

Douglas W. Judson

BSOCSC, HON. BCOM, JD, MBA | BARRISTER & SOLICITOR

PO Box 105, Fort Frances, ON P9A 3M5 | PMB 181, 1801 2nd Ave, Int'l Falls, MN 56649
Phone: 807.861.3684 | Fax: 807.789.1661 | info@douglasjudson.ca | www.douglasjudson.ca

November 20, 2019

Lisa Slomke, Clerk
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9

Via Email: lslomke@fortfrances.ca

Dear Ms. Slomke:

Re: Single-Use Products By-Law

I enclose with this letter the text of a by-law I wish to have considered by Council. I would appreciate if this item could appear on the agenda for Council's meeting on November 25, 2019 (presumably for referral, as part of the consent agenda, to the Operations and Facilities and Planning and Development executive committees).

The proposed by-law would regulate the distribution of single-use plastic bags and certain other harmful single-use disposable products within the Town of Fort Frances. The core elements of this by-law are as follows:

- Businesses would be prohibited from distributing plastic checkout bags;
- Businesses would be prohibited from distributing single-use cups and food containers made of foam material, as well as plastic straws and stir-sticks;
- Large retailers would be required to provide reusable bags for sale to customers at their locations; and
- The by-law would come into effect on January 1, 2021, in order to provide businesses and consumers sufficient time to adapt and utilize existing inventories.

This proposed by-law is based on those passed by other Canadian municipalities, as well as on legislation from Nova Scotia and Prince Edward Island. It does not prohibit the sale of plastic bags or foam food containers to customers in bulk packaging (i.e., packages of garbage bags or styrofoam coffee cups) for personal use. There are also a number of practical exceptions to the ban on plastic bags.

I have had the opportunity to consult on this matter with various local organizations – including the Fort Frances Chamber of Commerce and the Scott Street BIA. A number of environmental- and conservation-focused local stakeholders have also expressed their general support for this initiative. In addition, I have spoken to Operations and Facilities manager Travis Rob on a preliminary basis. He did not anticipate that this by-law would have significant impacts on the Town's waste management activities or infrastructure.

It is my hope that this proposal will provide Fort Frances with an opportunity to show leadership at the local government level on sustainability, waste reduction, and the fight against climate change and related environmental threats. With alternatives to single-use plastics now widely and economically available, a transition away from single-use plastics and other harmful products has the potential to support the growth of regional industries, such as forest products. Fort Frances is a small drop in the bucket of environmental responsibility, but change requires leadership at all levels of government. Our society can simply no longer afford to pass on environmental costs to its future generations.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,



Douglas W. Judson

Encl. Proposed By-Law

TOWN OF FORT FRANCES

BY-LAW NO. _____

Being a by-law in respect of single-use plastic bags and certain other harmful single-use products and packaging materials within the Town of Fort Frances.

WHEREAS:

- A. The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Act**”), provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law;
- B. Section 11(2)[5] of the *Act* provides that a municipality may pass by-laws respecting the economic, social, and environmental well-being of the municipality, including in respect of climate change;
- C. Section 11(3)[4] of the *Act* provides that a municipality may pass by-laws respecting matters relating to waste management;
- D. Section 128 of the *Act* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of its council, are or could become or cause public nuisances, and further that the municipal council’s determination of what constitutes a public nuisance is not subject to review;
- E. Section 150 of the *Act* allows a municipality to license, regulate, and govern any business wholly or partially carried on within the municipality, even if the business is being carried on from a location outside of the municipality;
- F. It is estimated that:
 - i. every year, 1 to 5 trillion plastic bags are used and discarded around the world;
 - ii. 10,000 tonnes of plastic debris enters the Great Lakes each year,
 - iii. globally, a truck load of plastic waste enters the ocean every minute, with the ‘Great Pacific Garbage Patch’ having grown to over 600,000 square miles, and
 - iv. a town of 2,500 households could send a million plastic bags to landfills ever year;
- G. Plastic bags and other single-use products are linked to, exacerbate, or contribute to the global crisis of climate change by causing habitat destruction, eco-system disruption, fossil fuel emissions, plastic pollution, environmental contamination, and food supply impacts;
- H. Alternatives to single-use plastic bags and other single-use products are widely and economically available for public and business use, and increased demand

for such products supports the growth of regional industries, such as forest products;

- I. The Northwestern Ontario Municipal Association adopted a resolution in April 2011 calling on the Province of Ontario to “enact legislation imposing a ban on the distribution of single-use fossil-fuel based plastic bags”;
- J. In the opinion of Council of the Town of Fort Frances, single-use plastic bags and certain other single-use products, packaging materials, and disposable food consumption products are a public nuisance and detrimental to the environment; and
- K. Council wishes to:
 - i. reduce the negative effects single-use plastic bags and certain other single-use products and packaging materials have on the environment,
 - ii. show leadership among local governments in the fight against climate change and environmental destruction,
 - iii. support sustainable consumer habits and business practices which reduce environmental impacts,
 - iv. implement policies which support the growth of a modern, vibrant, and sustainable forest products sector; and
 - v. reduce the volume of single-use plastics and related products which are destined for landfills;

NOW THEREFORE the Council of the Town of Fort Frances hereby enacts as follows:

PART 1: INTERPRETATION

1.1 **Definitions.** In addition to the terms defined parenthetically herein, in this by-law:

- (1) **“Biodegradable Plastic Bag”** or **“Compostable Plastic Bag”** means any bag which is composed of, in whole or part, biodegradable plastic, oxo-biodegradable plastics, Plastarch material, polylactide, or any other plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film;
- (2) **“Business”**:
 - (a) includes a business incorporated under a statute, a partnership, a cooperative, an association, a sole proprietorship, or a joint venture engaged in a retail sale or rentals of goods, the operation of a restaurant, or the sale of prepared foods or beverages to the public,
 - (b) does not include a charity, and
 - (c) for the purposes of Part 2, includes any person employed by or acting for or on behalf of a business, as defined by subsubsections (a) and (b);

- (3) **“Checkout Bag”** means:
- (a) a bag intended to be used by a Customer for the purpose of transporting items purchased or received by the Customer from the Business providing the bag, and
 - (b) a bag used to package take-out food or food to be delivered by a Business to a Customer.
- (4) **“Council”** means the municipal council of the Town;
- (5) **“Customer”** means any person purchasing, renting, or receiving food, goods, or materials from a Business;
- (6) **“Licensed Business”** means an entity which holds a business license issued by the Town under any by-law for the licensing of businesses by the Town;
- (7) **“Officer”** means a municipal law enforcement officer or a police officer while in the course of his or her duties;
- (8) **“person”** means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives of the person to whom the context can apply according to law;
- (9) **“Plastic Bag”** means a bag, including a Biodegradable Plastic Bag or Compostable Plastic Bag, but does not include a Reusable Bag;
- (10) **“Prepared Food or Beverages”** means food items or beverages which are ready to consume with no additional preparatory stages or cooking, including take-out food, dine-in restaurant meals, hot beverages, delivery food items, soft drinks, and coffee or hot drinks;
- (11) **“Reusable Bag”** means a bag with handles that:
- (a) is intended to be used for transporting items purchased or received by the Customer from a Business,
 - (b) is designed and manufactured to be durable and capable of many uses, and
 - (c) is capable of being washed and disinfected;
- (12) **“Single-Use Food Packaging”** means the following items provided by a Business to a Customer for the purpose of transporting, packaging, or consuming Prepared Food or Beverages:
- (a) food containers, beverage cups, or take-out or ‘to-go’ food containers consisting in whole or part of foam material, such as polystyrene, and
 - (b) drinking straws, stir-sticks, or swizzle sticks made of a plastic, such as polypropylene or polystyrene; and
- (13) **“Town”** means the Town of Fort Frances.

PART 2: REGULATIONS

- 2.1 **Ban of Plastic Bags.** Except as provided in this by-law, no Business shall sell or provide a Checkout Bag to a Customer that is a Plastic Bag.
- 2.2 **Reusable Bags Allowed.** No Business shall deny or discourage the use by a Customer of the Customer's own reusable bag for the purpose of transporting items purchased or received by the Customer from the Business.
- 2.3 **Ban of Single-Use Food Packaging.** No Business shall sell or provide Single-Use Food Packaging to a Customer for the purpose of transporting, containing or facilitating the consumption of Prepared Food or Beverages received by the Customer from the Business.
- 2.4 **Sale of Reusable Bags.** Business locations with a square footage of _____ square meters that are engaged in the retail sale of goods shall offer Reusable Bags available for purchase by Customers, with such Reusable Bags to be displayed adjacent to the entrance, point of sale, or checkout area of the Business location.
- 2.5 **Exceptions.**
- (1) Section 2.1 does not apply to a bag used to:
 - (a) package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
 - (b) package loose small hardware items, such as nails, nuts, and bolts;
 - (c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
 - (d) wrap flowers or potted plants;
 - (e) protect prepared foods or bakery goods that are not pre-packaged;
 - (f) contain prescription drugs received from a pharmacy;
 - (g) transport live fish;
 - (h) protect clothing or other linens after professional laundering or dry-cleaning;
 - (i) package medical supplies and items used in the provision of health services;
 - (j) protect tires that cannot easily fit in a reusable bag; or
 - (k) collect and dispose of pet waste.
 - (2) Sections 2.1 and 2.3 do not limit or restrict the sale of bags (including Plastic Bags) or Single-Use Food Packaging intended for use at the Customer's home or business, provided the items are sold in packages of multiple quantities and are not utilized or distributed in the manner restricted by Sections 2.1 and 2.3.

PART 3: PENALTIES

3.1 Offences. A person who:

- (1) contravenes this by-law;
- (2) consents to, allows, or permits an act or thing to be done contrary to this by-law; or
- (3) neglects or refrains from doing anything required to be done by this by-law;

is guilty of an offence and is liable to pay a fine in the amount prescribed by the Officer in accordance with section 3.2.

3.2 Penalties.

- (1) A person found guilty of an offence under this by-law is subject to a fine:
 - (a) if a corporation or Licensed Business, of not less than \$100.00 and not more than \$10,000.00, or
 - (b) if an individual, of not less than \$50.00 and not more than \$500.00for every instance than offence occurs or each day that it continues.
- (2) Council may introduce a schedule of fines for the offences set out in this by-law within the parameters set by subsection (1), with such schedule to be appended hereto as **Schedule "A"** at such time and amended and updated as necessary.

PART 4: ENFORCEMENT

4.1 Enforcement by Officer. The provisions of this by-law may be enforced by an Officer.

4.2 Entry by Officer. An Officer may, at any reasonable time, enter upon any public place for the purpose of determining whether or not the provisions of this by-law have been complied with.

4.3 Interference with Officer. No person shall prevent, hinder, interfere, or attempt to prevent, hinder, or interfere with an Officer, including refusing to identify themselves when requested to do so by an Officer.

PART 5: GENERAL

5.1 Short Title. This by-law shall be referred to and may be cited as the "Single-Use Products Regulation By-law".

5.2 Severability. If any provision or part of a provision of this by-law is declared by any court or tribunal or any provincial or federal legislation or regulation to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law or its application in any other circumstance shall not be affected and shall continue to be in full force and effect.

5.3 Effective Date. This by-law shall come into force on January 1, 2021.

5.4 **Recall Date.** This by-law shall be brought before Council for reconsideration at the first available meeting of Council following the date that:

- (1) a piece of legislation of substantially similar purpose and regulatory effect over the Town is passed by the Ontario Legislative Assembly or federal Parliament and receives Royal Assent, or
- (2) a federal or provincial regulation of substantially similar purpose or regulatory effect over the Town comes into force.

READ THREE (3) TIMES and finally passed in open Council this _____ day of _____, 20_____.

June Caul, Mayor

Lisa Slomke, Clerk

DRAFT

Nicole Pentney
PO Box 14
Fort Frances, ON P9A 3M6

November 21, 2019

Mayor and Members of Council
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9

Mayor and Members of Council:

Re: Proposed Single Use Products By-Law

I am writing this letter to express my concern regarding the proposed Single Use Products By-law, which is seeking to include single use plastic straws. The ban of plastic straws has become a growing trend, and is creating barriers for those living with disabilities.

Upon review of the proposed Single Use Products By-Law, it is clear it aims to create positive change. Change is necessary, and I feel many would agree. With that being said, the proposed by-law unfortunately fails to accept that single use straws are an accessibility item. Specifically, Part 2.3 of the proposed by-law states: No business shall sell or provide Single Use Food Packaging to a Consumer for the purpose of transporting, containing or **facilitating the consumption of prepared food or beverages** received by the Consumer from the Business.

Single use plastic straws are an accessibility item, and current plastic straw alternatives simply do not create an effective solution. Please see the chart below to see the potential risks of current straw alternatives:

	CHOKING HAZARD	INJURY RISK	NOT POSITIONABLE	COSTLY FOR CONSUMERS	NOT HIGH- TEMP SAFE	HIGH MAINTENANCE
Acrylic		✓	✓	✓	✓	✓
Bamboo		✓	✓	✓		✓
Glass		✓	✓	✓	✓	✓
Metal		✓	✓	✓	✓	✓
Paper	✓		✓		✓	
Pasta	✓		✓		✓	
Silicone		✓	✓	✓		✓
Single -use						

Reusable straws can easily be forgotten at home. If an individual fails to bring a reusable straw (if they are able to afford one) and there are no appropriate alternatives available, they will potentially not be able to take their medications, or consume a beverage. Reusable straws also require rinsing between uses, as well as proper, thorough cleaning at home, which limits independence, as well as creates a potential health concern if cleaning is not completed correctly.

Communities and centers which have banned single use straws are coming to terms with how this discriminates the disabled community. The Canadian Human Rights Act prohibits discrimination against people with disabilities. The Equality Rights Section of the Canadian Charter of Rights and Freedoms guarantees people with disabilities equal benefits. If we include single use straws in the by-law, even in a subsection, the accessibility to this important item will simply diminish.

We can take steps towards saving the environment and still be inclusive toward the disabled community. Perhaps we can follow other communities, and being programs that promote restaurants to provide plastic straws upon request only.

In closing, I hope this letter has raised awareness to how the trending straw ban creates discrimination and accessibility barriers for the disabled community. It is my hope that the proposed by-law can be amended before approval to extract the restriction of plastic straws within our community.

Thank you for your time and consideration regarding this matter.

Sincerely,

Nicole Pentney

A handwritten signature in blue ink that reads "Nicole Pentney". The signature is written in a cursive, flowing style.

Date: November 27, 2019

Report To: Planning & Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Site Plan Control – 737 Scott Street (Storage Garage and Parking Lot)

The Rainy River District Social Services Administration Board (RRDSSAB) is proposing to construct a 28' by 48' storage garage coupled with a 12-stall parking lot at 737 Scott Street. The proposed development is intended to provide storage and parking support for the Ambulance Station which is situated directly across the street at 801 Scott Street.

Earlier this year RRDSSAB successfully rezoned this property from Residential Type 2 to General Commercial in preparation for this project.

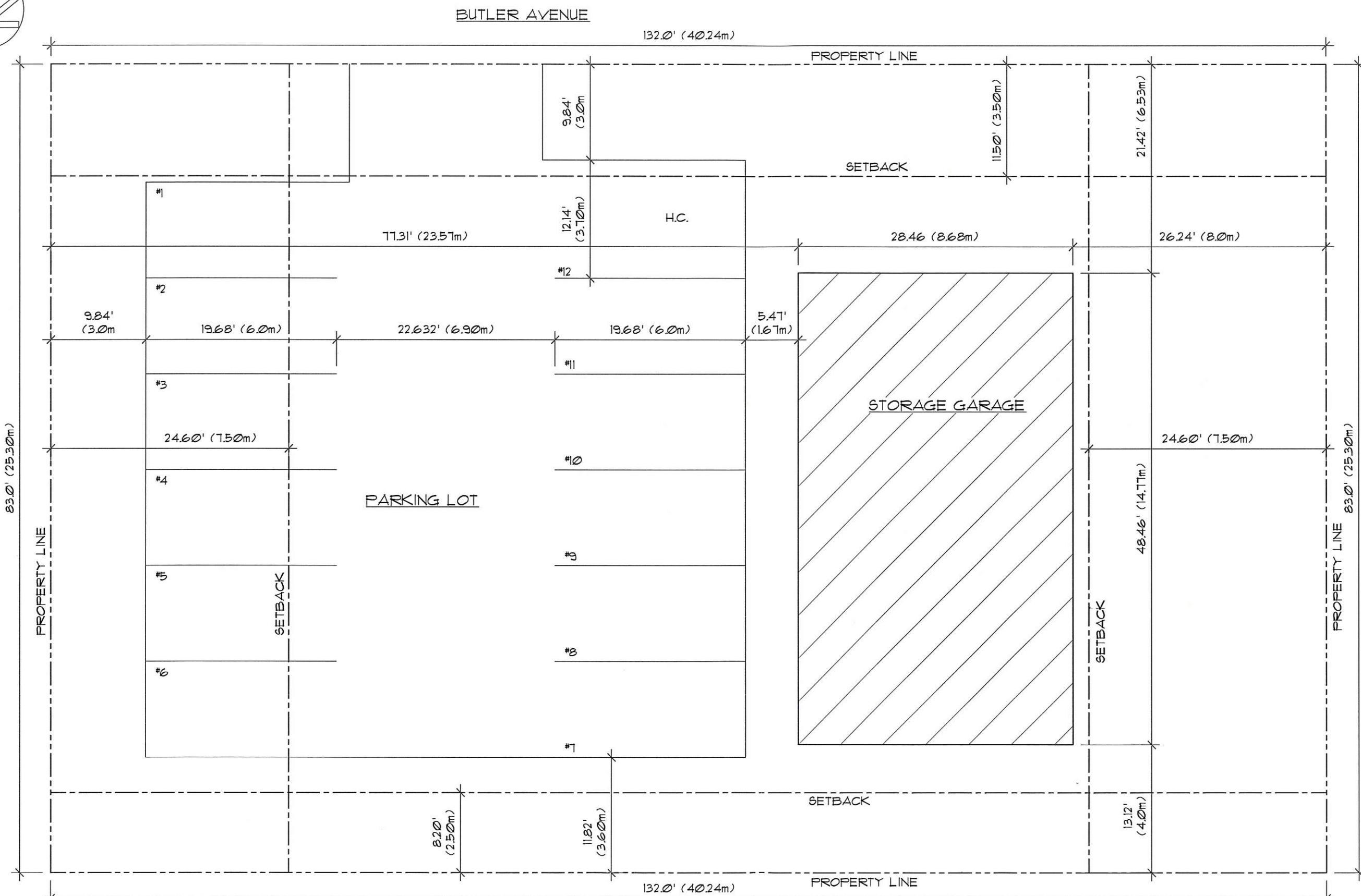
In the past, Council has decided whether certain developments require a Site Plan Control Agreement as determined on a case by case basis. If Council chooses to act upon a Site Plan Control Agreement, a by-law will be passed, deeming the project under Site Plan Control. Plans for the project have been submitted.

It is the recommendation of Administration that a by-law be passed to designate 737 Scott Street as a Site Plan Control area in the Town of Fort Frances and further that a Site Plan Control Agreement be developed and approved as part of the same by-law at a future council meeting.

Respectfully submitted

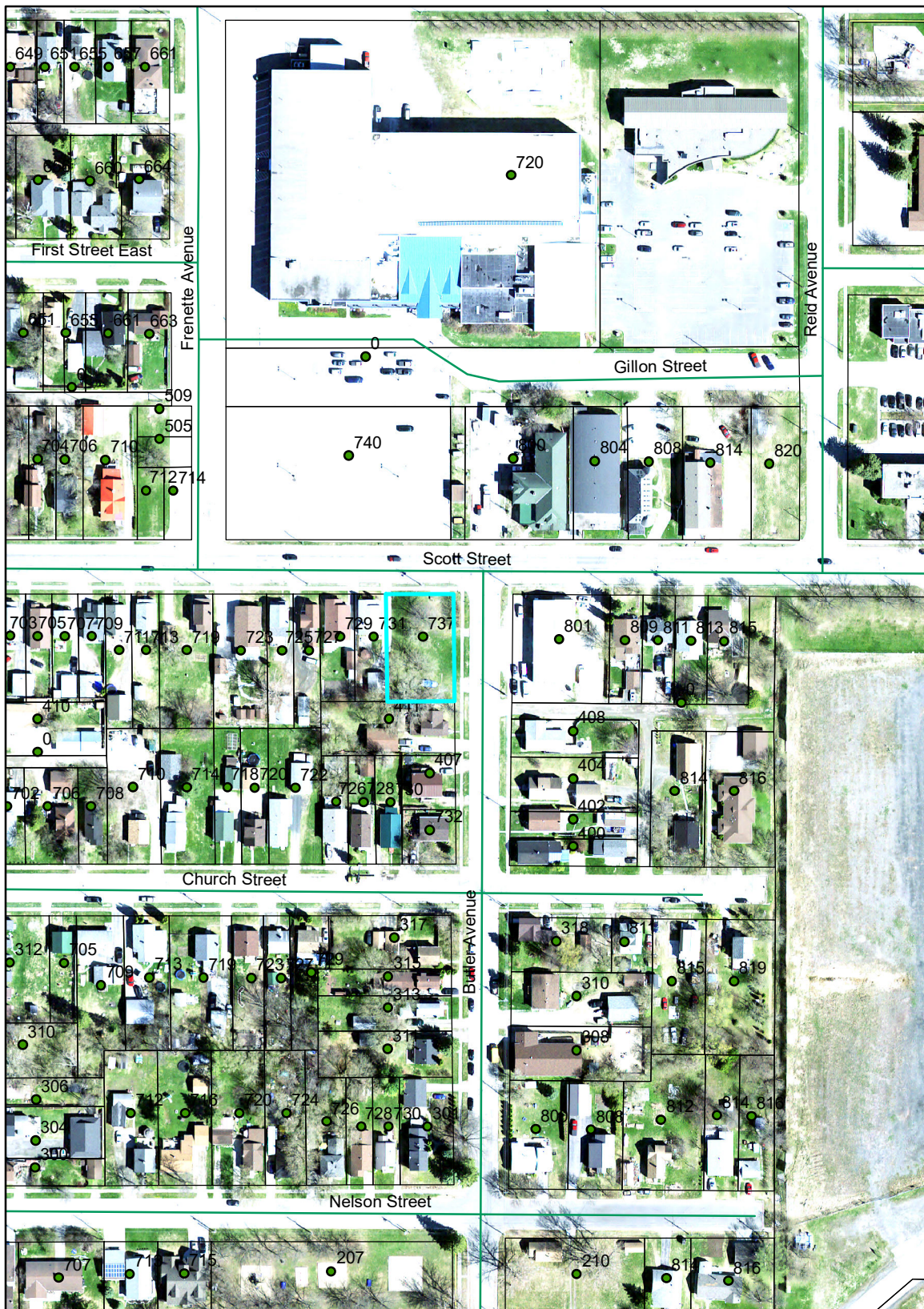
Original Signed By

Cody Vangel, EIT
Chief Building Official & Municipal Planner



SITE PLAN
SCALE: 1" = 10'-0"

[illegible]



Date: November 28, 2019

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Brewery Definitions and Zoning –Zoning By-law Amendment

Recent meetings with a nanobrewery entrepreneur, and economic development consultant have sparked much discussion about breweries within the Fort Frances community. Currently our zoning by-law does not define different types or scales of breweries, nor the zones in which they may be permitted. The proposed nanobrewery within the downtown business district is not specifically defined at this time, though given the small (nano) scale and “tasting room” atmosphere our planning consultant believes it fits well within our current General Commercial ‘C2’ Zone.

Throughout various discussions it was made aware that there is further interest from another party regarding a proposed microbrewery of larger scale than noted above.

Extensive research has been conducted through audits of multiple zoning by-laws across the province. Supporting information has also been obtained through conversation with a near-by microbrewery.

The intent of this report is to define different scales of brewery operations and to accompany these with general provisions while allocating them into best fit zones.

The following documents are attached:

- Schedule A: Proposed Zoning By-law Amendments

Support from PDEC on the proposed recommendations will provide administration with the support necessary to enact the process of a zoning by-law amendment.

Respectfully submitted

Original Signed By

Cody Vangel, EIT
Chief Building Official & Municipal Planner

Schedule A

Proposed Zoning By-law Amendments

Definitions:

Microbrewery

A brewery completely contained within a structure that produces 300,000 litres or more, but less than 1,500,000 litres of beer per year.

Nanobrewery

A brewery completely contained within a structure that produces less than 300,000 litres of beer per year.

General Provisions:

3.38 Breweries

No person shall construct, permit to construct, or operate a brewery of any scale unless it complies with all applicable federal, provincial and municipal law and statutes. All brewery operations shall submit a wastewater management plan to the Operations and Facilities Division for approval prior to operation. All brewery operations shall comply with section 3.18 of this by-law regarding obnoxious uses. Brewery operations within the Light Industrial zone may not be municipally restricted on production volume but must comply with all federal and provincial production approvals and licenses.

3.38.1 Microbrewery

Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryout and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

- a) On-site taproom and restaurant sales shall not be permitted within the Industrial District.

3.38.2 Nanobrewery

Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryout and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

Schedule A

Proposed Zoning By-law Amendments

4.9 GENERAL COMMERCIAL (C2) ZONE

No person shall within a General Commercial (C2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.9.1 Permitted Uses

- a) accessory dwelling units on a floor above the first storey or on the first floor behind the commercial use
- b) assembly hall
- c) bank or financial institution
- d) clinic
- e) community health and resource centre
- f) crisis centre
- g) day nursery
- h) funeral home
- i) gas bar
- j) hotel
- k) laundromat
- l) motel
- m) offices
- n) parking lot
- o) personal services establishment
- p) post office
- q) private club
- r) recreation or fitness establishment
- s) restaurant
- t) retail store
- u) tavern
- v) taxi or bus depot
- w) work/service shop
- x) microbrewery
- y) nanobrewery

Schedule A

Proposed Zoning By-law Amendments

4.10 ENTERPRISE (E) ZONE

No person shall within the Enterprise (E) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.10.1 Permitted Uses

- a) bank or financial institution
- b) building supply and lumber outlet
- c) car wash
- d) clinic
- e) commercial greenhouse/nursery including retail
- f) convenience store
- g) equipment sales/rental establishment
- h) gas bar
- i) hotel
- j) laboratory
- k) laundromat
- l) motel
- m) motor vehicle service station
- n) motor vehicle parts and accessory sales
- o) motor vehicle sales or rental
- p) office
- q) personal services establishment
- r) recreation or fitness establishment
- s) recreational vehicle sales and service operation
- t) research and development establishment
- u) restaurant
- v) retail store (minimum floor area of 500 m²)
- w) tavern
- x) self-storage facility
- y) work/service shop
- z) veterinary hospital
- aa) uses that legally existed as of the date of passing of this By-law
- bb) microbrewery
- cc) nanobrewery

Schedule A

Proposed Zoning By-law Amendments

4.12 LIGHT INDUSTRIAL (M1) ZONE

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.12.1 Permitted Uses

- a) animal shelter or veterinary hospital
- b) building supply and lumber outlet
- c) bulk fuel depot
- d) contractors yards
- e) heavy or light equipment sales and services
- f) manufacturing or processing within an enclosed building
- g) motor vehicle repair garage
- h) motor vehicle body shop
- i) outside storage
- j) public works yard
- k) recycling depot
- l) retail sales accessory to a permitted use not exceeding 35% of the total floor area
- m) self-storage facility
- n) telecommunications tower
- o) transmission towers and hydro-electric substations
- p) transportation depot and rail line uses
- q) warehouse
- r) wholesale sales
- s) work/service shop
- t) microbrewery

Date: November 18, 2019

Report To: Planning & Development Executive Committee

From: Cody Vangel, CBO Trainee/Municipal Planner

Re: Second Unit –Zoning By-law & Official Plan Amendment

The Planning & Development Executive Committee (PDEC) received a letter from Mr. D. Dickson asking to construct a garage with a portion of said garage to be designated as a dwelling unit (second unit). Presently the Town of Fort Frances Official Plan and Zoning By-law permit second units, but not as part of an accessory building.

PDEC made recommendation that the matter be further researched, and that the Official Plan and Zoning By-law be amended to accommodate second units within a building accessory to the primary dwelling.

This matter was considered in a public meeting on September 23, 2019, however since then further information and recommendations have been provided through discussions with our planning consultant.

With support from our planning consultant the following proposed amendments have been detailed:

- Schedule 1: Proposed Official Plan Amendment
- Schedule 2: Proposed Zoning By-law Amendment

This report is intended to serve to you as the final proposed amendments.

Respectfully submitted

Original Signed By

Cody Vangel, EIT
CBO Trainee/Municipal Planner

Schedule 1

Proposed Official Plan Amendments

Note: Addition in red, delete with strikethrough

4.1.8 Additional Residential Policies

(i) Accessory ~~Second~~ Dwelling Units

One (1) Accessory Dwelling Unit may be permitted, in addition to the principal dwelling unit, of single-detached and semi-detached dwellings. ~~through a Zoning By-law or minor variance application. The following criteria shall be considered when evaluating proposals for the creation of accessory dwelling units:~~

- ~~I. The floor area of the accessory unit is equal to, or less than, the gross floor area of the principal unit without any modification to the building's bulk or massing;~~
- ~~H. The Accessory Dwelling Unit is not located in an attached garage;~~
- ~~III. One additional one (1) unit on-site parking space is provided exclusively for the accessory dwelling unit;~~
- ~~IV. The outdoor private amenity area is adequate for the amenity and leisure needs of all occupants;~~
- ~~V. The Accessory Dwelling Unit meets the requirements of the Town's Zoning Bylaw, the Building Code and Fire Code;~~
- ~~VI. A lot may not have both an Accessory Dwelling Unit and a Garden Suite.~~

~~(j) Second units~~

~~Second units are permitted for:~~

- ~~I. the use of two residential units in a detached house, semi-detached house or row house if no building or structure ancillary to the detached house, semi-detached house or row house contains a residential unit; and the use of a residential unit in a building or structure ancillary to a detached house;~~
- ~~H. semi-detached house or row house if the detached house, semi-detached house or~~
- ~~III. row house contains a single residential unit.~~

Schedule 2

Proposed Zoning By-law Amendments

Note: Addition in red, delete with strikethrough

DWELLING UNIT (INTERIOR), SECOND

A self-contained dwelling unit created by either an interior renovation within an existing dwelling, or as an exterior addition, provided that one entire face of the addition is attached to the principal dwelling and shall not be considered a second dwelling on the lot for the purposes of this By-law.

DWELLING UNIT (DETACHED), SECOND

A self-contained dwelling unit located within an accessory building on the same lot as the principal dwelling and shall not be considered a second dwelling on the lot for the purposes of this By-law.

3.29 SECOND UNITS

3.29.1 General

A second dwelling unit may be permitted, in addition to the principal dwelling unit of a single detached and semi-detached dwelling, or within a building accessory to these subject to the following:

- ~~a) the dwelling unit is located within the principal dwelling;~~
- a) Only one secondary dwelling unit will be permitted per lot;
- b) one additional parking space is provided for the exclusive use of the secondary dwelling unit;
- c) the external appearance of the front façade of the dwelling is not altered;
- d) the requirements of the Building Code and Fire Code are met;
- ~~e) the unit does not exceed 40% of the gross floor area of the principal dwelling unit;~~
- f) A lot will not have both a secondary dwelling unit and a garden suite;
- g) No secondary dwelling unit will be considered a stand-alone structure capable of being severed;
- h) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts;
- i) All secondary dwelling units shall be registered with the Planning and Development Division; and
- j) All secondary dwellings units shall be adequately serviced by municipal water and municipal sewer from the principal dwelling where it is determined that these services are suitable to meet the demand of the second unit as determined by the Operations and Facilities Division.

Schedule 2

Proposed Zoning By-law Amendments

Note: Addition in red, delete with strikethrough

3.29.2 SECOND DWELLING UNIT (INTERIOR)

In addition to the specifications outlined in 3.29.1, interior secondary dwelling units shall comply with the following:

- a) A secondary dwelling (interior) shall not exceed 40% of the gross floor area of the principal dwelling if any portion of the secondary dwelling is located at or above grade. Except for entrances, any secondary dwelling located entirely in the basement may occupy the entire basement, regardless of size.

3.29.3 SECOND DWELLING UNIT (DETACHED)

In addition to the specifications outlined in 3.29.1, detached secondary dwelling units shall comply with the following:

- a) Detached secondary dwelling units may be permitted at grade or on the second storey but not both;
- b) Shall have a minimum gross floor area as depicted in the Ontario Building Code but shall not exceed 40% of the gross floor area of the principal dwelling. In the event of conflict, the minimum gross floor area shall apply;
- c) The accessory building in which the second unit is located shall not exceed 15 percent coverage of the total lot area;
- d) Unobstructed emergency services access shall be provided;
- e) Provision of address identification shall be posted facing street and laneway where applicable;
- f) Notwithstanding Section 3.2, when the secondary dwelling (detached) is located on the second storey, the maximum height of the accessory building shall be a minimum of 2 metres less than the principal dwelling; and
- g) May be permitted for home occupation use as per Section 3.11, provided that only one home occupation is conducted on the property.

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building, structure, or use is located, provided the principle building, structure or use is already in existence on the lot, and provided that the accessory building, structure or use:

- a) shall not be used for human habitation, except where an accessory residential use is a permitted use.
- b) accessory residential units above boat houses shall not be permitted;
- c) shall not be built closer to the front lot line than the minimum distance required by this by-law for the main building on the lot unless otherwise specified;
- d) shall not be located in the front yard or exterior side yard nor be built closer to the street than the main building is to that street except in an industrial zone where a gatehouse is permitted in the front yard;

- e) may be permitted in the front yard of a lot abutting a lake or river;
- f) shall not be built closer than 1.5 metres to any lot line;
- g) no detached accessory building or structure shall be located closer than 2.0 metres to a main building unless the accessory structure is a gazebo;
- h) shall not exceed 15 percent coverage of the total lot area;
- i) in a residential zone shall not exceed 5.0 metres in height, or contain more than one storey; except that where a dwelling unit is a permitted accessory use it shall not ~~exceed 6.0 metres in height, or~~ contain more than two storeys. In all other zones the maximum height shall not exceed 6.5 metres;
- j) shall not be considered as an accessory building or structure if attached to the main building in any way except for an accessory apartment dwelling that is permitted above or behind a commercial or industrial use;
- k) shall not be considered an accessory building or structure if located completely underground;
- l) where a commercial retail use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building and shall not exceed 10% of the total floor area of the main building to a maximum of 280 square metres; and
- m) No land may be used for the purpose of a swimming pool capable of containing in excess of 0.6 metres (2 ft.) of water unless the pool is enclosed by a fence, or by the wall of a building or structure, or by a combination of walls and fences, at least 1.5 metres (4.92 ft) in height and despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, erected or renovated in accordance with the following provisions:
 - a. An outdoor swimming pool shall be set back a minimum of 1.5 m (5 ft) from any lot line;
 - b. No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or exterior side yard; and
 - c. Any filter, pumps, or similar operating machines are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 meters from any main building.
- n) A storage container shall not be used as an accessory building or structure except as may otherwise be permitted under this By-Law. Within the Industrial zone, storage containers may be permitted as an accessory use to the principal or main use but shall be used exclusively for the storage of goods and materials and shall not be used to accommodate work areas, shops, office uses, retail sales or human habitation.