

Corporation of the Town of Moosonee

BY-LAW No. 17-2023

Being a by-law to amend site plan control By-Law 06-12, as amended, to delegate site plan approval authority and The Corporation of the Town of Moosonee

WHEREAS By-law No. 06-12, as amended, is the Town's Site Plan Control By-law governing the lands located within a Site Plan Control area in the Town of Moosonee;

AND WHEREAS subsection 5(3) of the *Municipal Act 2001*, chapter 25 S.O. 2001, as amended, states that a municipal power, including a municipality's capacities, rights, powers and privileges under section 9, shall be exercised by By-law;

AND WHEREAS Section 5(1) of the *Planning Act, R.S.O., 1990* states that Council is authorized to delegate any of such authority, other than the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans, to a committee of Council or to an appointed officer identified in this By-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including the referral of any matter to the Tribunal;

AND WHEREAS Section 41 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, provides in part that, where in an official plan an area is shown or described as a proposed site plan control area, the Council of the local municipal in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area and may delegate to either a Committee of the Council or to an appointed officer of the municipality any of the Council's power or authority under that section;

AND WHEREAS the Council of the Corporation of the Town of Moosonee deems it expedient to amend By-law 06-12 to delegate Site Plan Approval authority to the Chief Administrative Officer (CAO) or, in the CAO's absence, the Clerk-Treasurer, in accordance with Section 41 of the *Planning Act*;

NOW THEREFORE the Council of The Corporation of the Town of Moosonee enacts as follows:

1. THAT By-law 06-12 be amended by deleting Clause 1 and inserting a new Clause 1 as follows:

1. LANDS SUBJECT TO THIS BY-LAW

The provision of this By-law shall apply to all lands in the Town of Moosonee. Site Plan Control Agreement shall be required for all:

- a) Properties located within 120 metres of a navigable waterway, a wetland, an inland lake or a river or stream valley*
- b) Commercial properties*
- c) Industrial properties*
- d) Institutional properties*
- e) Residential properties with ten (10) or more dwelling units*
- f) Properties located within 300 metres of a railway line*

2. AND THAT By-law 06-12 be amended by deleting Clause 2 and inserting a new Clause 2 as follows:

2. APPROVAL OF PLANS AND DRAWINGS

No person shall undertake any development within the designated Site Plan Control area unless any person with delegated authority to do so by Council or the Ontario Land Tribunal has approved the plans and/or drawings for such development in accordance with Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended.


3. AND THAT By-law 06-12 be amended by deleting Clause 3 in its entirety;
4. AND THAT By-law 06-12 be amended by deleting Clause 4 and inserting a new Clause 3 as follows:

3. AUTHORIZATION OF REQUIRED AGREEMENT

Council delegates the CAO or in the CAO's absence, the Clerk-Treasurer, the authority to approve Site Plan Control Agreements.

5. THAT this By-law shall come into force and take effect upon the enactment thereof.

**READ a first and second time
this 7th day of November 2023**




Mayor – Wayne Taipale

**READ a third time and finally passed
this 7th day of November 2023**



Deputy Clerk – Chantal Rheault

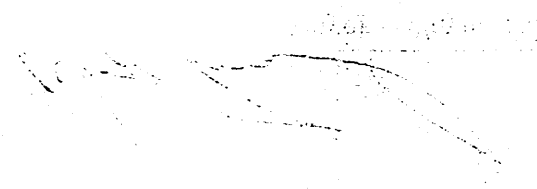
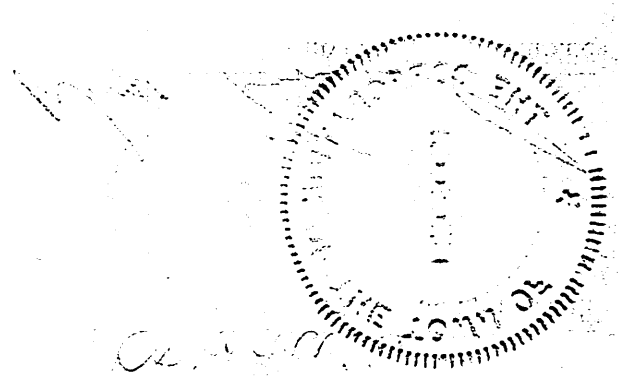


Mayor – Wayne Taipale



Deputy Clerk – Chantal Rheault

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