

AGENDA

Corporation of the Town of Moosonee

Special Meeting #12-2026
May 12th, 2026
5:30 p.m. Council Chambers

This territory is the customary and traditional lands of the Omushkegowuk People since time immemorial. We acknowledge this sacred land on which the Town of Moosonee operates, within the lands protected by the James Bay Treaty – Treaty no.9. We are grateful to have the opportunity to make decisions at this table that will impact our community. *Meegwetch*

1. CALL TO ORDER

2. REVIEW OF AGENDA

3. DISCLOSURE OF PECUNIARY INTEREST

4. REPORTS AND MEMOS

→ 31-41 Quarry Avenue Zoning By-law Amendment Application- MHBC, Patrick Townes

5. READING OF BY-LAWS

→ Zoning By-law Amendment

6. ADJOURNMENT

TOWN OF MOOSONEE – COMMITTEE OF ADJUSTMENT			
Report Prepared For:	Boblin Jardino, Clerk	Owner Name:	Dale Tozer
Report Prepared By:	Jamie Robinson, MCIP, RPP Patrick Townes, BA, BEd	Agent Name:	Carman Tozer
Location:	31-41 Quarry Road	Application:	Zoning By-law Amendment
Application #:	Z-2026-03	Report Date:	May 12, 2026

RECOMMENDATION

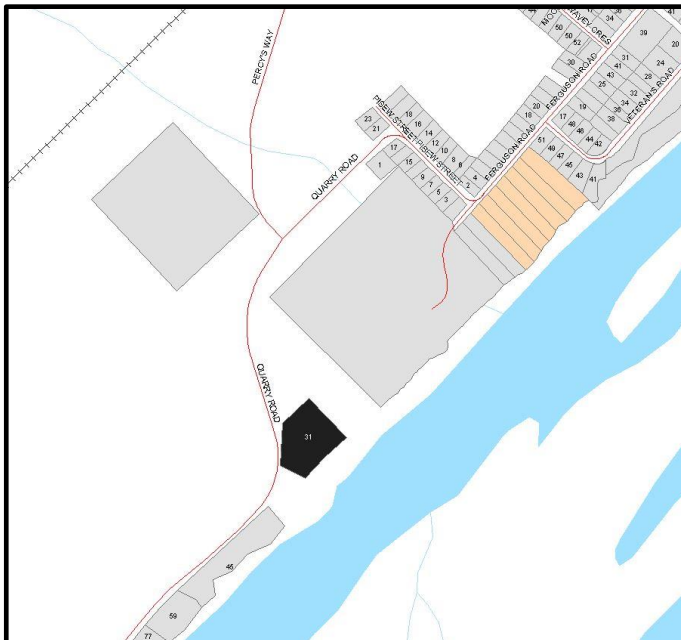
THAT Council receives the Planning Report for the Zoning By-law Amendment Application ZBA-2026-03 application for the subject lands located at 31-41 Quarry Road (Tozer) dated May 12, 2026; and,

THAT Council approves Zoning By-law Amendment Application ZBA-2026-03 and passes By-law No. 09-2026.

PROPOSAL/BACKGROUND

A Zoning By-law Amendment application has been submitted by Carman Tozer on behalf of the owner of the subject lands, Dale Tozer. The subject lands are located at 31-41 Quarry Road and is located generally to the west of the Townsite. The location of the subject lands are shown on Figure 1.

Figure 1: Subject Lands



The purpose of the application is to fulfill a condition of provisional Consent (Severance) that was approved by the Town of Moosonee's Committee of Adjustment, File No. C-2025-01. The purpose of the Consent application was to create two (2) new lots on the subject lands, for a total of three (3) lots.

The proposed Zoning By-law Amendment application is required to apply the appropriate zoning to each of the new lots and to recognize the legal non-conforming status of the existing uses (residential and commercial) that exist on the subject lands which is currently located in the Downtown Commercial (C1) Zone.

The subject lands are currently developed with five single detached dwellings and associated accessory buildings. There is one larger accessory building on the subject lands. The buildings and structures are considered legal non-complying and were constructed circa 1970 by the Ministry of Natural Resources prior to the owner acquiring the western portion of the subject lands in 1984 and the eastern portion of the subject lands in 1995. The existing development is serviced by Town water and sewer. The subject lands and the existing development are shown in Figure 2.

Figure 2: Subject Lands and Existing Development

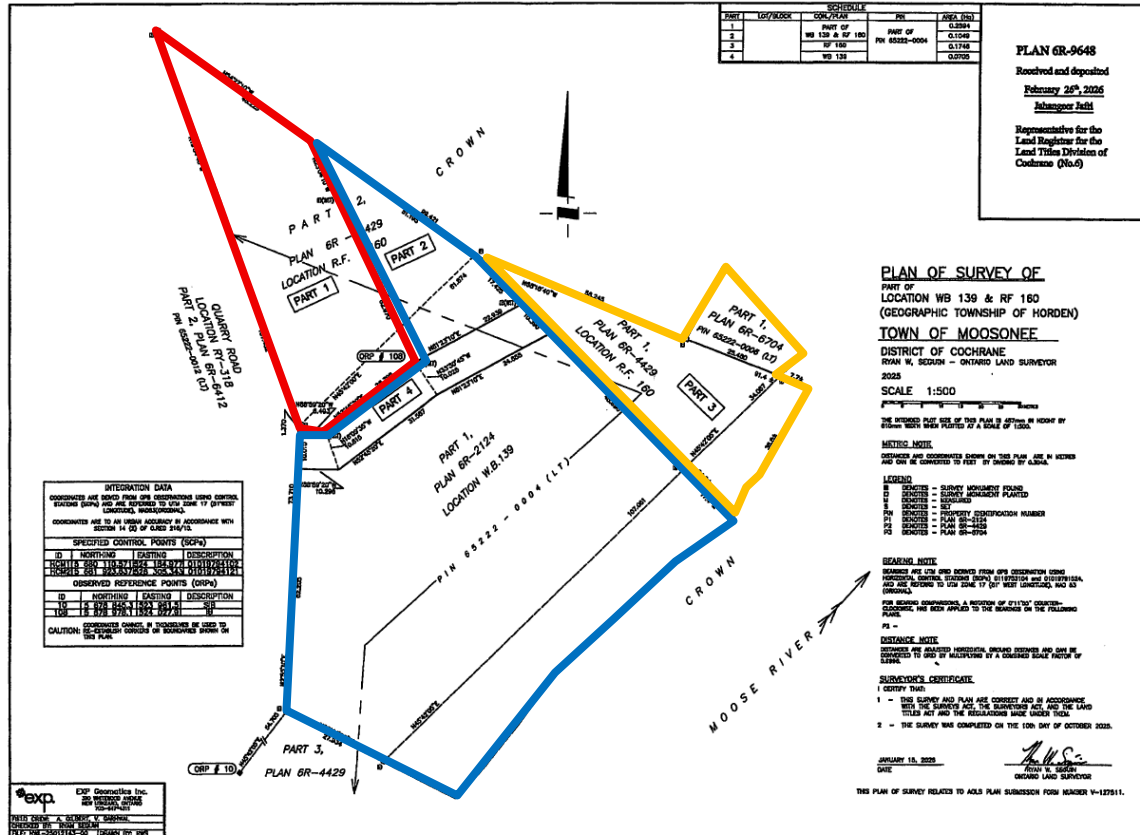


The subject lands are designated as Open Space in the Official Plan and are located within the Downtown Commercial (C1) Zone in the Zoning By-law.

A copy of the Planning Report that was prepared for the Consent application is included as Attachment 1 to this Report. Attachment 1 includes the details regarding the proposed lots and the exiting uses on the subject lands and the proposed lots.

The survey that was prepared and submitted to the Town is shown in Figure 3.

Figure 3: Survey



The following is a description of the existing uses within each of the proposed lots:

- Orange Lot – To be used for a residential use and contains an existing single detached dwelling.
 - Proposed lot area of approximately 1,700 square metres, a lot frontage of approximately 30 metres on the Moose River, and no frontage on Quarry Road.
 - Proposed to be rezoned to the Residential Type One (R1) Zone.
- Red Lot – To be used for a contractors yard.
 - A lot area of approximately 2,500 square metres and a lot frontage of 100 metres on Quarry Road.
 - Proposed to be rezoned to a site-specific Downtown Commercial (C1) Zone to permit a contractors yard.
- Blue Lot – To be used for a residential use and contains four existing single detached dwellings.

- A lot area of approximately 4,000 square metres, a lot frontage of approximately 100 metres on the Moose River, and a frontage of approximately 60 metres on Quarry Road.
- Proposed to be rezoned to the Residential Type One (R1) Zone.

The above referenced lot areas and lot frontages are consertative for zoning review and purposes.

REGULATORY REVIEW & ANALYSIS

Provincial Planning Statement

The Provincial Planning Statement (PPS) is a document that provides policy direction on matters of Provincial interest concerning land use planning. Ontario has a policy-led planning system, and the PPS sets the foundation for regulating the development and use of land in the province. Policies are set out to provide for appropriate development while also protecting resources of Provincial interest, public health and safety, and the quality of the natural and built environment. When making land use planning decisions, Planning Authorities must ensure that decisions are consistent with the PPS.

The subject lands are located outside of the Moosonee Townsite and are considered to be Rural Lands. Section 2.6 of the PPS indicates that residential development and other lands uses are permitted. The existing and proposed uses are permitted in the context of the PPS.

Section 3.1 provides policies pertaining to natural hazards including flooding. It appears that the existing buildings and structures on the proposed lots are above the applicable flood elevation. Should any new development be proposed on the severed or retained lots, buildings or structures would be required to comply with the minimum required setbacks from the watercourse.

The proposed application is consistent with the PPS.

Town of Moosonee Official Plan

In accordance with Schedule A – Land Use Plan to the Official Plan, the subject lands are identified as being designated Open Space as shown in Figure 3.

Section 5.5 of the Official Plan contains policies pertaining to the Open Space designation. Section 5.5.2 states that permitted uses in the Open Space designation include *municipal and public recreation facilities such as arenas, playing fields, community parks, walking and bicycle paths, snowmobile trails and related facilities and municipal marina facilities.*

The Open Space designation does not appropriately reflect the historical land use of the subject lands. However, by way of Section 8.1.1 – Non-Conforming Uses, the existing uses on the subject lands are permitted. Specifically, Section 8.1.1 states that *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.*

Section 8.1.1 permits existing uses that do not conform to the Official Plan designation and states that the lands are to be zoned to reflect their existing use. The Zoning By-law Amendment application is being considered to reflect the existing uses that are residential and commercial in nature. The existing uses are permitted in the context of the Official Plan, and the proposed Zoning By-law Amendment will recognize these uses.

Town of Moosonee Zoning By-law

The subject lands are located within the Downtown Commercial (C1) Zone in the Zoning By-law as shown in Figure 4.

It is noted that residential dwellings are not a permitted use in the Downtown Commercial (C1) Zone unless they are accessory to an existing commercial use. However, Section 3.13 of the Town's Zoning By-law permits the use of the lot to continue provided it was existing prior to the passing of the Zoning By-law, such is the case of the subject lands and the existing development.

The lots are to be rezoned to the Residential Type One (R1) Zone and the Downtown Commercial Exception XX (C1-XX) Zone.

The proposed lot frontages and lot areas comply to the minimum requirements in the Zoning By-law:

- R1 Zone – Minimum lot frontage of 15 metres and minimum lot area of 600 square metres.
- C1 Zone – No minimum lot frontage requirement and minimum lot area of 400 square metres.

An exception zone is required for the C1 Zone to permit a contractor's yard which is keeping with the existing use on the subject lot.

All setbacks on the subject lots will remain as legal non-complying if they do not meet the required setbacks as required by the Zoning By-law.

Summary

Based on a review of the proposed Zoning By-law Amendment, the application to recognize the existing development and to satisfy a condition of provisional Consent is consistent with the PPS and conforms to the Official Plan. No new buildings or structures are being proposed as a result of the provisionally approved Consent application and the Zoning By-law Amendment application.

TOWN OF MOOSONEE – COMMITTEE OF ADJUSTMENT			
Report Prepared For:	Boblin Jardino, Clerk	Owner Name:	Dale Tozer
Report Prepared By:	Jamie Robinson, MCIP, RPP Patrick Townes, BA, BEd	Agent Name:	Carman Tozer
Location:	31-41 Quarry Avenue	Application:	Zoning By-law Amendment
Application #:	Z-2026-02	Report Date:	May 12, 2026

RECOMMENDATION

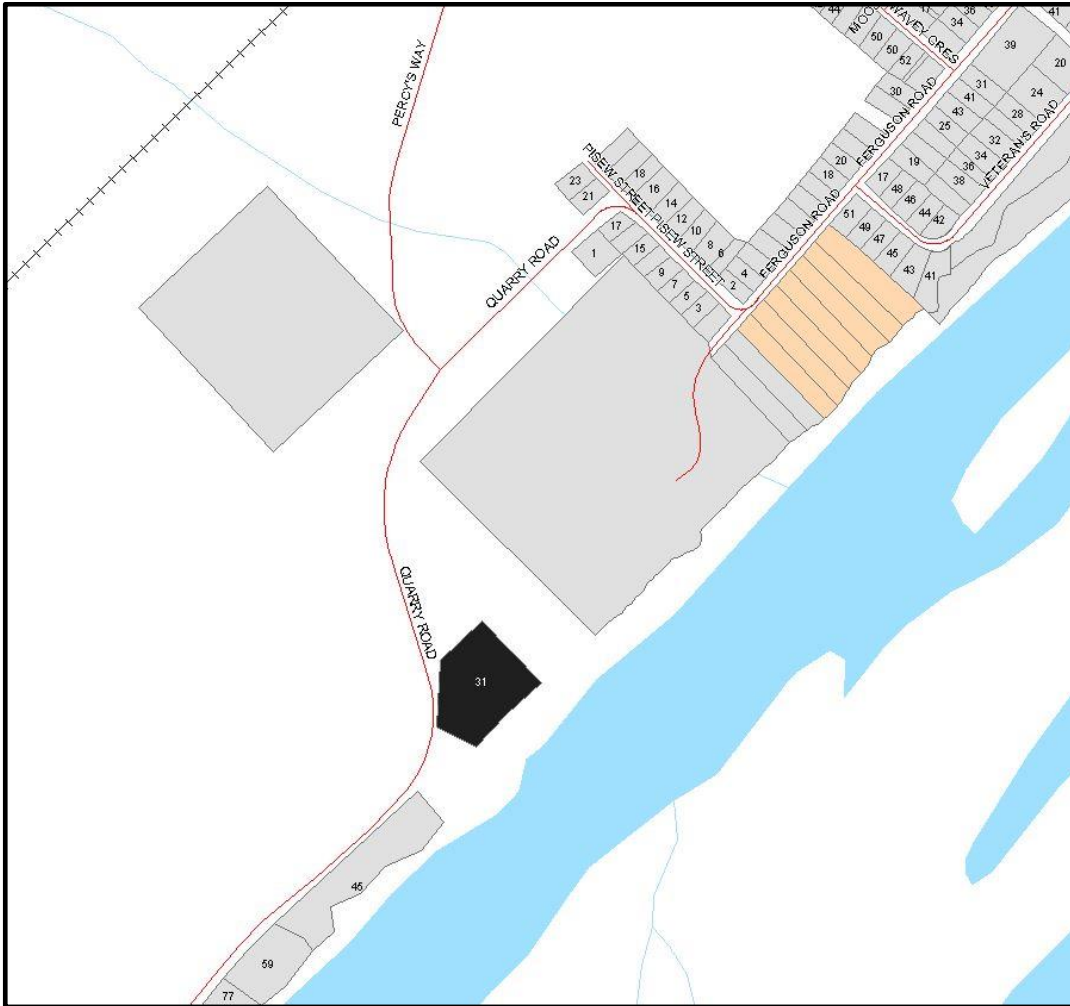
Based on this review, it is recommended that the Committee of Adjustment provide provisional approval for Consent Applications C-2025-01, C-2025-02 and C-2025-03 with the following condition(s):

- 1) That the Owner provides the Municipality with:
 - a. The original executed transfers (deeds), a duplicate original and one (1) photocopy;
 - b. Schedules describing the severed parcels and naming the grantor and grantee attached to the transfers for approval purposes;
 - c. A copy of the Reference Plans to be deposited with the Land Registry Office that are substantially in compliance with the application sketch. The location and setbacks of all existing buildings and structures are to be shown on the Reference Plans;
 - d. Payment of all municipal legal, engineering and planning-related fees associated with the processing of the application;
- 2) That the proposed lots be brought into compliance with the Zoning By-law through the approval of a Zoning By-law Amendment application to recognize the existing uses and any zoning deficiencies; and,
- 3) That the proposed severed lots and retained lot be required to connect to separate municipal water and wastewater services (or enter into an agreement with the Town to ensure measures are in place to satisfy this requirement). All expenses associated with connecting to the municipal services will be at the sole expense of the Owner.

PROPOSAL/BACKGROUND

A Zoning By-law Amendment application has been submitted by Carman Tozer on behalf of the owner of the subject lands, Dale Tozer. The subject lands are located at 31-41 Quarry Road and is located generally to the west of the Townsite. The location of the subject lands are shown on Figure 1.

Figure 1: Subject Lands



The purpose of the application is to fulfill a condition of provisional Consent (Severance) that was approved by the Town of Moosonee's Committee of Adjustment, File No. C-2025-01. The purpose of the Consent application was to create two (2) new lots on the subject lands, for a total of three (3) lots.

The proposed Zoning By-law Amendment application is required to apply the appropriate zoning to each of the new lots and to recognize the legal non-conforming status of the existing uses (residential and commercial) that exist on the subject lands which is currently located in the Downtown Commercial (C1) Zone.

The subject lands are currently developed with five single detached dwellings and associated accessory buildings. There is one larger larger accessory building on the subject lands. The buildings and structures are considered legal non-complying and were constructed circa 1970 by the Ministry of Natural Resources prior to the owner acquiring the western portion of the subject lands in 1984 and the eastern portion of the subject lands in 1995. The existing development is serviced by Town water and sewer. The subject lands and the existing development are shown in Figure 2.

Figure 2: Subject Lands and Existing Development

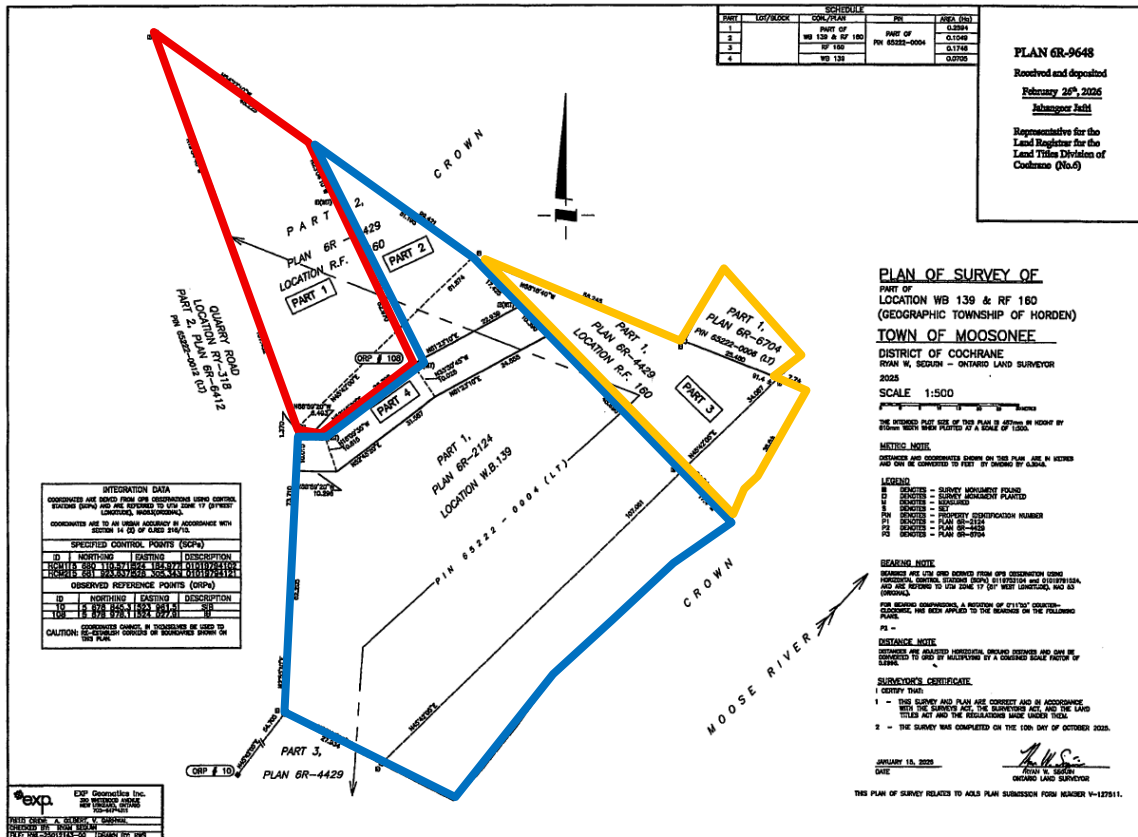


The subject lands are designated as Open Space in the Official Plan and are located within the Downtown Commercial (C1) Zone in the Zoning By-law.

A copy of the Planning Report that was prepared for the Consent application is included as Attachment 1 to this Report. Attachment 1 includes the details regarding the proposed lots and the exiting uses on the subject lands and the proposed lots.

The survey that was prepared and submitted to the Town is shown in Figure 3.

Figure 3: Survey



The following is a description of the existing uses within each of the proposed lots:

- Orange Lot – To be used for a residential use and contains an existing single detached dwelling.
 - Proposed lot area of approximately 1,700 square metres, a lot frontage of approximately 30 metres on the Moose River, and no frontage on Quarry Road.
 - Proposed to be rezoned to the Residential Type One (R1) Zone.
- Red Lot – To be used for a contractors yard.
 - A lot area of approximately 2,500 square metres and a lot frontage of 100 metres on Quarry Road.
 - Proposed to be rezoned to a site-specific Downtown Commercial (C1) Zone to permit a contractors yard.
- Blue Lot – To be used for a residential use and contains four existing single detached dwellings.
 - A lot area of approximately 4,000 square metres, a lot frontage of approximately 100 metres on the Moose River, and a frontage of approximately 60 metres on Quarry Road.
 - Proposed to be rezoned to the Residential Type One (R1) Zone.

The above referenced lot areas and lot frontages are consertative for zoning review and purposes.

REGULATORY REVIEW & ANALYSIS

Provincial Planning Statement

The Provincial Planning Statement (PPS) is a document that provides policy direction on matters of Provincial interest concerning land use planning. Ontario has a policy-led planning system and the PPS sets the foundation for regulating the development and use of land in the Province. Policies are set out to provide for appropriate development while also protecting resources of Provincial interest, public health and safety, and the quality of the natural and built environment. When making land use planning decisions, Planning Authorities must ensure that decisions are consistent with the PPS.

The subject lands are located outside of the Moosonee Townsite and are considered to be Rural Lands. Section 2.6 of the PPS indicates that residential development and other lands uses are permitted. The existing and proposed uses are permitted in the context of the PPS.

Section 3.1 provides policies pertaining to natural hazards including flooding. It appears that the existing buildings and structures on the proposed lots are above the applicable flood elevation. Should any new development be proposed on the severed or retained lots, buildings or structures would be required to comply with the minimum required setbacks from the watercourse.

The proposed application is consistent with the PPS.

Town of Moosonee Official Plan

In accordance with Schedule A – Land Use Plan to the Official Plan, the subject lands are identified as being designated Open Space as shown in Figure 3.

Section 5.5 of the Official Plan contains policies pertaining to the Open Space designation. Section 5.5.2 states that permitted uses in the Open Space designation include *municipal and public recreation facilities such as arenas, playing fields, community parks, walking and bicycle paths, snowmobile trails and related facilities and municipal marina facilities.*

The Open Space designation does not appropriately reflect the historical land use of the subject lands. However, by way of Section 8.1.1 – Non-Conforming Uses, the existing uses on the subject lands are permitted. Specifically, Section 8.1.1 states that *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.*

Section 8.1.1 permits existing uses that do not conform to the Official Plan designation and states that the lands are to be zoned to reflect their existing use. The Zoning By-law Amendment application is being considered to reflect the existing uses that are residential and commercial in nature. The existing uses are permitted in the context of the Official Plan and the proposed Zoning By-law Amendment will recognize these uses.

Town of Moosonee Zoning By-law

The subject lands are located within the Downtown Commercial (C1) Zone in the Zoning By-law as shown in Figure 4.

It is noted that residential dwellings are not a permitted use in the Downtown Commercial (C1) Zone unless they are accessory to an existing commercial use. However, Section 3.13 of the Town's Zoning By-law permits the use of the lot to continue provided it was existing prior to the passing of the Zoning By-law, such is the case of the subject lands and the existing development.

The lots are to be rezoned to the Residential Type One (R1) Zone and the Downtown Commercial Exception XX (C1-XX) Zone.

The proposed lot frontages and lot areas comply to the minimum requirements in the Zoning By-law:

- R1 Zone – Minimum lot frontage of 15 metres and minimum lot area of 600 square metres.
- C1 Zone – No minimum lot frontage requirement and minimum lot area of 400 square metres.

An exception zone is required for the C1 Zone to permit a contractors yard which is keeping with the existing use on the subject lot.

All setbacks on the subject lots will remain as legal non-complying if they do not meet the required setbacks as required by the Zoning By-law.

Summary

Based on a review of the proposed Zoning By-law Amendment, the application to recognize the existing development and to satisfy a condition of provisional Consent is consistent with the PPS and conforms to the Official Plan. No new buildings or structures are being proposed as a result of the provisionally approved Consent application and the Zoning By-law Amendment application.

Corporation of the Town of Moosonee

BY-LAW NO 09-2026

BEING A BY-LAW TO AMEND ZONING BY-LAW 37-07 FOR THE PROPERTIES LOCATED AT 31-41 QUARRY ROAD

WHEREAS By-law No.37-07, as amended is the Comprehensive Zoning By-law governing the lands located within the Town of Moosonee; and,

AND WHEREAS the Council of The Corporation of the Town of Moosonee, having received and reviewed an application to amend By-law No. 37-07 for 31-41 Quarry Road, within the Town of Moosonee, is in agreement with the proposed changes;

AND WHEREAS authority is granted under Section 34 of the *Planning Act* R.S.O. 1990, c.P.13, as amended;

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

- 1.0 THAT Zoning By-law No. 37-07 is amended as follows:
 - a) THAT Schedule A-1 Land Use to By-law No. 37-07, as amended, is hereby amended by changing the zone category on a portion of the properties located at 31-41 Quarry Road, from the Downtown Commercial (C1) Zone to the Residential Type One (R1) Zone and the Downtown Commercial Exception Two (C1-2) Zone in accordance with Schedule "A" attached hereto.
 - b) THAT Section 4.4.3.2 be added to By-law No. 37-07 stating the following: "In addition to the permitted uses within the C1 Zone, a contractors yard shall also be permitted."
- 2.0 THAT Schedule "A" attached hereto forms part of this By-law.
- 3.0 THAT this By-law shall come into force and take effect pursuant to the provisions and regulations made under the *Planning Act*. R.S.O., 1990, c.P.13, as amended.

**READ a first and second time
this 12th day of May 2026**

Mayor – Wayne Taipale

Clerk – Bobylyn Jardino

**READ a third time and finally passed
this 12th day of May 2026**

Mayor – Wayne Taipale

Clerk – Bobylyn Jardino

