

Corporation of the Town of Moosonee

By-Law No. 06-12

*Being a by-law to designate a
Site Plan Control Area in the Town of Moosonee*

WHEREAS there is an Official Plan in effect in the Town of Moosonee that pertains to certain lands within its municipal boundaries;

AND WHEREAS subsection 41(2) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that where an Official Plan is in effect in a municipality, the Council of the municipality may by by-law designate the whole or any part of the area covered by the Official Plan as a Site Plan Control Area;

AND WHEREAS section 8.2 of the Town of Moosonee Official Plan designates all lands in the Town of Moosonee as a Site Plan Control Area;

AND WHEREAS the Council of the Corporation of the Town of Moosonee deems it desirable to designate a Site Plan Control Area in the Town of Moosonee;

NOW THEREFORE the Council of the Corporation of the Town of Moosonee enacts a By-law as follows:

1. LANDS SUBJECT TO THIS BY-LAW

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

- a) Properties adjacent to a navigable waterway.
- b) Commercial properties
- c) Industrial properties
- d) Institutional properties
- e) Residential properties with more than three (3) dwelling units

2. APPROVAL OF PLANS AND DRAWINGS

No person shall undertake any development within the designated area unless the Council of the Town of Moosonee, any person delegated authority to do so by Council or the Ontario Municipal Board 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. MINOR ADJUSTMENTS TO SITE PLAN

Council delegates to the CAO, the authority to permit minor adjustments to the Site Plan Control Agreements.

4. AUTHORIZATION OF REQUIRED AGREEMENT

The Mayor and Clerk-Treasurer are authorized to execute any required agreement.

5. REGISTRATION OF AGREEMENTS

Unless otherwise determined by Council, the agreement or undertaking shall be registered on title against the land to which it applies at the applicable Land Registry Office, in accordance with the provisions of subsection 41(10) of the Planning Act R.S.O. 1990, c. P.13, as amended.

6. ISSUANCE OF BUILDING PERMITS

Notwithstanding any provision of any By-law of the Corporation to the contrary, no building permit shall be issued within the designated area, for any development subject to this By-law, until the plans and/or drawings for such development have been approved by Council or a person or body delegated by Council or the Ontario Municipal Board, and if imposed as a condition of approval, an agreement or undertaking, has been executed and registered on title in accordance with this By-law.

7. VIOLATIONS AND PENALTIES

Every person who violates any provision of this By-law or causes or permits a violation shall be guilty of an offence, and upon conviction, thereon, shall forfeit and pay a penalty at the discretion of the presiding justice according to the provisions of Section 67 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

8. REMEDIES

In case any building or structure is to be erected or altered, or any part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any ratepayer or the Corporation pursuant to the provisions of the Planning Act or the Municipal Act in that behalf.

9. VALIDITY

If any section, clause or provision of this By-law is for any reason declared by a court or competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

**READ a first and second time
this 13th day of February 2012**

ORIGINAL SIGNED BY

Mayor – Victor Mitchell

ORIGINAL SIGNED BY

Acting Clerk – Betty Budden

**READ a third time and finally passed
this 13th day of February 2012**

ORIGINAL SIGNED BY

Mayor – Victor Mitchell

ORIGINAL SIGNED BY

Acting Clerk – Betty Budden