

# The Corporation of the City of Kenora

## By-Law Number 78 - 2016

### To Amend Bylaw Number 189-2010, Being a By-Law to Designate the Whole of the City of Kenora as a Site Plan Control Area

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Whereas bylaw number 189-2010, a bylaw to designate the whole of the City of Kenora as Site Plan Control Area was adopted on October 14, 2010; and

Whereas it is deemed necessary to amend such bylaw to reflect the delegated authorities to in the new organizational structure and positions within the Community and Development Services Department;

Now Therefore Be It Resolved That:- the Council of the Corporation of the City of Kenora enacts as follows:

1. Replace the existing paragraph (a) with the following paragraph:

#### **Exemptions, (a)**

The following classifications of development shall be exempt from Site Plan Control:

(a) Developments which upon, preliminary review by the City of Kenora's City Planner and/or the Chief Building Official, or in their absence, or in conjunction with, the Planning Assistant or Manager of Community & Development Services, determine that the development complies with Municipal By-laws and is beyond the intent of this By-law or the scope of Section 41 of The Planning Act, R.S.O. 2001, Chapter P-13.

2. Replace the existing paragraphs (1 & 2) with the following paragraphs:

#### **4. DELEGATION OF AUTHORITY**

(1) The City of Kenora's City Planner and the Chief Building Official, or in their absence, the Planning Assistant or Manager of Community & Development Services, are hereby delegated as being appointed officers of the City to exercise Council's powers or authority under section 41 of the Planning Act, R.S.O. 2001, c.P.13, as amended, to approve plans and drawings, to impose conditions and to require agreements.

(2) Notwithstanding the provisions of Section 5(1) of this By-law, where a development is referred back, or requested to be referred back, to Council, Council's power and authority with respect to all powers or authority under section 41 of the Planning Act, shall be retained., ~~unless Council elects to delegate same to the Property and Planning Committee.~~

3. Replace the existing paragraphs (1, 2, 3 and 5) with the following paragraphs:

#### **5. APPROVAL AUTHORITY**

Notwithstanding the provisions of Section 4 (1) of this By-law, Council shall retain all powers and authority under Section 41 of the Planning Act where:

(1) The City of Kenora's City Planner and/or the Chief Building Official at his/her sole discretion refers the matter to Council; or

(2) The applicant requests in writing that the matter be referred to Council; or

(3) Any member of City Council may make a request in writing, to the Manager of Community & Development Services, that the request for Site Plan Control Approval be referred to Council. Upon receipt of such request, the Community & Development

Services Manager, or, in the absence of the Manager, City Planner and/or the Chief Building Official, shall refer the matter to Council; or

(5) Council, at the time of consideration of an Application for Official Plan Amendment and/or Zone Change, may pass a resolution requesting that the development proposal be subject to Site Plan Control and/or that the Application be referred to the Committee for approval.

4. Replace the existing paragraphs (1, 2 and 3) with the following paragraphs:

**6. AGREEMENTS**

(1) Council's authority under Section 41(7)(c) of the Planning Act to require an owner to enter into an agreement with The Corporation of the City of Kenora and the authority to approve the form of agreement is hereby delegated to the Chief Building Official or City Planner or the Community & Development Services Manager and they are hereby authorized to recommend execution of any agreement or amendments thereto which may be required pursuant to the provisions of this By-law;

(2) The Mayor or Clerk is hereby authorized to execute on behalf of The Corporation of the City of Kenora under corporate seal any agreement which may be required pursuant to the provisions of this By-law upon the written recommendation of the Chief Building Official or City Planner, or the Manager of Community & Development Services, as the case may be;

(3) Where the matter has been referred to Council pursuant to Section 6 of this By-law, Council shall exercise the same authority as provided for in Section 6(1) and 6(2) of this By-law with the necessary modification and such actions shall be evidenced by way of resolutions passed by Council;

5. Add the following paragraph:

**LETTERS OF UNDERTAKING**

9. (3) For small projects to which there is either no security required, or security that does not exceed \$5,000.00 in value, the City Planner, Planning Assistant or Manager of Community & Development Services has the authority to execute letters of undertaking as outlined.

6. That this By-law shall take effect and come into force upon third and final reading thereof;

**By-law read a First and Second Time this 14<sup>th</sup> day of June, 2016**

**By-law read a Third and Final Time this 14<sup>th</sup> day of June, 2016**

**The Corporation of the City of Kenora:-**

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**David S. Canfield, MAYOR**

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**Heather L. Kasprick, City Clerk**