

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2009-256**

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA  
ON CERTAIN LANDS ON MARSHALL AVENUE  
(HENRY'S EXCAVATING LIMITED)**

**WHEREAS** the Council of The Corporation of the City of North Bay, hereinafter referred to as the "City", deems it desirable to designate a Site Plan Control Area in the City of North Bay pursuant to Section 41 of the Planning Act R.S.O. 1990 as amended;

**AND WHEREAS** the Council deems it desirable to delegate to the Chief Administrative Officer the authority to enter into an agreement respecting the matters referred to herein;

**AND WHEREAS** Council intends to pass By-law No. 2009-255 to rezone the subject lands to a "Residential Multiple Second Density Special Zone No. 120 (RM2 Sp. 120)" to permit a 32 stacked townhouse development.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

- 1) That certain parcel of land composed of Plan 36M454 Block A, Part Block C, 36R6637 Parts 1 to 3 and 6 to 26 in the City of North Bay, which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition approval, all buildings or structures and parking facilities shall be provided and maintained in a location that is satisfactory to the City of North Bay, as shown on Schedule "B" attached hereto.
- 3) As a condition of approval the owner agrees to provide a storm water management plan which shall include a lot grading plan for the subject property. Said storm water management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the City Engineer and at no expense to the City of North Bay.
- 4) As a condition of approval the owner agrees to provide adequate water for fire fighting purposes to the satisfaction of, and at no expense to, the City of North Bay.
- 5) As a condition of approval of buildings and structures referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the owner of the Site Plan Control Area has entered into an agreement with The Corporation of the City of North Bay respecting the provisions, to the satisfaction of and at no expense to the City of the following matters:
  - a) Parking facilities and access driveways and the surfacing of such areas and driveways;
  - b) walkways and the surfacing thereof;
  - c) facilities for lighting, including floodlighting;

- d) walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
  - e) collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - f) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
  - g) adequate water supply for fire fighting purposes; and
  - h) play space development, location and equipment installation.
- 6) a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee of \$1300.00 upon the owner for preparation.
- b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act or any successor legislation thereto and The Land Titles Act or any successor legislation thereto against any and all subsequent owners of the land.
- 7) a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.
- b) The owner shall authorize the City to exercise the provisions of Section 446 of The Municipal Act, 2001 (S.O. 2001, c.25), as amended or any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 8) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 14<sup>th</sup> DAY OF DECEMBER 2009.

READ A SECOND TIME IN OPEN COUNCIL THE 14<sup>th</sup> DAY OF DECEMBER 2009.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 14<sup>th</sup> DAY OF DECEMBER 2009.

"original signature on file"

---

**MAYOR, VIC FEDELI**

"original signature on file"

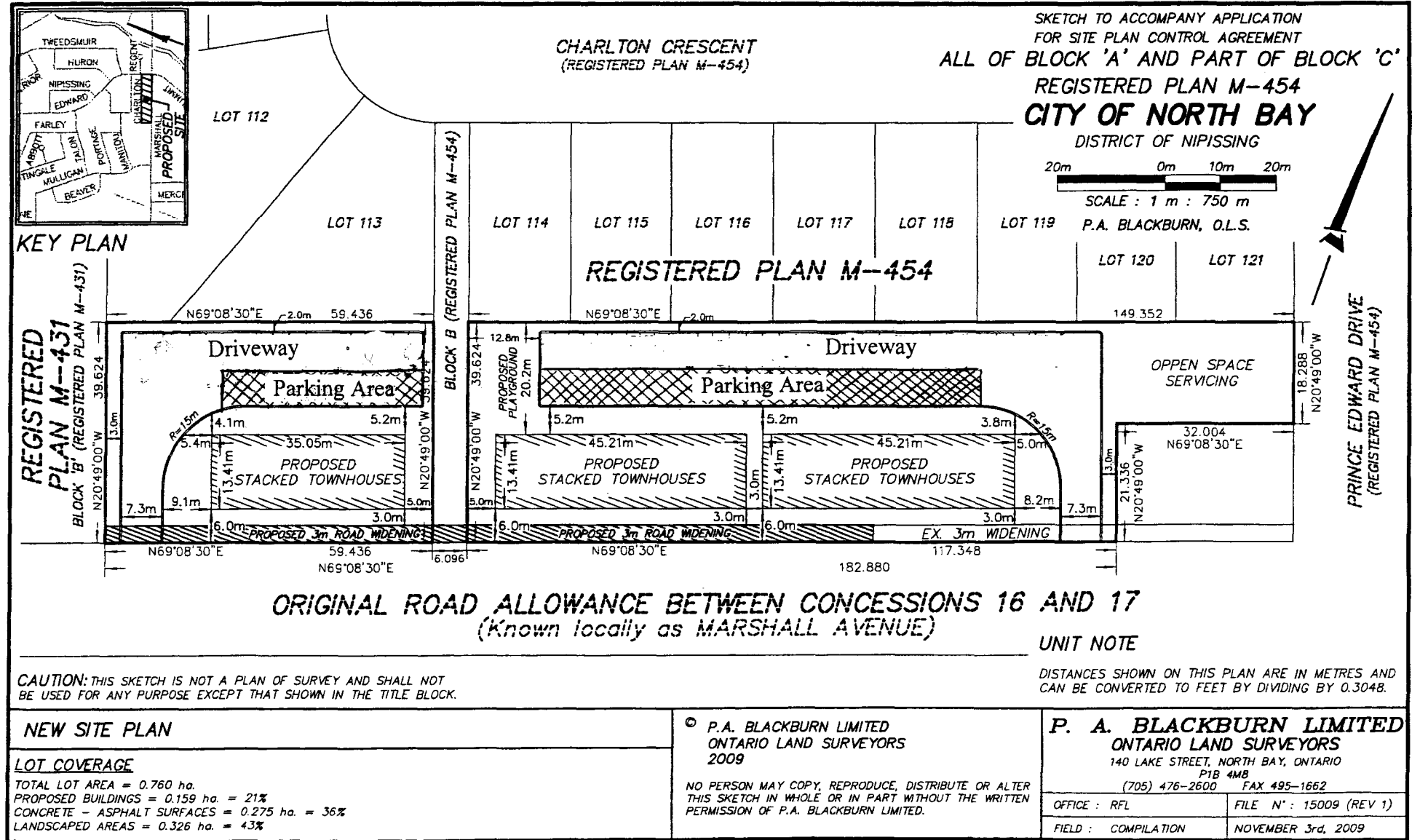
---

**CITY CLERK, CATHERINE CONRAD**

This is Schedule "B"  
 To By-Law No. 2009-256  
 Passed the 14<sup>th</sup> day of December, 2009.

Mayor Vic Fedeli

City Clerk Catherine Conrad



This is Schedule "A"  
To By-Law No. 2009-256  
Passed the 14<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
Mayor Vic Fedeli

\_\_\_\_\_  
City Clerk Catherine Conrad

