

# The Corporation of the City of North Bay

## By Law No. 2022-064

### A By-law to Designate a Site Plan Control Area on Certain Lands on Ross Drive

#### Ferguson Hygiene Ltd.

**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. 2022-064 to rezone the subject lands to a “Rural Residential Lakefront (RRL)” zone to permit the construction of an apartment building.

**Now Therefore** the Council of The Corporation of the City of North Bay hereby enacts as follows:

- 1) That certain parcel of land composed PIN 49181-0094 (LT) PCL 10266 SEC WF; PT Lakeshore RDAL in front of LT 27 & 28 CON 18 West Ferris PT 13 NR2276I; North Bay; District of Nipissing and PIN 49181-0093 (LT) PCL 3373 SEC WF; PT LT 27 CON 18 West Ferris as in LT57750, S/T DEBTS, if any, of Ernest Walker Ross; North Bay; District of Nipissing, 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.
- 3) As a condition approval, the Site Plan Control Agreement shall address all aspects of site development including but not limited to building envelopes, setbacks, vegetative buffers, shoreline development, septic system location, septic system monitoring and all recommendations from the Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan” prepared by Michalski Nielsen Associates Limited dated November 2019 or the recommendations from Hutchison Environmental Services, at the Owners sole expense to the satisfaction of the City.
- 4) As a condition of approval the owner agrees to implement all of the recommendations from the “Preliminary Ecological Site Assessment” study

prepared by Fri Corp Ecological Services dated August 15, 2018 and revised November 27, 2019 at the owner's sole expense.

- 5) That the owner agrees to incorporate all recommendations from the "Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan" prepared by Michalski Nielsen Associates Limited dated November 2019 at the owner's sole expense, except where the recommendations by said study are superseded by recommendations from the North Bay Mattawa Conservation Authority or Hutchison Environmental Services.
- 6) That the owner agrees to utilize a tertiary septic system for all private septic systems on the subject property. The owner further agrees to locate the septic system a minimum of thirty (30) metres from the shore of Trout Lake in a location approved by the North Bay Mattawa Conservation Authority.
- 7) The Owner acknowledges that each of the units of the condominium will be subject to Site Plan Control prior to a building permit being issued for the development and/or redevelopment of the unit(s). The Site Plan Control Agreement will address all aspects of site development including but not limited to building envelopes, setbacks, vegetative buffers, shoreline development, septic system location, septic system monitoring and all recommendations from the Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan" prepared by Michalski Nielsen Associates Limited dated November 2019 or the recommendations from Hutchison Environmental Services, at the Owners sole expense.
- 8) 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 City 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; and
  - g) adequate water supply for fire fighting purposes.
- 9) a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of the City with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose the standard fee 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.
- 10) 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.
- 11) This By-law comes into force and effect upon being finally passed.

**Read a First Time in Open Council the 28th Day of June 2022.**

**Read a Second Time in Open Council the 28th Day of June 2022.**

**Read a Third Time in Open Council and Passed this 28th Day of June 2022.**

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**Mayor Allan McDonald**

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**City Clerk Karen McIsaac**

