

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-224

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON JANEY AVENUE
(GAP CONSTRUCTION CO. 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. 2005-223 to rezone the subject lands to a "Residential Second Density Special Zone No. 104 (R2 Sp. 104)" and an "Open Space (O)" zone to permit the development of low-density residential uses via a vacant land condominium. The proposed Plan of Condominium Application will include the creation of twenty-three (23) vacant land condominium units for single detached dwellings.

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 Block 47, Plan M-595 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.
- 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) A Geotechnical Study shall prepared by a qualified Engineer who will ensure adequate foundation for structures and develop additional mitigation measures, where necessary, to ensure valley slope stability, as well as appropriate setbacks for development from the top of bank. These measures may include engineered soil stabilization measures, bioengineering solutions, vegetative plantings, or a combination of the above. Any recommendations forthcoming from the Geotechnical Study shall be incorporated into the final condominium site design and agreement and implemented to the ongoing satisfaction of, and at no expense to, the Municipality and the North Bay-Mattawa Conservation Authority through their Fill, Construction and Alteration to Waterways Permit.
- 5) That no removal of trees be undertaken prior to site development except: within the proposed

road allowance; for survey purposes around the boundary of the Draft Approved Lands and for exploratory soils investigations for the purpose of estimating servicing costs as prescribed by Section 51(57) of the Planning Act, RSO 1990, as amended.

- 6) 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.
- 7) 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.
- 8)
 - 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 \$500.00 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.

- 9) 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 427 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.
- 10) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 1st DAY OF NOVEMBER 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 1st DAY OF NOVEMBER 2005.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 1st DAY OF NOVEMBER 2005.



MAYOR, VIC FEDELI

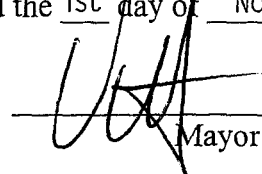


CITY CLERK, CATHERINE CONRAD

This is Schedule "A"

To By-law No. 2005-224

Passed the 1st day of November 2005.


Mayor

Catherine Conrad
City Clerk

