

The Corporation of the City of North Bay

By Law No. 2016-27

A By-law to Designate a Site Plan Control Area on Certain Lands on Marshall Avenue

Henry's Excavating 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. 2016-26 to rezone the subject lands to a "Residential Sixth Density (R6)" zone to permit the construction of 16 townhouse units;

And Whereas By-law 2009-256 be hereby repealed.

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

- 1) That certain parcel of land composed Block C, Plan M-454, West Ferris Except Parts 4 and 5, 36R-6637 and Parcel Block-1, Section 36M-454, Block A, Plan M-454 West Ferris 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, 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.

- 4) 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.
- 5)
 - 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 a fee of \$1,300 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.
- 6)
 - 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.

7) This By-law comes into force and effect upon being finally passed.

Read a First Time in Open Council the 7th Day of March 2016.

Read a Second Time in Open Council the 7th Day of March 2016.

Read a Third Time in Open Council and Passed this 7th Day of March 2016.

Mayor, Allan McDonald

City Clerk Karen Mclsaac

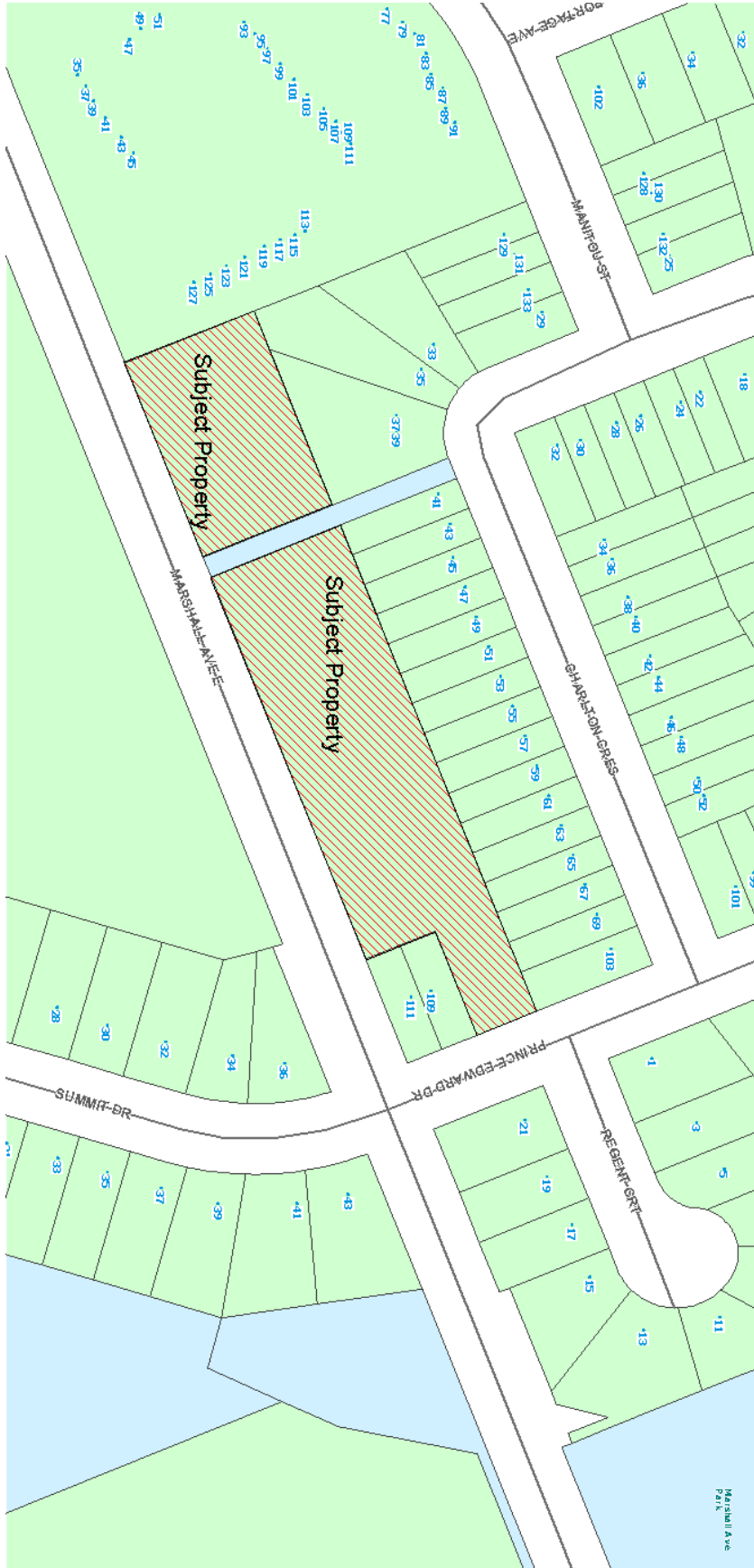
Sire/C01/ By-law No. 2016-27 – 0 Marshall Ave – Henry's Excavating Ltd. – SPCA By-law

This is Schedule "A"
To By-law No. 2016-27

Passed the 7th Day of March, 2016

Mayor Allan McDonald

City Clerk Karen McIsaac



This is Schedule "B"
To By-law No. 2016-27

Passed the 7th Day of March, 2016

Mayor Allan McDonald

City Clerk Karen McIsaac

