

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2002-06

**A BY-LAW TO DESIGNATE A SITE PLAN
CONTROL AREA ON CERTAIN LANDS
ON HIGHWAY 11 NORTH
(HENRY'S EXCAVATING LIMITED –
3610 HIGHWAY 11 NORTH)**

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. 2002-05 to rezone the subject lands to a "Rural Extractive (RME)" zone and a "Floodplain and erosion(2)" zone to bring the existing legal non-conforming operation into conformity with the zoning By-law by recognizing the existing use and permitting the continued extraction of aggregate material from the site.

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 part of Lot 20, Concession 1 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) No building or structure shall be erected, constructed or placed on the said Site Plan Control Area except in accordance with the location, massing and conceptual design of the buildings and structures set out as Items 1 and 2 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) ingress and egress shall be provided and maintained as set out as Item 1 on Schedule "B";
 - b) a natural, undisturbed vegetative buffer being not less than 61 metres in width shall be provided and maintained as set out as Item No. 2 on Schedule "B"
- 3) As a condition of approval the owner agrees to limit the depth of excavation to ensure that no excavation of aggregate material occurs within 1.5 metres above the established ground water table.
- 4) As a condition of approval the owner agrees to prepare a progressive rehabilitation plan detailing remediation measures and scheduling of said remediation work. The progressive rehabilitation plan and any resultant work shall be carried out to the satisfaction of and at no expense to the City.

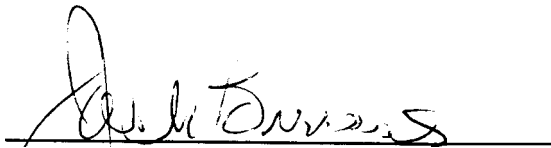
- 5) As a condition of approval of buildings and structures referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the owner of the Site Plan Control Area has entered into an agreement with The Corporation of the City of North Bay respecting the provisions, to the satisfaction of and at no expense to the City of the following matters:
- a) Parking facilities, both covered and uncovered, 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.
- 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 \$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.
- 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 326 of The Municipal Act, R.S.O. 1990, Chapter **M.45**, 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.

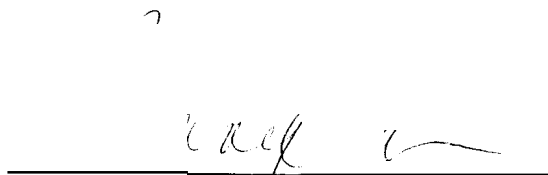
READ A FIRST TIME IN OPEN COUNCIL THE 14TH DAY OF JANUARY
2002.

READ A SECOND TIME IN OPEN COUNCIL THE 28TH DAY OF JANUARY
2002.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 28TH DAY
OF JANUARY 2002.



MAYOR



CITY CLERK

This is Schedule "B"

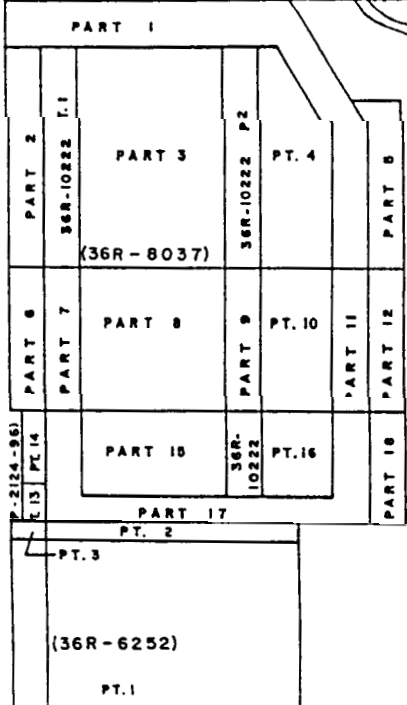
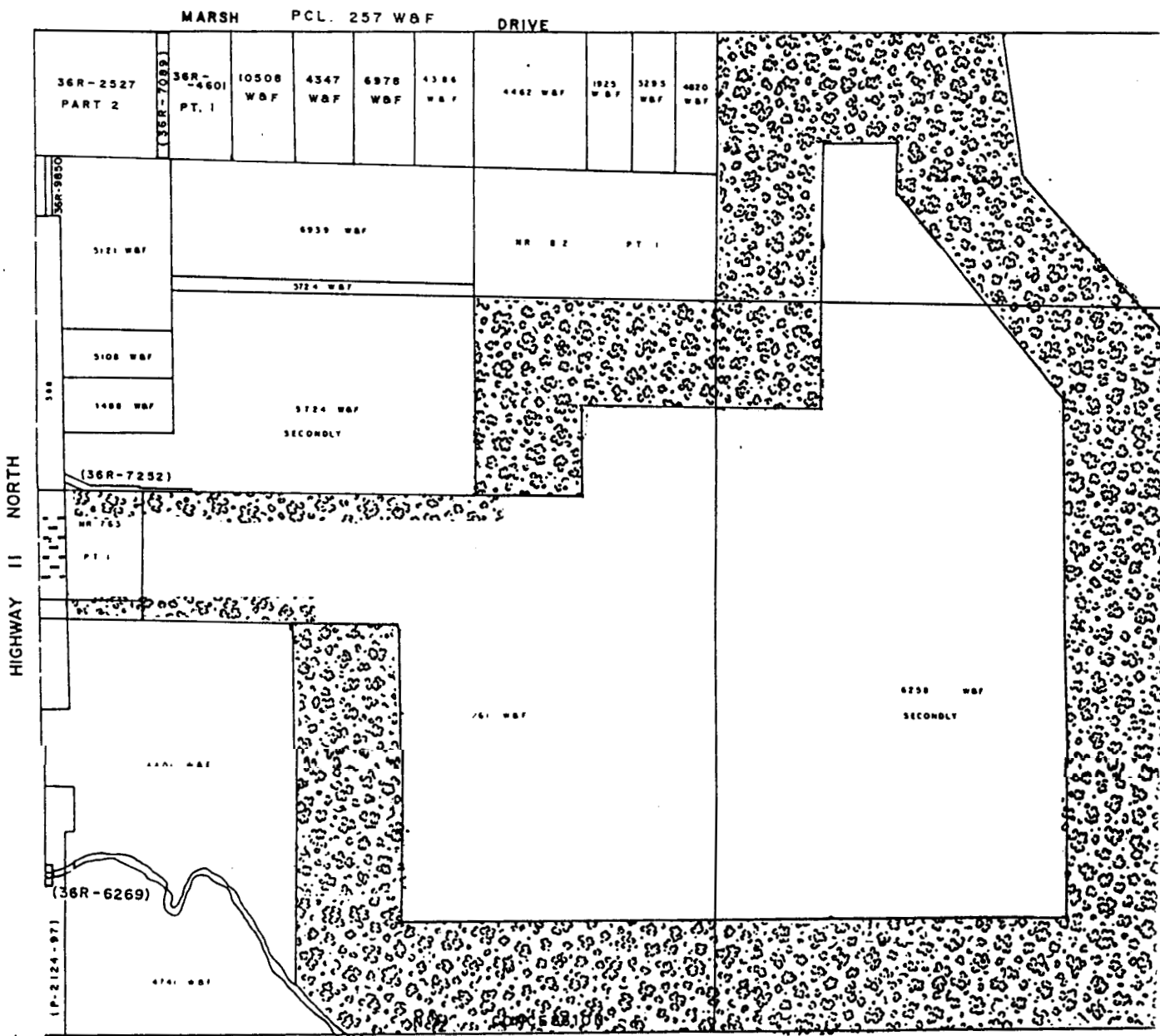
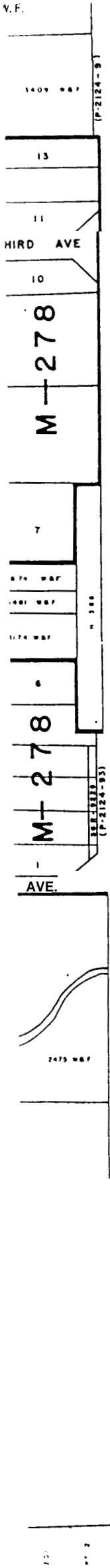
To By-Law No. 2002-06

Passed the 28th day of January

20 02.

Mayor

City Clerk



SCALE: 1 INCH = 300 FEET



ITEM NO. 1



ITEM NO. 2