

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

**BY-LAW NO. 2009-159**

**BY-LAW TO DESIGNATE A SITE PLAN CONTROL  
AREA ON CERTAIN LANDS ON BIRCHS ROAD**

**(TARMAGON CONSTRUCTION – CONCESSION 16, LOT 30, BIRCHS ROAD)**

**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. 2009-158 to rezone the subject property to a "Rural Extractive Industrial (RME)" zone to permit establishment of a rock quarry operation.

**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 Concession 16, Lot 30 in the City of North Bay, which lands are more particularly described on Schedules "A" and "B" 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 no extraction or works shall be undertaken and no buildings and structures referred to in Section 2 hereof, 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) Establishment and maintenance of a 30 metre vegetative buffer abutting the Parks Creek Wetland along the western boundary of the property;
  - b) Implementation of the recommendations from the Natural Environment Level 2 Report, the Archaeological and Heritage Impact Assessment, and recommendations forthcoming from the requires Stormwater Management Report and Sedimentation and Erosion Control Plan;
  - c) That a Reinstatement/Closeout Plan be prepared and submitted for the review and approval by the City of North Bay and the North Bay-Mattawa Conservation Authority.
  - d) Parking facilities and access driveways and the surfacing of such areas and driveways;

- e) Facilities for lighting, including floodlighting;
  - f) Walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
  - g) 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
  - h) Adequate water supply for fire fighting purposes.
- 4) 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 \$850.00 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.
- 5) 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.
- 6) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 13<sup>th</sup> DAY OF JULY 2009.

READ A SECOND TIME IN OPEN COUNCIL THE 13<sup>th</sup> DAY OF JULY 2009.

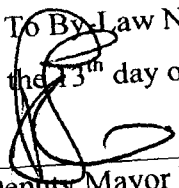
READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 13<sup>th</sup> DAY OF JULY 2009.

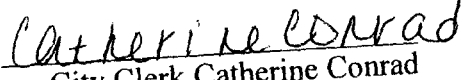


DEPUTY MAYOR PETER CHIRICO

  
CITY CLERK CATHERINE CONRAD

This is Schedule "A"  
To By-Law No. 2009-159  
Passed the 13<sup>th</sup> day of July, 2009.

  
Deputy Mayor Peter Chirico

  
City Clerk Catherine Conrad

TRANSCANADA

PCL  
8902

PCL  
860

PIPELINE

A

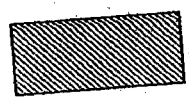
PCL  
3591

CROWN

PCL  
2734

02

RME

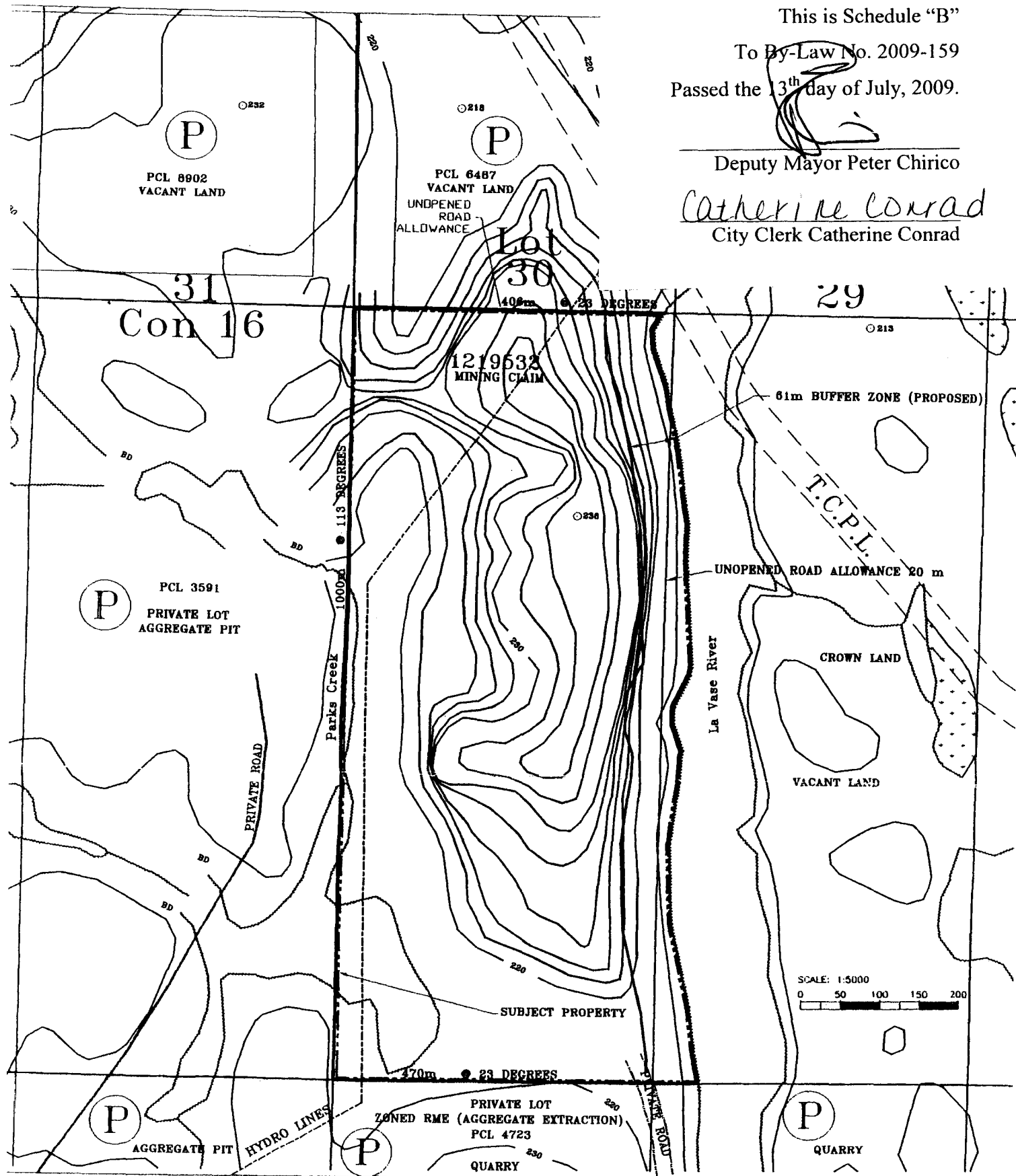


Proposed Zoning By-law Amendment  
From: Rural (A)  
To: Rural Extractive Industrial (RME)

This is Schedule "B"  
 To By-Law No. 2009-159  
 Passed the 13<sup>th</sup> day of July, 2009.

Deputy Mayor Peter Chirico

*Catherine Conrad*  
 City Clerk Catherine Conrad



71 ha  
 ZONED RURAL (R)  
 AGGREGATE EXTRACTION (RME)

LEGEND:	
CONTOURS (meters):	PIPELINE:
POT ELEVATION (METERS):	WETLAND:
BENCHMARK:	BENCH MARK:
HYDRO LINES:	BEAVER DAM:
VACANT LAND:	SUBJECT PROPERTY:

**FUDGE & Associates**  
 160 Bryan Road  
 North Bay, Ontario  
 Canada P1C 1L2  
*D. T. Fudge*  
 PLAN PREPARED UNDER THE  
 DIRECTION OF D. FUDGE

APPLICATION TO AMMEND ZONING BYLAW LOT 30,  
 PT 29, CON 16, TOWNSHIP OF WEST FERRIS  
 CITY OF NORTH BAY

APPLICANT: 160 Bryan Road  
 1081751 ONTARIO INC. North Bay, Ontario  
 TARMAGON AGGREGATES Canada P1C 1L2  
*D. T. Fudge*  
 AUTHORIZED SIGNATURE

Drawn by: D. C.	Checked by: D. T. Fudge
Date: March 24, 2003	Scale: AS SHOWN