

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 101-96

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS NORTH OF MARSH DRIVE
(LEO ALARIE AND SONS LTD. AND THE ESTATE
OF G. LUBITZ - PART LOT 17, CONCESSION 3)**

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;

AND WHEREAS the Council deems it desirable to delegate to the Clerk the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council intends to pass By-law No. 100-96 to rezone the subject lands to a "Rural Extractive Industrial (RME)" zone and a "Floodplain and Erosion (0.2)" zone to permit the operation of a pit and quarry on those lands to be zoned "R.M.E.";

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 Parcel 3115 W&F and the southerly 300 metres of the north one-half of Lot 17, Concession 3 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 Item 1 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) a sixty-one (61) metre wide vegetative buffer comprised of natural, undisturbed, mature coniferous and/or deciduous trees and shrubs shall be provided and maintained as set out as Item No. 1.
- 3) As a condition of approval, the owner agrees to provide and maintain access to the subject property. Said access and any improvements to Marsh Drive required to accommodate the proposed use shall occur to the satisfaction of the Department of Engineering and Environmental Services and at no expense to the Municipality.
- 4) As a condition of approval the owner agrees to limit the depth of excavation to ensure that it does not continue below the maximum elevation of any abutting wetland area contained within the subject lands. Said limit of excavation shall be established to the satisfaction of the Ministry of Natural Resources.

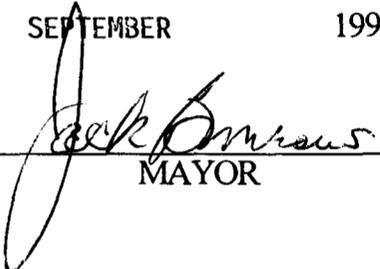
- 5) As a condition of approval of buildings and structures referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the owner of the Site Plan Control Area has entered into an Agreement with The Corporation of the City of North Bay respecting the provision, to the satisfaction of and at no expense to the Municipality 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.
- 6)
 - a) The Mayor and Clerk are hereby authorized upon the recommendation of the Chief Administrative Officer 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 \$250.00 upon the owner for preparation and registration of the Agreement.
 - 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 and The Land Titles Act against any and all subsequent owners of the land.
- 7)
 - a) The said Agreement shall be binding on the owner, its successors and assigns.
 - b) The owner shall authorize the City to exercise the provisions of Section 325 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended in the event of a breach by the owner of a condition of this Agreement.

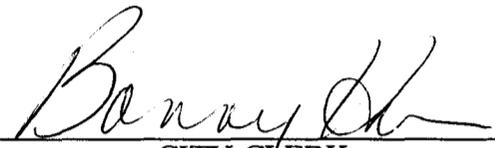
8) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF SEPTEMBER
1996.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF SEPTEMBER
1996.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 30TH DAY
OF SEPTEMBER 1996.


MAYOR


CITY CLERK

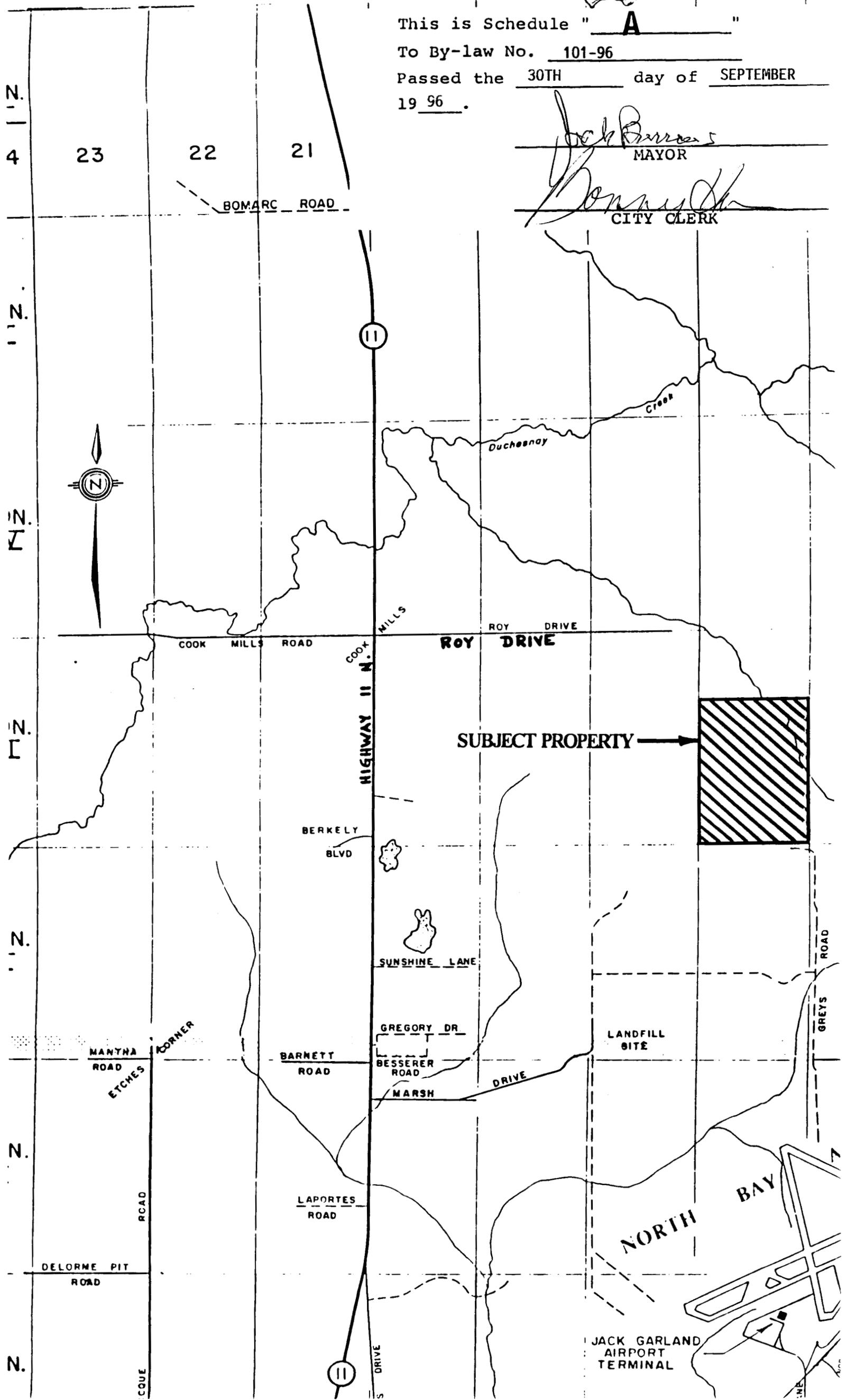
This is Schedule " A "

To By-law No. 101-96

Passed the 30TH day of SEPTEMBER
19 96.

Jack Burrows
MAYOR

Donna...
CITY CLERK



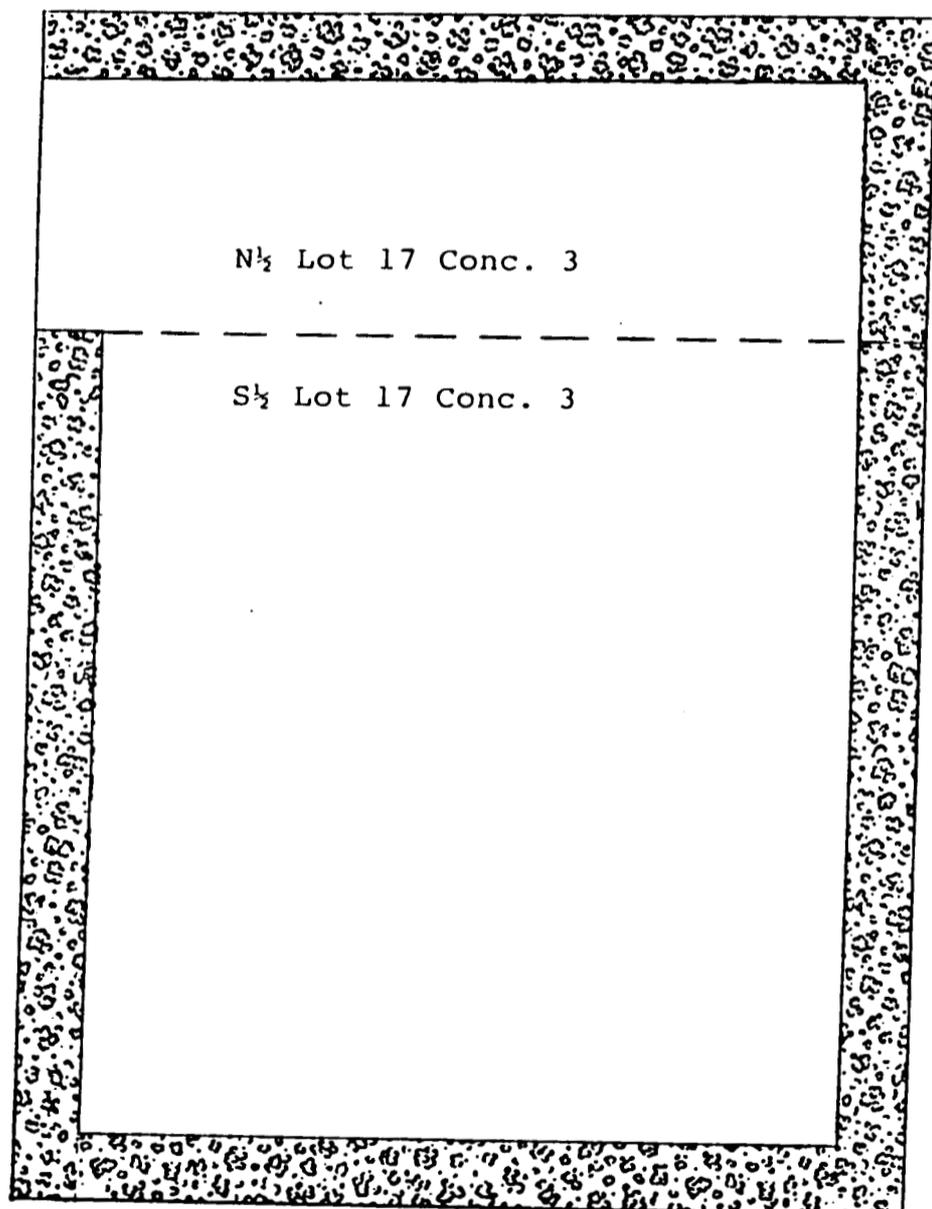
This is Schedule " B "

To By-law No. 101-96

Passed the 30TH day of SEPTEMBER
19 96 . .

Joseph B. Burns
MAYOR

James H. [Signature]
CITY CLERK



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Feet

 Item No. 1