

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 39-95

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL  
AREA ON CERTAIN LANDS ON TROUT LAKE ROAD  
(A. AND T. FAVA - 2671 TROUT LAKE 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;

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. 38-95 to rezone the subject lands to a "District Commercial Special Zone No. 46 (C4Sp46)" to permit the construction of a six storey, forty-six dwelling unit building

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 the Remainder of Parcel 4887 W&F along Trout Lake Road 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, 2, 3, 4, and 5 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
  - a) a six storey, forty-six (46) dwelling unit building shall be provided and maintained as set out as Item No. 1 on Schedule "B";
  - b) vehicular parking consisting of not less than fifty-eight (58) parking spaces shall be provided and maintained as set out as Item No. 2 on Schedule "B";
  - c) ingress and egress shall be provided and maintained as set out as Item No. 3 on Schedule "B";
  - d) a 1.8 metre high privacy fence shall be provided and maintained as set out as Item No. 4 on Schedule "B";
  - e) a 1.5 metre wide vegetative buffer comprised of mature trees being not less than 3.0 metres in height shall be provided and maintained as set out as Item No. 5 on Schedule "B";


- 3)
  - a) As a condition of approval the owner agrees to retain the services of a recognized noise and vibration consultant for any new construction on the site. Any suggestions forthcoming from the study shall be incorporated into the building design. The aforementioned study and any resulting alterations to the structure or subject property shall occur to the satisfaction of and at no expense to the Municipality.
  - b) As a condition of approval the owner shall register on title of the subject lands, a clause advising prospective purchasers that noise and vibration problems associated with the operations of a railway mainline on abutting land may occur. Said wording shall occur to the satisfaction of and at no expense to the Ontario Northland Transportation Commission.
  - c) As a condition of approval the owner agrees that any structure designed and constructed to contain habitable dwelling units shall have only wholly enclosed balconies on those building sides facing the railway.
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 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;

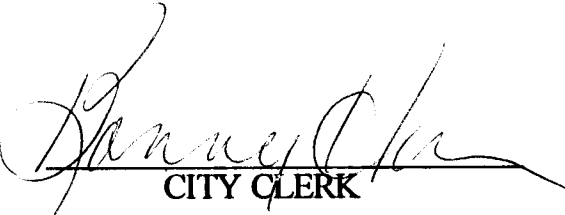
- 5. (a) The Mayor and Clerk are hereby authorized upon the recommendation of the Chief Administrative Officer to enter into, under Corporate Seal, one or more Agreements on behalf of The Corporation of the City of North Bay with the provision of all the facilities mentioned in this By-law, and to impose 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.
- 6. (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.
- 7. This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 13 DAY OF FEBRUARY 1995.

READ A SECOND TIME IN OPEN COUNCIL THE 27 DAY OF FEBRUARY 1995.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 27 DAY OF FEBRUARY 19 95.

  
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 MAYOR

  
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 CITY CLERK

EUGENE RD

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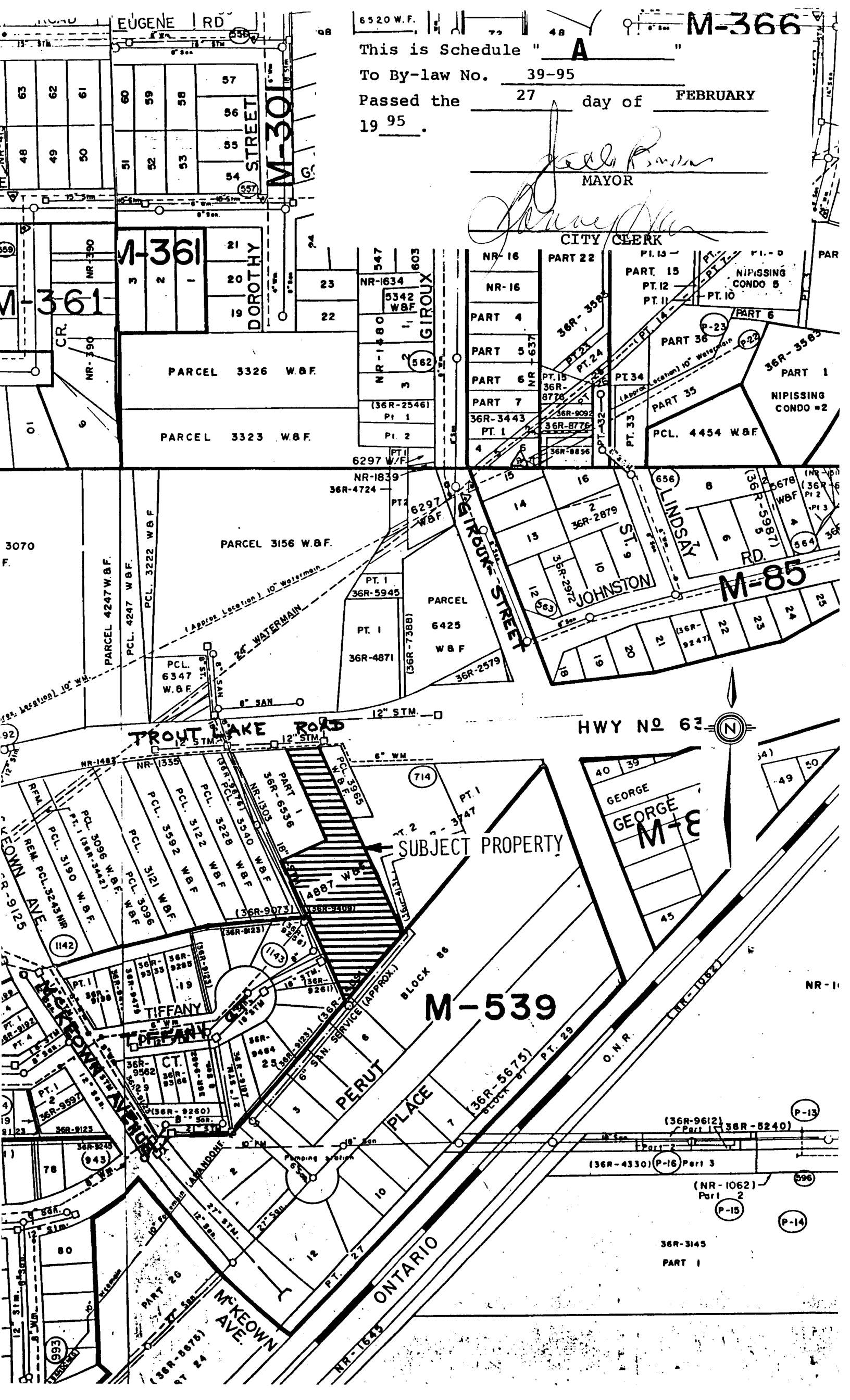
This is Schedule "A"

To By-law No. 39-95

Passed the 27 day of FEBRUARY 19 95

MAYOR

CITY CLERK



M-361

M-301

DOROTHY STREET

GIROUX

PARCEL 3326 W.B.F.

PARCEL 3323 W.B.F.

6297 W/F

NR-16

NR-16

PART 4

PART 5

PART 6

PART 7

36R-3443

PT. 1

PT. 13

PART 15

PT. 12

PT. 11

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PARCEL 3156 W.B.F.

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36R-4724

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36R-5945

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36R-4871

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36R-7388

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36R-2579

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




This is Schedule " B "

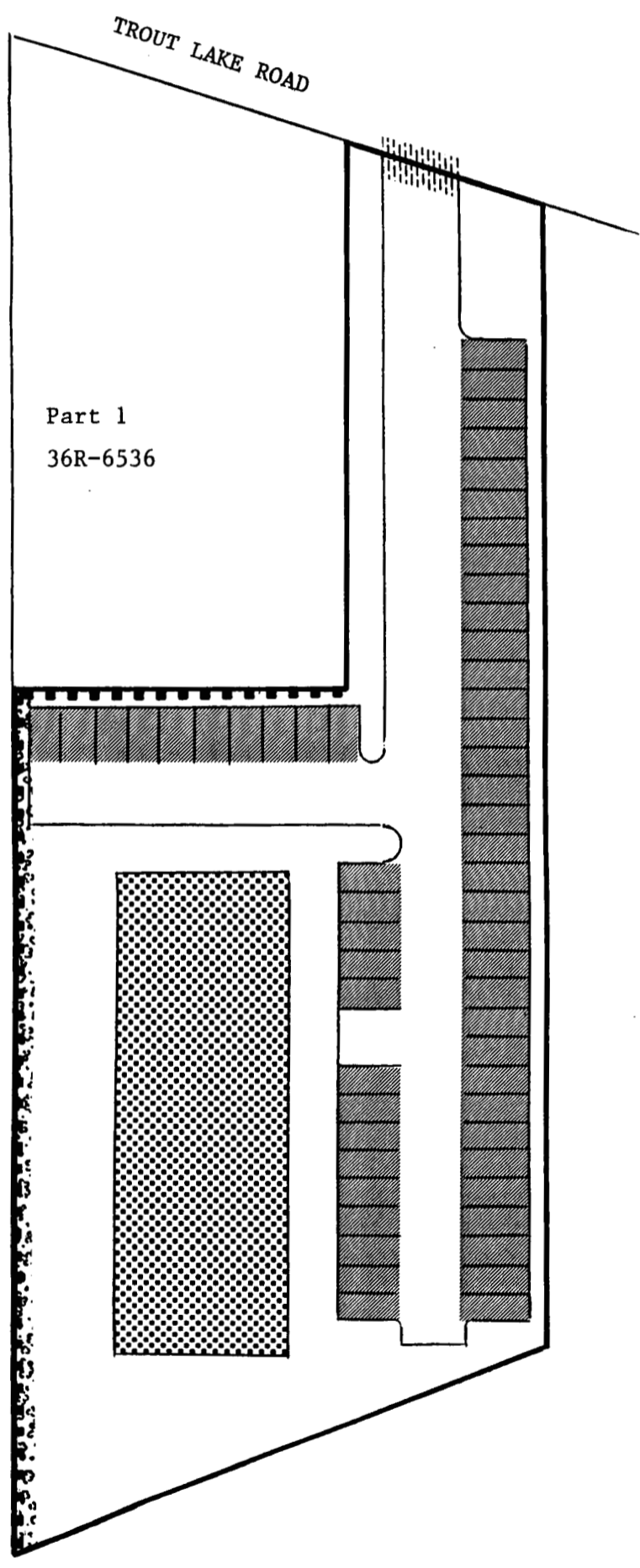
To By-law No. 39-95

Passed the 27 day of FEBRUARY  
19 95.

Jack Bowers  
MAYOR

Annex Clark  
CITY CLERK

-  ITEM NO. 1
-  ITEM NO. 2
-  ITEM NO. 3
-  ITEM NO. 4
-  ITEM NO. 5



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