

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-162

**BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON COMMERCIAL STREET**

(NICHOLAS & MICHAEL RIZZO & VICTORIA JOHNSTON–681 COMMERCIAL STREET)

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. 2010-161 to rezone the subject property to a "Commercial Outer Core Special Zone No. 78 (C2 Sp. 78)" to continued use of the property as professional offices.

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 Registered Plan No. 21, Lots 638 and 644, PIN 49164-0077 (LT), in the Former Township of Widdifield, 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 of North Bay.
- 3) As a condition of approval of buildings and structures referred to in Section 2 hereof, no buildings or structures 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 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;
- 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 \$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.
- 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 26th DAY OF JULY, 2010.

READ A SECOND TIME IN OPEN COUNCIL THE 26th DAY OF JULY, 2010.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 26th DAY OF JULY 2010.

"original signature on file"
MAYOR VIC FEDELI

"original signature on file"
CITY CLERK CATHERINE CONRAD

This is Schedule "A"

To By-law No. 2010-162

Passed the 26th day of July, 2010

Mayor, Vic Fedeli

City Clerk, Catherine Conrad



