

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 20-95

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON MARSH DRIVE
(D.B.C. AGGREGATES - MARSH DRIVE)**

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. 19-95 to rezone the subject lands to a "Rural Extractive Industrial (RME)" zone to permit the operation of a pit and quarry.

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 northerly 1,177 metres of Parcel 10722 W&F, Part of Lot 18, Concession 2 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) Access shall be provided and maintained as set out as Item No. 1. Said access and any off-site improvements to Marsh Drive required to accommodate the proposed use shall occur to the satisfaction of the Director of Engineering and Environmental Services and at no expense to the Municipality.
 - b) a sixty-one (61) metre wide vegetative buffer comprised of natural, undisturbed, mature coniferous and deciduous trees and shrubs shall be provided and maintained as set out as Item No. 2.
- 3) As a condition of approval the Owner shall have prepared, to the satisfaction of and at no expense to the Municipality, a deed and legal survey indicating that portion of Parcel 10722 W&F to be severed and conveyed to the Applicant, the retained southerly 30 metres, and a right-of-way over the 30 metres to provide access.

- 4) As a condition of approval, the Owner agrees to register a Caution on title of the subject lands, advising that health and safety concerns related to the proximity of the recently closed Marsh Drive landfill may exist and, further, that remedial action on the subject lands may be necessary to mitigate these health and safety concerns. The wording of said Caution and any remedial work required shall occur to the satisfaction of the Director of Engineering and Environmental Services and shall further occur at no expense to the Municipality. Said Caution shall run with the lands, more particularly described as the southerly 500 metres of Parcel 10722 W&F being part of Lot 18, Concession 2 in the City of North Bay.
- 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

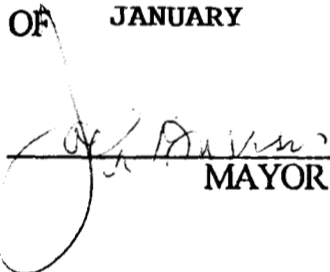
in this By-law, and to impose a fee of \$250.00 upon the Owner for preparation and registration of the Agreement.

- 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 3rd DAY OF JANUARY
1995.

READ A SECOND TIME IN OPEN COUNCIL THE 30TH DAY OF JANUARY
1995.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 30TH DAY
OF JANUARY 1995.


MAYOR


CITY CLERK

This is Schedule " A "

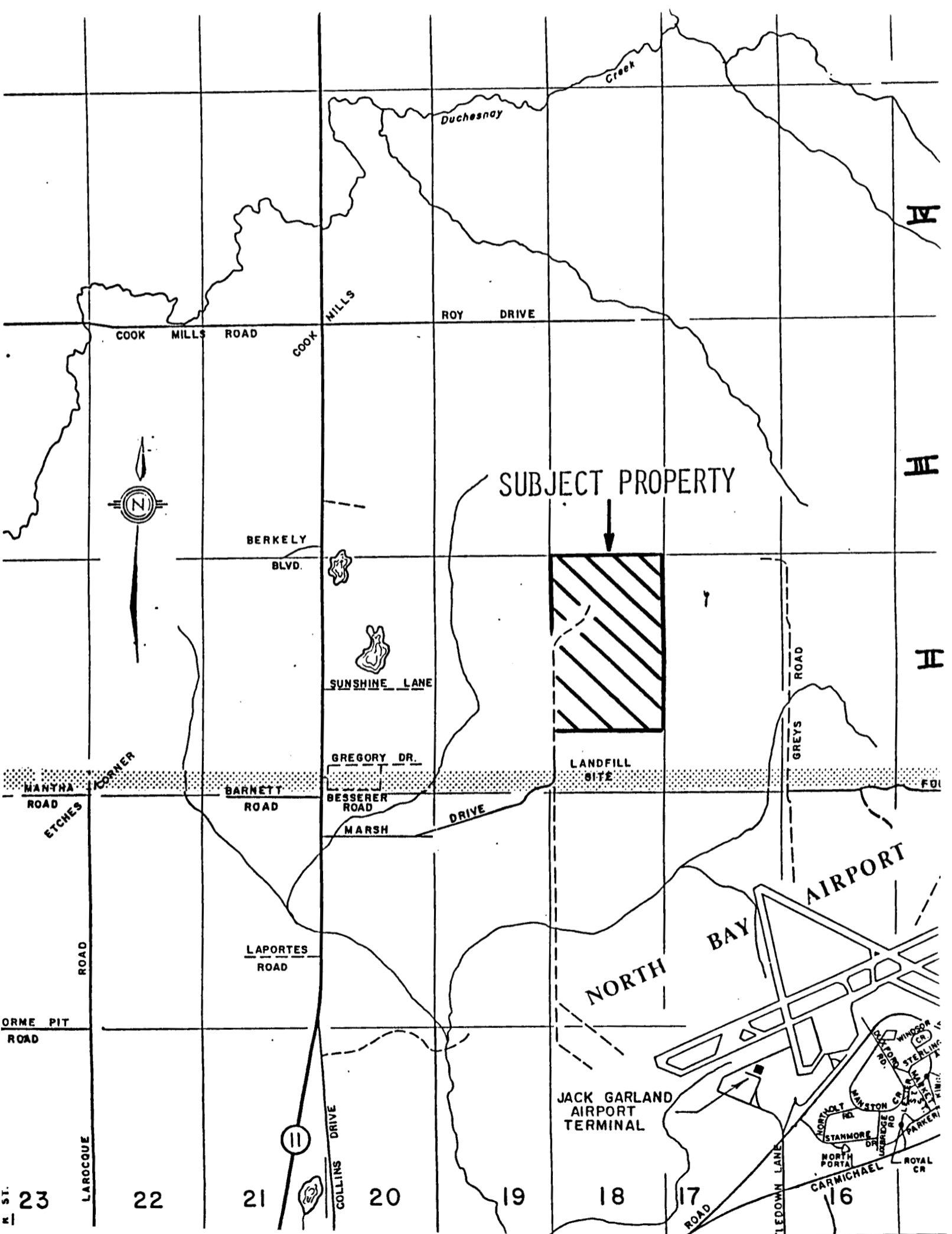
To By-law No. 20-95

Passed the 30TH day of JANUARY

19 95.

[Signature]
MAYOR

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CITY CLERK





This is Schedule " B "

To By-law No. 20-95

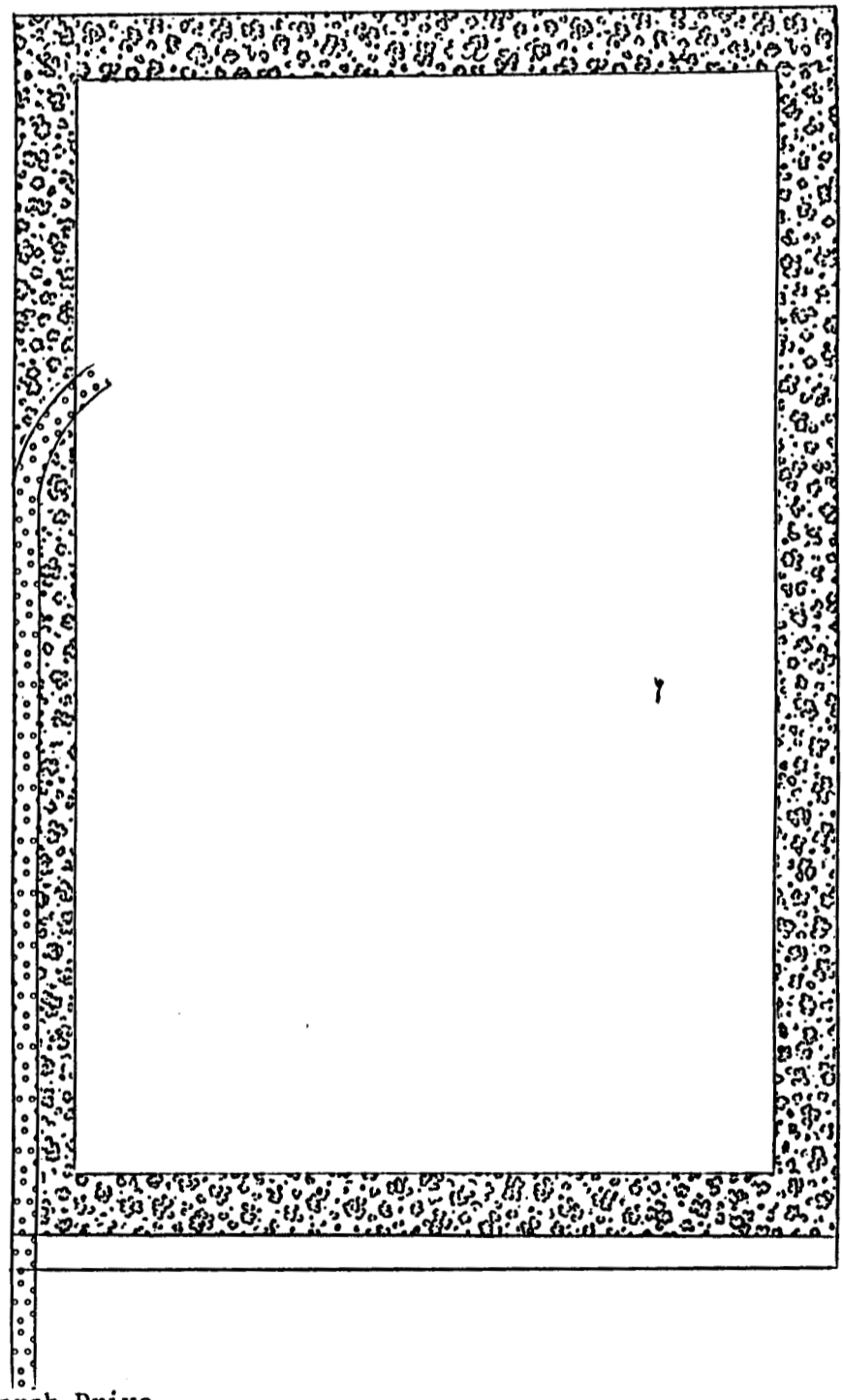
Passed the 30TH day of JANUARY
1995.

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MAYOR

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CITY CLERK

-  ITEM NO. 1
-  ITEM NO. 2

0 600
Feet



To Marsh Drive