

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-124

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON FRANCIS STREET AND TO
REPEAL BY-LAW NO. 2011-105**

(914542 ONTARIO INC. - FRANCIS 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 passed By-law No. 2010-197 on the 23rd of August, 2010 to grant final approval to the Francis Street Plan of Subdivision (File #48T-06101) on the subject lands;

AND WHEREAS a condition of approval to the Francis Street Plan of Subdivision (File #48T-06101) on the subject lands requires the passing of a Site Plan Control Area By-law to regulate fencing and/or vegetative buffers and the placement of fill on Lots 1 and 4 to 10, and to provide a retaining wall on Lot 1;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) That certain parcel of land on Francis Street, being Registered Plan 36M-667, representing lands included in the Francis Street Subdivision (File #48T-06101), which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition of approval, the Owner shall:
 - a) Provide fencing along the easterly lot line of Lot 10 adjacent to the pedestrian walkway;
 - b) Provide fencing along the top of the stone retaining wall of the westerly side yard of Lot 5;
 - c) Maintain a vegetative buffer along the westerly lot line of Lot 4, and along the rear property lines of Lots 5 to 10 inclusive;
 - b) Provide a lot grading plan to the satisfaction of the City Engineer to establish the location and placement of fill on Lots 1, 4, 5, 6, 7, 8, 9 and 10; and
 - c) Provide a retaining wall along the easterly side yard of Lot 1.
- 3) 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 \$1.00 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.
- 4) 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 446 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.
- 5) This By-law comes into force and effect upon being finally passed.
- 6) By-law No. 2011-105 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16TH DAY OF MAY, 2011.

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MAYOR, ALLAN MCDONALD

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CITY CLERK, CATHERINE CONRAD

