

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-174

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

(DMITRI IOUNATANOV – FISHER 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 the Council intends to pass By-law No. 2009-173 to rezone the subject properties to a "Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)" to permit the Professional Office use of the building located at 805 Fisher Street and the construction of a Private Parking Area for the exclusive use of the office on an adjacent vacant lot located at 817 Fisher Street in the City of North Bay;

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 Plan 96, Part Lots 4 & 5, Reference Plan 36R-12138, Part 1, known locally as 805 and 817 Fisher Street 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) 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 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 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;
 - 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) 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;
 - f) 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 \$850.00 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.
- 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 5TH DAY OF OCTOBER 2009.

READ A SECOND TIME IN OPEN COUNCIL THE 5TH DAY OF OCTOBER 2009.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 5TH DAY OF OCTOBER 2009.

"original signature on file"

MAYOR VIC FEDELI

"original signature on file"

CITY CLERK CATHERINE CONRAD

