

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 114-96

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON MCKEOWN AVENUE
(NEW ERA HOMES LIMITED - MCKEOWN AVENUE)**

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 Clerk the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council intends to pass By-law No. 113-96 to rezone the subject lands to a "District Commercial Special Zone No. 49 (C4 Sp.49)" to permit the construction of a commercial building having six dwelling units located above the ground floor.

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 36R-8648, Part 2 in the City of North Bay, which land is 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 and 4 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) A commercial building having a maximum of seven thousand (7,000 square feet) of commercial floor space, as well as a maximum of six dwelling units located above the ground floor commercial component shall be provided and maintained as set out as Item No. 1 on Schedule "B";
 - b) vehicular parking consisting of not less than forty-two (42) 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".
- 3) As a condition of approval the owner agrees to provide a storm water management plan, to the satisfaction of the Department of Engineering and Environmental Services and at

no expense to the City. Any recommendations forthcoming from said storm water management plan shall be incorporated into the development of the subject property.

- 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 agreement with The Corporation of the City of North Bay respecting the provisions, 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 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.
- 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 15th DAY OF OCTOBER
199 6

READ A SECOND TIME IN OPEN COUNCIL THE 28th DAY OF OCTOBER
199 6.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 28th DAY
OF OCTOBER 1996.

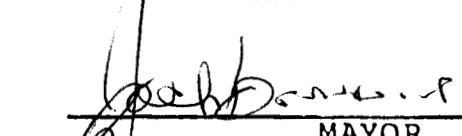
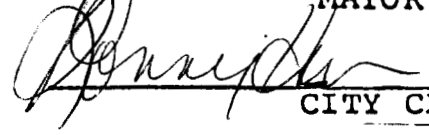
A handwritten signature in cursive script, appearing to read "Jack D. ...", written over a horizontal line. Below the line, the word "MAYOR" is printed in capital letters.
MAYOR

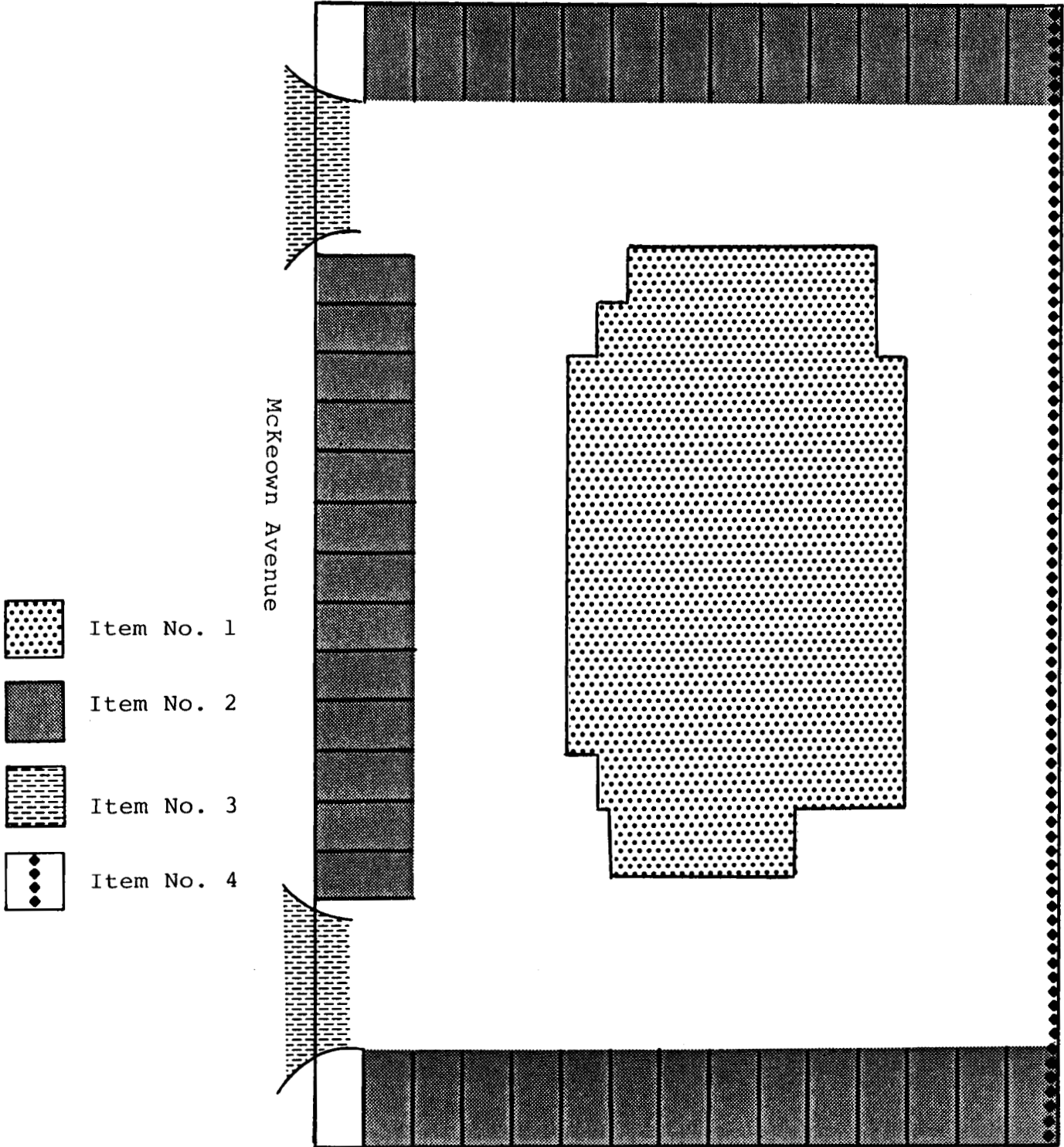
A handwritten signature in cursive script, appearing to read "Donny ...", written over a horizontal line. Below the line, the words "CITY CLERK" are printed in capital letters.
CITY CLERK

This is Schedule " B "

To By-law No. 114-96

Passed the 28th day of OCTOBER
1996.


MAYOR

CITY CLERK



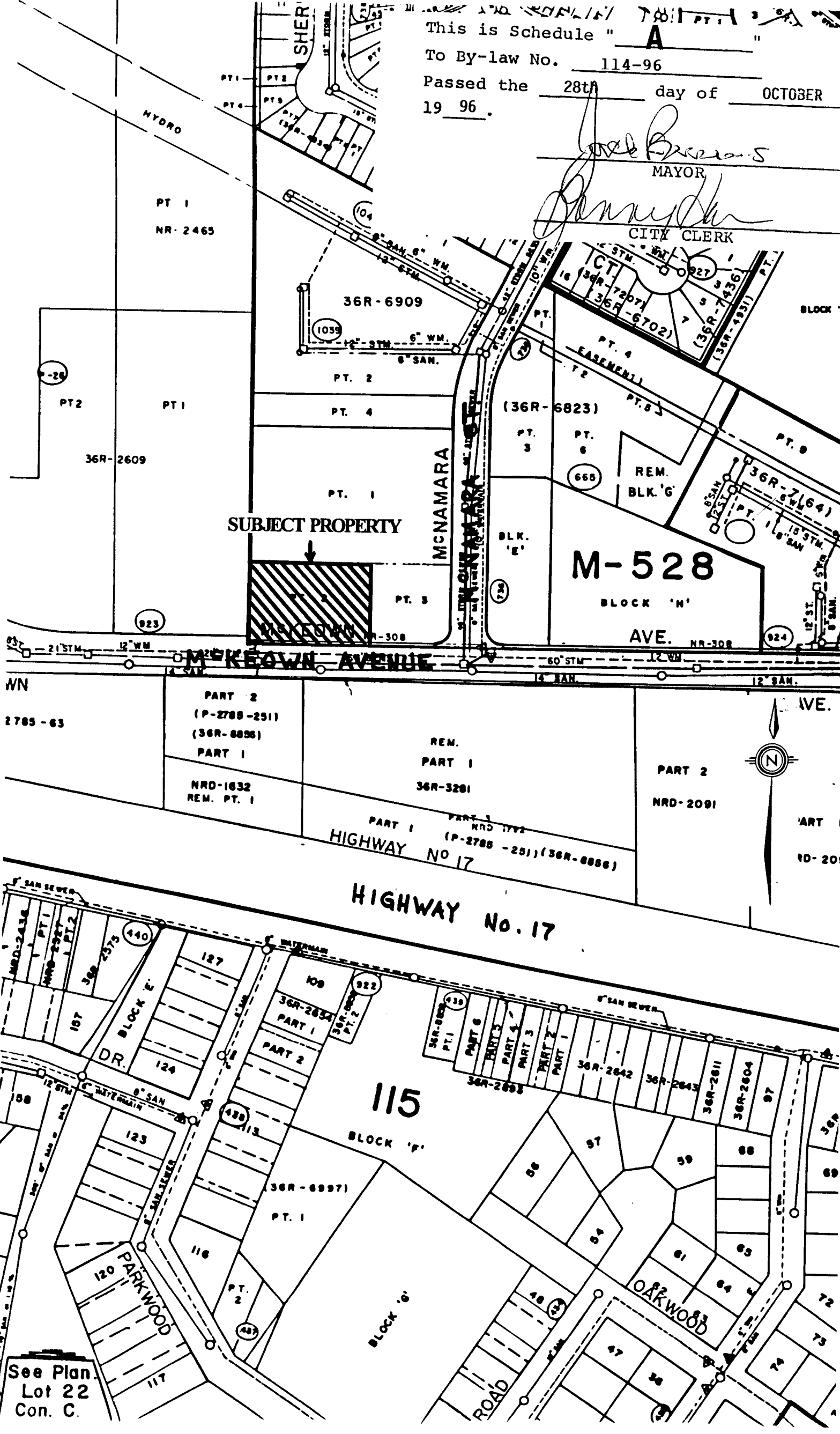
This is Schedule " A "

To By-law No. 114-96

Passed the 28th day of OCTOBER 19 96.

Jack Brown
MAYOR

Donny...
CITY CLERK



PT 1
NR-2465

36R-6909

36R-2609

SUBJECT PROPERTY

MCNAMARA

M-528

BLOCK 'H'

AVE. NR-308

MCKEOWN AVENUE

60' STM

12' SAN.

WN

2785-63

PART 2
(P-2788-2511)
(36R-6886)
PART 1

REM.
PART 1
36R-3281

PART 2
NRD-2091

PART 1 (P-2788-2511) (36R-6886)
PART 2 NRD 1792
HIGHWAY NO 17

HIGHWAY NO. 17

115

BLOCK 'F'

See Plan
Lot 22
Con. C.