

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 1999-80**

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL  
AREA ON CERTAIN LANDS ON FISHER STREET,  
LAURENTIAN AVENUE AND THE NORTH BAY  
BY-PASS  
(NORTHGATE SQUARE DEVELOPMENT LIMITED  
AND NORTH BAY PLAZA LIMITED -  
1500 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 one or more agreements respecting the matters referred to herein;

**AND WHEREAS** Council intends to pass By-law No. 1999-79 to rezone the subject lands to a "Regional Commercial ( C3)" zone in order to permit an expansion to the existing Northgate Square Shopping Centre.

**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 Part of Lot 18, Concession D, Parcels 15557 W&F and 14857 W&F 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, 2, 3, and 4 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
  - a) a Regional Commercial Shopping Centre shall be provided and maintained by the owner as set out as Item No. 1 on Schedule "B";
  - b) vehicular parking consisting of not less than two thousand two hundred and forty-five (2,245) parking spaces shall be provided and maintained by the owner 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;
  - d) a chain link security fence being not less than 2.0 metres in height shall be provided and maintained by the owner as set out as Item No. 4 on Schedule "B".

- 3) As a condition of approval the owner shall retain a professional engineer with demonstrated expertise in storm water management to prepare a storm water management plan for the subject lands which will address both quantity and quality issues. Said storm water management plan and any resulting alterations to the subject property shall occur to the ongoing satisfaction of and at no expense to the City Engineer, the Ministry of Transportation, and the North Bay-Mattawa Conservation Authority.
- 4) As a condition of approval, the owner shall enter into an agreement with the City to demonstrate, to the satisfaction of the City Engineer, the location, design and adequacy of waste receptacles and recycling facilities to accommodate the proposed development, which waste receptacles and recycling systems shall be provided at no expense to the Municipality.
- 5) As a condition of approval, the owner shall retain a professional engineer with demonstrated expertise in traffic analysis to prepare a traffic study. Said traffic study and any resulting alterations to the site plan or any off-site remedial work identified as a result of the proposed development shall occur to the ongoing satisfaction of and at no expense to the City Engineer and the Ministry of Transportation
- 6) As a condition of approval, the owner agrees to prepare a Site Servicing Plan, which servicing plan will demonstrate, among other things, how municipal sewer and water will be provided to accommodate the proposed development. Said servicing plan and any extension or alteration to municipal infrastructure required to facilitate the proposed development will occur to the satisfaction of the City Engineer and at no expense to the City.
- 7) As a condition of approval, the owner agrees to prepare a Fish Habitat Assessment and Compensation Proposal related to the fishery identified with Johnston Creek. Said study and any recommendations forthcoming from the study shall be completed to the satisfaction of and at no expense to the Department of Fisheries and Oceans, the North Bay-Mattawa Conservation Authority and the City.
- 8) As a condition of approval, the owner agrees to undertake an archeological assessment of the subject property. The owner further agrees that if any deeply buried, undetected archeological remains or fossils are uncovered during construction, the owner will be

required to immediately report the find to the Registered Archeologist that has undertaken the Archeological Assessment as well as the Ministry of Citizenship, Culture and Recreation.

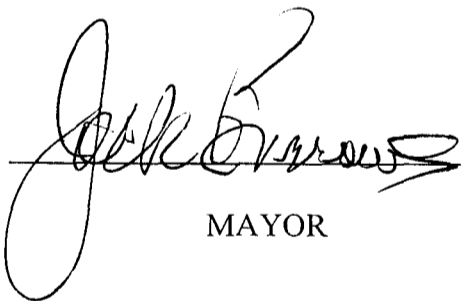
- 9) As a condition of approval, the owner shall register on title of the subject lands, a clause advising all prospective purchasers and lessees that noise and vibration problems associated with the operations of a railway main line on abutting land may occur and, further, that the Ontario Northland Railway will not be held responsible for any claims or objections that may result from noise, vibration, derailment or other damages.
- 10) 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 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.
- 11) a) The Chief Administrative Officer is hereby authorized under Corporate Seal to enter into 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 \$500.00 upon the owner for preparation and registration of each agreement.

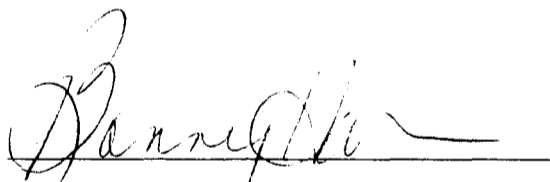
- b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act and The Land Titles Act against any and all subsequent owners of the land.
- 12) a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.  
b) The owner shall authorize the City to exercise the provisions of Section 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.
- 13) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 14th DAY OF June  
1999.

READ A SECOND TIME IN OPEN COUNCIL THE 28th DAY OF June  
1999.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 28th DAY  
OF June 1999.

  
MAYOR

  
CITY CLERK

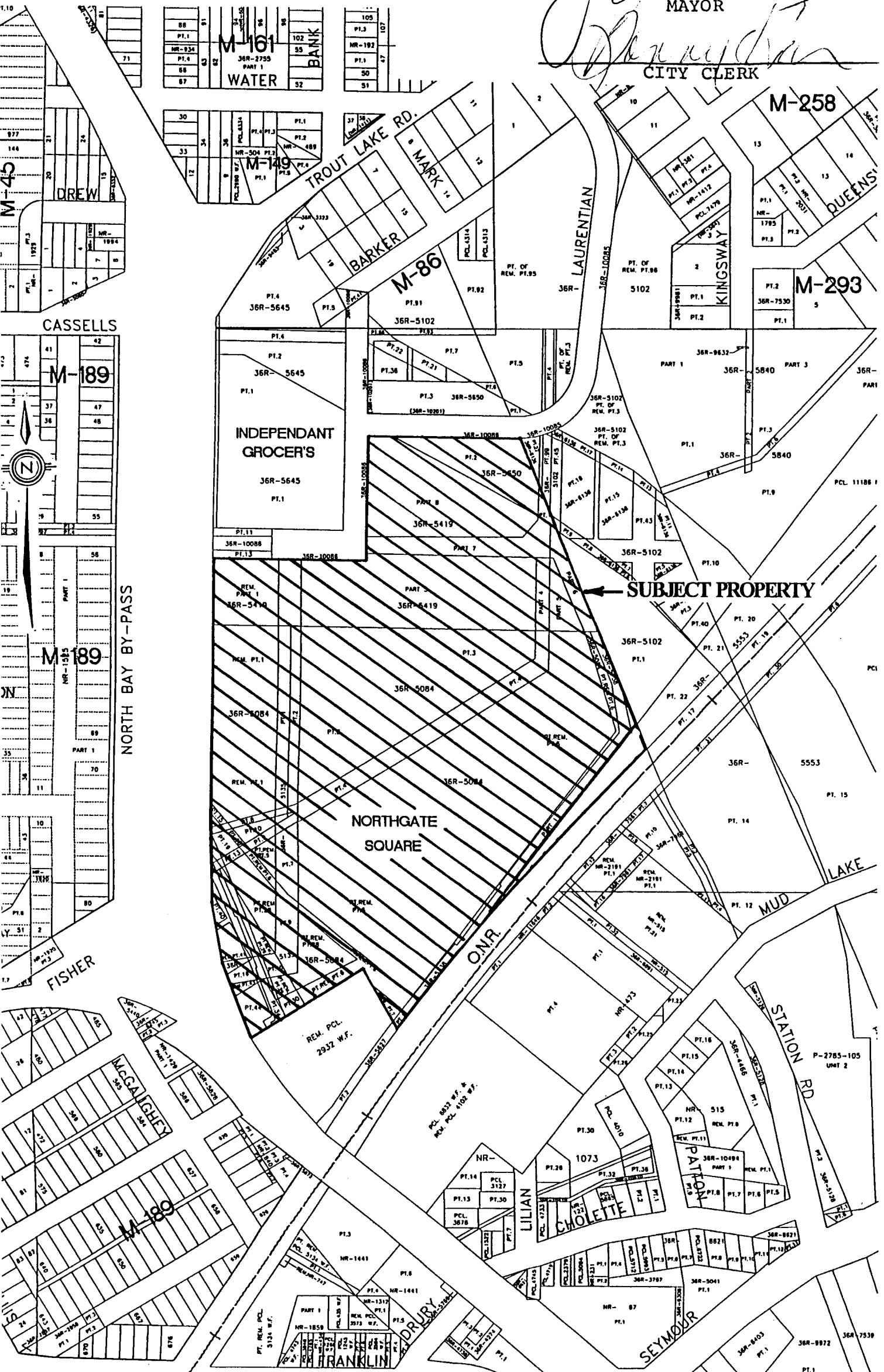
This is Schedule " A "

To By-law No. 1999-80

Passed the 28th day of June

19 99 .

*John Brewer*  
MAYOR  
*Debra ...*  
CITY CLERK







This is Schedule " B "

To By-law No. 1999-80

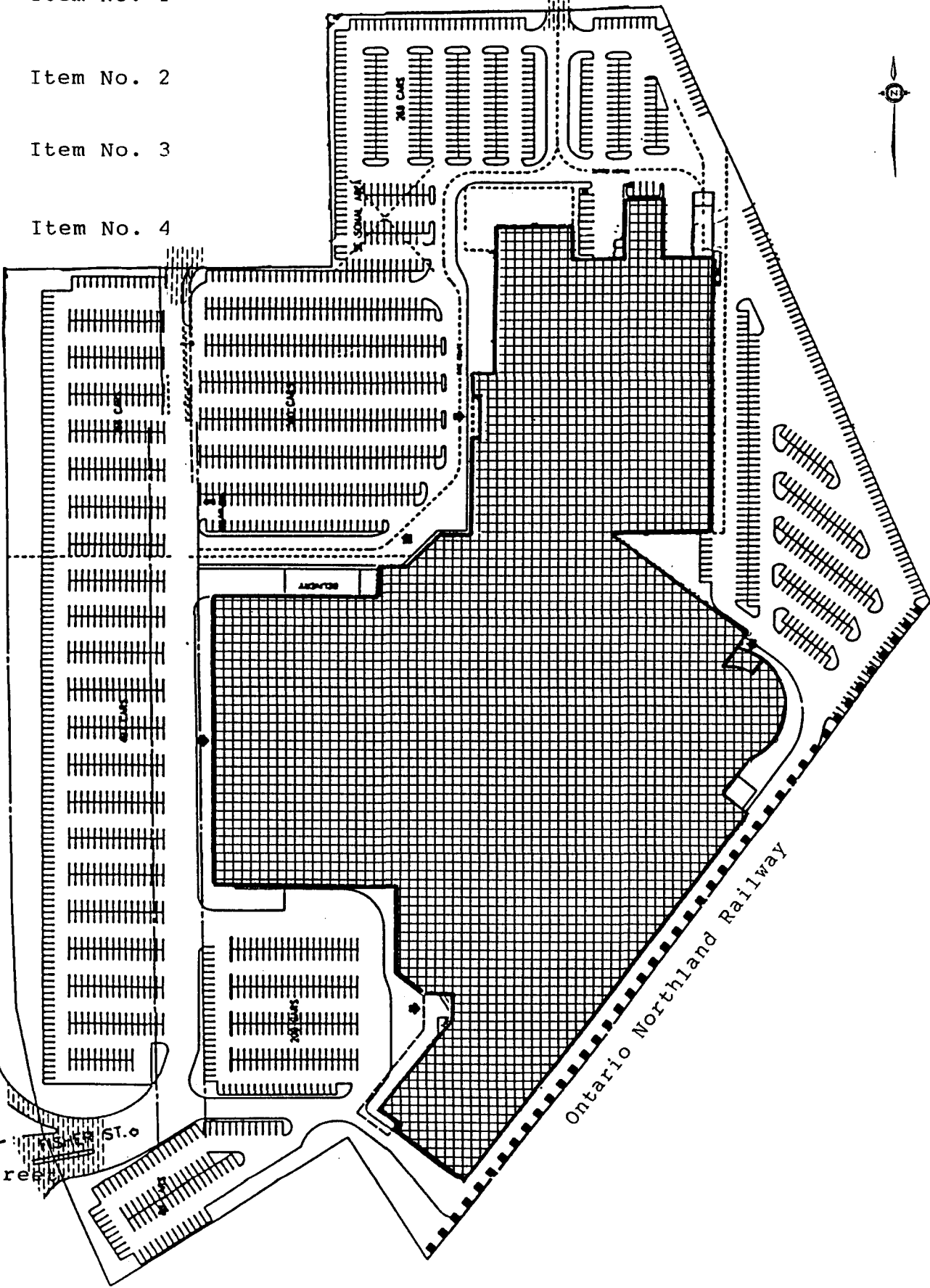
Passed the 28th day of June  
19 99.

*John Burrows*  
MAYOR  
*Barney Stein*  
CITY CLERK

-  Item No. 1
-  Item No. 2
-  Item No. 3
-  Item No. 4

HWY'S No.'s 11 AND 17 (NORTH BAY BY-PASS)

Laurentian Avenue



Ontario Northland Railway

her Street