

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2000-26

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON MCKEOWN AVENUE
(JAMES W. NEIL INVESTMENTS LIMITED)**

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 intends to pass By-law No. 2000-25 to rezone the subject lands to a "District Commercial (C4)" zone to permit the eventual construction of commercial buildings.

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 1, Plan 36R-2680 and Rem. Ins. 52566 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 of approval of buildings and structures on the subject lands, 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, 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.

- 3) 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 a central garbage collection and recycling facilities to be fully enclosed and to be located on the subject lands to the continuing satisfaction of the City Engineer.
- 4) As a condition of approval the owner shall provide and maintain a Site Servicing Plan which shall include:
 - i) a lot grading plan to the continuing satisfaction of the City Engineer and at no expense to the City;
 - ii) a Storm Water Management Report prepared by a Professional Engineer and to the satisfaction of the City Engineer and at no expense to the City prior to the issuance of a Building Permit, and
 - iii) a maintenance program for the on-site storm water management system, which would include the name of the person responsible for maintenance of the storm water management system including details of the removal of any sediment, debris and oil from the system and the maintenance schedule, to the continuing satisfaction of the City Engineer.
- 5) As a condition of approval the owner shall:
 - i) incorporate into the site design any recommendations forthcoming from the Trans Plan Traffic Study for that portion of McKeown Avenue abutting the subject lands, including any property required for road widening;
 - ii) participate in costs associated with off-site improvements to this portion of McKeown Avenue that may be required to implement recommendations contained within the aforementioned Traffic Study, which costs will be apportioned by the City Engineer in the form of a special area charge to the benefiting owner/developer. Costs shall be indexed to the Consumer Price Index for Ontario industrial goods;
 - iii) pay or demand the special development charge approved by Council for the off-site road widening improvements;
 - iv) acknowledge that in the event that the owner wishes to obtain a Building Permit prior

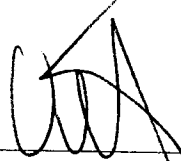
to imposition by the City or payment by the owner of the special development charge, then the owner shall file an irrevocable letter of credit from an authorized financial institution in a form, and for a term and in an amount satisfactory to the City Solicitor, and

- v) irrevocably authorize the City to apply such amount of the said letter of credit as is approved by the Council as the special development charge.
- 6) As a condition of approval the owner shall ensure that any lighting or floodlighting facility shall be non-glare and shall be directed away from any adjacent residences.
- 7) 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 \$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.
- 8) 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 any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 9) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 20TH DAY OF MARCH 2000.

READ A SECOND TIME IN OPEN COUNCIL THE 14TH DAY OF FEBRUARY 2005.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 14TH DAY OF FEBRUARY 2005.

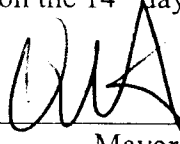


MAYOR



CATHERINE CONRAD
CITY CLERK

This is Schedule "A"
To By-Law No. 2000-26
Passed on the 14th day of February 2005.


Mayor

Catherine Conrad
City Clerk

