

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-17

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON BIRCHS ROAD
(NIPISSING RACEWAY – BIRCHS ROAD)**

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. 2005-16 to rezone the subject lands to an “Industrial Commercial Special Zone No. 54 (MC Sp. 54)” to permit the construction and operation of a live horseracing facility and slots gaming as defined by the Ontario Lottery and Gaming Corporation with associated barns, grandstands, dining facilities, teletheatre, off track betting lounges, offices, associated track onsite parking and grounds and pari-mutuel betting.

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 Concession 14, Part Lot 35, Parcel 3886 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 No. 1, 2, 3, 4, 5 and 6 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) the main building shall be maintained by the owner as set out as Item No. 1 on Schedule "B";
 - b) vehicular parking, as required by Zoning By-law 28-80, will be maintained by the owner as set out as Item No. 2 on Schedule "B";
 - c) ingress and egress shall be provided and maintained by the owner as set out as Item No. 3 on Schedule "B";
 - d) the barns shall be maintained by the owner as set out as Item No. 4 on Schedule "B";
 - e) a fence, not less than 1.8 metres in height, shall be provided and maintained by the owner as set out as Item No. 5 on Schedule "B";
 - f) landscaping will be provided and maintained as set out as Item No. 6 on Schedule "B".

- 3) As a condition of approval the owner agrees to provide a detailed engineering site plan to address sewer and water servicing, access, parking and a stormwater management plan, which shall include a lot grading plan prepared by a professional engineer. Said site plan and stormwater management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the City Engineer and at no expense to the City of North Bay. The stormwater management plan shall address drainage to the satisfaction of the Ministry of Transportation.
- 4) As a condition of approval the owner agrees to provide a sedimentation and erosion control plan for the review and approval of the City of North Bay and North Bay-Mattawa Conservation Authority. Said Sedimentation and Erosion Control Plan and any recommendations shall be implemented to the satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority.
- 5) As a condition of approval the owner agrees to provide a Geotechnical Study for the review and approval of the City of North Bay and the North Bay-Mattawa Conservation Authority. Any recommendations forthcoming from the Geotechnical Study shall be implemented to the satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority.
- 6) As a condition of approval the owner agrees to obtain all necessary permits from the City of North Bay, the North Bay-Mattawa Conservation Authority and any Provincial Ministry.
- 7) As a condition of approval the owner agrees to provide adequate water for fire fighting purposes to the satisfaction of, and at no expense to, the City of North Bay. The owner should satisfy the "Guidelines for Fire Safety in Facilities Housing Racehorses at Racetracks", as issued by the Ministry of the Solicitor General, Office of the Fire Marshall, September 1, 1993 or any amendments thereto.
- 8) As a condition of approval the owner agrees to pay any applicable Department of Regional Economic Expansion (DREE) charges.
- 9) As a condition of approval the owners agrees to provide a traffic impact study, to be completed to the satisfaction of the City of North Bay and Ministry of Transportation, which identifies any and all traffic impacts that the proposed development will have, including any impact on the Highway system. Any negative impacts of the development identified by the traffic impact study must be rectified to the City Engineer's and Ministry of Transportation's satisfaction, and fully at the cost of the proponent prior to the issuance of Ministry Permits.

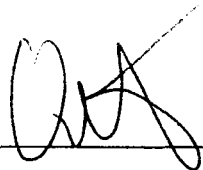
- 10) As a condition of approval the owner agrees to provide site illumination plans to the Ministry of Transportation for review and approval demonstrating that there will be no unsafe impact on the Highway 11 corridor.
- 11) The owner agrees to transfer to the City of North Bay at no cost a fifteen (15) metre wide strip of land on the east side of the existing municipal road allowance between the original Township Lots 34 and 35, extending northerly from Concession 13 to Concession 15.
- 12) The owner agrees to provide a Landscaping Plan, prepared to the satisfaction of the Director, Parks, Recreations and Leisure Services.
- 13) 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 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;
 - g) adequate water supply for fire fighting purposes.
- 14) 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 \$560.00 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.
- 15) 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.
- 16) This By-law comes into force and effect upon being finally passed.

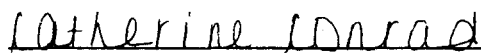
READ A FIRST TIME IN OPEN COUNCIL THE 31 DAY OF JANUARY 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 31 DAY OF JANUARY 2005.

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



MAYOR

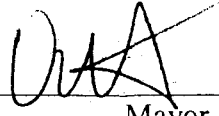


CITY CLERK

This is Schedule "A"

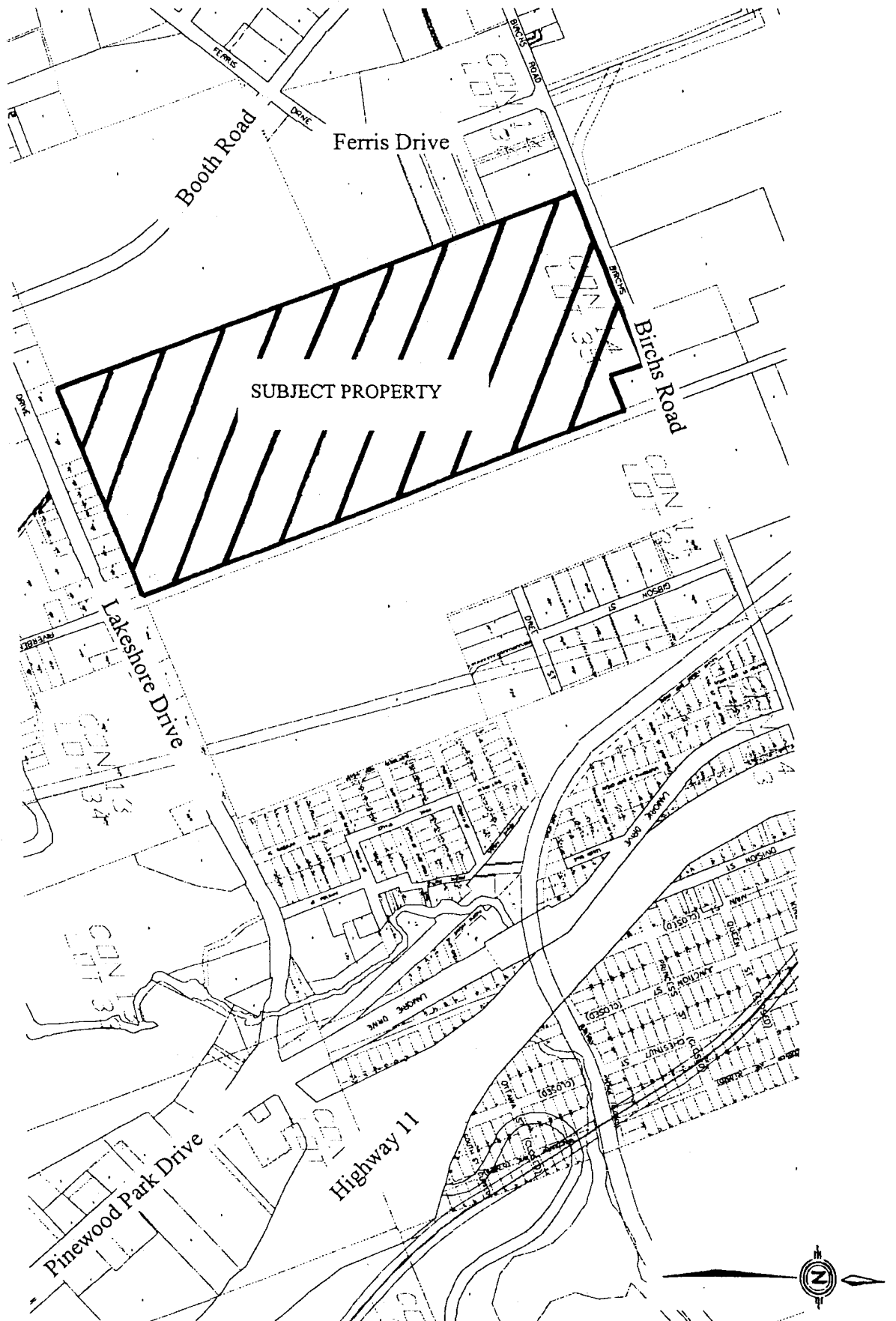
To By-law No. 2005-17

Passed the 14 day of February 2005.



Mayor

Catherine Conrad
City Clerk



This is Schedule "B"

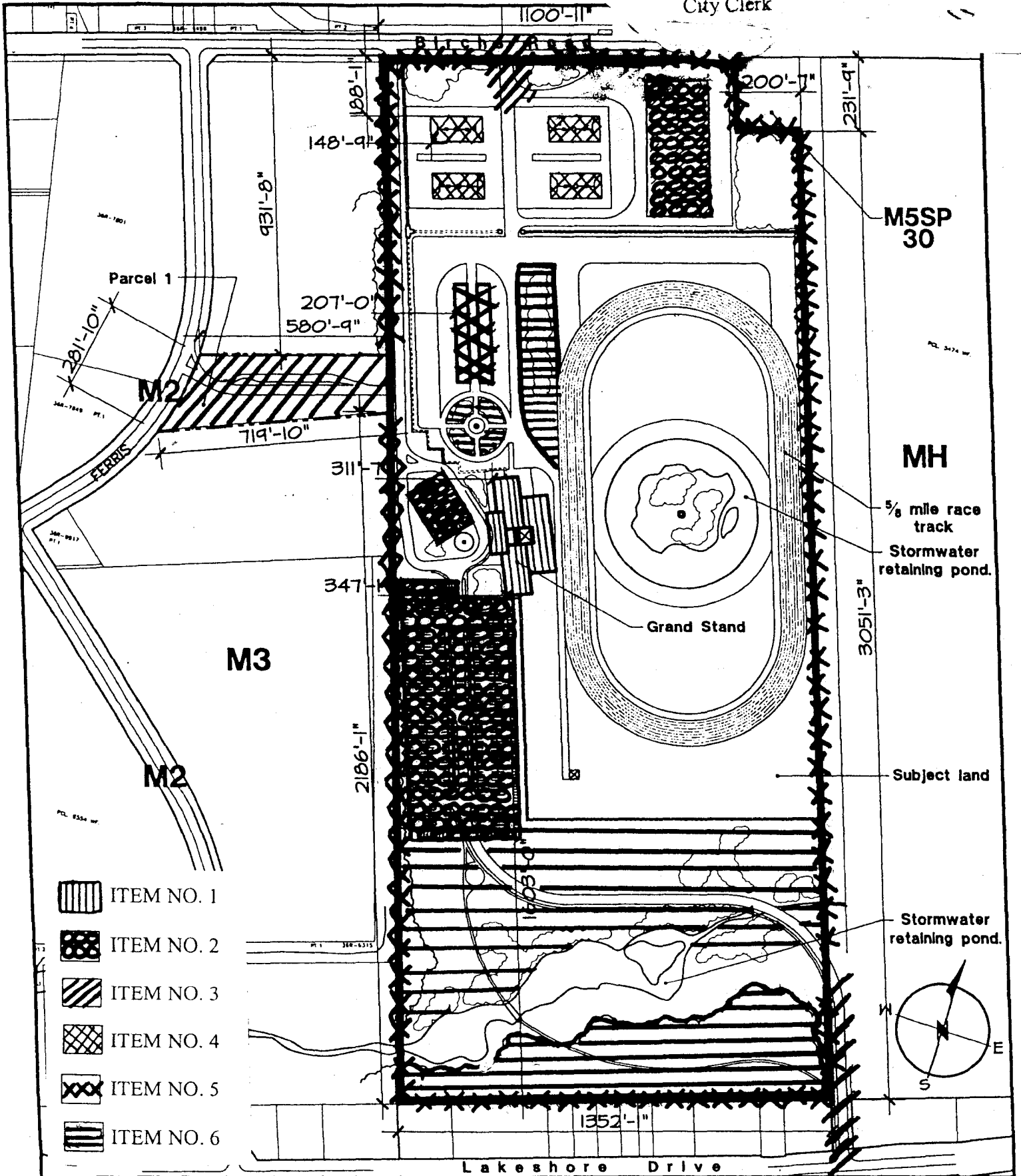
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Passed the 14 day of February 20 05.

Mayor

Catherine Conrad

City Clerk



<p>LEA LAROCQUE ELDER ARCHITECTS ARCHITECTES INC. 188 5th AVENUE E., NORTH BAY, ONT. T 705.497.9191 F 705.497.9497</p>	<p>Nipissing Entertainment Inc. Harness Racing 5/8 mile track North Bay, Ontario project no.: 04010 date: Aug. 24./04 scale: 1"=400' drawn by: A.R.P.</p>	<p>Site Plan for Re-zoning</p>	<p>drawing no. sk-01</p>
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