

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 1999-11

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON MCKEOWN AVENUE
(REDPATH HOLDINGS INC. - 790, 794 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 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. 1999-10 to rezone the subject lands to a "District Commercial (C4)" zone to permit the construction of a retail store.

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-2940 and part of Part 1, Plan 36R-3515 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 commercial building shall be provided and maintained as set out as Item No. 1 on Schedule "B";
 - b) vehicular parking comprised of not less than 220 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 landscape strip being not less than 1.5 metres in width and comprised of shrubs and mature trees being not less than 2.5 metres in height shall be provided and maintained as set out as Item No. 4 on Schedule "B".

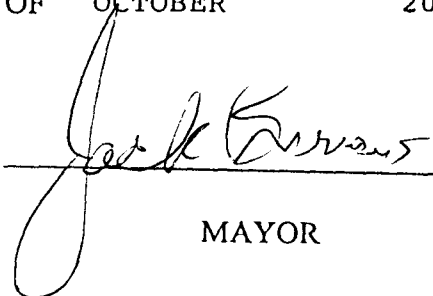
- 3) As a condition of approval, the owner shall enter into an agreement with the City to demonstrate, to the satisfaction of the City Engineer, the location, design and adequacy of waste receptacles and recycling facilities to accommodate the proposed development, which waste receptacles and recycling systems shall be provided at no expense to the Municipality.
- 4) As a condition of approval the owner shall prepare a storm water management plan for the subject lands which will address both quantity and quality issues, which storm water management plan and any resulting alterations to the subject property shall occur to the satisfaction of and at no expense to the Municipality and the Ministry of Transportation.
- 5) As a condition of approval the owner shall:
 - i) incorporate into the site design any recommendations forthcoming from the traffic study recently commissioned by the City for that portion of McKeown Avenue abutting the subject property;
 - 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 afore-mentioned traffic study, which costs will be equitably apportioned in the form of a special area charge assigned to the benefiting owner/developer by the City Engineer.
- 6) 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;

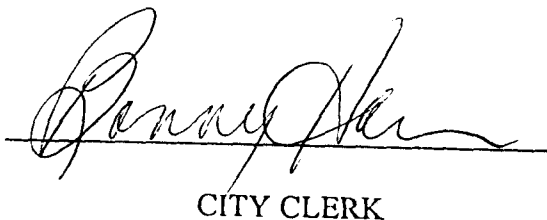
- d) walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
 - e) collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - f) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- 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 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 11TH DAY OF JANUARY 1999.

READ A SECOND TIME IN OPEN COUNCIL THE 10TH DAY OF OCTOBER 2000.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 10TH DAY OF OCTOBER 2000.

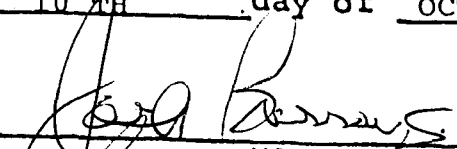

MAYOR

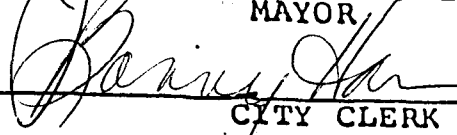

CITY CLERK

This is Schedule " B "

To By-law No. 1999-11

Passed the 10TH day of OCTOBER
2000.


MAYOR


CITY CLERK

McKEOWN AVENUE

