

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2006-12

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON MCKEOWN AVENUE**

**(1017249 ONTARIO LTD. AND JOHNSEA HOLDINGS 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 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. 2006-11 to rezone the subject lands to “District Commercial (C4)” and a “Highway Commercial (C6)” zone to permit the relocation of the existing automobile dealership and development of a vacant parcel of land.

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 NR-2091, Part 2 and Plan 36R-3281, Part 1 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 approval, all buildings or structures and parking facilities shall be provided and maintained in a location that is satisfactory to the City of North Bay and Ministry of Transportation.
- 3) As a condition of approval the owner agrees to provide a storm water management plan which shall include a lot grading plan for the subject property. Said storm water management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the City Engineer and Ministry of Transportation and at no expense to the City of North Bay or Ministry of Transportation.
- 4) As a condition of approval the owner acknowledges that the subject property lies within the area of jurisdiction for the Ministry of Transportation and agrees to obtain all necessary permits prior to construction or site alteration.
- 5) As a condition of approval the owner shall identify on the site plan the area required for the future improvements to Highway 17, as identified by the Ministry of Transportation.
- 6) As a condition of approval, the owner agrees that no permanent structures will be located with the area identifies by the Ministry of Transportation for future highway improvements.

- 7) As a condition of approval the owner agrees to convey to the City of North Bay a strip of land not less than 4.5 metres in width along McKeown Avenue for the purposes of road widening.
- 8) Where the development of the subject property results in an increased building area or an increased developed site area the owner shall be required to contribute \$25 000 per acre towards McKeown Avenue improvements
- 9) Where the development of the subject property results in an increased building area or an increased developed site area the owner shall be required to contribute \$7 500 for the Traffic Study for the McKeown Avenue corridor from Algonquin Avenue to Goremanville Road.
- 10) 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.
- 11) 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.
- 12) 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.

- 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.
- 13) 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.
- 14) This By-law comes into force and effect upon being finally passed.

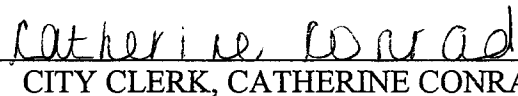
READ A FIRST TIME IN OPEN COUNCIL THE 16th DAY OF JANUARY 2006.

READ A SECOND TIME IN OPEN COUNCIL THE 16th DAY OF JANUARY 2006.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16th DAY OF JANUARY 2006.



MAYOR, VIC FEDELI



CITY CLERK, CATHERINE CONRAD

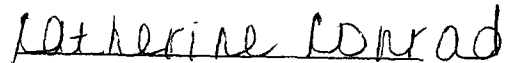
This is Schedule "A"

To By-law No. 2006-12

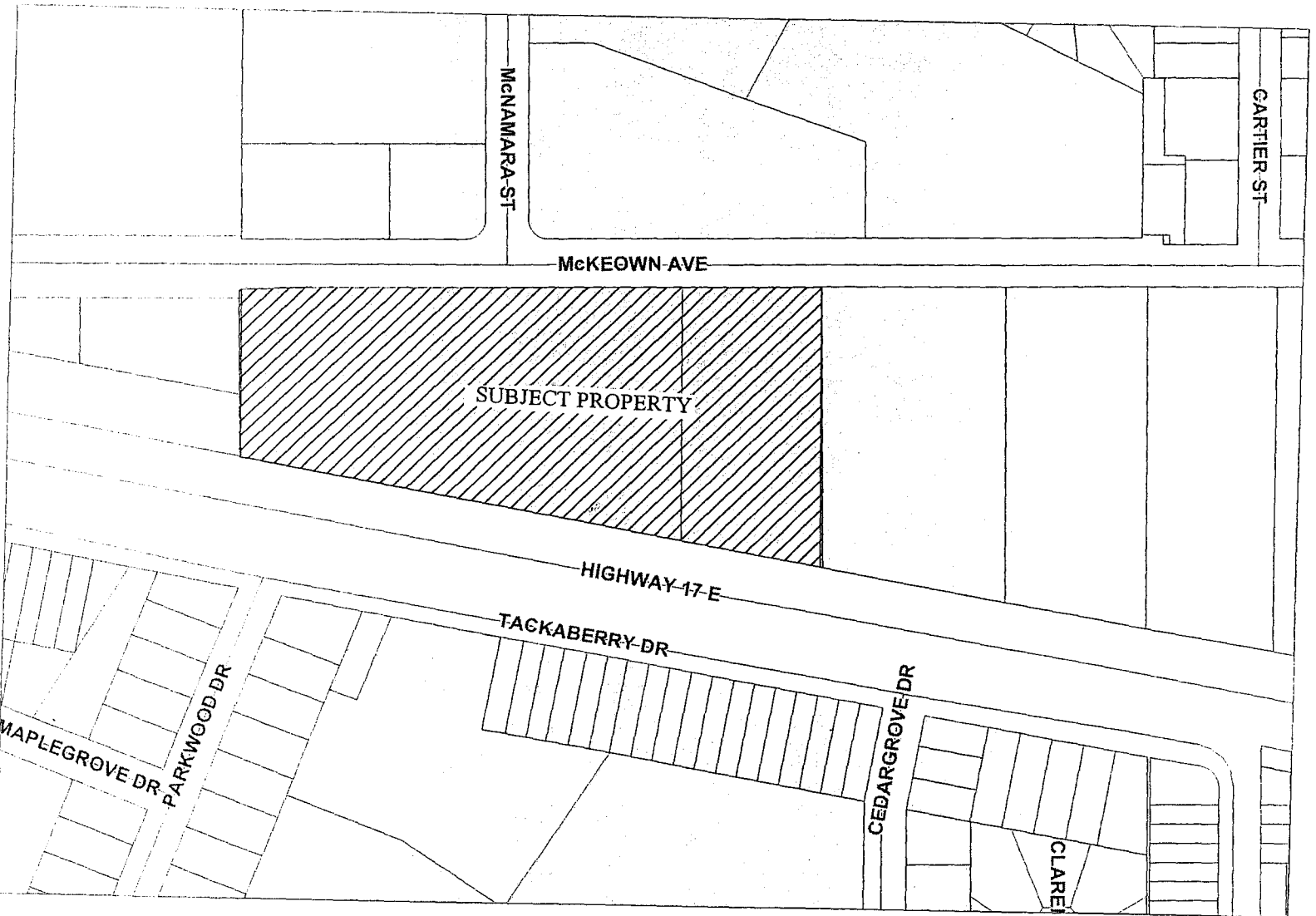
Passed the 16 day of January 2006.



Mayor



Catherine Conrad
City Clerk



SCALE 1 : 3,000

