

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 165-91

A BY-LAW TO DESIGNATE A SITE PLAN CONTROL  
AREA ON CERTAIN LANDS ON DUKE STREET  
(R. LUCENTI - DECOMA CONSTRUCTION)

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 40 of The Planning Act;

AND WHEREAS the Council deems it desirable to delegate to the Clerk the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council intends to pass By-law No. 164-91 to rezone the subject lands to a "Residential Multiple Third Density Special Zone No. 35 (RM3 Sp.35)", and further to consolidate the subject property with the property within the (RM3 Sp.35) zone in order to permit the construction of an additional dwelling unit within the existing apartment dwelling.

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 Parts 11, 12 and 16, Plan 36R-3405 and Parts 1 to 6, Plan 36R-8423 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, 4, 5, 6, 7, 8 and 9 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
  - a) An apartment dwelling having not more than thirteen (13) units and two (2) storeys shall be provided and maintained as set out as Item No. 1 on Schedule "B".
  - b) Parking consisting of not less than seventeen (17) 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".

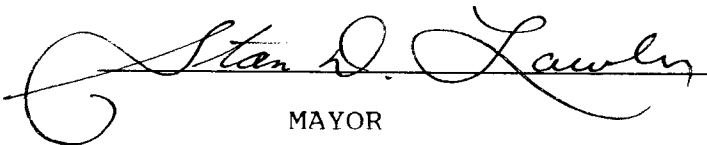
- d) A fence constructed of an opaque material shall be provided and maintained as set out as Item No. 4 on Schedule "B".
  - e) A stairway from upper to lower parking area to be provided and maintained as set out as Item No. 5 on Schedule "B".
  - f) An asphalt turn-around shall be provided and maintained as set out as Item No. 6 on Schedule "B".
  - g) A retaining wall complete with security guardrail, bollards, or fencing (fencing to a maximum height of four feet) to be provided and maintained as set out as Item No. 7 on Schedule "B".
  - h) A storm drainage system shall be constructed inside the privacy fence to facilitate the removal of storm water runoff from the upper parking lot. This system shall be provided and maintained as set out as Item No. 8 on Schedule "B".
  - i) A hard surfaced pedestrian walkway with 1.8 metre high chain link security fencing along its easterly and westerly perimeter shall be provided and maintained at no expense to the City, and to the continuing satisfaction of the Director of Planning and Development as set out as Item No. 9 on Schedule "B".
- 3) 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 provision, 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.
- 4) a) The Mayor and Clerk are hereby authorized upon the recommendation of the Chief Administrative Officer 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 provisions of all the facilities mentioned in this By-law.

- 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.
  
- 5) a) The said Agreement shall be binding on the Owner, its successors or assigns.
  
- 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.
  
- 6) By-law No. 83-89 is hereby repealed.
  
- 7) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 6TH DAY OF AUGUST 1991.  
READ A SECOND TIME IN OPEN COUNCIL THE 26TH DAY OF AUGUST 1991.  
READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 26TH DAY  
OF AUGUST 1991.

  
MAYOR

  
CITY CLERK

This is Schedule " A "

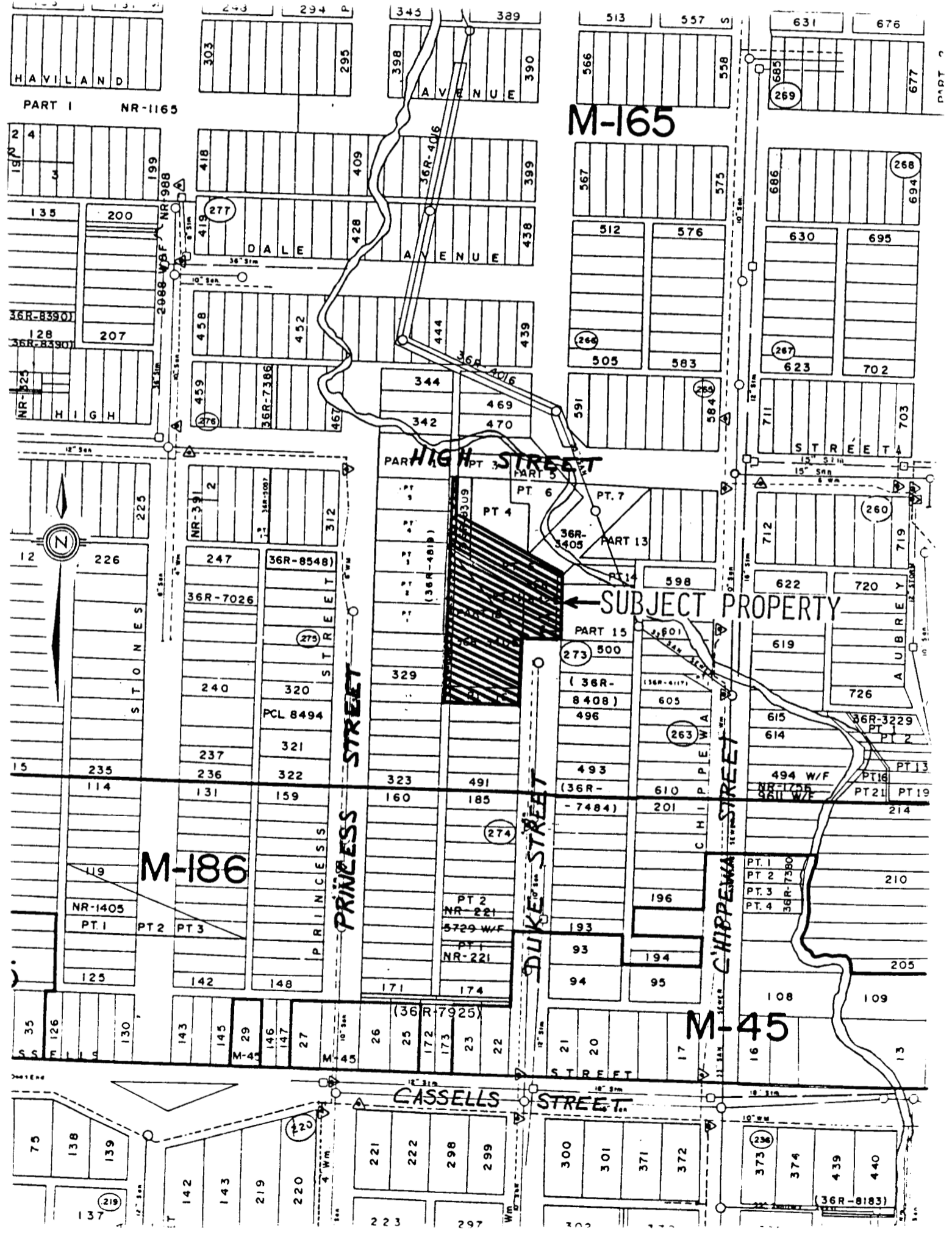
To By-law No. 165-91

Passed the 26TH day of AUGUST

19 91 .

*Stan D. Lawler*  
MAYOR

*B. Weston*  
CITY CLERK



This is Schedule "     B     "  
To By-law No.     165-91      
Passed the     26TH     day of     AUGUST      
19     91     .

*Stan D. Lawler*  
MAYOR  
*B. Bester*  
CITY CLERK

