

BY-LAW NO. 28-91

A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON FIRST AVENUE WEST
AND FRONT STREET (AMY-CO INVESTMENTS)

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. 27-91 to amend the "Residential Multiple Fourth Density Special Zone No. 45 (R.M.4 Sp.45)" to permit a 46-unit 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 Part Lots 664 and 665, and Lots 666 and 667, Plan 21 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, and 6 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) A two-storey forty-six (46) unit apartment dwelling shall be provided and maintained as set out as Item No. 1 on Schedule "B";
 - b) Asphalted parking areas and parking garage area having not less than forty-six (46) total parking spaces shall be provided and maintained as set out as Item No. 2 on Schedule "B";
 - c) Vehicular ingress and egress from First Avenue and Front Street shall be provided and maintained as set out as Item No. 3 on Schedule "B";

- d) A 1.8 metre opaque wooden privacy fence shall be provided and maintained as set out as Item No. 4 on Schedule "B";
 - e) Landscaping areas to include planting materials, street furniture and interlocking paving stones to be placed along the boulevard areas of Front Street and First Avenue, to the continuing satisfaction of the Director of Engineering and Works, shall be provided and maintained as set out as Item No. 5 on Schedule "B"; and
 - f) A 1.8 metre privacy screen shall be provided and maintained, to the continuing satisfaction of the Director of Planning and Development and at no expense to the City, as set out as Item No. 6 on Schedule "B".
- 3) a) As a condition of approval the owner agrees to retain the services of a recognized noise and vibration consultant. Any suggestions forthcoming from the study shall be incorporated into the building design. The aforementioned study and any resulting alterations to the structure or subject property shall occur to the satisfaction of and at no expense to the Municipality.
- b) As a condition of approval the owner shall acknowledge that the close proximity of the subject property to the railway right-of-way may adversely affect the living environment of the occupants with regard to noise and vibration.
- 4) As a condition of the approval of buildings and structures referred to in Section 2 hereof, no building or structures shall be erected, constructed or placed on the 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 materials; and
 - 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.
- 5) 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 provision 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.

- 6) a) The said Agreement shall be binding on the Owner, its successors and assigns.
- b) The Owner shall authorize the City to exercise the provision 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.
- 7) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 4TH DAY OF FEBRUARY 1991.
READ A SECOND TIME IN OPEN COUNCIL THE 18TH DAY OF MARCH 1991.
READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 18TH DAY
OF MARCH 1991


MAYOR


CITY CLERK

Parking Lot

This is Schedule " A "

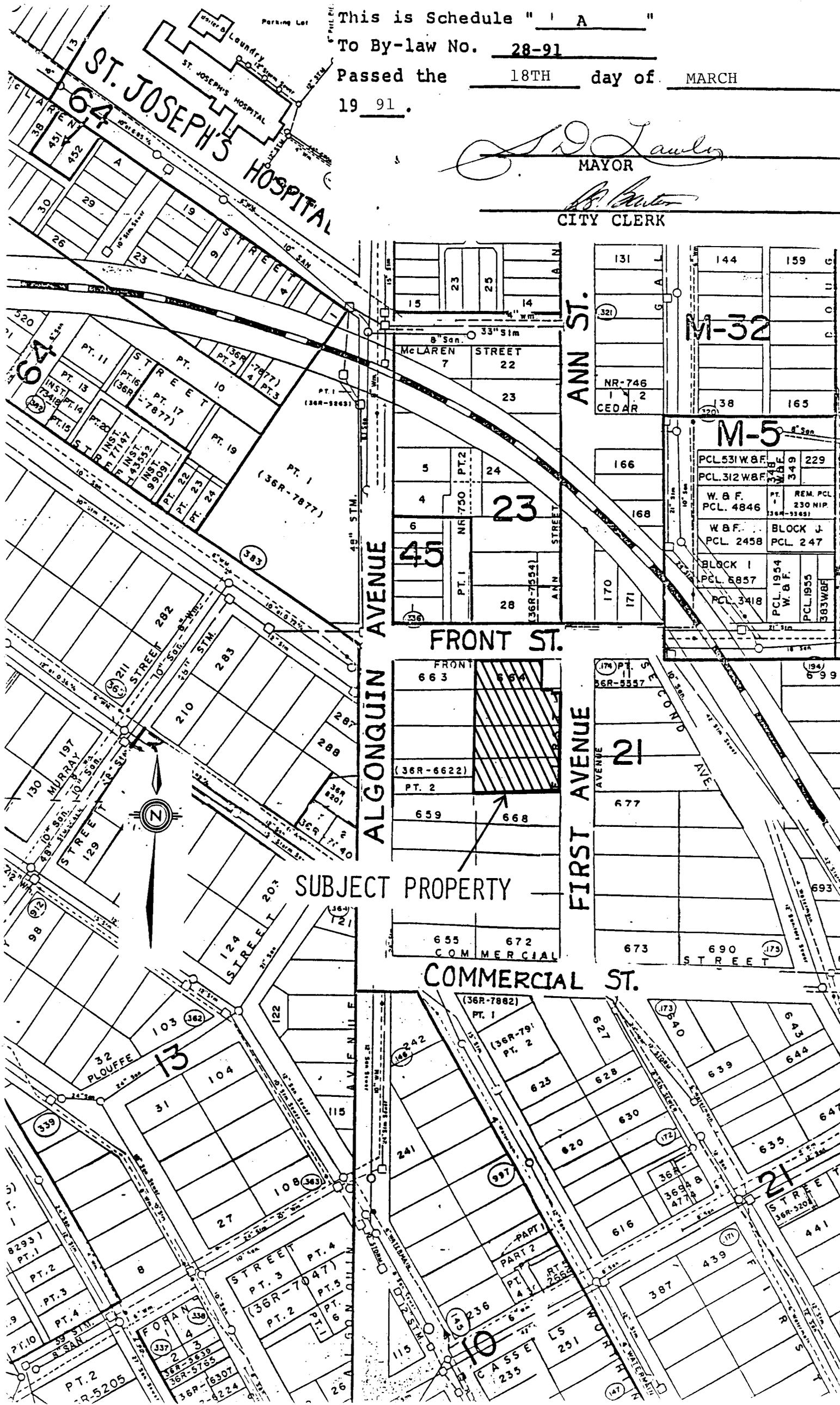
To By-law No. 28-91

Passed the 18TH day of MARCH

19 91.

J.D. Lawlor
MAYOR

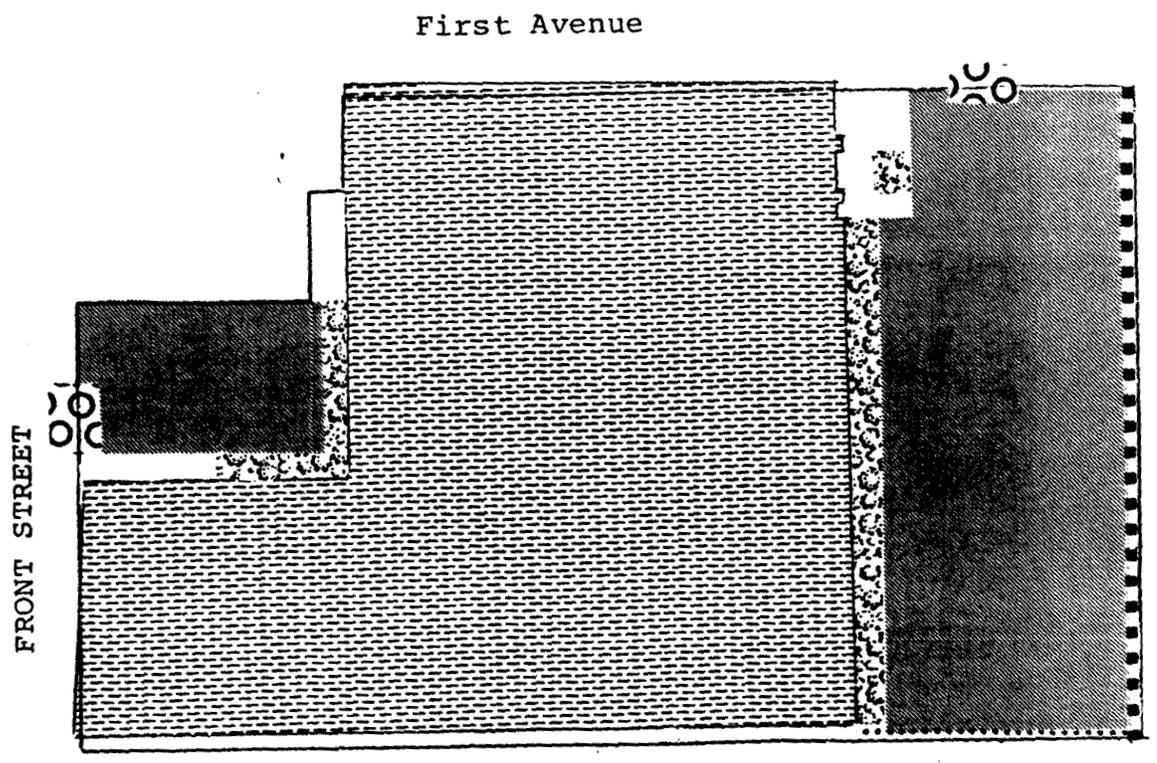
B. Carter
CITY CLERK



This is Schedule " B "
To By-law No. 28-91
Passed the 18TH day of
MARCH 19 91 .


MAYOR


CITY CLERK



- ITEM NO. 1 
- ITEM NO. 2 
- ITEM NO. 3 
- ITEM NO. 4 
- ITEM NO. 5 
- ITEM NO. 6 

0 30'
Feet