

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2004-118

**A BY-LAW TO DESIGNATE A SITE PLAN
CONTROL AREA ON CERTAIN LANDS ON
TROUT LAKE ROAD
(TAKI'S INVESTMENTS INC. – 125 GIROUX STREET)**

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 2004-117 to rezone the subject lands to a "District Commercial Special Zone No. 67 (C4 Sp. 67)" to permit the development of a residential and commercial condominium.

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 Conc. "C", Lot 17, Pcls. 3326, 6297, 3156, 3223, 3222, 17154 Incl. RP 36R-4724, Parts 1 to 5, RP 36R-4871, Rem. 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) 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 and 3 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, consisting of not less than 68 parking spaces shall 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";
- 3) As a condition of approval of buildings and structures on the subject lands, 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. building location;

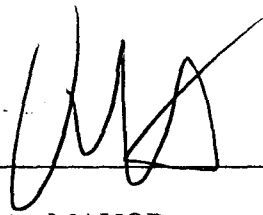
- b. parking facilities, both covered and uncovered, and access driveways and the surfacing of such areas and driveways;
 - c. walkways and the surfacing thereof;
 - d. facilities for lighting, including floodlighting;
 - e. walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
 - f. collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - g. 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) 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 a central garbage collection and recycling facilities to be fully enclosed and to be located on the subject lands to the continuing satisfaction of the City Engineer.
- 5) As a condition of approval the owner shall provide and maintain a Site Servicing Plan which shall include:
- a. a lot grading plan to the continuing satisfaction of the City Engineer and at no expense to the City;
 - b. a Storm Water Management Report prepared by a Professional Engineer and to the satisfaction of the City Engineer and at no expense to the City prior to the issuance of a Building Permit; and
 - c. a maintenance program for the on-site storm water management system, which would include the name of the person responsible for maintenance of the storm water management system including details of the removal of any sediment, debris and oil from the system and the maintenance schedule to the continuing satisfaction of the City Engineer.
- 6) As a condition of approval the owner shall ensure that any lighting or floodlighting facility shall be non-glare and shall be directed away from any adjacent properties.

- 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.
- 7) 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 and any successor legislation thereto in the event of a breach by the owner of a condition of the said Agreement.
- 8) This By-law comes into force and effect upon being finally passed.

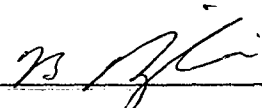
READ A FIRST TIME IN OPEN COUNCIL THE 14TH DAY OF JUNE
2004.

READ A SECOND TIME IN OPEN COUNCIL THE 14TH DAY OF JUNE
2004.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 14TH DAY
OF JUNE 2004.



MAYOR

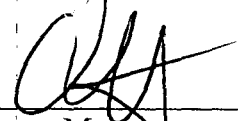


DEPUTY CITY CLERK

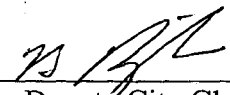
This is Schedule "A"

To By-law No. 2004-118

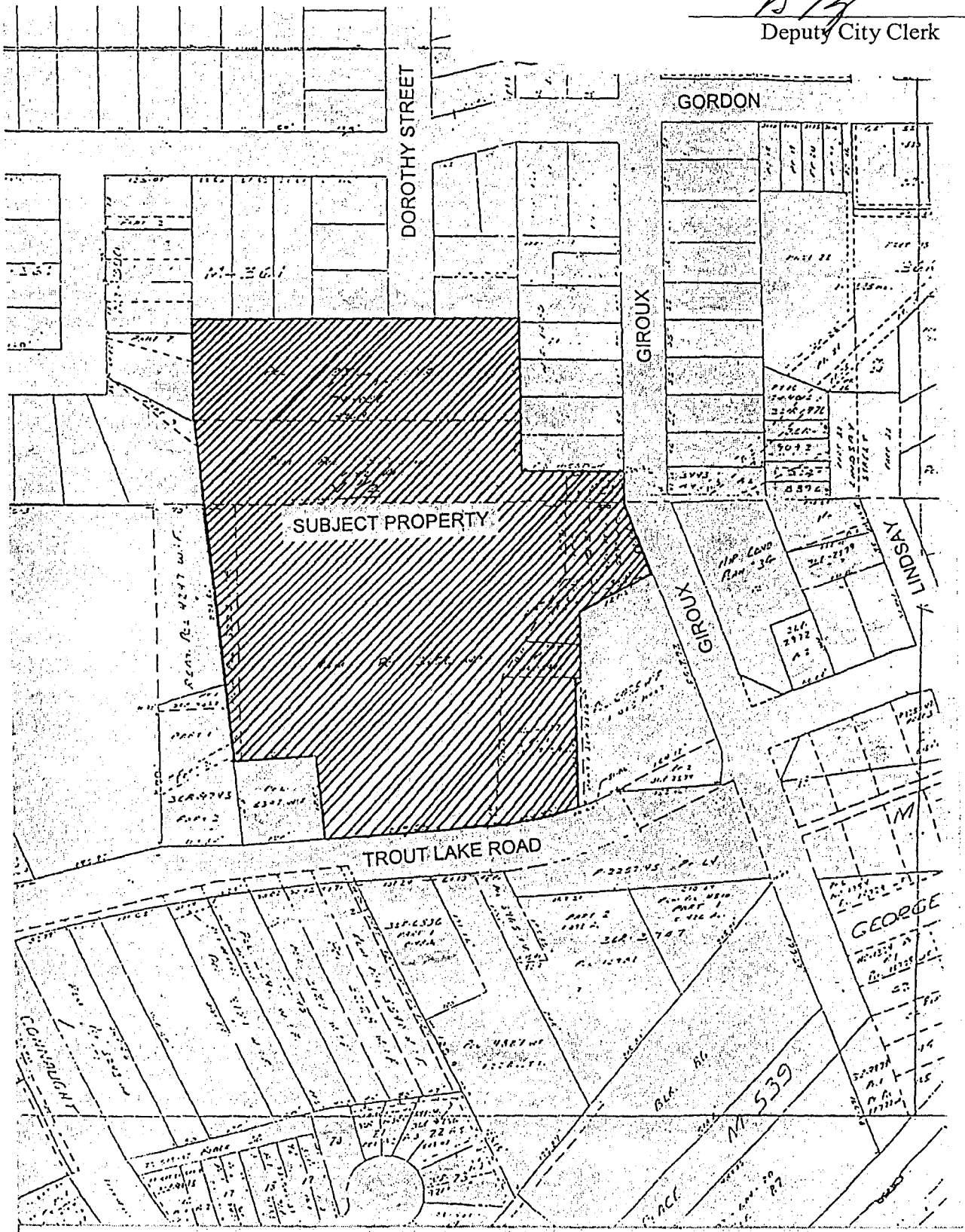
Passed the 14th day of June 2004.



Mayor



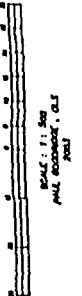
Deputy City Clerk



[Signature]
 Mayor

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 Deputy City Clerk

DRAFT PLAN OF
PROPOSED CONDOMINIUM
 PART OF LOT 17, CONCESSION C
 TOWNSHIP OF WOODFIELD
 CITY OF NORTH BAY
 DISTRICT OF WOODBINE



- ADDITIONAL INFORMATION REQUIRED UNDER THE PLANNING ACT**
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ADDITIONAL INFORMATION

- 1) EXCLUSIVE USE OF COMMON ELEMENTS
- 2) SEE PLAN FOR PROPOSED ACCESS MEMORANDUM
- 3) SEE PLAN
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BEARING NOTE:

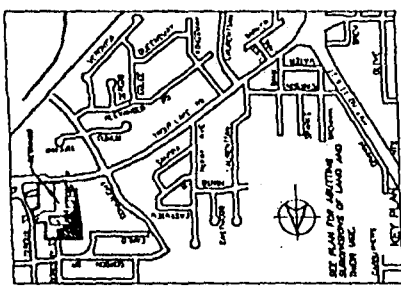
BEARINGS AND DISTANCES ARE AS SHOWN ON THE PLAN.

ELEVATIONS:

ALL ELEVATIONS ARE IN METERS ABOVE MEAN SEA LEVEL UNLESS OTHERWISE SPECIFIED.

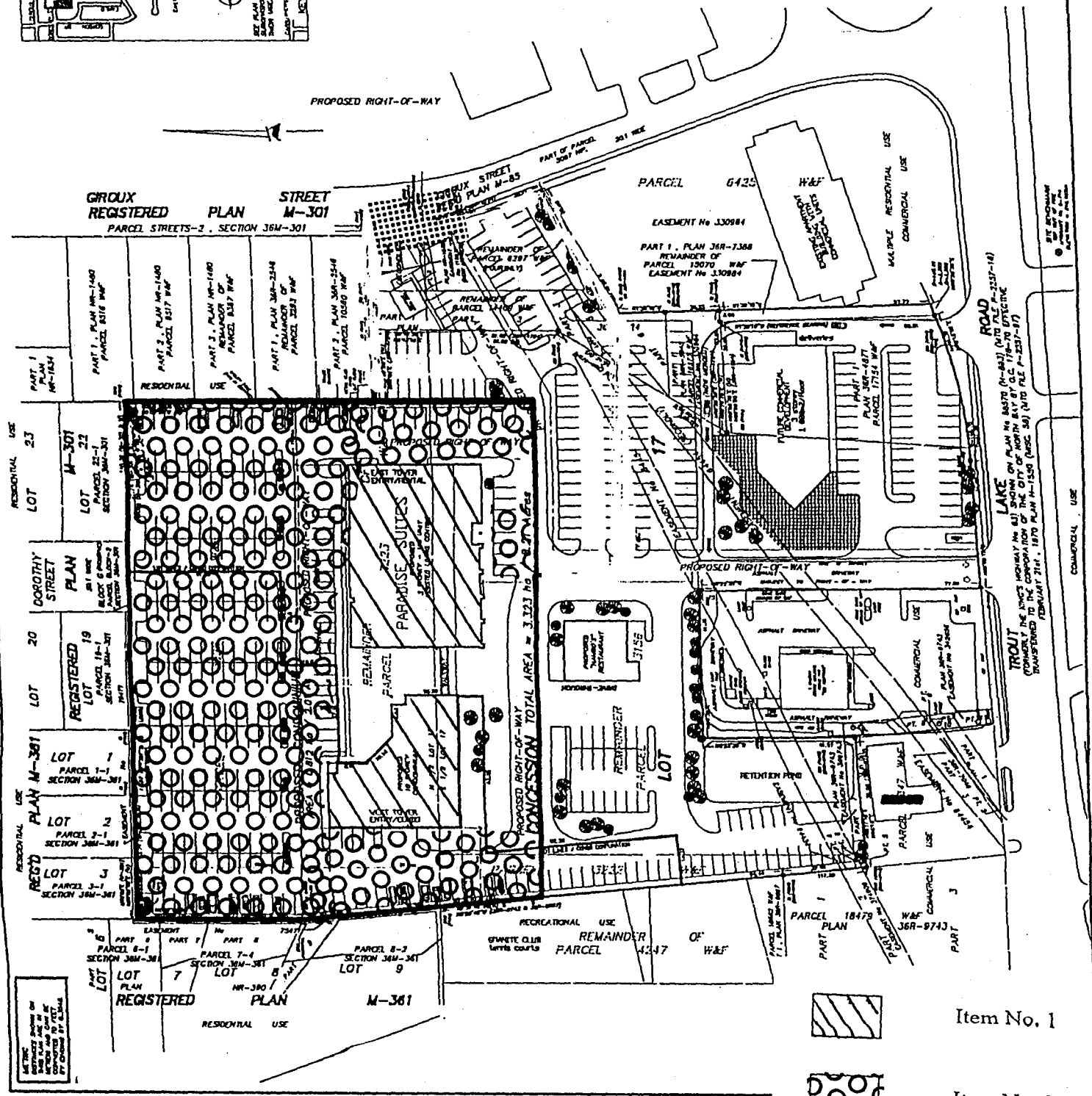
NOTE:

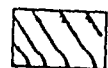
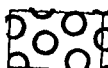

SEE PLAN FOR PROPOSED ACCESS MEMORANDUM.



NOTE:

LANDS IN BOLD OUTLINE TO BE RE-ZONED FROM DISTRICT COMMERCIAL C4 ZONE TO DISTRICT COMMERCIAL C4 SPECIAL ZONE TO ACCOMMODATE GROUND FLOOR RESIDENTIAL USES.



-  Item No. 1
-  Item No. 2
-  Item No. 3