

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-171

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON MAIN STREET WEST
(GRAND SIERRA INVESTMENTS LTD. – MAIN STREET WEST)**

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. 2003-170 to rezone the subject lands to a "Residential Multiple Third Density (RM3)" Zone to permit the construction of two (2), five (5) storey, 70-unit condominium/apartment buildings.

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 Concession C, Part Lot 24, Plan 36R-10432, Part 1, Pcl. 956 Nip. 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 the owner agrees to provide a stormwater management plan which will have regard for potential impacts to Walleye spawning grounds, and shall include a sedimentation and erosion control plan. Said stormwater management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the Department of Engineering and Environmental Services at no expense to the City.

- 4)
 - a) As a condition of approval, the owner agrees to retain the services of a recognized noise and vibration consultant for any new development on site. 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, and at no expense to the City of North Bay.
 - b) As a condition of approval, the owner agrees that all offers of purchase and sale for any portion of the subject lands shall contain the following clause:

“Purchasers/leasees are advised that despite the inclusion of noise control measures within the development area and within the individual building unit, noise levels may continue to be of concern, occasionally interfering with some activities of the dwelling occupants.”

The aforementioned notification shall occur to the satisfaction of and at no expense to the City of North Bay.

- 5) As a condition of approval, the owner agrees to follow and adhere to the *Guideline for Use at Contaminated Sites in Ontario*, and any successors thereto, to address any potential contamination from the adjacent railway.
- 6) As a condition of approval, the owner agrees to provide adequate services for fire protection.
- 7) 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, 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;
- g) adequate water supply for fire fighting purposes.
- 8) 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.
- 9) 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.
- 10) This By-law comes into force and effect upon being finally passed.

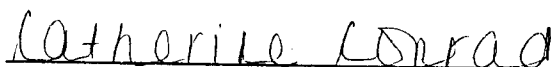
READ A FIRST TIME IN OPEN COUNCIL THE 15TH DAY OF DECEMBER 2003.

READ A SECOND TIME IN OPEN COUNCIL THE 12TH DAY OF JANUARY 2004.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 12TH DAY OF JANUARY 2004.



MAYOR



CITY CLERK

This is Schedule "A"

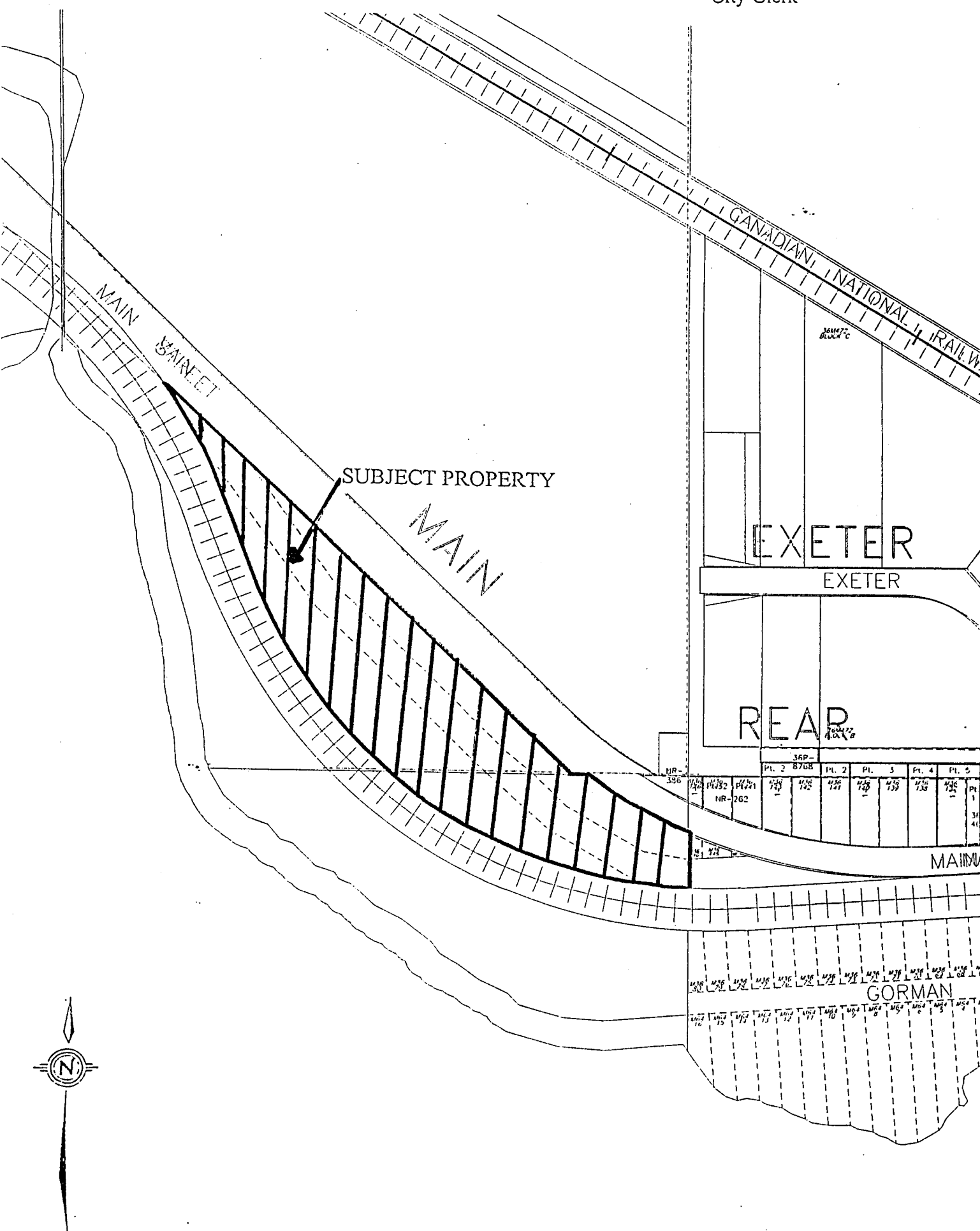
To By-Law No. 2003-171

Passed the 12th day of January

2004.

Mayor

Catherine Conrad
City Clerk



This is Schedule "B"

To By-Law No. 2003-171

Passed the 12th day of January

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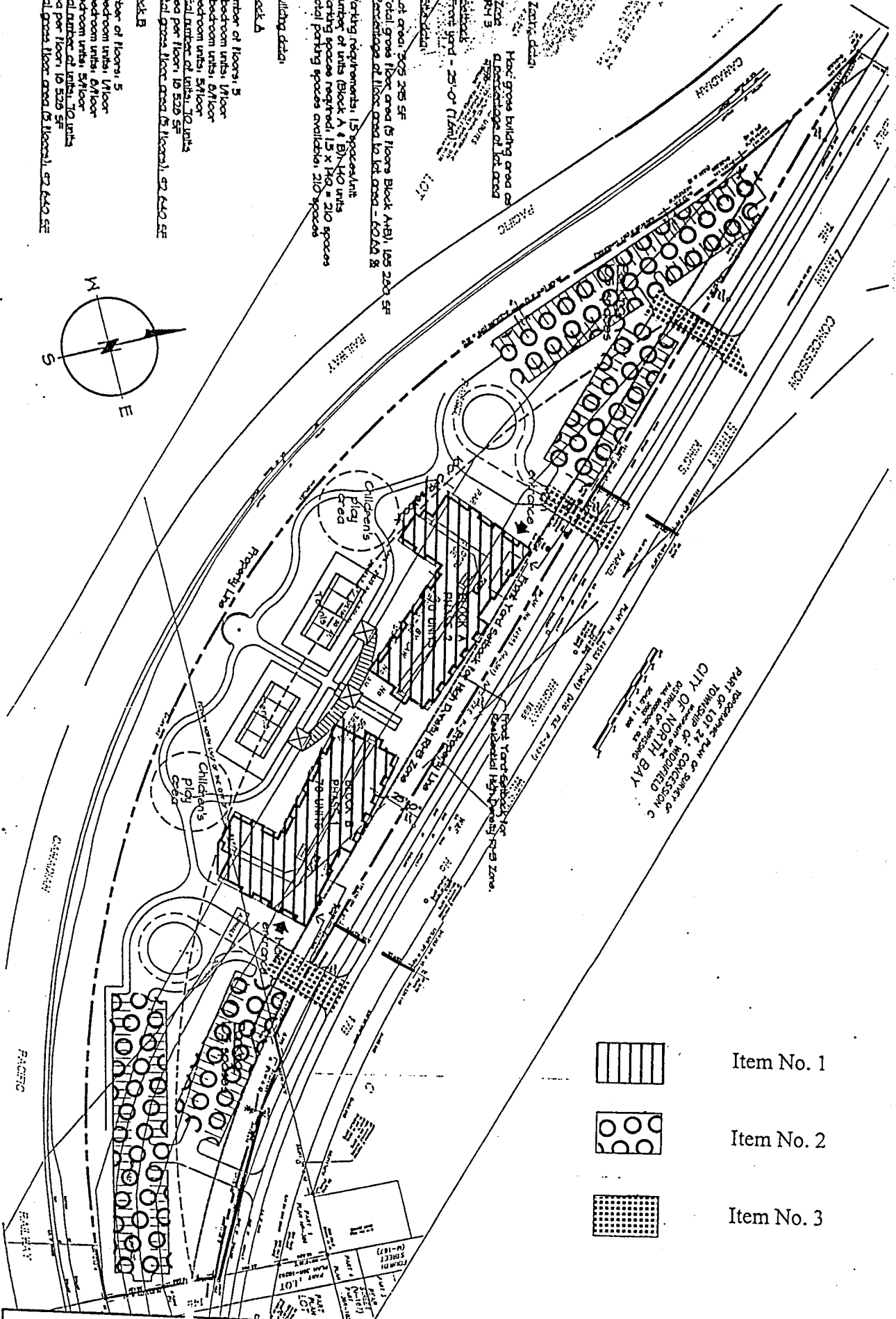
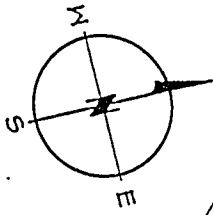
Mayor

Catherine Conrad
City Clerk

Lot area 305 285 SF
Total gross floor area (5 floors Block A+B), 125 200 SF
Percentage of floor area to lot area - 40.60 %
Parking requirements: 1.5 spaces/unit
Number of units (Block A & B) 40 units
Parking spaces required: 1.5 x 40 = 210 spaces
Total parking spaces available: 210 spaces

Building details:
Block A
Number of floors: 5
3 bedroom units, 1st floor
2 bedroom units, 6th floor
1 bedroom units, 5th floor
Total number of units: 10 units
Area per floor: 10 520 SF
Total gross floor area (5 floors): 52 000 SF

Block B
Number of floors: 5
3 bedroom units, 1st floor
2 bedroom units, 6th floor
1 bedroom units, 5th floor
Total number of units: 10 units
Area per floor: 10 520 SF
Total gross floor area (5 floors): 52 000 SF



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