

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-178

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON EVA STREET
(DARYL DUGUAY – EVA 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. 2003-177 to rezone the subject lands to a "Residential Multiple Fourth Density Special Zone No. 91 (RM4 Sp.91)" to permit the construction of an eighteen (18) 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 Lots 445 to 448, Plan M-28 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, 3, 4 and 5 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 27 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";
 - d) play space will be provided and maintained as set out as Item No. 4 on Schedule "B";
 - e) landscaping will be provided and maintained as set out as Item No.5 on Schedule "B";
 - and
 - f) privacy fencing will be provided and maintained as set out as Item No. 6 on Schedule "B".

- 3) As a condition of approval, the owner agrees to maintain the fence located along the southerly boundary of the property, abutting the property described at Lot 449, Plan M-28.
- 4) 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 at no expense to the City.
- 5) 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.
- 6) 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..
- 7) The owner agrees that the architectural structure, façade and design will be of a similar nature as shown on Schedule C attached.
- 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

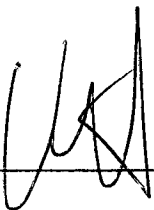
preparation.

- 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.

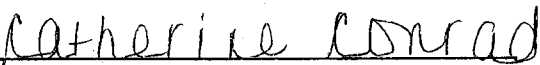
READ A FIRST TIME IN OPEN COUNCIL THE 15TH DAY OF DECEMBER 2003.

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.



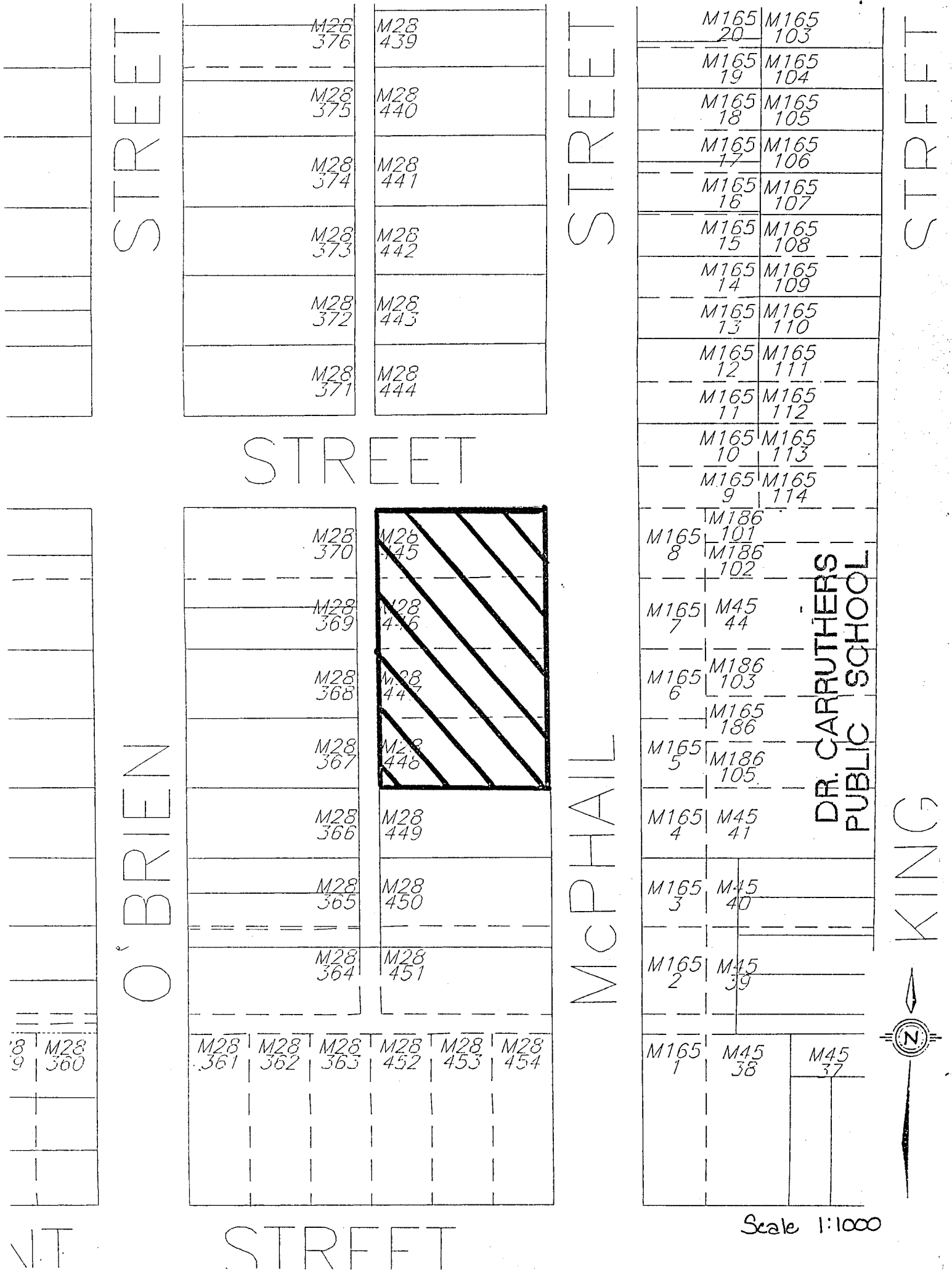
MAYOR



CITY CLERK

CA
Mayor

Catherine Conrad
City Clerk



DR. CARRUTHERS
PUBLIC SCHOOL

Scale 1:1000

[Signature]
Mayor

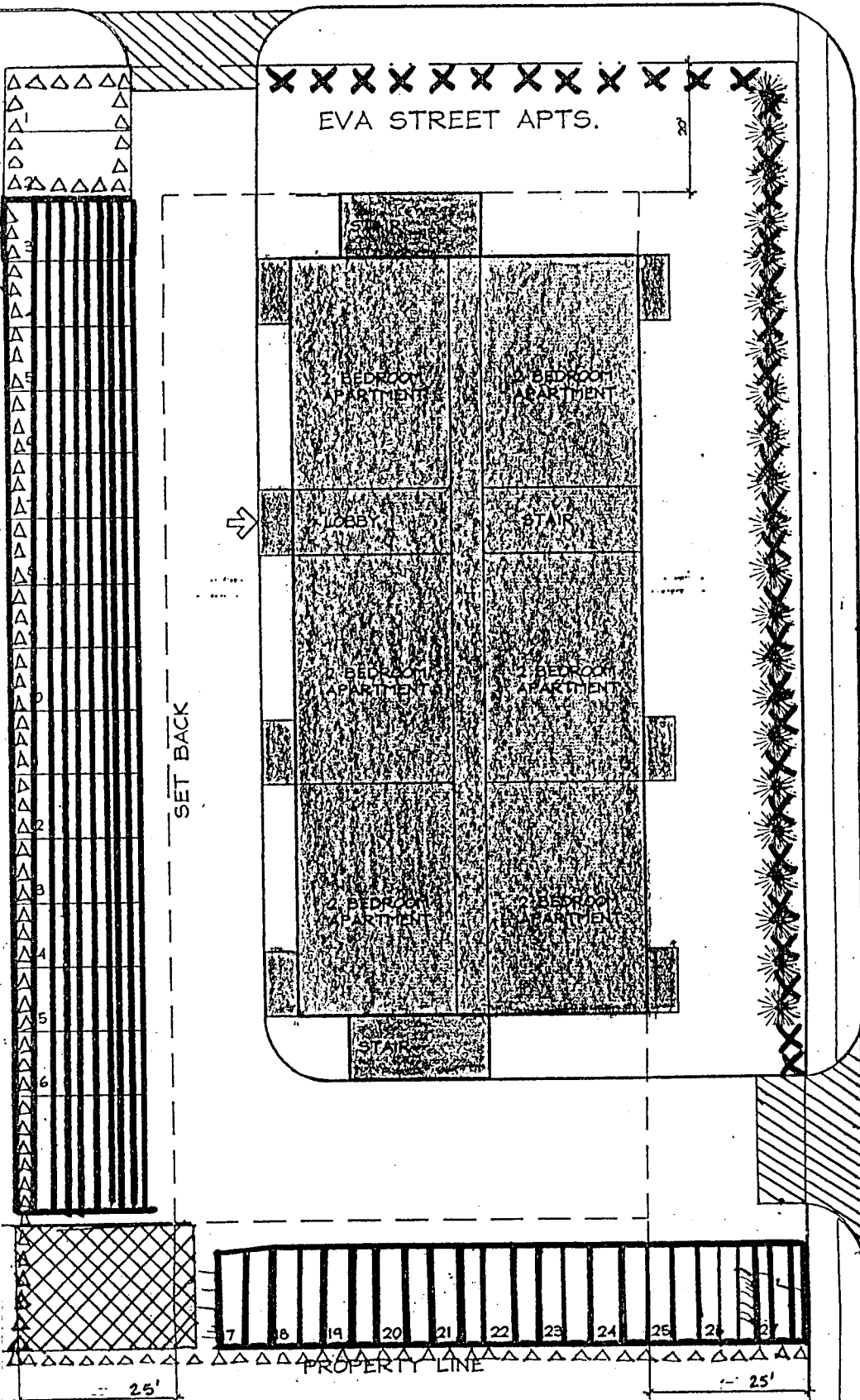
Catherine Conrad
City Clerk

EVA STREET

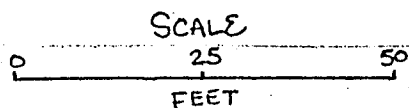
EXISTING LANE

McPHAIL STREET

EVA STREET APTS.



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

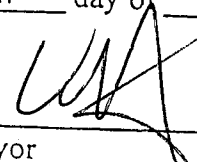


This is Schedule "C"

To By-Law No. 2003-178

Passed the 12th day of January

20 04.



Mayor

Catherine Conrad
Clerk

