

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2003-43**

**A BY-LAW TO DESIGNATE A SITE PLAN  
CONTROL AREA ON CERTAIN LANDS  
ON LAKESHORE DRIVE  
(W. LOWE/M. GIBB - 266 TO 270 LAKESHORE DRIVE)**

**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 has passed By-law No. 2003-26 to rezone the subject lands to a "Highway Commercial Special Zone No. 64 (C6 Sp.64)" to permit a private parking lot for an existing nearby commercial establishment (East Side Marios).

**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 Plan M-210, Pt. Lot 33, Rem. Pcl. 3813 W/F, Plan M-210, Pt. Lot 34, Rem. Pcl. 2976 W/F, Plan M-210, Pt. Lot 34 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 Item No. 1, 2 and 3 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
  - a) vehicular parking shall be provided and maintained by the owner as set out as Item No. 1 on Schedule "B";
  - b) ingress and egress shall be provided and maintained by the owner as set out as Item No. 2 on Schedule "B";
  - c) privacy fencing being not less than 1.8 metres in height 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 of the Site Plan Control Area shall convey to the City a 3.0 metre road widening strip of land plus day lighting corner along the Lakeshore Drive frontage of the subject lands, for use by the City in the future widening of Lakeshore Drive.
- 4) As a condition of approval the owner agrees to provide a stormwater management plan which shall include a lot grading plan for the subject lands. 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 and at no expense to the City.

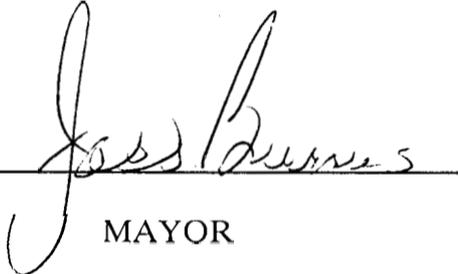
- 5) As a condition of approval of buildings, structures and parking areas referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the owner of the Site Plan Control Area has entered into an agreement with The Corporation 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.
- 6)
  - 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.

- 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 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.
- 8) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 22nd DAY OF APRIL, 2003.

READ A SECOND TIME IN OPEN COUNCIL THE 22nd DAY OF APRIL, 2003.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 22nd DAY OF APRIL, 2003.

  
MAYOR

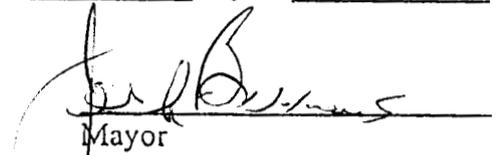
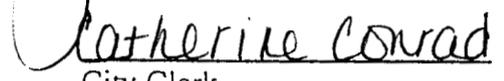
  
CITY CLERK

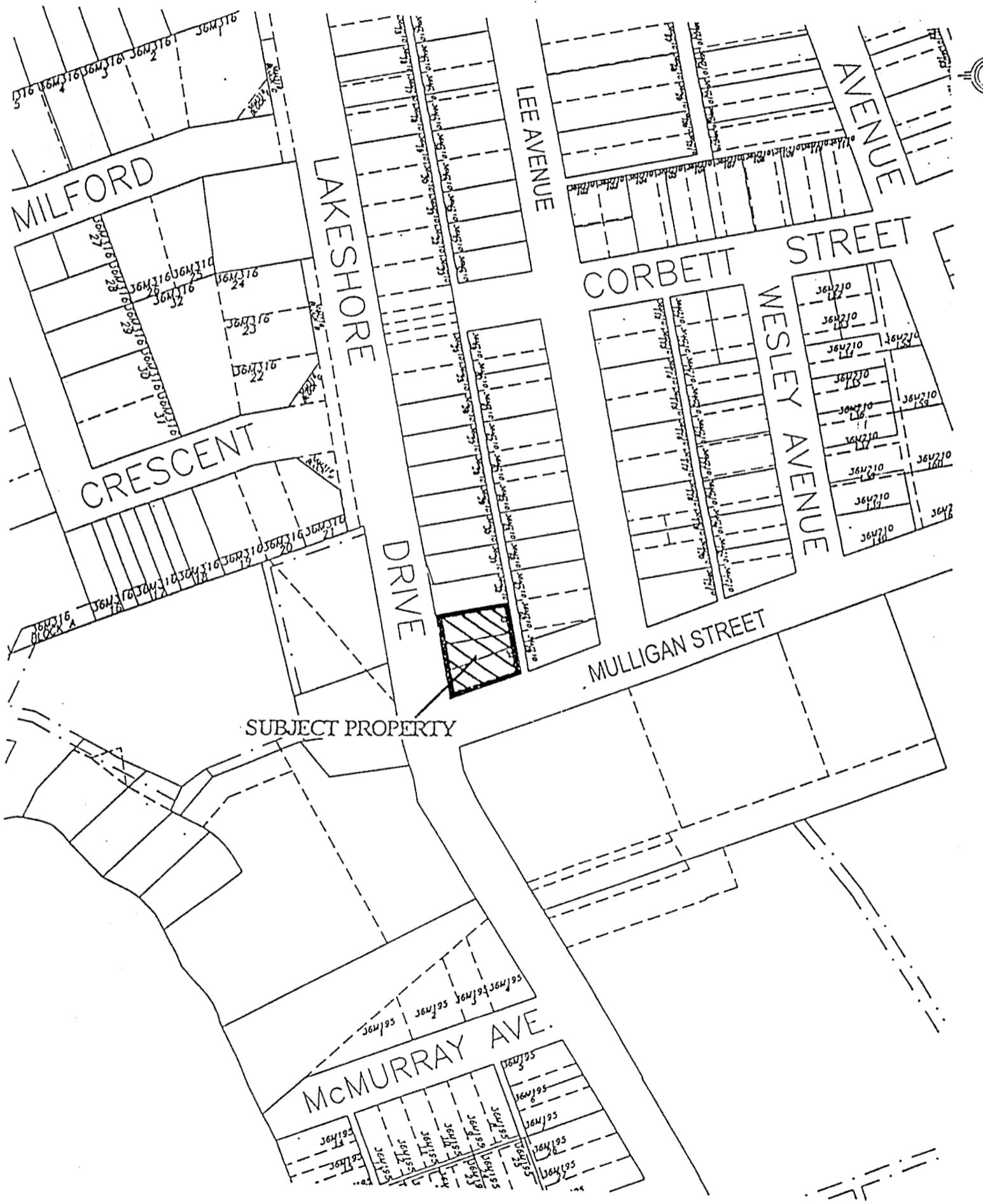
This is Schedule "A"

To By-Law No. 2003-43

Passed the 22nd day of April

20 03.

  
Mayor  
  
Catherine Conrad  
City Clerk

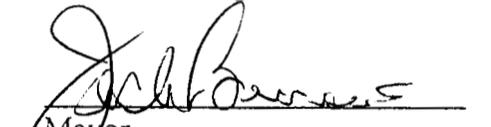
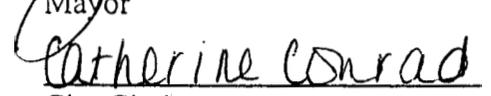


This is Schedule "B"

To By-Law No. 2003-43

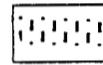
Passed the 22nd day of April

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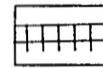
  
Mayor  
  
City Clerk



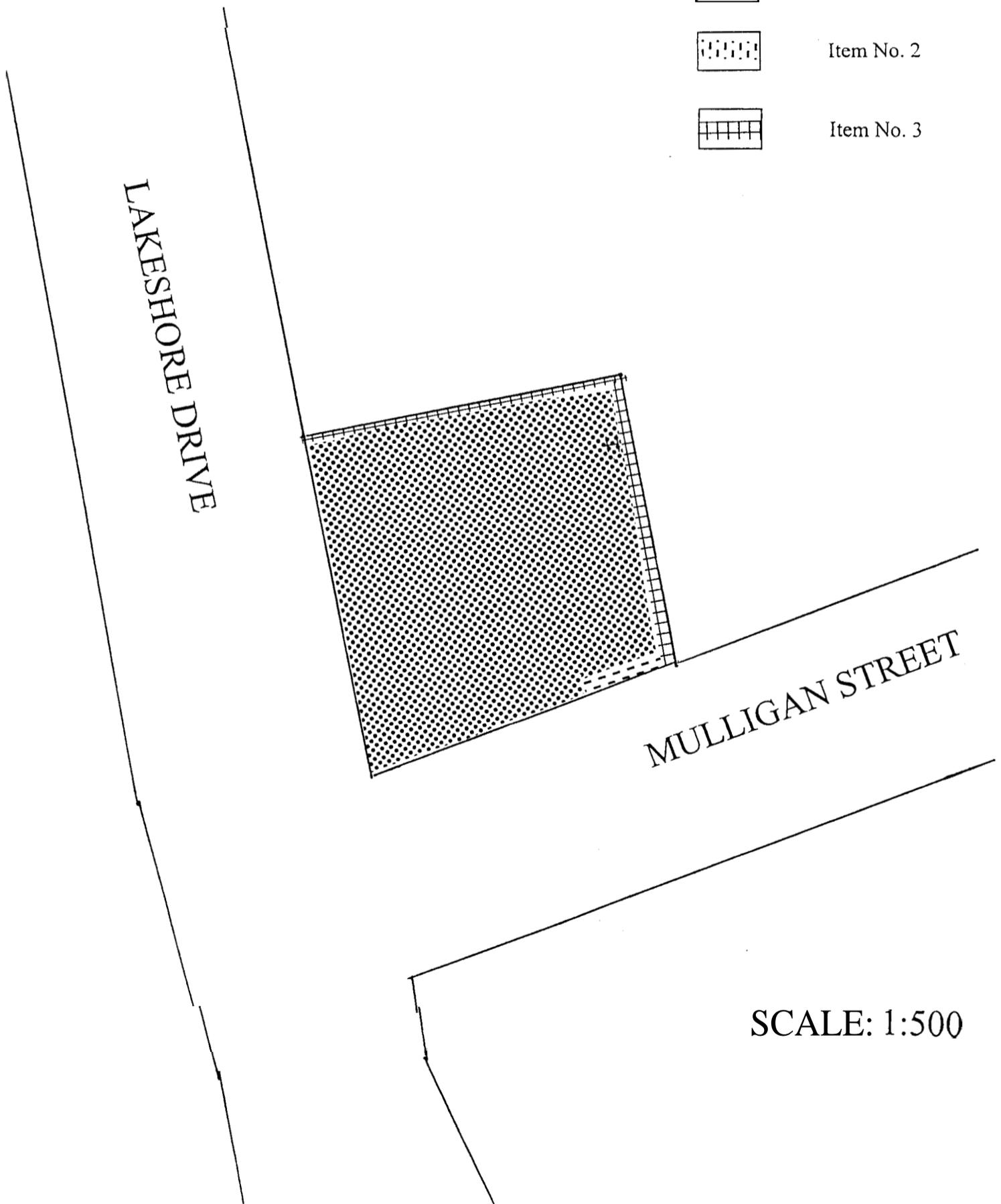
Item No. 1



Item No. 2



Item No. 3



SCALE: 1:500