

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-157

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON AIRPORT ROAD
(CONSOLIDATED HOMES LTD./GOLDEN
ESTATE LTD. – AIRPORT ROAD AND O'BRIEN 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. 2003-156 to rezone the subject lands to a "Highway Commercial (C6)" zone in order to permit an automobile service establishment, gas bar, take out restaurant, confectionary and car wash.

AND WHEREAS Council passed a resolution on October 20, 2003 to approve this rezoning.

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 687 to 697, 705 to 712, 836 to 842, 851 to 857, 980 to 986, 995 to 1001, Plan M-167 and Parts 1, 4, 9, 10 and 18, Plan 36R-5570 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, 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 provided and maintained by the owner as set out as Item No.1 on Schedule "B";
 - b) vehicular parking spaces shall be provided and 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" conditional on the outcome of, and approval of a Traffic Study;
 - d) a vegetative buffer shall be maintained as set out as Item No. 4 on Schedule "B";
 - e) privacy fencing being not less than 1.0 metres in height shall be provided and maintained by the owner as set out as Item No. 5 on Schedule "B".
- 3) As a condition of approval the Owner shall obtain all appropriate Provincial approvals for all facilities which relate to, and form an integral part of, the operation of the proposed gas bar.

- 4) As a condition of approval the new Owner shall prepare a stormwater management plan for the subject lands which will address quantity and quality issues, including management techniques for the containment of contaminants from a gas bar, which stormwater alterations to the subject property shall occur to the satisfaction of, and at no expense to, the City of North Bay.
- 5) As a condition of approval the Owner shall incorporate into the on site and off site design, any recommendations forthcoming from a Traffic Study to the satisfaction of, and at no expense to, the City Engineer.
- 3) 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.
- 4)
 - 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

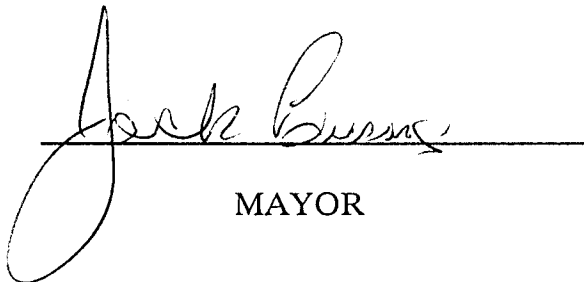
thereto and The Land Titles Act or any successor legislation thereto against any and all subsequent owners of the land.

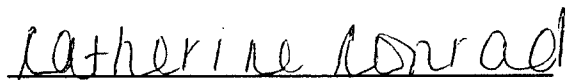
- 5) a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.
b) The owner shall authorize the City to exercise the provisions of Section 427 of The Municipal Act, 2001 (S.O. 2001, c.25), as amended or any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 6) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 20TH DAY OF OCTOBER
2003.

READ A SECOND TIME IN OPEN COUNCIL THE 3RD DAY OF NOVEMBER
2003.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 3RDDAY OF NOVEMBER
2003.


MAYOR


CITY CLERK

This is Schedule "A"

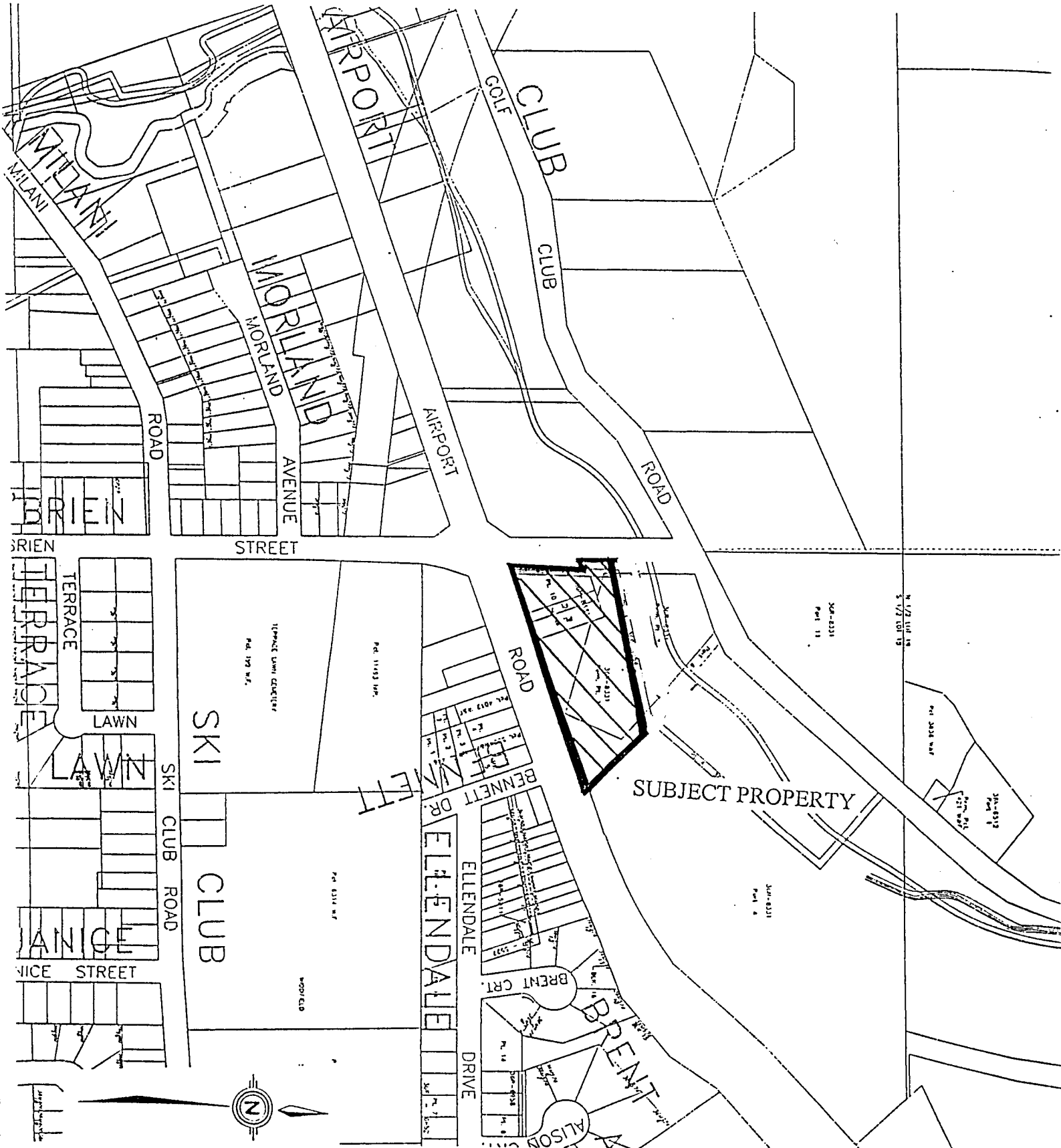
To By-Law No. 2003-157

Passed the 3rd day of November

2003.

Mayor

Katherine Conrad
City Clerk





Mayor



City Clerk

