

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

**BY-LAW NO. 2002-101**

**A BY-LAW TO DESIGNATE A SITE PLAN  
CONTROL AREA ON CERTAIN LANDS  
ON OAK STREET WEST  
(EFECTO DE ONDES INC. – OAK 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. 2002-100 to rezone the subject lands to a “General Commercial Outer Core Special Zone No. 63 (C2 Sp. 63)” to permit the construction of an 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 Plan M-38, Part Lot 105, Lots 106 through 113, Lots 47 through 54, Plan 36R-5205, Parts 1, 3, 4 & 6 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, 3 and 4 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 consisting of not less than 108 parking spaces shall be provided and maintained by the owner as set out as Item No. 2 (including underground parking) on Schedule “B”;
    - i) Where a commercial use is developed it must meet the parking requirements for Zoning By-law 28-80.
  - c) ingress and egress shall be provided and maintained by the owner as set out as Item No. 3 on Schedule “B”;
  - d) privacy screening being not less than 1.8 metres in height shall be provided and maintained by the owner as set out as Item No. 4 on Schedule “B”.

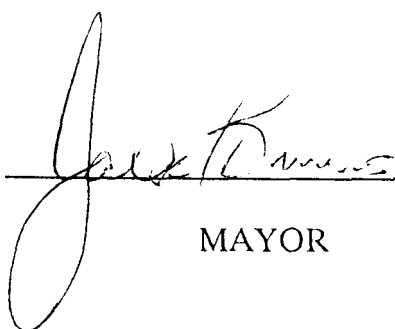
- 3) As a condition of approval the owner agrees to provide a storm water management plan which shall include a lot grading plan for the subject lands. Said storm water management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the Department of Engineering and Environmental Services and at no expense to the City.
- 4) As a condition of approval the owner agrees to convey to the City such lands as are deemed to be reasonably required for the widening of the Oak Street road allowance in such location as it abuts the subject lands. Said lands, to be transferred, will be determined after negotiation with the City Engineer. The transfer of these lands required for the road widening shall occur to the satisfaction of the City Engineer, and at no expense to the City.
- 5)
  - a) As a condition of approval the owner agrees to retain the services of a recognized noise and vibration consultant for any new construction on the 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 the satisfaction of and at no expense to the City.
  - 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 a clause advising purchasers that a potential noise problem may exist due to the proximity of a railway main line. The aforementioned notification shall occur to the satisfaction of and at no expense to the City.
- 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, 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.
- 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.
- 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.
- 8) 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 326 of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended or any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 9) This By-law comes into force and effect upon being finally passed.

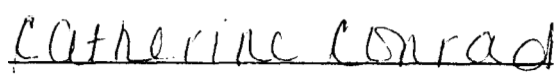
READ A FIRST TIME IN OPEN COUNCIL THE 26<sup>TH</sup> DAY OF AUGUST 2002.

READ A SECOND TIME IN OPEN COUNCIL THE 9<sup>TH</sup> DAY OF SEPTEMBER 2002.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 9<sup>TH</sup> DAY OF SEPTEMBER 2002.



MAYOR

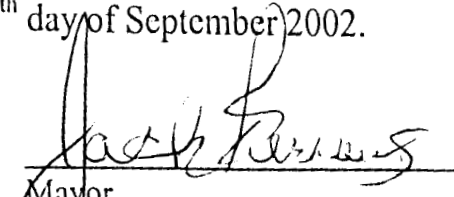


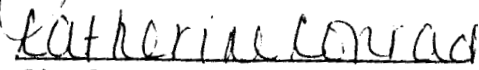
CITY CLERK

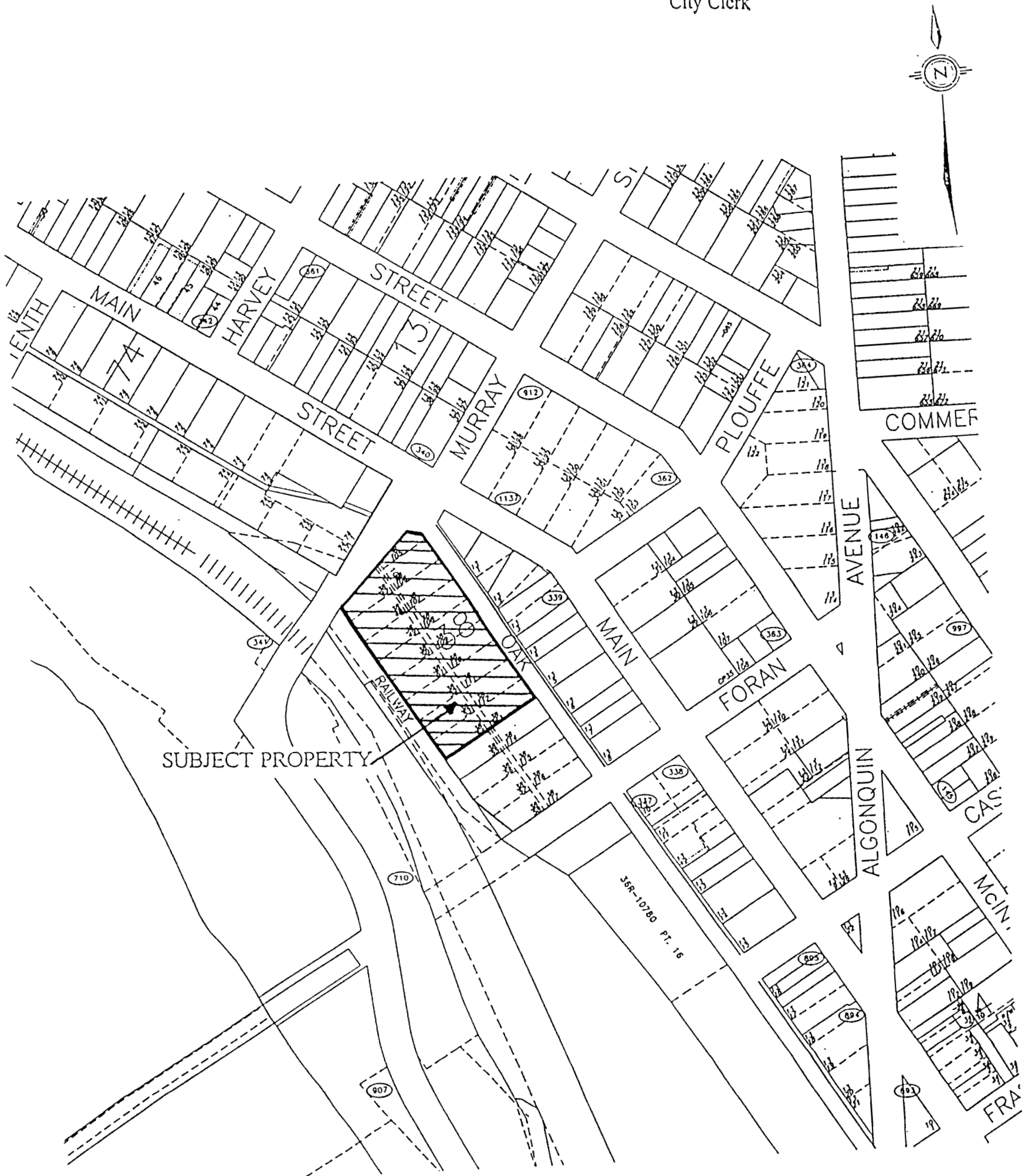
This is Schedule "A"

To By-Law No. 2002-101

Passed the 9<sup>th</sup> day of September 2002.

  
Mayor

  
City Clerk



This is Schedule “B”

To By-Law No. 2002-101

Passed the 9<sup>th</sup> d **y** of September 2002.

Mayor

City Clerk

