

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

**BY-LAW NO. 117-96**

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL  
AREA ON CERTAIN LANDS ON MCKEOWN AVENUE  
(GOLDEN ESTATES LIMITED - MCKEOWN AVENUE)**

**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 Clerk the authority to enter into an agreement respecting the matters referred to herein;

**AND WHEREAS** Council intends to pass By-law No. 116-96 to rezone the subject lands to a "District Commercial Special Zone No. 50 (C4 Sp.50)" to permit the construction of a maximum of four commercial buildings having a total floor area of approximately 1,771 square metres.

**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 Block 104, Plan M-517 in the City of North Bay which land is 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) Four commercial buildings shall be provided and maintained as set out as Item No. 1 on Schedule "B";
  - b) vehicular parking consisting of not less than ninety-one (91) parking spaces shall be provided and maintained as set out as Item No. 2 on Schedule "B";
  - c) ingress and egress shall be provided and maintained as set out as Item No. 3 on Schedule "B";
  - d) a 1.8 metre high fence designed and constructed to provide visual and accoustical screening shall be provided and maintained as set out as Item No. 4 on Schedule "B"
- 3) As a condition of approval the Applicant agrees to provide a storm water management plan to the satisfaction of the Department of Engineering and Environmental Services and

at no expense to the City. Any recommendations forthcoming from said storm water management shall be incorporated into the development of the subject property.

4) 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 Municipality 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.

5) a) The Mayor and Clerk are hereby authorized upon the recommendation of the Chief Administrative Officer 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 \$250.00 upon the owner for preparation and registration of the agreement.

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 and The Land Titles Act against any and all subsequent owners of the land.

6) a) The said agreement shall be binding on the owner, its successors and assigns.

b) The owner shall authorize the City to exercise the provisions of Section 325 of

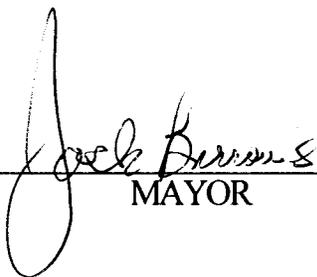
The Municipal Act, R.S.O. 1980, Chapter 302, as amended in the event of a breach by the owner of a condition of this agreement.

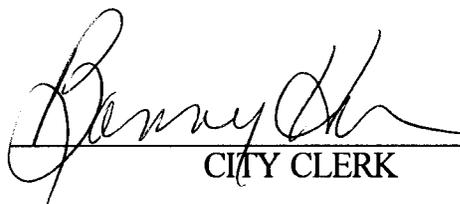
- 7) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 15<sup>th</sup> DAY OF OCTOBER  
199 6

READ A SECOND TIME IN OPEN COUNCIL THE 28<sup>th</sup> DAY OF OCTOBER  
199 6.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 28<sup>th</sup> DAY  
OF OCTOBER 199 6.

  
MAYOR

  
CITY CLERK

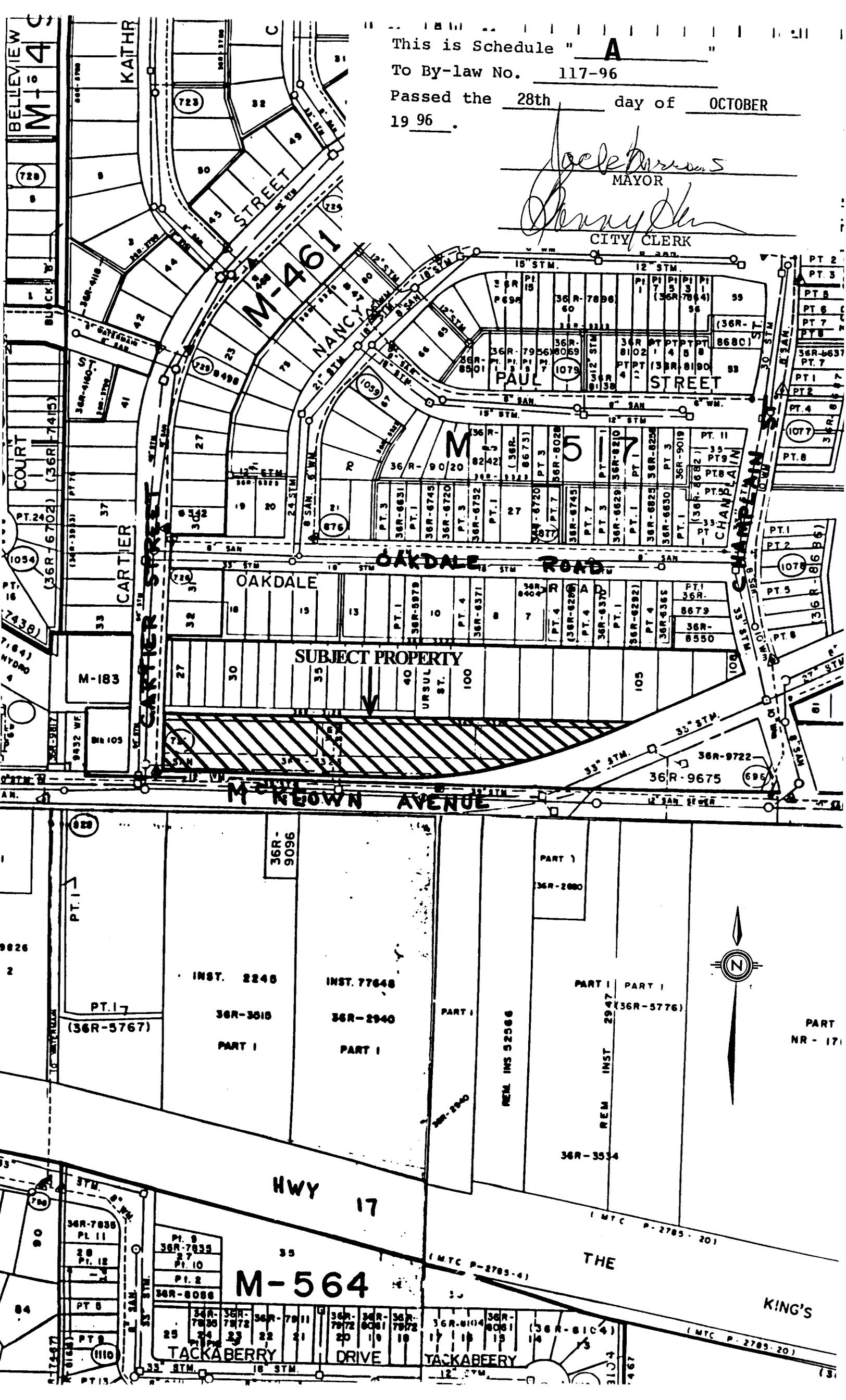
This is Schedule " A "

To By-law No. 117-96

Passed the 28th day of OCTOBER 19 96

*Jack Burrows*  
MAYOR

*Denny De*  
CITY CLERK



SUBJECT PROPERTY

M-564

HWY 17

TACKABERRY DRIVE

TACKABERRY



This is Schedule " B "

To By-law No. 117-96

Passed the 28th day of OCTOBER  
1996.

Joseph Burrows  
MAYOR

[Signature]  
CITY CLERK



Item No. 1



Item No. 2



Item No. 3



Item No. 4

