

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-83

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON LAKESHORE DRIVE
(DESCON DEVELOPMENT CORP. - 533 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 intends to pass By-law No. 2003-82 to rezone the subject lands to a "Residential Multiple Fourth Density Special Zone No. 86 (RM4Sp.86)" to permit the construction of a five (5) storey, 45-unit condominium.

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-211, Lots 69 to 75, Lots 104 to 110, Pcls. 1620 and 1634 W/F 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 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 maintained by the owner as set out as Item No. 1 on Schedule "B";
 - b) vehicular parking, consisting of not less than 68 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";
- 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 property. 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 at no expense to the City.

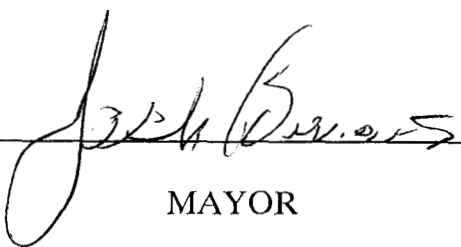
- 4) As a condition of approval the owner agrees to convey to the City such lands as are deemed to be reasonably required for the widening of Lakeshore Drive in such location as it abuts the subject property. Said lands, to be transferred, will be determined after negotiation with the City Engineer. 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) As a condition of approval the owner agrees to provide an engineered retaining wall above elevation 648.0 C.G.D. and adequate building flood proofing to the satisfaction of the Department of Engineering and Environmental Services and the North Bay-Mattawa Conservation Authority, at no expense to the City.
- 6) As a condition of approval the owner agrees to extend the water main located on Marshall Park Drive to the subject property in a manner that is satisfactory to the City Engineer and at no expense to the City for the purpose of obtaining the necessary fire fighting water flows.
- 7) 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.

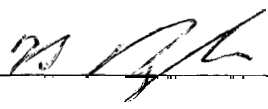
- 8) a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose 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 16TH DAY OF JUNE
2003.

READ A SECOND TIME IN OPEN COUNCIL THE 23RD DAY OF JUNE
2003.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 23RD DAY
OF JUNE 2003.


MAYOR


DEPUTY CITY CLERK

SCHEDULE "A"

This is Schedule "A"

To By-law No. 2003-83

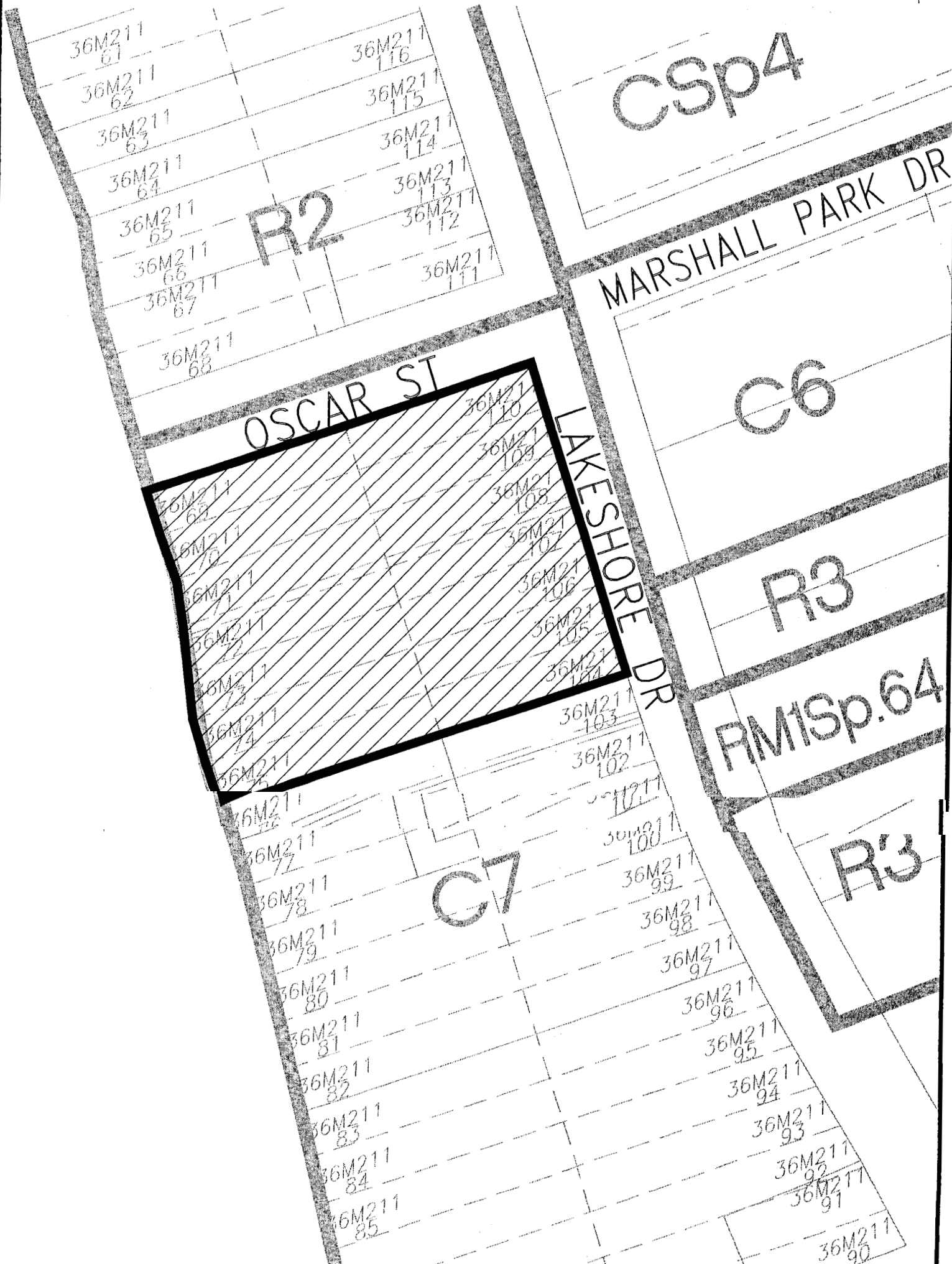
Passed the 23rd day of June 2003



Subject Property
Rezoned from "C7" to "RM4Sp.86"

[Signature]
Mayor

[Signature]
DEPUTY CITY CLERK



This is Schedule "B"

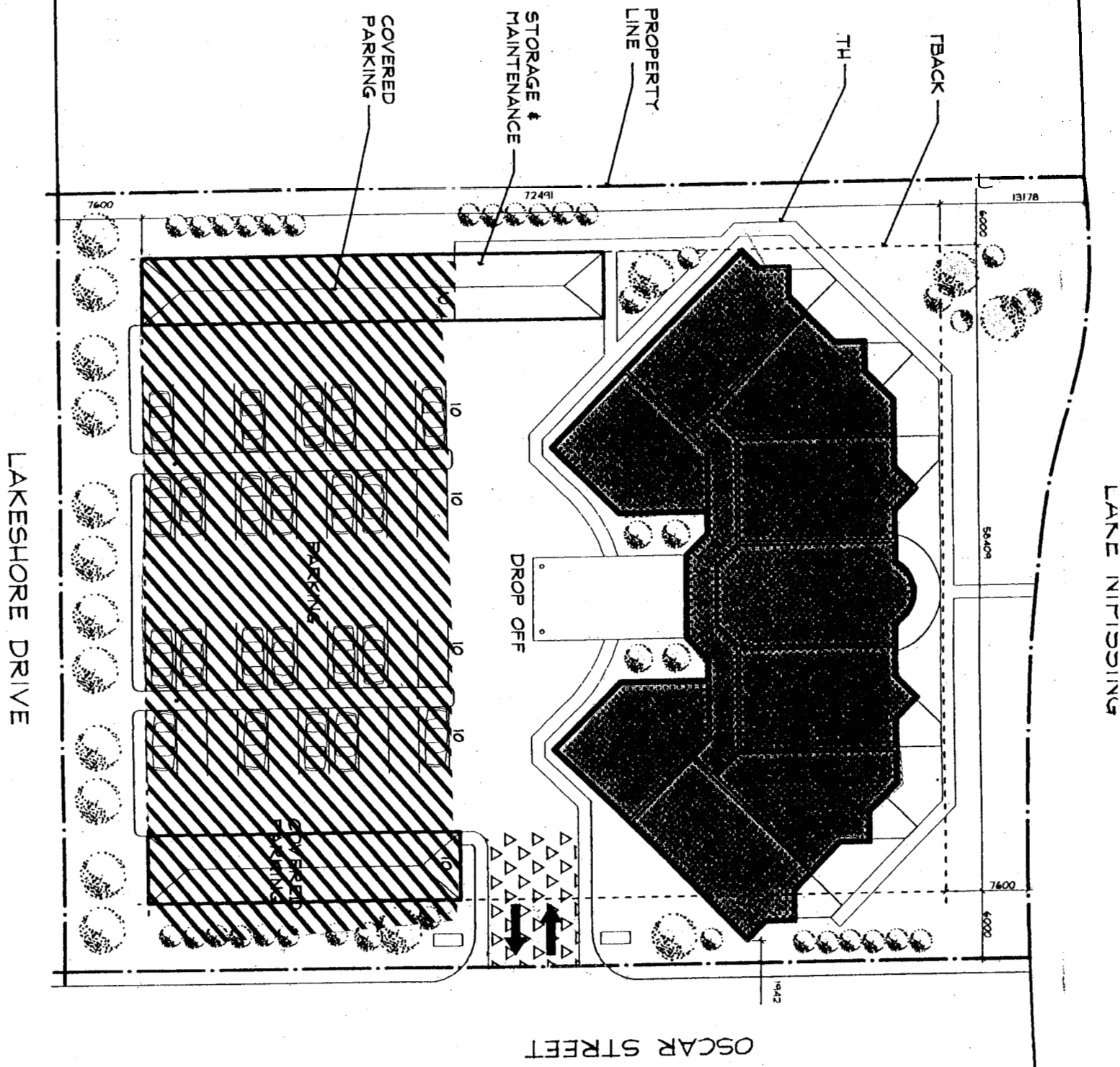
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Passed the 23rd day of June

2003.

Jack Burrows
Mayor

[Signature]
DEPUTY CITY CLERK






BUILDING INFORMATION:
 5 STORY CONDOMINIUM
 45 UNITS

*** SITE INFORMATION**

RM 3:4

6325.9 m²

AREA OF MAIN BUILDING:	1259.8 m ²
AREA OF OTHER BUILDINGS:	427.6 m ²
SITE COVERAGE:	26.7%

-  Item No. 1
-  Item No. 2
-  Item No. 3