

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-180

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON M^CPHAIL STREET
(DARYL DUGUAY – M^CPHAIL 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. 2003-179 to rezone the subject lands to a "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)" to permit the development of a twenty-seven unit apartment dwelling within the existing vacant Dr. Carruther's School.

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 4 to 10, 113, 114 and 186, Plan M-165, Lots 101 to 103, and Lot 105, Plan M-186 and Lots 41 and 44, Plan M-45 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, 4 and 5 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 41 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";
 - d) play space will be provided and maintained as set out as Item No. 4 on Schedule "B";
and
 - e) landscaping will be provided and maintained as set out as Item No. 5 on Schedule "B".

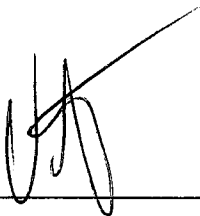
- 3) As a condition of approval the owner agrees to provide a storm water management plan which shall include a lot grading plan for the subject property. Said storm water management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the City Engineer and at no expense to the City of North Bay.
- 4) As a condition of approval the owner agrees to provide adequate water for fire fighting purposes to the satisfaction of, and at no expense to, the City of North Bay.
- 5) 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 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) The owner agrees that the architectural structure, façade and design of existing and future development will be maintained, restored or created as shown on Schedule C attached.
- 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 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.
- 9) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 15TH DAY OF DECEMBER 2003.

READ A SECOND TIME IN OPEN COUNCIL THE 12TH DAY OF JANUARY 2004.

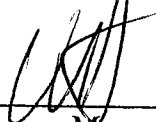
READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 12TH DAY OF JANUARY 2004.



MAYOR



CITY CLERK


Mayor

Latherine Conrad
City Clerk

M28 376	M28 439
M28 375	M28 440
M28 374	M28 441
M28 373	M28 442
M28 372	M28 443
M28 371	M28 444

STREET

M165 20	M165 103
M165 19	M165 104
M165 18	M165 105
M165 17	M165 106
M165 16	M165 107
M165 15	M165 108
M165 14	M165 109
M165 13	M165 110
M165 12	M165 111
M165 11	M165 112

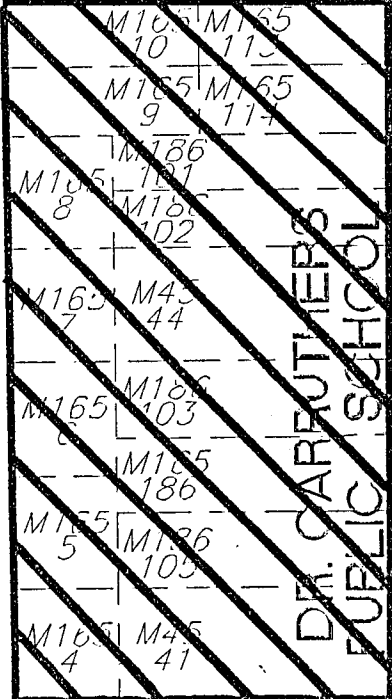
STREET

M165 126	M165 227
M165 125	M165 228
M165 124	M165 229
M165 123	M165 230
M165 122	M165 231
M165 121	M165 232
M165 120	M165 233
M165 119	M165 234
M165 118	M165 235
M165 117	M186 114
M165 116	M186 115
M165 115	M186 116
M186 113	M186 117
M186 112	M186 118
M186 111	M186 119
M186 110	M186 120
M186 109	M186 121
M186 108	M186 122
M186 107	M186 123
M186 106	M186 124
M45 51	M186 125
M45 52	

REET

M28 370	M28 445
M28 369	M28 446
M28 368	M28 447
M28 367	M28 448
M28 366	M28 449
M28 365	M28 450
M28 364	M28 451

MCPHAIL



KING

M165 3	M45 40
M165 2	M45 39
M165 1	M45 38
	M45 37

M45 36	M45 35	M186 126



Scale 1:1000

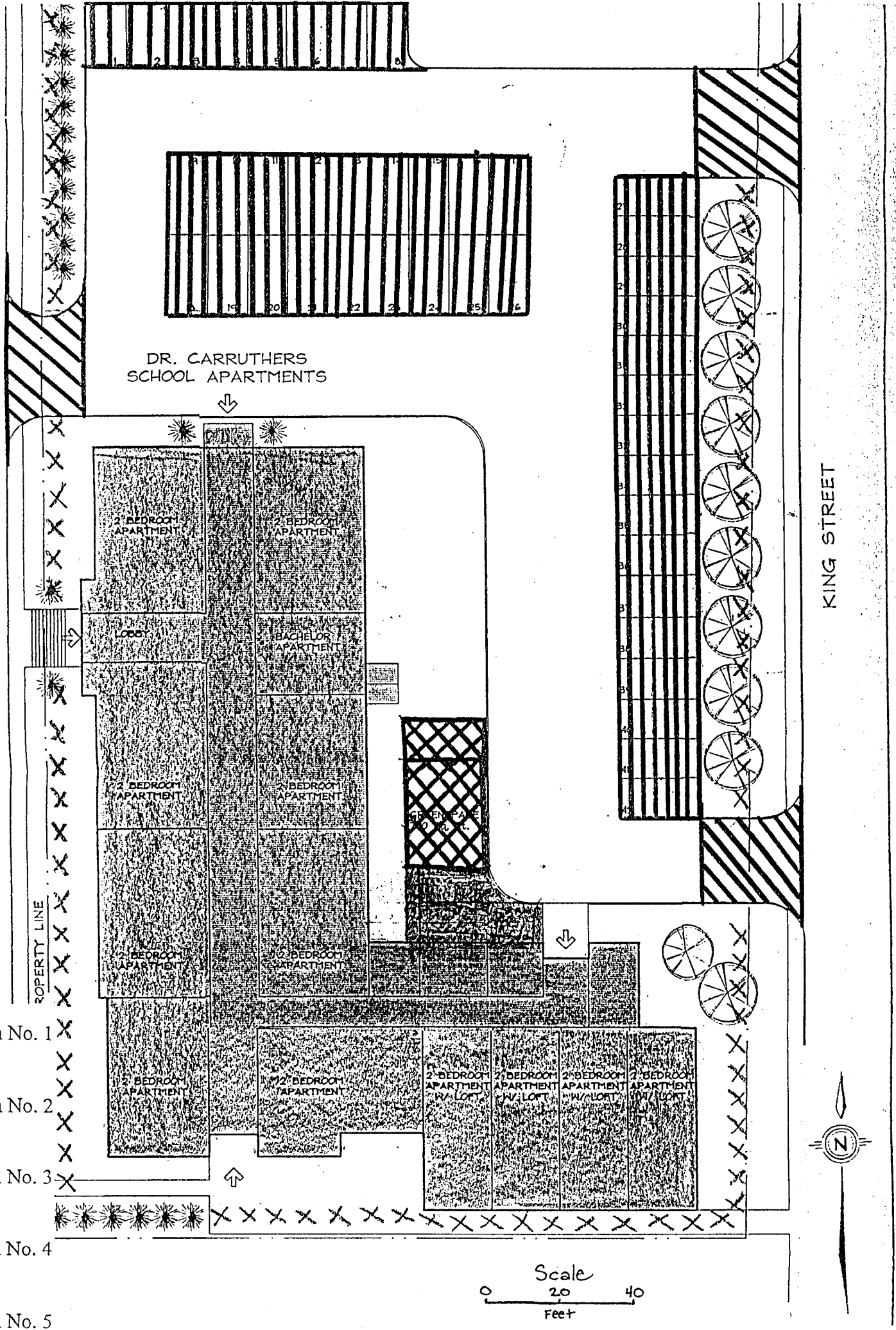
RFFT

Passed the 12th day of January

20 04.

Mayor


Catherine Conrad
City Clerk



This is Schedule "C"

To By-Law No. 2003-180

Passed the 12th day of January
2004.



Mayor

Catherine Conrad
Clerk

