

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 1999-102

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL
AREA ON CERTAIN LANDS ON GORMAN STREET
(ONTARIO REALTY CORPORATION -
1353 GORMAN 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. 1999-101 to rezone the subject lands to a "Residential Fifth Density Special Zone No. 74 (R5 Sp.74)" in order to permit the eventual construction of eleven single detached dwellings.

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 15, Lots 3 to 6 and Blocks O, P, Q and part Block N 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) As a condition of approval 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.

- 3) As a condition of approval the owner agrees to maintain a minimum 30 metre wide vegetative buffer along the front property line (shoreline of Lake Nipissing) abutting Plan 15, Blocks O, P, Q and part Block N.
- 4) As a condition of approval the owner shall provide an Initial Environmental Site Assessment prepared by a qualified consultant, to the satisfaction of the City Engineer in order to evaluate soils conditions associated with previous uses of the subject property. Any recommendation forthcoming in the Consultant's report will be undertaken and completed to the satisfaction of the City Engineer. Any and all costs associated with the study and subsequent site remediation will be borne by the owner. No costs associated with the study or the subsequent site remediation shall be borne by either the City Engineer or The Corporation of the City of North Bay.
- 5) As a condition of approval, the owner agrees to enter into a Servicing Agreement with the City. The owner further agrees to retain a Professional Engineer to undertake works required to complete the Servicing Agreement which shall include, but not be limited to, lot grading, lot servicing, road upgrades, and storm water disposal. The conduct of the works required to prepare the servicing agreement shall occur to the satisfaction of the City Engineer and at no expense to the City Engineer or The Corporation of the City of North Bay. Any alteration to the site resulting from the Servicing Agreement will be undertaken to the satisfaction of the City Engineer and at no expense to either the City Engineer or The Corporation of the City of North Bay.
- 6) The owner agrees to enter into an Agreement with the Canadian Pacific Railway, which agreement will be registered on Title of the subject property advising all perspective purchasers or lessors of the land of the proximity of a railway main line and associated noise and vibration problems. Said Agreement will also address other railway concerns as stipulated by the Canadian Pacific Railway to the satisfaction of the Canadian Pacific Railway.
- 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 and registration of each 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.

8) a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.

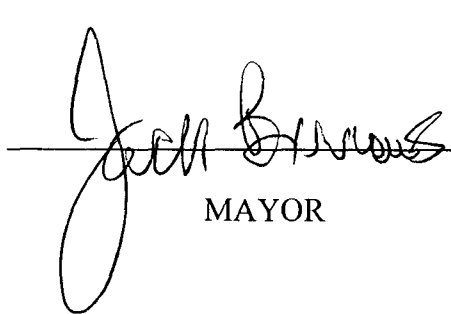
b) The owner shall authorize the City to exercise the provisions of Section 325 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended in the event of a breach by the owner of a condition of this agreement.

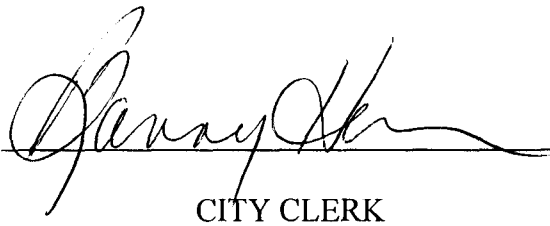
9) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 12th DAY OF July
1999.

READ A SECOND TIME IN OPEN COUNCIL THE 26th DAY OF July
1999.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 26th DAY
OF July 1999.


MAYOR


CITY CLERK



This is Schedule " 1 A "

To By-law No. 1999-102

Passed the 26th day of July,
19 99.

John Burns
MAYOR

Doreen
CITY CLERK

SUBJECT PROPERTY