

THE CORPORATION OF THE CITY OF NORTH BAY

94-94

BY-LAW NO. _____

**A BY-LAW TO DESIGNATE A SITE PLAN
CONTROL AREA ON CERTAIN LANDS
ON TROUT LAKE ROAD AND THE NORTH
BAY BYPASS
(TROUT LAKE SQUARE INC.)**

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;

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. 93-94 to rezone the subject lands to a "District Commercial (C.4)" zone, a "District Commercial Special Zone No. 43 (C.4 Sp.43)" and a "Floodway Special Zone No. 1 (0.1 Sp.1)" in order to develop the site for commercial uses;

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 36R-5645, Parts 1 to 5 inclusive, Lot 3, Plan M-234, and Part of Parts 3, 4, 5, 8, 95, & 96, Plan 36R-5102 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, 4 and 5 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) Commercial buildings shall be provided and maintained as set out as Item No. 1 on Schedule "B";
 - b) vehicular parking consisting of a minimum of two hundred and seventy-two (272) parking spaces shall be provided and maintained as set out as Item No. 2 on Schedule "B";
 - c) a public access roadway shall be provided and maintained to the satisfaction of the Director of Engineering and Environmental Services and the Director of Transportation and Works, and further shall be provided at no expense to the City, together with Title to said roadway. Said roadway shall be provided as set out as Item No. 3 on Schedule "B";

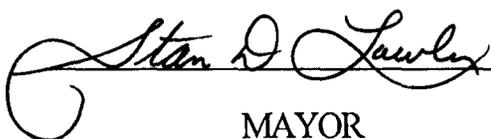
- d) a 1.5 metre wide landscape strip shall be provided and maintained as set out as Item No. 4 on Schedule "B";
 - e) landscaped areas comprised of shrubs and mature trees being not less than 3.0 metres in height shall be provided and maintained as set out as Item No. 5 on Schedule "B".
- 3) As a condition of approval, a storm water management plan addressing storm water quantity and quality concerns shall be prepared by a recognized, competent professional. The design of the plan and any recommendations forthcoming from said plan shall be implemented to the satisfaction of the Director of Engineering and Environmental Services and the North Bay-Mattawa Conservation Authority, and shall occur at no expense to the City.
- 4) a) 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 unless said building or structure is floodproofed to a minimum elevation of 205.85 MASL.
- b) As a condition of approval, off-site improvements to the Eastview Tributary drainage course shall be completed to the satisfaction of the North Bay-Mattawa Conservation Authority and shall occur at no expense to the Municipality.
- 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 provision, 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.
- 6) a) The Mayor and Clerk are hereby authorized to execute the attached Agreement and 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.
- 7) 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.
- 8) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 2ND DAY OF AUGUST
1994.

READ A SECOND TIME IN OPEN COUNCIL THE 15TH DAY OF AUGUST
1994.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 15TH DAY
OF AUGUST 1994

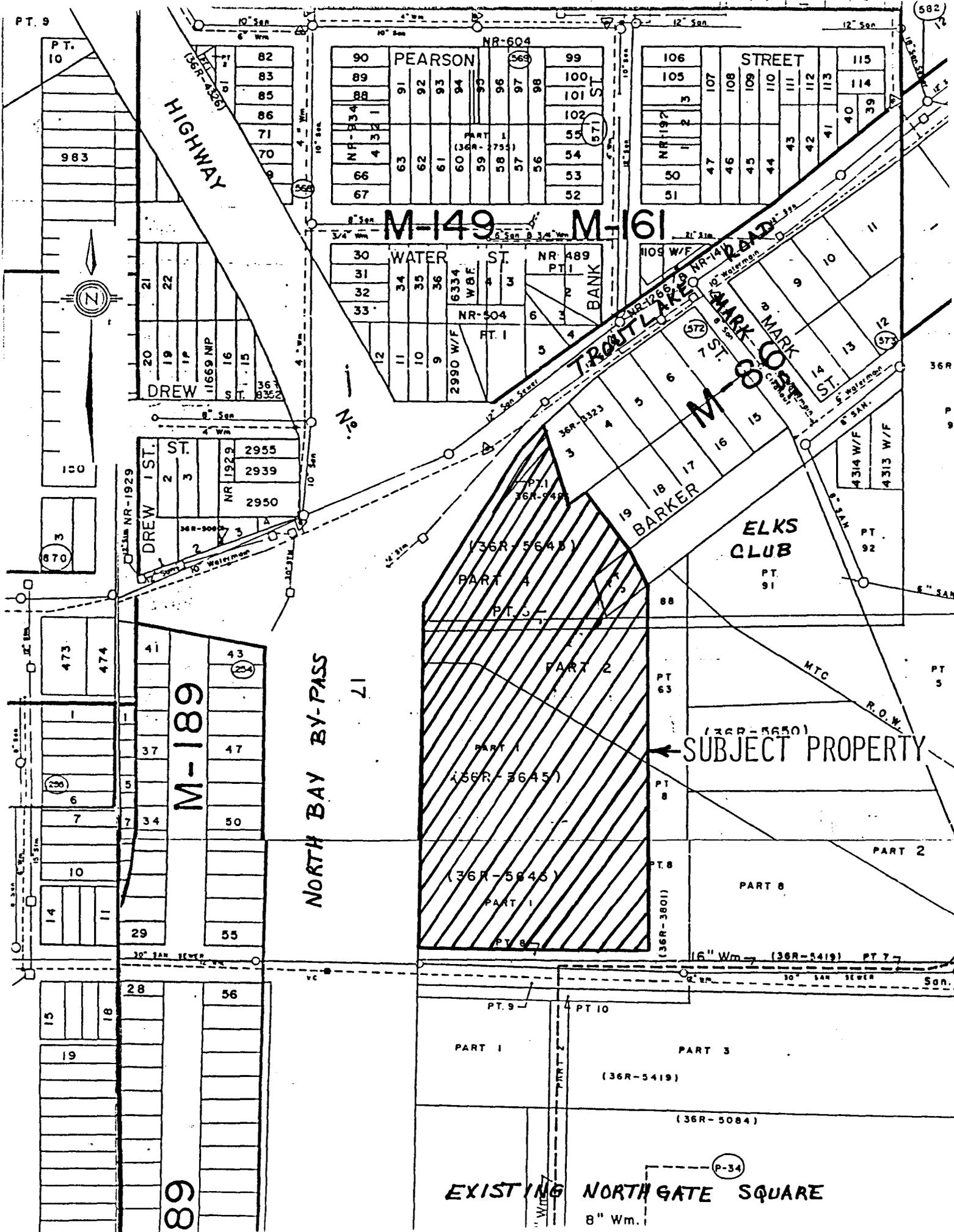

MAYOR


CITY CLERK

This is Schedule " A "
To By-law No. 94-94
Passed the 15TH day of AUGUST
19 94.

Stan D. Lawler
MAYOR

B. B. ...
CITY CLERK



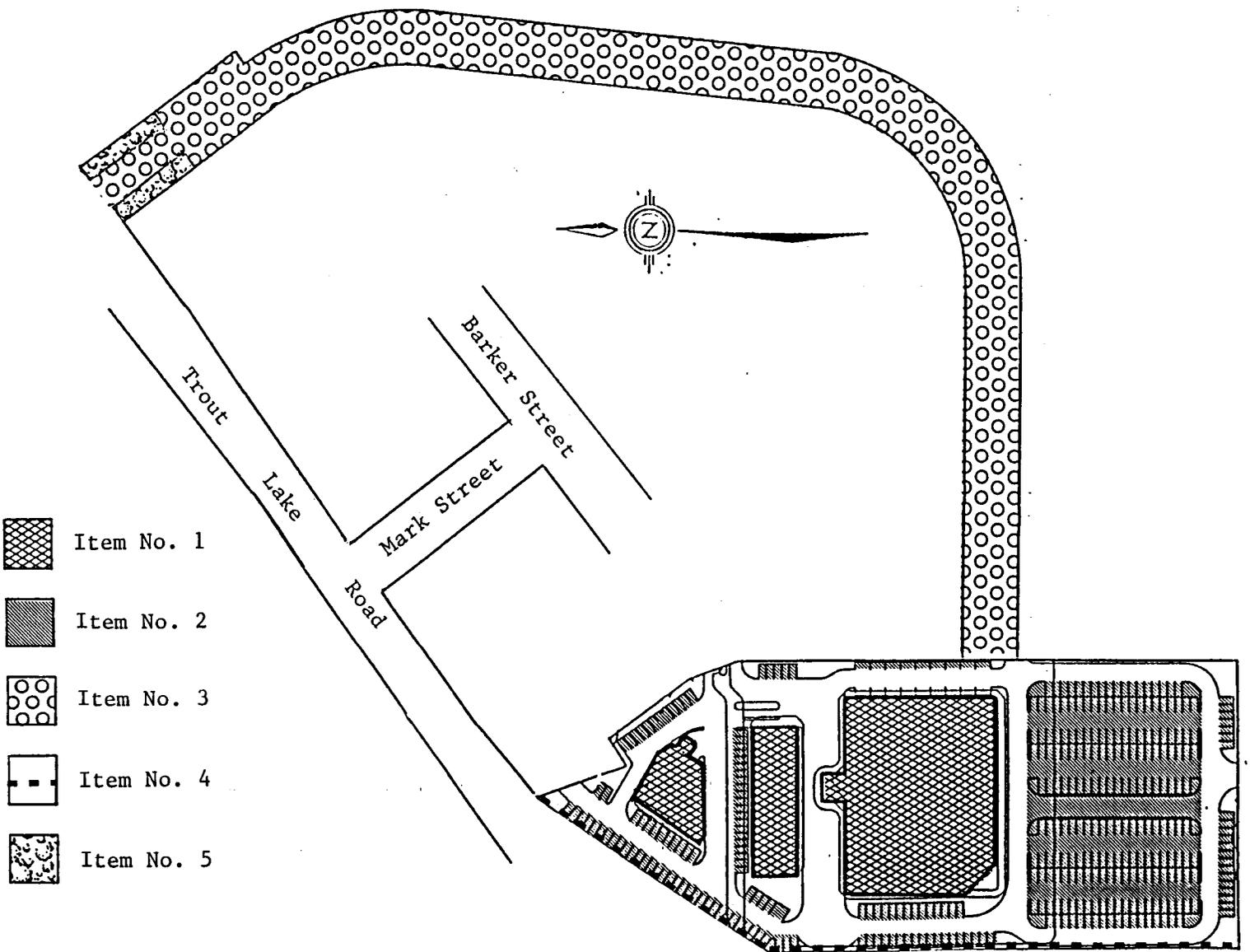
This is Schedule " **B** " "

To By-law No. 94-94

Passed the 15TH day of AUGUST
19 94 .

Stan D. Lawler
MAYOR

B. Miller
CITY CLERK



North Bay Bypass