

The Corporation of the City of North Bay

By Law No. 2015-19

A By-law to Designate a Site Plan Control Area on Certain Lands on Elmwood Avenue

Children's Aid Society of the District of Nipissing and Parry Sound

Whereas the Council of The Corporation of the City of North Bay, hereinafter referred to as "Council", 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, c. P.13 as amended;

And Whereas 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. 2015-18 to rezone the subject lands to a "District Commercial Special Zone No. 85 (C4 Sp. 85)" in By-law 28-80 which shall be reflected as a "District Commercial Special Zone No. 67 (C4 Sp. 67)" in By-law 2015-30, upon its coming into effect, to permit the conversion of the existing building to an office use.

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 PIN # 49158-0255, Lots 8-27 Plan 94, Widdifield; Part of Lane, Plan 94, Widdifield, Bounded on the North by Lots 18-27, on the south by Lots 8 TO 17, Part 3 36R5465, Closed by NB99281 and Part 2, 36R11573, Closed by NB166289; Part of Lane, Plan 94, Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the West by Lots 8 & 18, on the East by Lots 1-7; Part of lane, Plan 94 Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the East by Lots 17 & 27, on the West by Lots 28-34, being Part 1, 36R11573 Closed by NB166289; S/T NB99282; North Bay, District of Nipissing and PIN # 49158-0258, Lots 28 – 34, Plan 94, Widdifield, North Bay, District of Nipissing in the City of North Bay, which lands are more particularly described on Schedules "A" and "B" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition of approval, all buildings or structures and parking facilities shall be provided and maintained in a location that is satisfactory to The Corporation of the City of North Bay (hereinafter referred to as "the City").

- 3) As a condition of approval of buildings and structures referred to in Section 1 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 City 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; and
 - g) adequate water supply for fire fighting purposes.
- 4) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of the City 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 as set out in the City of North Bay User Fee By-law upon the owner for preparation.
- 5) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the *Registry Act*, R.S.O. 1990, c. R.20 or any successor legislation thereto and the *Land Titles Act*, R.S.O. 1990, c. L.5 or any successor legislation thereto against any and all subsequent owners of the land.
- 6) The said Agreement shall be binding on the owner, its successors, assigns and heirs.
- 7) Pursuant to the provisions of Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25 and Section 41(11) of the *Planning Act*, in the event that the owner fails to

do any matter or thing required by said Agreement, the City may take action to ensure that the matter or thing shall be done at the owner's expense, and all other provisions of Section 446 of the *Municipal Act, 2011* shall apply.

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

Read a First Time in Open Council the 27th Day of April 2015.

Read a Second Time in Open Council the 27th Day of April 2015.

Read a Third Time in Open Council and Passed this 27th Day of April 2015.

Mayor, Allan McDonald

City Clerk Catherine Conrad

Sire \ C01 \ 2015 – ZBLA #855 – 140 Elmwood Ave – Children's Aid Society – SPCA By-law 2015-19

Schedule "A"

This is Schedule "A"
To By-law No. 2015-19

Passed the 27th day of April, 2015

Mayor Allan McDonald

City Clerk Catherine Conrad



