

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 105-97

**A BY-LAW TO DESIGNATE A SITE PLAN
CONTROL AREA ON CERTAIN LANDS ON
HIGHWAY 11 SOUTH/PINEWOOD PARK DRIVE
(R. THOMSEN/FIFTH WHEEL CORPORATION/
P. LAFRANCE - HIGHWAY 11 SOUTH AND
PINEWOOD PARK 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 Clerk the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council intends to pass By-law No. 104-97 to rezone the subject lands to a "Highway Commercial (C6)" zone and a "Floodplain and Erosion (0.2)" zone to permit the construction of a truck sales, service and leasing centre with ancillary 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-8185, Parts 8, 10, and 11 and Plan 36R-8665, Part 8 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, and 3 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
 - a) ingress and egress shall be provided and maintained as set out as Item No. 1 on Schedule "B";
 - b) a natural, undisturbed vegetative buffer shall be provided and maintained for any portion of the subject lands falling within thirty metres of the centreline of Cooks Creek as set out as Item No. 2 on Schedule "B";
 - c) a landscape strip having a minimum width of one and five-tenths metres shall be provided and maintained as set out as Item No. 3 on Schedule "B".
- 3) As a condition of approval the owner agrees to prepare a stormwater management plan for the subject lands. Said stormwater management plan and any resulting alterations to the subject property shall occur to the satisfaction of and at no expense to the Municipality and

the North Bay-Mattawa Conservation Authority.

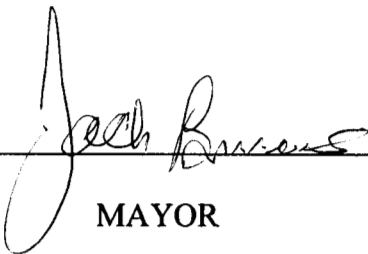
- 4) As a condition of approval the owner agrees to prepare a lot grading plan. Said lot grading plan and any resulting alterations to the subject property shall occur to the satisfaction of and at no expense to the Municipality.
- 5) As a condition of approval the owner agrees to prepare a servicing plan. Said servicing plan will demonstrate, among other things, how municipal water will be provided to the subject lands and, further, that an appropriate system can be designed and constructed to deal with sanitary sewage disposal of both existing and proposed uses. The servicing plan shall be undertaken to the satisfaction of the Municipality and the North Bay-Mattawa Conservation Authority. Any recommendations forthcoming from the servicing plan shall be incorporated into the development design of the site to the on-going satisfaction of and at no expense to the Municipality and the North Bay-Mattawa Conservation Authority.
- 6) 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 Areas 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.

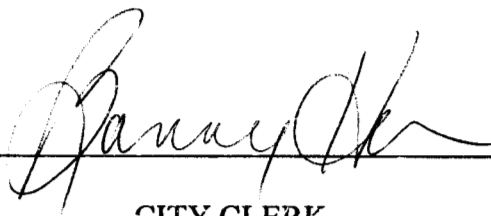
- 7) a) The Mayor and Clerk are hereby authorized upon the recommendation of the Chief Administrative Officer to enter into, under Corporate Seal, one or more Agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the 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.
- 8) 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.
- 9) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 20TH DAY OF OCTOBER
199 7.

READ A SECOND TIME IN OPEN COUNCIL THE 15TH DAY OF DECEMBER
199 7.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 15TH DAY
OF DECEMBER 199 7.


MAYOR


CITY CLERK

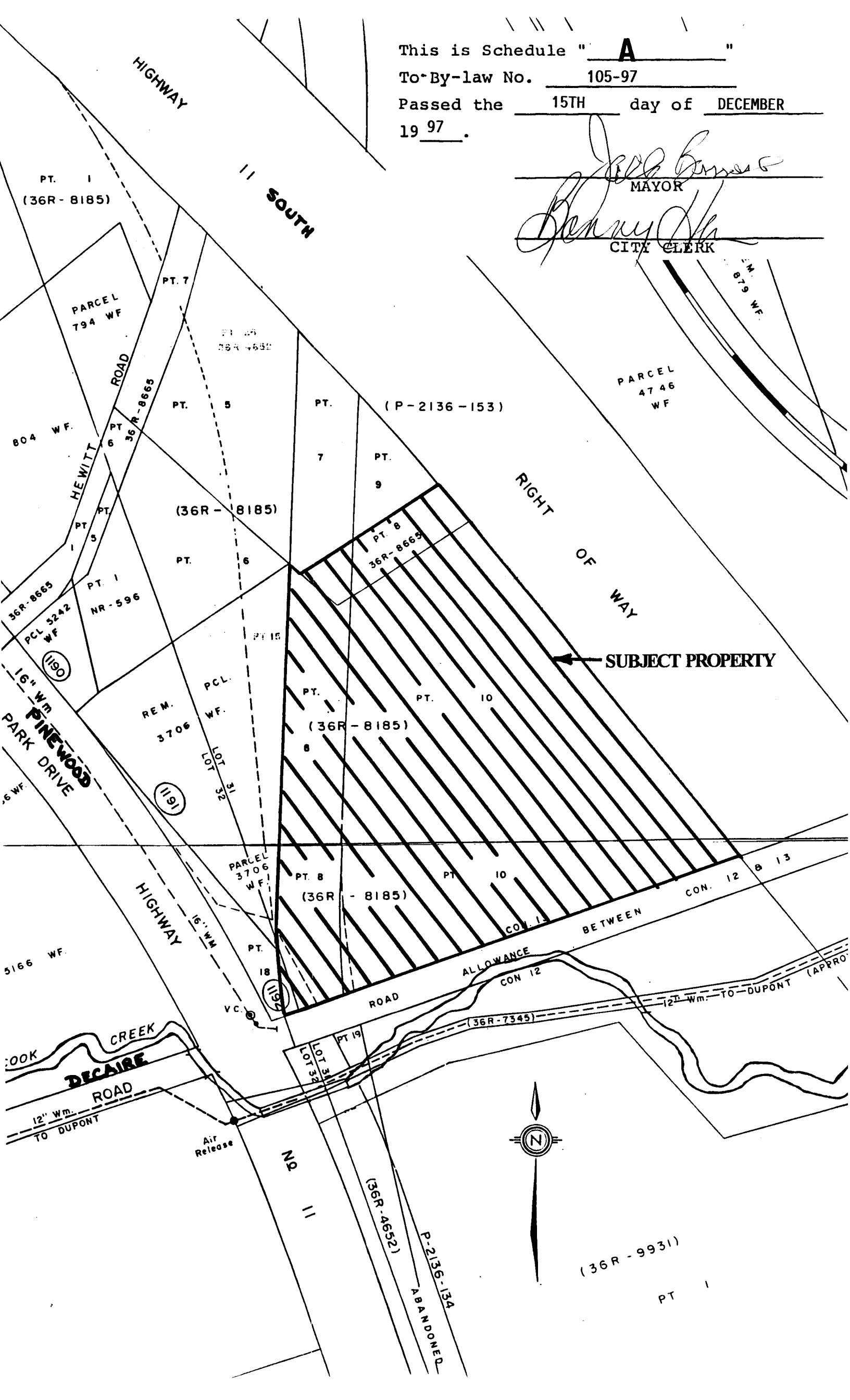
This is Schedule " A "

To-By-law No. 105-97

Passed the 15TH day of DECEMBER
19 97 .

John Barnes
MAYOR

Benny Sh
CITY CLERK



This is Schedule " B "

To By-law No. 105-97

Passed the 15TH day of DECEMBER
19 97.

Jack Benson
MAYOR
Debraj Datta
CITY CLERK



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Feet

