THE CORPORATION OF THE MUNICIPALITY
OF NORTHERN BRUCE PENINSULA

BY-LAW 1999-78

BEING A BY-LAW TO AUTHORIZE A SITE PLAN CONTROL AGREEMENT.

WHEREAS the Council of the Municipality of Northern Bruce Peninsula pursuant to Section 41 of the Planning Act, R.S.O. 1990 wishes to enter into a site plan control agreement;

NOW THEREFORE the Council of the Municipality of Northern Bruce Peninsula enacts as follows

1. That the Mayor and Clerk-Administrator be and are hereby authorized to enter into a site plan control agreement with Don and Pam Nigro.

2. That a copy of said agreement be attached hereto and form part of this by-law as Schedule “A”.

3. That this by-law shall come into force and take effect upon the final passing thereof.


____________________
MAYOR

____________________
CLERK-ADMINISTRATOR
DRAFT SITE PLAN AGREEMENT

BETWEEN: Don and Pam Nigro
540 - 18th Street 'A' East
Owen Sound, Ontario
N4K 2B2

AND: The Corporation of the Municipality
of Northern Bruce Peninsula

Hereinafter called the "Owners" of the first part

AND Hereinafter called the "Corporation" of the second part

WHEREAS the Corporation has enacted a Site Plan Control Area By-law pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS the Owners represent and warrant that they intend to develop lands described in Schedule "A" to this agreement (hereinafter called the "said lands");

AND WHEREAS the Owners of the said lands have submitted plans to the Corporation for approval in accordance with subsection 41(4) of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS subsection 41(7)(c) of the Planning Act, R.S.O. 1990, as amended, authorizes the Corporation to require the Owners of the said lands to enter into an agreement with the Corporation dealing with the provision and approval of the plans referred to in subsection 41(4) of the Planning Act, R.S.O. 1990, as amended;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto agree as follows:

1. The following Schedules, being a legal description of the lands affected by this agreement and the plans required by the Corporation pursuant to subsection 41(4) of the Planning Act, R.S.O. 1990, as amended, are hereby declared to form part of this agreement and are attached hereto:

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>&quot;A&quot;</td>
<td>being the legal description of the lands affected (the said lands).</td>
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<tr>
<td>&quot;B&quot;</td>
<td>being the overall site plan showing the plans showing the facilities, works and matters to be provided on said lands.</td>
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</tbody>
</table>

2. The attached Schedule "B" is hereby approved by the Corporation subject to the following conditions:

a) The Owners hereby agree that the development shall be carried out and completed in accordance with the attached Schedule "B".

b) The following facilities, works or matters shall be provided by the Owners to the satisfaction of and at no expense to the Corporation:

i) The "automotive display area" shall be located in the location as shown in Schedule "B".

ii) There shall be a maximum of two (2) automobiles for the purposes of sale, display, repair or issuance of safety certificates on the premises at one time. The vehicles may only be located in the "automotive safety and repair building" or on the "automotive display area." The total number of vehicles for the purposes of sale, display, repair or issuance of safety certificates must not exceed two (2) for the whole of said lands.
c) The Owners hereby agree to maintain to the satisfaction of the Corporation and at the sole risk and expense of the Owners those facilities, works or matters required to be provided under subclause b) of clause 2 hereof.

d) The approval of the attached Schedule “B” by the Corporation shall lapse if development of the said lands:

i) is not carried out and completed in accordance with the said Schedule “B”; or

ii) is not completed within twelve (12) months of the signing of this agreement, unless an extension has been agreed to in writing by the Corporation.

3. The Owners hereby acknowledge and agree that:

a) Pursuant to subsection 41(10) of the Planning Act, R.S.O. 1990, this agreement may be registered against the said lands to which it applies and the Corporation is entitled to enforce the provisions hereof against the Owners, and subject to the provisions of the Registry Act and the Lands Titles Act, any and all subsequent owners of the land.

b) Pursuant to subsection 41(11) of the Planning Act, R.S.O. 1990, Section 325 of the Municipal Act applies to any requirements made under subclauses a), b), c) and d) of clause 2 hereof and to any other requirements made under this agreement.

c) The Owners will be responsible for the works as described in this agreement.

4. This agreement may be amended at any time with the consent, in writing, of the Corporation and the registered Owners of the said lands at the time of such amendment.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their signatures and Corporate Seals attested to by the hands of their proper officers, duly authorized in that behalf.

(SEAL)

The Corporation of the Municipality
of Northern Bruce Peninsula

Milt McIver

MAYOR

Cathy Robins

CLERK-ADMINISTRATOR

(SEAL)

Don and Pam Nigro

OWNERS
Schedule “A” to Nigro Site Plan Agreement

Legal description of subject property:

Lot 52, Registered Plan 777, former Township of Eastnor, now in the Municipality of Northern Bruce Peninsula, County of Bruce.